

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 568

SENATE CONCURRENT RESOLUTION NO. 4016

(Senators Holmberg, Cook, C. Nelson)
(Representatives Berg, Delmore, Drovdal)

STATE BOARD OF HIGHER EDUCATION MEMBERSHIP

A concurrent resolution for the amendment of subsection 2 of section 6 of article VIII of the Constitution of North Dakota, relating to the membership of the state board of higher education.

STATEMENT OF INTENT

This amendment would change from one to two individuals holding a bachelor's degree from a state institution of higher education who could serve on the state board of higher education at one time.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendment to section 6 of article VIII of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 2000, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Subsection 2 of section 6 of article VIII of the Constitution of North Dakota is amended and reenacted as follows:

2. a. The state board of higher education consists of eight members. The governor shall appoint seven members who are qualified electors and taxpayers of the state, and who have resided in this state for not less than five years immediately preceding their appointments. These seven appointments are subject to confirmation by the senate.

The governor shall appoint as the eighth member of the board a full-time resident student in good academic standing at an institution under the jurisdiction of the state board. Except for the student member, no more than ~~one person~~ two persons holding a bachelor's degree from a particular institution under the jurisdiction of the state board of higher education may serve on the board at any one time. Except for the student member, no person employed by any institution under the control of the board shall serve as a member of the board and no employee of any such institution may be eligible for membership on the state board of higher education for a period of two years following the termination of employment.

The governor shall nominate from a list of three names for each position, selected by action of four of the following five persons: the president of the North Dakota education association, the chief justice of the supreme court, the superintendent of public instruction, the president pro tempore of the senate, and the speaker of the house of representatives and, with the consent of a majority of the members-elect of the senate, shall appoint from the list to the state board of higher education seven members. The governor shall ensure that the board membership is maintained in a balanced and representative manner. The term of office of members appointed to fill vacancies at the expiration of said terms shall be for four years, and in the case of vacancies otherwise arising, appointments shall be made only for the balance of the term of the members whose places are to be filled. A member may not be appointed to serve for more than two terms. If a member is appointed to fill a vacancy and serves two or more years of that term, the member is deemed to have served one full term.

- b. In the event any nomination made by the governor is not consented to and confirmed by the senate, the governor shall again nominate a candidate selected from a new list. The nomination shall be submitted to the senate for confirmation and the proceedings shall continue until an appointee has been confirmed by the senate or the session of the legislature has adjourned.
- c. If a term expires or a vacancy occurs when the legislature is not in session, the governor may appoint from a list selected as provided, a member who shall serve until the opening of the next session of the legislature, at which time the appointment must be certified to the senate for confirmation. If the appointee is not confirmed by the thirtieth legislative day of the session, the office shall be deemed vacant and the governor shall nominate another candidate for the office. The same proceedings shall be followed as are set forth in this section. If the legislature is in session at any time within six months prior to the date of the expiration of the term of any member, the governor shall nominate a successor from a list selected as above set forth, within the first thirty days of the session and upon confirmation by the senate the successor shall take office at the expiration of the incumbent's term. No person who has been nominated and whose nomination the senate has failed to confirm is eligible for an interim appointment. On or before July first of each year, beginning in 1995, the governor shall appoint a student member from a list of names recommended by the executive board of the North Dakota student association for a term of one year, beginning on July first. A student member may not serve more than two consecutive terms.

Filed March 25, 1999

NOTE: This will be measure No. 1 on the 2000 primary election ballot.

CHAPTER 569

SENATE CONCURRENT RESOLUTION NO. 4017

(Senators W. Stenehjem, Andrist, Holmberg)
(Representatives DeKrey, Delmore, Devlin)

EXECUTIVE BRANCH OFFICER ELECTION

A concurrent resolution for the amendment of section 5 of article V of the Constitution of North Dakota, relating to the election of executive branch officers.

