

CONSTITUTIONAL AMENDMENTS, PROPOSED

CHAPTER 709

HOUSE CONCURRENT RESOLUTION NO. 3024
(Conmy)

COAL MINERAL INTEREST EXCHANGE

A concurrent resolution for the amendment of section 6 of article IX of the Constitution of the State of North Dakota, relating to the exchange of state coal mineral interests with federal coal mineral interests.

STATEMENT OF INTENT

This amendment authorizes the board of university and school lands to exchange state coal mineral interests with coal mineral interests of the United States.

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

That the following proposed amendment to section 6 of article IX 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 1986, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

SECTION 1. AMENDMENT. Section 6 of article IX of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 6. No original grant school or institutional land shall be sold for less than the fair market value thereof, and in no case for less than ten dollars (\$10.00) per acre, provided that when lands have been sold on contract and the contract has been canceled, such lands may be resold without reappraisal by the board of appraisal. The purchaser shall pay twenty (20) percent of the purchase price at the time the contract is executed; thereafter annual payments shall be made of not less than six (6) percent of the original purchase price. An amount equal to not less than three (3) percent per annum of the unpaid principal shall be credited to interest and the balance shall be applied as payment on principal as credit on purchase price. The purchaser may pay all or any installment or installments not yet due to any interest paying date.

If the purchaser so desires, he may pay the entire balance due on his contract with interest to date of payment at any time and he will then be entitled to proper conveyance.

All sales shall be held at the county seat of the county in which the land to be sold is situated, and shall be at public auction and to the highest bidder, and notice of such sale shall be published once each week for a period of three weeks prior to the day of sale in a legal newspaper published nearest the land and in the newspaper designated for the publication of the official proceedings and legal notices within the county in which said land is situated.

No grant or patent for such lands shall issue until payment is made for the same; provided that the land contracted to be sold by the state shall be subject to taxation from the date of the contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, the contract of sale for such land shall, if the board of university and school lands so determine, by it, be declared null and void. No contract of sale heretofore made under the provisions of this section of the constitution as then providing shall be affected by this amendment, except prepayment of principal may be made as herein provided.

Any of said lands that may be required for townsite purposes, schoolhouse sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, airplane landing fields, fairgrounds, public highways, railroad right of way, or other railroad uses and purposes, reservoirs for the storage of water for irrigation, irrigation canals, and ditches, drainage ditches, or for any of the purposes for which private lands may be taken under the right of eminent domain under the constitution and laws of this state, may be sold under the provisions of this article, and shall be paid for in full at the time of sale, or at any time thereafter as herein provided. Any of said lands and any other lands controlled by the board of university and school lands, including state coal mineral interests, may, with the approval of said board, be exchanged for lands and coal mineral interests of the United States, the state of North Dakota or any county or municipality thereof as the legislature may provide, and the lands so acquired shall be subject to the trust to which the lands exchanged therefor were subject, and the state shall reserve all mineral and water power rights in land so transferred, except coal mineral interests approved for exchange by the board of university and school lands under this section.

When any of said lands have been heretofore or may be hereafter sold on contract, and the purchaser or his heirs or assigns is unable to pay in full for the land purchased within twenty years after the date of purchase and such contract is in default and subject to being declared null and void as by law provided, the board of university and school lands may, after declaring such contract null and void, resell the land described in

such contract to such purchaser, his heirs or assigns, for the amount of the unpaid principal, together with interest thereon reckoned to the date of such resale at the rate of not less than three (3%) percent, but in no case shall the resale price be more than the original sale price; such contract of resale shall be upon the terms herein provided, provided this section shall be deemed self-executing insofar as the provisions for resale herein made are concerned.

Filed March 26, 1985

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

CHAPTER 710

HOUSE CONCURRENT RESOLUTION NO. 3003
(Legislative Council)
(Interim Judiciary "B" Committee)

EXECUTIVE BRANCH ARTICLE CHANGES

A concurrent resolution to create a new article V of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; to repeal the present article V of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and to provide an effective date.

STATEMENT OF INTENT

This measure creates a new executive branch article for the constitution that retains all the current elected state officials. The amendment provides for the election, qualification, and compensation of executive officials, for the powers and duties of the governor, and for gubernatorial succession. The amendment also repeals the present article V of the Constitution of the State of North Dakota, and provides that these changes will take effect on July 1, 1987.

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 V and the following proposed repeal of the present 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 1986, 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 to a new article V of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

The qualified electors of the state at the times and places of choosing members of the legislative assembly shall choose a governor, lieutenant governor, agriculture commissioner, attorney general, auditor, insurance commissioner, three public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer. The legislative assembly may by law provide for a department of labor to be administered by a public official who may be either elected or appointed.

