

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 518

HOUSE CONCURRENT RESOLUTION NO. 3034

(Representatives Kretschmar, Brabandt, Delmore, Maragos, Paur)
(Senators Erbele, Lyson)

INITIATED MEASURE PETITION REQUIREMENTS

A concurrent resolution to amend and reenact sections 5, 6, and 7 of article III of the Constitution of North Dakota, relating to petition requirements for initiated measures; and to provide an effective date.

STATEMENT OF INTENT

This measure would change the filing deadlines for the submission of initiated measure petitions from ninety days to one hundred twenty days before a statewide election and provide that challenges to decisions of the secretary of state regarding measure petitions must be filed with the supreme court no later than seventy-five days before the election.

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

That the following proposed amendment of sections 5, 6, and 7 of article III 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 2014, in accordance with section 16 of article IV of the Constitution of North Dakota.

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

Section 5. An initiative petition shall be submitted not less than ~~ninety~~one hundred twenty days before the statewide election at which the measure is to be voted upon. A referendum petition may be submitted only within ninety days after the filing of the measure with the secretary of state. The submission of a petition shall suspend the operation of any measure enacted by the legislative assembly except emergency measures and appropriation measures for the support and maintenance of state departments and institutions. The submission of a petition against one or more items or parts of any measure shall not prevent the remainder from going into effect. A referred measure may be voted upon at a statewide election or at a special election called by the governor.

SECTION 2. AMENDMENT. Section 6 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 6. ~~The secretary of state shall pass upon each petition, and if he~~the secretary of state finds it insufficient, ~~he~~the secretary of state shall notify the "committee for the petitioners" and allow twenty days for correction ~~or amendment~~. All decisions of the secretary of state in regard to any ~~such~~ petition ~~shall be~~are subject to review by the supreme court. But if the sufficiency of ~~such~~the petition is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no subsequent decision shall invalidate ~~such~~the measure if it is at ~~such~~the election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof ~~shall be~~is upon the party attacking it ~~and the proceedings must be filed with the supreme court no later than seventy-five days before the date of the statewide election at which the measure is to be voted upon.~~

SECTION 3. AMENDMENT. Section 7 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 7. All decisions of the secretary of state in the petition process are subject to review by the supreme court in the exercise of original jurisdiction. A proceeding to review a decision of the secretary of state must be filed with the supreme court no later than seventy-five days before the date of the statewide election at which the measure is to be voted upon. If ~~his~~the decision of the secretary of state is being reviewed at the time the ballot is prepared, ~~he~~the secretary of state shall place the measure on the ballot and no court action shall invalidate the measure if it is approved at the election by a majority of the votes cast thereon.

SECTION 4. EFFECTIVE DATE. If approved by the electors, this measure becomes effective on January 1, 2015.

Filed April 26, 2013

NOTE: This will be measure No. 1 on the 2014 primary election ballot.

CHAPTER 519**SENATE CONCURRENT RESOLUTION NO. 4009**

(Senators Sitte, Luick, Unruh)
(Representatives Damschen, Heller, Rohr)

**RIGHT TO LIFE AT EVERY
STAGE OF DEVELOPMENT PROTECTED**

A concurrent resolution to create and enact a new section to article I of the Constitution of North Dakota, relating to the inalienable right to life of every human being at every stage of development.

STATEMENT OF INTENT

This measure would provide that the inalienable right to life of every human being at any stage of development must be recognized and protected.

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

That the following proposed new section to article 1 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 2014, in accordance with section 16 of article IV of the Constitution of North Dakota.

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

The inalienable right to life of every human being at any stage of development must be recognized and protected.

Filed March 25, 2013

NOTE: This will be measure No. 1 on the 2014 general election ballot.

CHAPTER 520**HOUSE CONCURRENT RESOLUTION NO. 3006**

(Representatives Louser, Beadle, Dosch, Headland,
K. Koppelman, Larson, Nathe, Schatz)
(Senators Cook, Hogue, Miller)

MORTGAGE AND TRANSFER TAXES PROHIBITED

A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to prohibition of the imposition of mortgage taxes or any sales or transfer taxes on the mortgage or transfer of real property.