STATEMENT OF INTENT

This amendment provides that one-half of the elected state officials will be chosen by voters in each election year. To start this arrangement, the agriculture commissioner, attorney general, secretary of state, and tax commissioner will be elected for two-year terms in 2004, and thereafter will be elected to four-year terms.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendment to section 5 of article V of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 2000, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 5 of article V of the Constitution of North Dakota is amended and reenacted as follows:

Section 5. The qualified electors shall choose the elected state officials at a time designated by the legislative assembly. The elected state officials shall serve until their successors are duly qualified. Terms of office of the elected officials except the public service commissioners are four years, except that in 2004 the agriculture commissioner, attorney general, secretary of state, and tax commissioner are elected to a term of two years. The terms of the public service commissioners are six years, so arranged that one of them is elected every two years. The terms of the governor and lieutenant governor begin on December fifteenth following their election.

If two or more candidates for any executive office other than for governor and lieutenant governor receive an equal and highest number of votes, the legislative assembly in joint session shall choose one of them for the office.

Filed March 25, 1999

NOTE: This will be measure No. 2 on the 2000 primary election ballot.

CHAPTER 570

SENATE CONCURRENT RESOLUTION NO. 4022

(Senators Grindberg, G. Nelson, Schobinger)
(Representatives Clark, Dorso, Grosz)

STATE TREASURER NOT ELECTED

A concurrent resolution for the amendment of section 2 of article V, section 3 of article IX, and section 12 of article X of the Constitution of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer upon the issuance of legal tender by banks in the state; to provide for transition; and to provide an effective date.

STATEMENT OF INTENT

This amendment removes the state treasurer as an elected constitutional officer effective January 1, 2003, and provides that upon approval of this amendment the term of the state treasurer elected in 2000 will be two years. The amendment also repeals a section providing for the duties of the state treasurer on issuance of legal tender by banks in the state.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendments to section 2 of article V, section 3 of article IX, and section 12 of article X of the Constitution of North Dakota, and the repeal of section 15 of article XII of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 2000, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 2 of article V of the Constitution of North Dakota is amended and reenacted as follows:

Section 2. The qualified electors of the state at the times and places of choosing members of the legislative assembly shall choose a governor, lieutenant governor, agriculture commissioner, attorney general, auditor, insurance commissioner, three public service commissioners, secretary of state, superintendent of public instruction, and tax commissioner; ~~and treasurer~~. The legislative assembly may by law provide for a department of labor to be administered by a public official who may be either elected or appointed.

The powers and duties of the agriculture commissioner, attorney general, auditor, insurance commissioner, public service commissioners, secretary of state, superintendent of public instruction, and tax commissioner; ~~and treasurer~~ must be prescribed by law. If the legislative assembly establishes a labor department, the powers and duties of the officer administering that department must be prescribed by law.

SECTION 2. AMENDMENT. Section 3 of article IX of the Constitution of North Dakota is amended and reenacted as follows:

Section 3. The superintendent of public instruction, governor, attorney general, secretary of state, and ~~state treasurer~~ agriculture commissioner comprise a board of commissioners, to be denominated the "board of university and school lands". Subject to the provisions of this article and any law that may be passed by the legislative assembly, the board has control of the appraisement, sale, rental, and disposal of all school and university lands, and the proceeds from the sale of such lands shall be invested as provided by law.

SECTION 3. AMENDMENT. Section 12 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 12.

