

CONSTITUTIONAL AMENDMENTS, PROPOSED

CHAPTER 727

HOUSE CONCURRENT RESOLUTION NO. 3026
(Kretschmar)

COUNTY OFFICER REFERENCES

A concurrent resolution for the amendment of section 4 of article IX and section 17 of article X of the Constitution of the State of North Dakota, relating to references to the county superintendent of common schools and the county auditor.

STATEMENT OF INTENT

This amendment removes references to two county offices which are no longer constitutionally recognized but are provided for by law.

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

That the following amendments to section 4 of article IX and section 17 of article X of the Constitution of the State of North Dakota is agreed to and shall be submitted to the qualified electors of the State of North Dakota at the primary election to be held in 1984, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

SECTION 1. AMENDMENT. Section 4 of article IX of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 4. ~~The county superintendent of common schools, the chairman of the county board, and the county auditor~~ public officers designated by law shall constitute boards of appraisal and under the authority of the state board of university and school lands shall appraise all school lands within their respective counties which they may from time to time recommend for sale at their actual value under the prescribed terms and shall first select and designate for sale the most valuable lands.

SECTION 2. AMENDMENT. Section 17 of article X of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 17. No bond or evidence of indebtedness of the state ~~shall be~~ is valid unless ~~the same shall have~~ it has endorsed thereon

a certificate, signed by the auditor and secretary of state showing that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or other political subdivision ~~shall be~~ is valid unless ~~the same shall have it~~ has endorsed thereon a certificate signed by the ~~county auditor, or other~~ officer authorized by law to sign such certificate, stating that said bond, or evidence of debt, is issued pursuant to law and is within the debt limit.

Filed April 5, 1983

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

CHAPTER 728

HOUSE CONCURRENT RESOLUTION NO. 3028
(Representative Kretschmar)
(Senator Wenstrom)

LEGISLATIVE ASSEMBLY MEMBERS

A concurrent resolution to create eight new sections to article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; to repeal sections 1 through 13, sections 16 through 18, and sections 22 through 24 of article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; and to provide an effective date.

STATEMENT OF INTENT

This amendment creates eight new sections to article IV of the Constitution of the State of North Dakota providing for a Legislative Assembly that consists of a Senate and House of Representatives and establishes the terms of office and the allowable number of legislators in each house. The amendment also provides for the organization of legislative districts, reorganization based on one-man, one-vote principles, and restrictions on legislators serving in other state offices. The amendment also repeals sections 1 through 13 and sections 16 through 18, and sections 22 through 24 of article IV of the Constitution of the State of North Dakota, and provides that these changes will take effect on December 1, 1986.

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

That the following proposed eight new sections to article IV and the repeal of sections 1 through 13, sections 16 through 18, and sections 22 through 24 of article IV of the Constitution of the State of North Dakota are agreed to and shall be submitted to the qualified electors of the state of North Dakota at the 1984 primary election, in accordance with the provisions of section 45 of the present article IV of the Constitution of the State of North Dakota.

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

The senate must be composed of not less than forty nor more than fifty-four members, and the house of representatives must be

composed of not less than eighty nor more than one hundred eight members. These houses are jointly designated as the legislative assembly of the state of North Dakota.

SECTION 2. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

The legislative assembly shall fix the number of senators and representatives and divide the state into as many senatorial districts of compact and contiguous territory as there are senators. The districts thus ascertained and determined after the 1990 federal decennial census shall continue until the adjournment of the first regular session after each federal decennial census, or until changed by law.

The legislative assembly shall guarantee, as nearly as is practicable, that every elector is equal to every other elector in the state in the power to cast ballots for legislative candidates. A senator and at least two representatives must be apportioned to each senatorial district and be elected at large or from subdistricts from those districts. The legislative assembly may combine two senatorial districts only when a single member senatorial district includes a federal facility or federal installation, containing over two-thirds of the population of a single member senatorial district, and may provide for the election of senators at large and representatives at large or from subdistricts from those districts.

SECTION 3. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

The legislative assembly shall establish by law a procedure whereby one-half of the members of the senate, as nearly as is practicable, are elected biennially.

SECTION 4. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

Senators must be elected for terms of four years and representatives for terms of two years.

SECTION 5. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

Each person elected to the legislative assembly must be, on the day of the election, a qualified elector in the district from which the member was chosen and must have been a resident of the state for one year immediately prior to that election.

SECTION 6. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

While serving in the legislative assembly, no member may hold any full-time appointive state office established by this constitution or designated by law. During the term for which elected, no member of the legislative assembly may be appointed to any full-time office which has been created, or to any office for which the compensation has been increased, by the legislative assembly during that term.

