

CONSTITUTIONAL AMENDMENTS, PROPOSED

CHAPTER 665

SENATE CONCURRENT RESOLUTION NO. 4002
(Legislative Council)
(Interim Judiciary "C" Committee)

POLITICAL SUBDIVISION ARTICLE

A concurrent resolution to create a new article VII to the Constitution of the State of North Dakota, relating to political subdivisions; and to repeal the present article VII of the Constitution of the State of North Dakota, relating to municipal corporations, the election of a superintendent of schools for each county, and county and township organization.

STATEMENT OF INTENT

This amendment creates a new article on political subdivisions to provide for home rule to county and city government. A political subdivision could, by mutual agreement, transfer functions to the county in which it is located, and could revoke the transfer. County functions, rather than officers, would be stated in the Constitution.

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

That the following proposed creation of a new article VII and the repeal of the present article VII 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 primary election to be held in 1982, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

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

ARTICLE VII POLITICAL SUBDIVISIONS

Section 1. The purpose of this article is to provide for maximum local self-government by all political subdivisions with a minimum duplication of functions.

Section 2. The legislative assembly shall provide by law for the establishment and the government of all political subdivisions. Each political subdivision shall have and exercise such powers as provided by law.

Section 3. The several counties of the state of North Dakota as they now exist are hereby declared to be counties of the state of North Dakota.

Section 4. The legislative assembly shall provide by law for relocating county seats within counties, but it shall have no power to remove the county seat of any county.

Section 5. Methods and standards by which all or any portion of a county or counties may be annexed, merged, consolidated, reclassified, or dissolved shall be as provided by law. No portion of any county or counties shall be annexed, merged, consolidated, or dissolved unless a majority of the electors of each affected county voting on the question so approve.

Section 6. The legislative assembly shall provide by law for the establishment and exercise of home rule in counties and cities. No home rule charter shall become operative in any county or city until submitted to the electors thereof and approved by a majority of those voting thereon. In granting home rule powers to cities, the legislative assembly shall not be restricted by city debt limitations contained in this constitution.

Section 7. The legislative assembly shall also provide by law for optional forms of government for counties, but no optional form of government shall become operative in any county until submitted to the electors thereof at a special or general election, and approved by a majority of those voting thereon.

Until one of the optional forms of county government is adopted by any county, the fiscal and administrative affairs of the county shall be governed by a board of county commissioners as provided by law.

Section 8. Each county shall provide for law enforcement, administrative and fiscal services, recording and registration services, educational services, and any other governmental services or functions as may be provided by law. Any elective county office shall be for a term of four years.

Section 9. Questions of the form of government to be adopted by any county or on the elimination or reinstatement of elective county offices may be placed upon the ballot by petition of electors of the county equal in number to twenty-five percent of the votes cast in the county for the office of governor at the preceding gubernatorial election.

Section 10. Agreements, including those for cooperative or joint administration of any powers or functions, may be made by any political subdivision with any other political subdivision, with the state, or with the United States, unless otherwise provided by law or home rule charter. A political subdivision may by mutual agreement transfer to the county in which it is located any of its powers or functions as provided by law or home rule charter, and may in like manner revoke the transfer.

Section 11. The power of the governing board of a city to franchise the construction and operation of any public utility or similar service within the city shall not be abridged by the legislative assembly.

SECTION 2. REPEAL. Article VII of the Constitution of the State of North Dakota is hereby repealed.

CHAPTER 666

HOUSE CONCURRENT RESOLUTION NO. 3055
(Representative Kretschmar)
(Senator Wenstrom)

LEGISLATIVE ASSEMBLY ARTICLE

A concurrent resolution to create a new article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; to repeal the present 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 a new article to the constitution providing for a legislative assembly that consists of a senate and house of representatives and establishes terms of office and the number of allowable legislators in each house. Provides for qualifications of legislators, legislative district organization, and reorganization based on one-man one-vote principles, legislative procedures, and restrictions upon legislators serving in other state offices.

The amendment also repeals the present article IV of the Constitution of the State of North Dakota, and provides that these changes will take effect on December 1, 1984.

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

That the following proposed creation of a new article IV and the repeal of the present 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 1982 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 article IV of the Constitution of the State of North Dakota is hereby created to read as follows:

ARTICLE IV
LEGISLATIVE ASSEMBLY

Section 1. The senate shall be composed of not less than forty nor more than fifty-four members, and the house of representatives shall be composed of not less than eighty nor more

than one hundred eight members, which jointly are designated as the legislative assembly of the state of North Dakota.

Section 2. Senators shall be elected for terms of four years, and representatives for terms of two years.

