

# CONSTITUTIONAL AMENDMENTS, DISAPPROVED

## CHAPTER 723

### LEGISLATIVE ASSEMBLY ARTICLE

House Concurrent Resolution No. 3055, chapter 666, 1981 Session Laws, proposed by the Forty-seventh Legislative Assembly of the State of North Dakota, creating 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.

Disapproved June 8, 1982

38,094 to 43,258

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

## CHAPTER 724

### MEDICAL CENTER MILL LEVY

House Concurrent Resolution No. 3035, chapter 669, 1981 Session Laws, proposed by the Forty-seventh Legislative Assembly of the State of North Dakota, providing for the 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, 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.

Disapproved November 2, 1982

115,326 to 119,561

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

## CHAPTER 725

### ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR

Senate Concurrent Resolution No. 4008, chapter 672, 1981 Session Laws, proposed by the Forty-seventh Legislative Assembly of the State of North Dakota, providing 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.

Disapproved November 2, 1982

85,510 to 149,627

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

## CHAPTER 726

### BOARD OF HIGHER EDUCATION NOMINEES

Senate Concurrent Resolution No. 4041, chapter 674, 1981 Session Laws, proposed by the Forty-seventh Legislative Assembly of the State of North Dakota, providing 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.

Disapproved November 2, 1982

94,228 to 127,087

NOTE: This was measure No. 5 on the general election ballot.