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

The powers and duties of the agriculture commissioner, attorney general, auditor, insurance commissioner, public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer must be prescribed by law. If the legislative assembly establishes a department of labor, the powers and duties of the officer administering that department must be prescribed by law.

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

The governor and the lieutenant governor must be elected on a joint ballot. Each vote cast for a candidate for governor is deemed cast also for the candidate for lieutenant governor nominated jointly with the candidate for governor. The joint candidates having the highest number of votes shall be declared elected, but if two or more joint candidates have an equal and highest number of votes for governor and lieutenant governor, the legislative assembly at its next regular session shall in joint session choose one pair of such joint candidates for the offices. The returns of the election for governor and lieutenant governor must be made in the manner prescribed by law.

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

To be eligible to hold an elective office established by this article, a person must be a qualified elector of this state and must have been a resident of this state for the two years preceding election to office. The attorney general must be licensed to practice law in this state.

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

The qualified electors shall choose the elected state officials at a time designated by the legislative assembly. The

elected state officials shall serve until their successors are duly qualified. Terms of office are four years, except that terms of the public service commissioners are six years, so arranged that one of them is elected every two years.

If two or more candidates for any executive office receive an equal and highest number of votes, the legislative assembly in joint session shall choose one of them for the office.

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

The compensation of elected state officials must be as provided by law, but may not be diminished during the term for which they were elected.

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

The elected state officials and the chief executive officers of the principal departments shall hold office at the seat of government.

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

The governor is the chief executive of the state. The governor shall have the responsibility to see that the state's business is well administered and that its laws are faithfully executed.

The governor is commander-in-chief of the state's military forces, except when they are called into the service of the United States, and the governor may mobilize them to execute the laws and to maintain order.

The governor shall prescribe the duties of the lieutenant governor in addition to those prescribed in section 10 of this resolution or as provided by law.

The governor may call special sessions of the legislative assembly.

The governor may require information in writing from all executive officials and officers concerning the performance of their respective duties.

The governor may grant reprieves, commutations, and pardons as provided by law. The governor may delegate this power as provided by law.

The governor may supervise business with the United States and other states.

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

The governor may fill a vacancy in any office by appointment if no other method is provided by this constitution or by law. If, while the senate is recessed or adjourned, a vacancy occurs in any office which is filled by appointment with senate confirmation, the governor shall make a temporary appointment to the office. When the senate reconvenes the governor shall make a nomination to fill the office. Except on request of the senate, no nominee rejected by the senate may again be nominated for that office at the same session, nor may the nominee be appointed to that office during a recess or adjournment of the senate.

SECTION 9. A new section to a new article V of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

Every bill passed by the legislative assembly must be presented to the governor for the governor's signature. If the governor signs the bill, it shall become law.

The governor may veto a bill passed by the legislative assembly. The governor may disapprove of any item or items, or part or parts of any bill making appropriations of money or property embracing distinct items. Portions of the bill not vetoed shall become law.

The governor shall return for reconsideration any vetoed item or bill, with a written statement of the governor's objections, to the house in which it originated. That house shall immediately enter the governor's objections upon its journal. If, by a recorded vote, two-thirds of the members elected to that house pass a vetoed item or bill, it, along with the statement of the governor's objections, shall immediately be delivered to the other house. If, by a recorded vote, two-thirds of the members elected to the other house also pass it, the vetoed item or bill shall become law.

While the legislative assembly is in session, a bill shall become law if the governor neither signs nor vetoes it within three days, Saturdays and Sundays excepted, after its delivery to the governor. If the legislative assembly is not in session, a bill shall become law if the governor neither signs nor vetoes it within fifteen days, Saturdays and Sundays excepted, after its delivery to the governor.

SECTION 10. A new section to a new article V of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

Any governor of this state who asks, receives, or agrees to receive any bribe upon any understanding that the governor's official opinion, judgment, or action shall be influenced thereby, or who gives or offers, or promises the governor's official influence in consideration that any member of the legislative assembly shall give the member's official vote or influence on any particular side of any question or matter upon which the member may be required to act in the member's official capacity, or who menaces any member by the threatened use of the governor's veto power, or who offers or promises any member that the governor will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give the member's official vote or influence on any matter pending or thereafter to be introduced into either house of the legislative assembly, or who threatens any member that the governor will remove any person or persons from office or position with intent in any manner to influence the action of that member, must be punished in the manner now, or that may hereafter be, provided by law, and upon conviction thereof forfeits all right to hold or exercise any office of trust or honor in this state.

SECTION 11. A new section to a new article V of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

The lieutenant governor shall serve as president of the senate, and may, if the senate is equally divided on a question, vote on procedural and substantive matters. If, during a vacancy in the office of governor, the lieutenant governor is unable to serve because of death, impeachment, resignation, failure to qualify, removal from office, or disability, the secretary of state shall act as governor until the vacancy is filled or the disability removed.