Section 3. Each person elected to the legislative assembly must be, on the day of the election, a qualified elector in the district from which chosen and must have been a resident of the state for one year next preceding that election.

Section 4. While serving in the legislative assembly, no member may hold a full-time elective state or political subdivision office nor 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 shall 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 5. 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 as thus ascertained and determined after the 1980 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 practicable, that every person is equal to every other person in the state in the casting of ballots for legislative candidates. One senator and at least two representatives shall be apportioned to each senatorial district and be elected at large or from subdistricts thereof. 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 thereof.

Section 6. The legislative assembly shall establish by law a procedure whereby one-half of the members of the senate, as nearly as practicable, are elected biennially.

Section 7. The terms of members of the legislative assembly shall 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.

Each regular session of the legislative assembly shall not exceed eighty natural days during the biennium. The organizational meeting of the legislative assembly shall not be counted as part of those eighty natural days, nor shall 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 or adjourn for more than three days without consent of the other.

Section 8. The house of representatives shall elect one of its members presiding officer at the beginning of each organizational session.

A majority of the members elected to each house shall constitute 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 shall be subject exclusively 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 lot.

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 9. 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 present. No bill shall become law except by a recorded vote of a majority of the members elected to each house, and the lieutenant governor shall be considered a member-elect of the senate when he votes.

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

Every bill shall 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 shall 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 on the journal.

Every law enacted by the legislative assembly shall take 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 separate 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 shall take 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 shall take 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 shall be enacted, nor shall 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 10. All sessions of the legislative assembly, including the committee of the whole and meetings of legislative committees, shall be open and public.

Section 11. Members of the legislative assembly shall receive compensation for their services as provided by law. Members of the legislative assembly shall be immune from arrest during their attendance at the sessions, and in going to or returning from the same, except in cases of felony or breach of the peace. For words used in any speech or debate in legislative proceedings, they shall not be questioned in any other place.

Section 12. Any amendment or amendments to the constitution of the state may be proposed in either house of the legislative assembly, and if the same shall be agreed to upon roll call by a majority of the members elected to each house, it shall be submitted to the electors and if a majority of the votes cast thereon are affirmative, such amendment shall be a part of this constitution.

SECTION 2. REPEAL. The present article IV of the Constitution of the State of North Dakota is hereby repealed.

SECTION 3. EFFECTIVE DATE. If approved by the voters, this measure shall be effective December 1, 1984.

Filed March 30, 1981

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

CHAPTER 667

HOUSE CONCURRENT RESOLUTION NO. 3069
(Mattson, R. Anderson, Jacobson, Swiontek, Unhjem)

SCHOOL TRUST FUND DEPOSIT AND USE

A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of the State of North Dakota, relating to the deposit of bonus moneys received from mineral activities on common school lands in the appropriate permanent trust funds, and to the disposition of the interest and income of the common school trust fund and fines collected for violation of state laws.

STATEMENT OF INTENT

The purpose of these amendments is to require any bonuses paid for mineral leases on state lands held in trust for the common schools or for state institutions to be deposited in the appropriate permanent trust fund; and to allow the common school trust fund distribution.

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 1 and 2 of article IX 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 primary election to be held in 1982, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

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

Section 1. All proceeds of the public lands that have heretofore been, or may hereafter be granted by the United States for the support of the common schools in this state; all such per centum as may be granted by the United States on the sale of public lands; the proceeds of property that shall fall to the state by escheat; all gifts, donations, or the proceeds thereof that come to the state for support of the common schools, or not otherwise appropriated by the terms of the gift, and all other property otherwise acquired for common schools, shall be and remain a

perpetual trust fund for the maintenance of the common schools of the state. Only the interest and income of the fund may be expended and the principal shall be retained and devoted to the trust purpose. All property, real or personal, received by the state from whatever source, for any specific educational or charitable institution, unless otherwise designated by the donor, shall be and remain a perpetual trust fund for the creation and maintenance of such institution, and may be commingled only with similar funds for the same institution. Should a gift be made to an institution for a specific purpose, without designating a trustee, such gift may be placed in the institution's fund; provided that such a donation may be expended as the terms of the gift provide.

The interest and income of each institutional trust fund held by the state shall, unless otherwise specified by the donor, be appropriated by the legislative assembly to the exclusive use of the institution for which the funds were given.

The proceeds of all bonuses, or similar payments, made upon the leasing of coal, gas, oil, or any other mineral interests under, or reserved after sale of, grant lands for the common schools or institutional lands shall be deposited in the appropriate permanent trust fund as created by this section.