SECTION 7. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

The terms of members of the legislative assembly begin on the first day of December following their election.

The legislative assembly shall meet at the seat of government in the month of December following the election of the members thereof for organizational and orientation purposes as provided by law and shall thereafter recess until twelve noon on the first Tuesday after the third day in January or at such other time as may be prescribed by law but not later than the eleventh day of January.

No regular session of the legislative assembly may exceed eighty natural days during the biennium. The organizational meeting of the legislative assembly may not be counted as part of those eighty natural days, nor may days spent in session at the call of the governor or while engaged in impeachment proceedings, be counted. Days spent in regular session need not be consecutive, and the legislative assembly may authorize its committees to meet at any time during the biennium. As used in this section, a "natural day" means a period of twenty-four consecutive hours.

Neither house may recess nor adjourn for more than three days without consent of the other house.

SECTION 8. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

The house of representatives shall elect one of its members to act as presiding officer at the beginning of each organizational session.

SECTION 9. REPEAL. Sections 1 through 13, sections 16 through 18, and sections 22 through 24 of article IV of the Constitution of the State of North Dakota are hereby repealed.

SECTION 10. EFFECTIVE DATE. If approved by the voters, this measure becomes effective December 1, 1986.

Filed April 8, 1983

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

CHAPTER 729

HOUSE CONCURRENT RESOLUTION NO. 3011
(Representatives Swiontek, Kretschmar, Peltier)
(Senators Wenstrom, Holmberg, Stenehjem)

STATE TREASURER REMOVAL

A concurrent resolution for the amendment of sections 12 and 13 of article V and section 12 of article X of the Constitution of the State of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of the State of North Dakota, relating to the duties of state treasurer on issuance of legal tender by banks in the state; and to provide an effective date.

STATEMENT OF INTENT

This amendment removes the state treasurer as an elected constitutional officer effective January 1, 1989. The legislative assembly intends that the duties now performed by the state treasurer would be performed by other agencies as provided by law.

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

That the following proposed amendments to sections 12 and 13 of article V and section 12 of article X of the Constitution of the State of North Dakota, and the repeal of section 15 of article XII of the Constitution of the State of North Dakota, are agreed to and shall be submitted to the qualified electors of the State of North Dakota at the general election to be held in 1984, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

SECTION 1. AMENDMENT. Section 12 of article V of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 12. There shall be chosen by the qualified electors of the state at the times and places of choosing members of the legislative assembly, a secretary of state, auditor, ~~treasurer~~, superintendent of public instruction, commissioner of insurance, an attorney general, a commissioner of agriculture and labor, and a tax commissioner, who shall have attained the age of twenty-five years and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government for the term

of four years beginning with the year 1965, and until their successors are elected and duly qualified; but no person shall be eligible for the office of treasurer for more than two consecutive terms.

The tax commissioner shall be elected on a no-party ballot and he shall be nominated and elected in the manner now provided for the nomination and election of the superintendent of public instruction.

The board of railroad commissioners shall hereafter be known as the public service commission and the members of the board of railroad commissioners as public service commissioners and the powers and duties now or hereafter granted to and conferred upon the board of railroad commissioners are hereby transferred to the public service commission.

The public service commissioners shall have the qualifications of state electors, have attained the age of twenty-five years, be chosen by the qualified electors of the state at the times and places of choosing members of the legislative assembly, hold office at the seat of government and until their successors are elected and duly qualified. As each of the three public service commissioners now holding office completes his term, his successor shall be elected for a term of six years.

The legislative assembly may by law provide for a department of labor, which, if provided for, shall be separate and distinct from the department of agriculture, and shall be administered by a public official who may be either elected or appointed, whichever the legislative assembly shall declare; and if such a department is established the commissioner of agriculture and labor provided for above shall become the commissioner of agriculture.

SECTION 2. AMENDMENT. Section 13 of article V of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 13. The powers and duties of the secretary of state, auditor, ~~treasurer~~, superintendent of public instruction, commissioner of insurance, commissioners of railroads, attorney general and commissioner of agriculture and labor shall be prescribed by law. In the event that the legislative assembly shall establish a separate and distinct department of labor, the powers and duties of the officer administering such department of labor shall be prescribed by law.

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

Section 12.

1. All public moneys, from whatever source derived, shall be paid over monthly by the public official, employee, agent,

director, manager, board, bureau, or institution of the state receiving the same, to the ~~state treasurer~~ proper official as provided by law, and deposited ~~by him~~ to the credit of the state, and shall be paid out and disbursed only pursuant to appropriation first made by the legislature; 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 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 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 and the various counties for the construction, reconstruction, and maintenance of public roads.