STATEMENT OF INTENT

This measure would prohibit the state and any county, township, city, or any other political subdivision of the state from imposing mortgage taxes or any sales or transfer tax on the mortgage or transfer of real property.

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

That the following proposed new section to article X 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 2014, in accordance with section 16 of article IV of the Constitution of North Dakota.

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

The state and any county, township, city, or any other political subdivision of the state may not impose any mortgage taxes or any sales or transfer taxes on the mortgage or transfer of real property.

Filed April 26, 2013

NOTE: This will be measure No. 2 on the 2014 general election ballot.

CHAPTER 521

HOUSE CONCURRENT RESOLUTION NO. 3047

(Representatives Carlson, Martinson, Nathe, Vigesaa)
(Senators Grindberg, Hogue, Schaible)

HIGHER EDUCATION COMMISSION

A concurrent resolution to create and enact a new section to article VIII of the Constitution of North Dakota, relating to the creation of a commission of higher education; to repeal section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher education; and to provide an effective date.

STATEMENT OF INTENT

This measure would create a three-member commission of higher education beginning on July 1, 2015, to oversee and administer the provision of all public higher education in this state.

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

That the following proposed new section to article VIII of the Constitution of North Dakota and the repeal of section 6 of article VIII of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2014, in accordance with section 16 of article IV of the Constitution of North Dakota.

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

1. A three-member commission of higher education is created for the purpose of overseeing and administering the provision of public higher education at sites that include Bismarck, Bottineau, Devils Lake, Dickinson, Fargo, Grand Forks, Mayville, Minot, Valley City, Wahpeton, and Williston.
2. The governor shall appoint each member of the commission from a list of at least three nominees agreed to by a majority of the following:
 - a. The speaker of the house of representatives;
 - b. The president pro tempore of the senate;
 - c. The chief justice of the North Dakota supreme court;
 - d. The superintendent of public instruction; and
 - e. A representative of an educational interest group selected by three of the four aforementioned individuals.

3. The governor shall ensure that one member of the commission has leadership experience in a private sector business, industry, or service, and that one member, at the time of appointment, holds a professional position within the higher education sector. Each member of the commission must be confirmed by the senate.
4. The term of office for each commission member is four years, except that the initial terms must be staggered by lot so that no more than one member's term expires each year. Each term begins on July first and members may be reappointed to three consecutive terms.
5. A member of the commission is subject to removal by impeachment in the same manner as that established for the removal of the governor.
6.
 - a. The commission has full executive responsibility for the management and operation of the North Dakota university system, within constitutional and statutory requirements and limitations.
 - b. The commission shall hire a president for each institution within the system and each president shall report to the commission.
7. The legislative assembly may provide for the appointment of an advisory board that includes a faculty and a student representative.

SECTION 2. REPEAL. Section 6 of article VIII of the Constitution of North Dakota is repealed.

SECTION 3. EFFECTIVE DATE. If approved by the electors, this measure becomes effective on July 1, 2015.

Filed May 6, 2013

NOTE: This will be measure No. 3 on the 2014 general election ballot.

CHAPTER 522

HOUSE CONCURRENT RESOLUTION NO. 3011

(Representatives Carlson, Delzer, Devlin, Monson)
(Senators Grindberg, Hogue)

INITIATED MEASURE IMPACT AND PLACEMENT

A concurrent resolution to amend and reenact section 2 of article III of the Constitution of North Dakota, relating to the fiscal impact of measures to initiate constitutional amendments and to the placing of initiated measures on the ballot.

STATEMENT OF INTENT

The measure would require that initiated measures that are estimated to have a significant fiscal impact must be placed on the general election ballot. The measure also would prohibit the approval for circulation of any petition to initiate a constitutional amendment that would make a direct appropriation of public funds for a specific purpose or require the legislative assembly to appropriate funds for a specific purpose.

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 general election to be held in 2014, 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 must be presented to the secretary of state for approval as to form. A request for approval must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom 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 extent of the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public. A measure determined to have a significant fiscal impact must be voted on at a general election.

If a petition to initiate a constitutional amendment would make a direct appropriation of public funds for a specific purpose or would require the legislative assembly to appropriate funds for a specific purpose, the petition may not be approved for circulation.

Filed May 6, 2013

NOTE: This will be measure No. 4 on the 2014 general election ballot.