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

Section 2. The interest and income of this fund together with the net proceeds of all fines for violation of state laws and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the common schools of the state, ~~and shall be for this purpose apportioned among and between all the several common school corporations of the state in proportion to the number of children in each of school age, as may be fixed by law,~~ and no part of the fund shall ever be diverted, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of common schools ~~for the equal benefit of all the people of the state, provided however, that if any portion of the interest or income aforesaid be not expended during any year, said portion shall be added to and become a part of the school fund as provided by law.~~

Filed April 3, 1981

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

CHAPTER 668

SENATE CONCURRENT RESOLUTION NO. 4088
(Senator Stenehjem)
(Representative Swiontek)
(Approved by the Committee on Delayed Bills)

COMPENSATION OF ELECTED OFFICIALS

A concurrent resolution to create a new section of the Constitution of the State of North Dakota, relating to compensation for services for elected members or officials of all three branches of government; and to repeal section 46 of article IV and section 14 of article V of the Constitution of the State of North Dakota, relating to the salaries of legislators and public officers.

STATEMENT OF INTENT

This amendment provides that elected members of the legislature, elected state officials, and judges of the supreme court shall be paid for their services only such amount as may be set by law. Payment for travel and meals may not exceed the amounts allowed for other state employees.

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

That the following proposed creation of a new section of the Constitution of the State of North Dakota, and the repeal of section 46 of article IV and section 14 of article V 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 primary election to be held in 1982, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

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

The legislative, executive, and judicial branches are co-equal branches of government. Elected members and officials of each branch shall receive as compensation for their services only such amounts as may be specifically set by law. Payment for necessary expenses shall not exceed those allowed for other state employees.

SECTION 2. REPEAL. Section 46 of article IV and section 14 of article V of the Constitution of the State of North Dakota are hereby repealed.

Filed April 6, 1981

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

CHAPTER 669

HOUSE CONCURRENT RESOLUTION NO. 3035
(Kingsbury, A. Hausauer)

MEDICAL CENTER MILL LEVY

A concurrent resolution to repeal section 10 of article X of the Constitution of the State of North Dakota, previously designated as article 60 of the amendments to the Constitution prior to publication of the renumbered Constitution, relating to a one-mill levy on all taxable property within the State of North Dakota for the North Dakota state medical center at the university of North Dakota.

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

That the following proposed repeal of section 10 of article X of the Constitution of the State of North Dakota, previously designated as article 60 of the amendments to the Constitution prior to publication of the renumbered Constitution, is agreed to and shall be submitted to the qualified electors of the State of North Dakota at the general election to be held in 1982, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota, previously designated as section 202 of the Constitution prior to publication of the renumbered Constitution.

SECTION 1. REPEAL. Section 10 of article X of the Constitution of the State of North Dakota, previously designated as article 60 of the amendments to the Constitution prior to publication of the renumbered Constitution, is hereby repealed.

Filed March 25, 1981

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

CHAPTER 670

SENATE CONCURRENT RESOLUTION NO. 4027
 (Senators Holmberg, Thane)
 (Representatives Kent, R. Jacobsen)

EMINENT DOMAIN PAYMENT CHOICE

A concurrent resolution for the amendment of section 16 of article I of the Constitution of the State of North Dakota, relating to eminent domain.

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

That the following proposed amendment to section 16 of article I 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 general election to be held in 1982, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

SECTION 1. AMENDMENT. Section 16 of article I of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 16. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for the owner, unless the owner chooses to accept annual payments as may be provided for by law. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, unless the owner chooses annual payments as may be provided by law, irrespective of any benefit from any improvement proposed by such corporation,--which--compensation. Compensation shall be ascertained by a jury, unless a jury be waived,--provided--however,--that--when. When the state or any of its departments, agencies or political subdivisions seeks to acquire right of way, it may take possession upon making an offer to purchase and by depositing the amount of such offer with the clerk of the district court of the county wherein the right of way is located. The clerk shall immediately notify the owner of such deposit. The owner may thereupon appeal to the court in the manner provided by law, and may have a jury trial, unless a jury be waived, to determine the damages, which damages the owner may choose to accept in annual payments as may be provided for by law. Annual payments shall not be subject to escalator clauses but may be supplemented by interest earned.

Filed March 27, 1981

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

CHAPTER 671

SENATE CONCURRENT RESOLUTION NO. 4004
 (Legislative Council)
 (Interim Judiciary "C" Committee)

OBSOLETE CONSTITUTIONAL REFERENCES

A concurrent resolution for the amendment of sections 7, 10, and 13 of article IX and section 9 of article X of the Constitution of the State of North Dakota, relating to obsolete references in sections concerning appraisal and sale of institutional lands, the location of the school for the blind, and the tax levy to insure owners of growing crops against losses by hail.