This constitutional amendment shall 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 be audited, allowed, or paid until a full itemized statement in writing shall be filed with the officer or officers whose duty it may be to audit the same, and then only upon warrant drawn upon the treasurer of such funds by the proper officer or officers.
- 3- This amendment shall become effective on July 17, 1939-

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

SECTION 5. EFFECTIVE DATE. If approved by the voters, this measure is effective on January 1, 1989.

Filed April 5, 1983

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

CHAPTER 730

HOUSE CONCURRENT RESOLUTION NO. 3029
(Representative Kretschmar)
(Senator Wenstrom)

LEGISLATIVE ASSEMBLY PROCEDURES

A concurrent resolution to create five new sections to article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; to repeal sections 20 and 21 and sections 25 through 45 of article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; and to provide an effective date.

STATEMENT OF INTENT

This amendment creates five new sections to article IV of the North Dakota Constitution establishing basic procedures for the operation of the legislative assembly. It further provides that all meetings of the legislative assembly and its committees be open and public, and provides a method for the legislative assembly to propose constitutional amendments to be submitted to the voters for approval or disapproval. The amendment also repeals sections 20 and 21 and sections 25 through 45 of the present article IV of the Constitution of the State of North Dakota, and provides that these changes will take effect on December 1, 1986.

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

That the following proposed new sections of article IV and the repeal of the present section 20 and 21 and sections 25 through 45 of article IV of the Constitution of the State of North Dakota are agreed to and shall be submitted to the qualified electors of the state of North Dakota at the 1984 general election, in accordance with the provisions of section 45 of the present article IV of the Constitution of the State of North Dakota.

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

A majority of the members elected to each house constitutes a quorum. A smaller number may adjourn from day to day and may compel attendance of absent members in a manner, and under a penalty, as may be provided by law.

Each house is the judge of the qualifications of its members, but election contests are subject to judicial review as provided by law. If two or more candidates for the same office receive an equal and highest number of votes, the secretary of state shall choose one of them by the toss of a coin.

Each house shall determine its rules of procedure, and may punish its members or other persons for contempt or disorderly behavior in its presence. With the concurrence of two-thirds of its elected members, either house may expel a member.

SECTION 2. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

Each house shall keep a journal of its proceedings, and a recorded vote on any question shall be taken at the request of one-sixth of those members present. No bill may become law except by a recorded vote of a majority of the members elected to each house, and the lieutenant governor is considered a member-elect of the senate when the lieutenant governor votes.

No law may be enacted except by a bill passed by both houses, and no bill may be amended on its passage through either house in a manner which changes its general subject matter. No bill may embrace more than one subject, which must be expressed in its title; but a law violating this provision is invalid only to the extent the subject is not so expressed.

Every bill must be read on two separate natural days, and the readings may be by title only unless a reading at length is demanded by one-fifth of the members present.

No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions.

The presiding officer of each house shall sign all bills passed and resolutions adopted by the legislative assembly, and the fact of signing shall be entered at once in the journal.

Every law enacted by the legislative assembly takes effect on July first after its filing with the secretary of state or ninety days after its filing whichever comes later, or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. An emergency measure takes effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted by a special session of the legislative assembly takes effect on a date specified in the Act.

The legislative assembly shall enact all laws necessary to carry into effect the provisions of this constitution. Except as

otherwise provided in this constitution, no local or special laws may be enacted, nor may the legislative assembly indirectly enact special or local laws by the partial repeal of a general law but laws repealing local or special laws may be enacted.

SECTION 3. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

All sessions of the legislative assembly, including the committee of the whole and meetings of legislative committees, must be open and public.

SECTION 4. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

Members of the legislative assembly are immune from arrest during their attendance at the sessions, and in going to or returning from the sessions, except in cases of felony. Members of the legislative assembly may not be questioned in any other place for any words used in any speech or debate in legislative proceedings.

SECTION 5. A new section to article IV of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

Any amendment to this constitution may be proposed in either house of the legislative assembly, and if agreed to upon a roll call by a majority of the members elected to each house, must be submitted to the electors and if a majority of the votes cast thereon are in the affirmative, the amendment is a part of this constitution.

SECTION 6. REPEAL. Sections 20 and 21 and sections 25 through 45 of the present article IV of the Constitution of the State of North Dakota are hereby repealed.

SECTION 7. EFFECTIVE DATE. If approved by the voters, this measure becomes effective December 1, 1986.

Filed April 12, 1983

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