1. All public moneys, from whatever source derived, ~~shall~~ must be paid over monthly by the public official, employee, agent, director, manager, board, bureau, or institution of the state receiving the ~~same moneys~~, to the ~~state treasurer~~ proper official as provided by law, and deposited by ~~him~~ the official to the credit of the state, and ~~shall be~~ paid out and disbursed only pursuant to appropriation first made by the ~~legislature~~ legislative assembly; provided, however, that there is hereby appropriated the necessary funds required in the financial transactions of the Bank of North Dakota, and required for the payment of losses, duly approved, payable from the state hail insurance fund, state bonding fund, and state fire and tornado fund, and required for the payment of compensation to injured employees or death claims, duly approved, payable from the ~~workmen's~~ workers' compensation fund, and required for authorized investments made by the board of university and school lands, and required for the financial operations of the state mill and elevator association, and required for the payment of interest and principal of bonds and other fixed obligations of the state, and required for payments required by law to be paid to beneficiaries of the teachers' ~~insurance and fund for retirement fund~~, and required for refunds made under the provisions of the Retail Sales Tax Act, and the State Income Tax Law, and the State Gasoline Tax Law, and the Estate and Succession Tax Law, and the income of any state institution derived from permanent trust funds, and the funds allocated under the law to the ~~state highway~~ department of transportation and the various counties for the construction, reconstruction, and maintenance of public roads.

This constitutional amendment ~~shall does not be construed to~~ apply to fees and moneys received in connection with the licensing and organization of physicians and surgeons, pharmacists, dentists, osteopaths, optometrists, embalmers, barbers, lawyers, veterinarians, nurses, chiropractors, accountants, architects, hairdressers, chiropodists, and other similarly organized, licensed trades and professions; ~~and this constitutional amendment shall not be construed to amend or repeal existing laws or Acts amendatory thereof concerning such fees and moneys.~~

2. No bills, claims, accounts, or demands against the state or any county or other political subdivision ~~shall may~~ be audited, allowed, or paid until a full itemized statement in writing ~~shall be is~~ filed with the officer or officers whose duty it ~~may be is~~ to audit the same, and then only upon warrant drawn upon the treasurer of ~~such~~ the funds by the proper officer or officers.

~~3. This amendment shall become effective on July 1, 1999.~~

SECTION 4. REPEAL. Section 15 of article XII of the Constitution of North Dakota is repealed.

SECTION 5. TRANSITION. The term of the state treasurer elected in 2000 is two years.

SECTION 6. EFFECTIVE DATE. If approved by the voters, sections 1 through 4 of this measure become effective on January 1, 2003.

Filed March 31, 1999

NOTE: This will be measure No. 3 on the 2000 primary election ballot.

CHAPTER 571**SENATE CONCURRENT RESOLUTION NO. 4023**

(Senators Solberg, Grindberg, O'Connell)

LEGISLATIVE ASSEMBLY VACANCY FILLING

A concurrent resolution for the amendment of section 11 of article IV of the Constitution of North Dakota, relating to the filling of vacancies in the legislative assembly.

STATEMENT OF INTENT

This amendment would allow the legislative assembly to provide by law the method for filling vacancies in the legislative assembly to replace the requirement that the governor issues writs of election to fill vacancies.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendment to section 11 of article IV of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 2000, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 11 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

Section 11. The ~~governor shall issue writs of election~~ legislative assembly may provide by law a procedure to fill such vacancies as may occur occurring in either house of the legislative assembly.

Filed April 6, 1999

NOTE: This will be measure No. 4 on the 2000 primary election ballot.

CHAPTER 572**HOUSE CONCURRENT RESOLUTION NO. 3018**

(Representatives Belter, Carlson, Henegar)
(Senators G. Nelson, B. Stenehjem, Traynor)

RIGHT TO HUNT, TRAP, AND FISH

A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to hunting, trapping, and fishing.

STATEMENT OF INTENT

This amendment would provide that hunting, trapping, and fishing are a valued part of residents' heritage and will be preserved for the people and managed by law and regulation for the public good.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed new section to article XI of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2000, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. A new section to article XI of the Constitution of North Dakota is created and enacted as follows:

Hunting, trapping, and fishing and the taking of game and fish are a valued part of our heritage and will be forever preserved for the people and managed by law and regulation for the public good.

Filed April 6, 1999

NOTE: This will be measure No. 1 on the 2000 general election ballot.