SECTION 12. REPEAL. The present article V of the Constitution of the State of North Dakota is hereby repealed.

SECTION 13. EFFECTIVE DATE. The provisions of this resolution, if approved by the people, shall take effect on July 1, 1987.

Filed April 4, 1985

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

CHAPTER 711

SENATE CONCURRENT RESOLUTION NO. 4005
(Legislative Council)
(Interim Government Reorganization Committee)

BOARD OF UNIVERSITY AND SCHOOL LANDS MEMBERSHIP

A concurrent resolution for the amendment of section 3 of article IX of the Constitution of the State of North Dakota, relating to membership of the board of university and school lands.

STATEMENT OF INTENT

This amendment replaces the state auditor with the state treasurer as a member of the board of university and school lands.

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 3 of article IX 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 1986, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

SECTION 1. AMENDMENT. Section 3 of article IX of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 3. The superintendent of public instruction, governor, attorney general, secretary of state and state ~~auditor shall constitute~~ treasurer ~~comprise~~ a board of commissioners, ~~which shall be~~ denominated the "board of university and school lands"; ~~and, subject.~~ Subject to the provisions of this article and any law that may be passed by the legislative assembly, ~~said the board shall have~~ has control of the appraisement, sale, rental, and disposal of all school and university lands, and the proceeds from the sale of such lands shall be invested as provided by law.

Filed April 5, 1985

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

CHAPTER 712

SENATE CONCURRENT RESOLUTION NO. 4021
(Senators Holmberg, Redlin, Wenstrom)
(Representatives Strinden, Mertens, Stofferahn)

GOVERNOR'S TERM

A concurrent resolution for the amendment of section 1 of article V of the Constitution of the State of North Dakota, or in the alternative for the amendment of the new section to the new article V of the Constitution of the State of North Dakota as created by section 4 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, relating to the term of the governor and lieutenant governor.

STATEMENT OF INTENT

This amendment provides that the governor's and lieutenant governor's term of office would begin on December fifteenth following their election.

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 if House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, having been submitted to the voters, is not approved in the primary election held in 1986, or the following proposed amendment to the new section to the new article V of the Constitution of the State of North Dakota if House Concurrent Resolution No. 3003 is approved at the primary election, 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 1986, 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~~ 1988, and

until ~~his~~ a successor is elected and duly qualified. The term begins on December fifteenth following the governor's election.

SECTION 2. AMENDMENT. The new section to the new article V of the Constitution of the State of North Dakota as created by section 4 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, is hereby amended and reenacted to read as follows:

The qualified electors shall choose the elected state officials at a time designated by the legislative assembly. The elected state officials shall serve until their successors are duly qualified. Terms of office are four years, except that terms of the public service commissioners are six years, so arranged that one of them is elected every two years. The terms of the governor and the lieutenant governor begin on December fifteenth following their election.

If two or more candidates for any executive office receive an equal and highest number of votes, the legislative assembly in joint session shall choose one of them for the office.

Filed March 28, 1985

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

CHAPTER 713

SENATE CONCURRENT RESOLUTION NO. 4022
(Holmberg)

TAX COMMISSIONER ON PARTY BALLOT

A concurrent resolution for the amendment of section 12 of article V of the Constitution of the State of North Dakota, relating to the requirement that the tax commissioner be elected on a no-party ballot, or in the alternative for the amendment of the new section to the new article V of the Constitution of the State of North Dakota as created by section 1 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, relating to the requirement that the tax commissioner be elected on a no-party ballot.

STATEMENT OF INTENT

This amendment would remove the requirement that the tax commissioner be elected on a no-party ballot.

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 12 of article V of the Constitution of the State of North Dakota if House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, having been submitted to the voters, is not approved in the primary election held in 1986, or the following proposed amendment to the new section to the new article V of the Constitution of the State of North Dakota if House Concurrent Resolution No. 3003 is approved at the primary election, 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 1986, 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. The new section to the new article V of the Constitution of the State of North Dakota as created by section 1 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly and the voters at the primary election, is hereby amended and reenacted to read as follows:

The qualified electors of the state at the times and places of choosing members of the legislative assembly shall choose a governor, lieutenant governor, agriculture commissioner, attorney general, auditor, insurance commissioner, three public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer. The legislative assembly may by law provide for a department of labor to be administered by a public official who may be either elected or appointed.

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

The powers and duties of the agriculture commissioner, attorney general, auditor, insurance commissioner, public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer must be prescribed by law. If the legislative assembly establishes a department of labor, the powers and duties of the officer administering that department must be prescribed by law.

Filed April 9, 1985

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