STATEMENT OF INTENT

This amendment removes obsolete references in sections concerning appraisal and sale of institutional lands, the location of the school for the blind, and the tax levy to insure owners of growing crops against losses by hail. It also transfers power to determine the location of the school for the blind from the former board of administration to the legislative assembly.

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

That the following proposed amendments to sections 7, 10, and 13 of article IX and section 9 of article X 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 1982, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

SECTION 1. AMENDMENT. Section 7 of article IX of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 7. All lands ~~mentioned--in--the--preceding--section~~ received by the state for any specific educational or charitable institution shall be appraised and sold in the same manner and under the same limitations and subject to all the conditions as to price and sale as provided ~~above~~ in this constitution for the appraisal and sale of lands for the benefit of common schools, ~~but~~. However, a distinct and separate account shall be kept by the proper officers of each of said funds, ~~provided, that~~ and the limitations as to the

time in which school land may be sold shall apply only to lands granted for the support of common schools.

SECTION 2. AMENDMENT. Section 10 of article IX of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 10. The legislative assembly ~~shall have authority to~~ may provide by law for the sale or disposal of all public lands that have been ~~heretofore~~, or may hereafter be granted by the United States to the state for purposes other than set forth ~~and named~~ in article IX, section 1, ~~and section 159.~~ And the. The legislative assembly in providing for the ~~appraisement~~ appraisal, sale, rental, and disposal of the same shall not be subject to the provisions and limitations of ~~this~~ article IX, sections 1 through 11.

SECTION 3. AMENDMENT. Section 13 of article IX of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 13. The following named public institutions are ~~hereby permanently~~ located as ~~hereinafter~~ provided, each to have so much of the remaining grant of one hundred seventy thousand acres of land made by the United States for "other educational and charitable institutions" as is allotted by law, ~~namely~~:

1. A soldiers' home, when located, or such other charitable institution as the legislative assembly may determine, at the city of Lisbon, in the county of Ransom, with a grant of forty thousand acres of land.
2. The ~~blind asylum shall be known as the North Dakota~~ school for the blind and ~~may be removed from the county of Pembina~~ at the city of Grand Forks in the county of Grand Forks or at such other location as may be determined by the ~~board of administration~~ legislative assembly to be in the best interests of the students of such institution and the state of North Dakota.
3. A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau, or Rolette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.
4. A ~~scientific~~ school of science or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, in the county of Richland, with a grant of forty thousand acres.
5. A state ~~normal school~~ college at the city of Minot in the county of Ward.

6. a- A state ~~normal--school~~ college at the city of Dickinson, in the county of Stark.
- b- 7. A state hospital for the ~~insane mentally ill~~ at such place within this state as shall be selected by the legislative assembly, ~~provided, that no~~.

No other institution of a character similar to any one of those located by article IX, section 12, or this article section shall be established or maintained without a revision an amendment of this constitution.

SECTION 4. AMENDMENT. Section 9 of article X of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 9. The legislative assembly may ~~by-law~~ provide for the levy of a tax upon ~~such~~ lands ~~as--may--be--provided--by--law--of~~ within the state for the purpose of creating a fund to insure the owners of growing crops against losses by hail, ~~provided, that--such tax--shall--not--affect--the--tax--of--four--mills--levied--by--the~~ constitution. The legislative assembly may classify ~~such~~ lands of within the state ~~as--may--be--provided--by--law~~, and divide the state into districts on such basis as shall seem just and necessary, and may vary the tax rates in such districts in accordance with the risk, in order to secure an equitable distribution of the burden of ~~such~~ the tax among the owners of such ~~land--as--may--be--provided--by--law~~ lands.

Filed March 27, 1981

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

CHAPTER 672

SENATE CONCURRENT RESOLUTION NO. 4008
(Legislative Council)
(Interim Judiciary "C" Committee)

ELECTION OF GOVERNOR AND
LIEUTENANT GOVERNOR

A concurrent resolution for the amendment of section 1 of article V of the Constitution of the State of North Dakota, relating to the election of the governor and lieutenant governor to a two-year term in 1988 and thereafter to four-year terms.

STATEMENT OF INTENT

This amendment would result in the election of the governor and lieutenant governor in the "off-year" election rather than on the same ballot as the national presidential election as at present. It would do this by having the governor and lieutenant governor elected in 1988 serve a two-year term until 1990. Four-year terms would then begin again.

