

# CONSTITUTIONAL AMENDMENTS PROPOSED

## CHAPTER 578

### SENATE CONCURRENT RESOLUTION NO. 4013

(Senators Krebsbach, Tollefson)  
(Representative Kretschmar)

### CORPORATION VOTING AND RIGHTS

A concurrent resolution for the amendment of sections 6 and 9 of article XII of the Constitution of North Dakota, relating to cumulative voting and preemptive rights of corporate shareholders.

#### STATEMENT OF INTENT

This amendment would provide the same flexibility to all corporations in elections of their directors as is now enjoyed by cooperative associations only and would remove the requirement that existing stockholders consent to the issuance of additional stock.

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

That the following proposed amendment to sections 6 and 9 of article XII 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 2004, in accordance with section 16 of article IV of the Constitution of North Dakota.

**SECTION 1. AMENDMENT.** Section 6 of article XII of the Constitution of North Dakota is amended and reenacted as follows:

**Section 6.** In all elections for directors ~~or managers~~ of a corporation, each member or shareholder may cast the whole number of his the votes of the member or shareholder for one candidate, or distribute them upon two or more candidates, as he the member or shareholder may prefer, provided, ~~any cooperative~~ a corporation may adopt bylaws limiting the voting power of its ~~stockholders~~ members or shareholders.

**SECTION 2. AMENDMENT.** Section 9 of article XII of the Constitution of North Dakota is amended and reenacted as follows:

**Section 9.** ~~No~~ A corporation ~~shall~~ may not issue stock or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness ~~shall be~~ is void. The stock and indebtedness of corporations ~~shall~~ may not be increased except in pursuance of general law, ~~nor~~ without the consent of the persons holding the larger amount in value of the stock first obtained.

Filed March 18, 2003

NOTE: This will be measure No. 1 on the 2004 primary election ballot.

**CHAPTER 579****HOUSE CONCURRENT RESOLUTION NO. 3069**

(Representatives Carlson, Belter, Devlin)  
(Senators Flakoll, O'Connell, Wardner)

**INITIATIVE MEASURE FISCAL IMPACT**

A concurrent resolution for the amendment of section 2 of article III of the Constitution of North Dakota, relating to granting the legislative assembly the authority to provide a procedure for determining the fiscal impact of initiative measures.

**STATEMENT OF INTENT**

This measure authorizes the legislative assembly to provide for by law a procedure for determining the fiscal impact of initiative measures.

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

That the following proposed amendment to section 2 of article III 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 2004, in accordance with section 16 of article IV of the Constitution of North Dakota.

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

**Section 2.** A petition to initiate or to refer a measure ~~shall~~ must be presented to the secretary of state for approval as to form. A request for approval ~~shall~~ must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom ~~shall~~ must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure.

The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

Filed March 24, 2003

NOTE: This will be measure No. 2 on the 2004 primary election ballot.