

Introduced by

Senators Hogue, Wardner

Representatives Carlson, Bellew, Klemin, Nathe

1 A concurrent resolution to create and enact a new section to article III of the Constitution of
2 North Dakota, relating to limited legislative review of initiated measures substantially affecting
3 the state budget; and to amend and reenact section 8 of article III of the Constitution of North
4 Dakota, relating to the effective date of initiated measures.

5 **STATEMENT OF INTENT**

6 This measure would require that any initiated measure approved by the electors of the state
7 and which would require an appropriation of public funds or be estimated to have a fiscal impact
8 of at least forty million dollars per biennium would be subject to limited review by the legislative
9 assembly before becoming effective.

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

12 That the following proposed new section to article III of the Constitution of North Dakota and
13 the proposed amendment of section 8 of article III of the Constitution of North Dakota are
14 agreed to and must be submitted to the qualified electors of North Dakota at the primary
15 election to be held in 2014, in accordance with section 16 of article IV of the Constitution of
16 North Dakota.

17 **SECTION 1. AMENDMENT.** Section 8 of article III of the Constitution of North Dakota is
18 amended and reenacted as follows:

19 **Section 8.** ~~If~~Except as provided in section 2 of this measure, if a majority of votes cast upon
20 an initiated or a referred measure are affirmative, it shall be deemed enacted. ~~An~~Except as
21 provided in section 2 of this measure, an initiated or referred measure which is approved shall
22 become law thirty days after the election, and a referred measure which is rejected shall be void
23 immediately. If conflicting measures are approved, the one receiving the highest number of
24 affirmative votes shall be law. A measure approved by the electors may not be repealed or

1 amended by the legislative assembly for seven years from its effective date, except by a
2 two-thirds vote of the members elected to each house.

3 **SECTION 2.** A new section to article III of the Constitution of North Dakota is created and
4 enacted as follows:

- 5 1. If an initiated measure is approved by the electors of the state and a three-member
6 committee consisting of the director of the office of management and budget, the
7 chairman of the legislative management, and the tax commissioner determine by a
8 majority vote within thirty days after the approval of the measure that the measure
9 would dedicate public funds for a specific purpose or require the legislative assembly
10 to appropriate funds for a specific purpose or the measure is estimated to have a fiscal
11 impact of forty million dollars or more during the next full biennium after the measure is
12 due to become effective, the measure may not become effective unless the measure
13 is approved by the legislative assembly as provided in this section.
- 14 2. Before the thirty-first legislative day of the legislative session immediately following the
15 approval of an initiated measure by the electors of the state, the legislative assembly
16 shall hold public hearings regarding any measure subject to legislative approval under
17 this section and vote to approve or reject the initiated measure. The legislative
18 assembly may not amend the initiated measure, but must vote to approve or reject the
19 measure on a recorded roll call vote. A measure subject to legislative approval under
20 this section becomes effective immediately or on a later date specified in the measure
21 if forty percent of the members elect of each house of the legislative assembly vote in
22 favor of the measure.
- 23 3. If the legislative assembly fails to vote to approve or reject an initiated measure by the
24 deadline provided in subsection 2, the measure becomes effective immediately or
25 upon a later date specified in the measure.
- 26 4. On July first of each odd-numbered year, the legislative council shall calculate the rate
27 of inflation over the previous two years based upon the consumer price index
28 announced by the federal bureau of labor statistics and adjust the threshold upon
29 which the three-member committee provided for under subsection 1 makes its
30 determination of whether an initiated measure will have a fiscal impact that would
31 require the measure to be subject to legislative review. The legislative council shall

- 1 provide public notice of the recalculated threshold by August first of each
- 2 odd-numbered year.
- 3 5. This section may be amended or repealed only if the proposed amendment or repeal
- 4 is the sole question in the proposed measure.