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

That the following proposed amendment to section 1 of article V 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 general election to be held in 1982, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

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

Section 1. The executive power shall be vested in a governor, who shall reside at the seat of government and shall hold his office for the term of four years ~~beginning-in-the-year-1965~~, and until his successor is elected and duly qualified. However, the governor and lieutenant governor who are elected in the general election held in 1988 shall hold office for a term of two years only, and thereafter, commencing in 1990, the governor and lieutenant governor shall again be elected for four-year terms.

Filed March 27, 1981

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

CHAPTER 673

SENATE CONCURRENT RESOLUTION NO. 4016
(Holmberg)

MILEAGE ALLOWANCE FOR LEGISLATORS

A concurrent resolution for the amendment of section 46 of article IV of the Constitution of the State of North Dakota, relating to mileage expenses for members of the legislative assembly.

STATEMENT OF INTENT

This amendment provides that legislators receive the same mileage allowance for travel as other state officials and employees. The Constitution now says ten cents per mile.

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

That the following proposed amendment to section 46 of article IV 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 general election to be held in 1982, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota, as amended, if either House Concurrent Resolution No. 3055 or Senate Concurrent Resolution No. 4088, having been submitted to the voters, is not approved in the preceding primary election.

SECTION 1. AMENDMENT. Section 46 of article IV of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 46. Each member of the legislative assembly shall receive as a compensation for his services for each session, five dollars per day, ~~and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly, on the most usual route~~ and mileage and travel expenses in the amounts provided by law to state officers and employees.

Filed April 1, 1981

NOTE: If submitted to the electors, this will be measure No. 5 on the general election ballot.

CHAPTER 674

SENATE CONCURRENT RESOLUTION NO. 4041 (Streibel)

BOARD OF HIGHER EDUCATION NOMINEES

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

STATEMENT OF INTENT

This amendment changes the nominating group which provides lists of names to the governor from which the governor nominates members to the state board of higher education. The amendment replaces the president of the North Dakota education association with the speaker of the house.

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

That the following proposed amendment to subsection 2 of section 6 of article VIII 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 general election to be held in 1982, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

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

- 2. a. The state board of higher education shall consist of seven members, all of whom shall be qualified electors and taxpayers of the state, and who shall have resided in this state for not less than five years immediately preceding their appointment, to be appointed by the governor, by and with the consent of the senate, from a list of names selected as hereinafter provided.

There shall not be on said board more than one graduate of any one of the institutions under the jurisdiction of the state board of higher education at any one time. No person employed by any institution under the control of the board shall serve as a member of the board, nor shall any employee of any such institution be eligible for membership on the state board of higher education for a period of two years following the termination of his employment.

~~On or before the first day of February, 1939, the~~
 The governor shall nominate from a list of three names
 for each position, selected by the unanimous action of
 the president speaker of the North Dakota educational
~~association~~ house of representatives, the chief
 justice of the supreme court, and the superintendent
 of public instruction, and, with the consent of a
 majority of the members-elect of the senate, shall
 appoint from such list as such state board of higher
 education seven members, whose terms shall ~~commence on~~
~~the first day of July, 1939, one of which terms shall~~
 expire on the thirtieth day of June, 1940, and ~~one on~~
~~the thirtieth day of June in each of the years 1941,~~
 1942, 1943, 1944, 1945, and 1946. The term of office
 of board members ~~appointed to fill vacancies at the~~
~~expiration of said terms~~ shall be for seven 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.

- b. In the event any nomination made by the governor is not consented to and confirmed by the senate as hereinbefore provided, the governor shall again nominate a candidate for such office, selected from a new list, prepared in the manner hereinbefore provided, which nomination shall be submitted to the senate for confirmation, and said proceedings shall be continued until such appointments have been confirmed by the senate, or the session of the legislature shall have adjourned.
- c. When any term expires or a vacancy occurs when the legislature is not in session, the governor may appoint from a list selected as hereinbefore provided, a member who shall serve until the opening of the next session of the legislature, at which time his appointment shall be certified to the senate for confirmation, as above provided; and if the appointment be not confirmed by the thirtieth legislative day of such session, his office shall be deemed vacant and the governor shall nominate from a list selected as hereinbefore provided, another candidate for such office and the same proceedings shall be followed as are above set forth; provided further, that when the legislature shall be 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 his successor from a list selected as above set forth, within the first thirty days of such session, and upon confirmation by the senate such successor shall take office at the expiration of the term of the incumbent. No person who has been nominated and whose nomination the senate has failed to confirm, shall be eligible for an interim appointment.

Filed April 6, 1981

NOTE: This will be either measure No. 5 or measure No. 6 on the general election ballot, depending upon whether Senate Concurrent Resolution No. 4016 is submitted to the electors.