

CONSTITUTIONAL AMENDMENTS, DISAPPROVED

CHAPTER 660

STATE LAND AND MINERAL INTEREST EXCHANGES

Senate Concurrent Resolution No. 4020, Chapter 757, 1991 Session Laws, proposed by the Fifty-second Legislative Assembly of the State of North Dakota, for the amendment of section 6 of article IX of the Constitution of North Dakota, relating to certain exchanges of land and mineral rights.

STATEMENT OF INTENT

This amendment allows for the exchange of land between the board of university and school lands and private owners and allows for the exchange of all mineral interests with the approval of the legislative assembly.

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

That the following proposed amendment to section 6 of article IX of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 1992, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 6 of article IX of the Constitution of North Dakota is amended and reenacted 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 the board, may 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, or any private individual or entity as the legislative assembly 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.

Disapproved November 3, 1992

126,497 to 148,599

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

CHAPTER 661

BICENTENNIAL TRUST FUND

House Concurrent Resolution No. 3035, Chapter 758, 1991 Session Laws, proposed by the Fifty-second Legislative Assembly of the State of North Dakota, to create and enact a new section to article X of the Constitution of North Dakota, relating to the creation of a Bicentennial trust fund; and to provide an effective date.

STATEMENT OF INTENT

This amendment would create a Bicentennial trust fund, the principal and interest of which is to be released on January 1, 2089, to a Bicentennial Commission, or if a Bicentennial Commission is not in existence on January 1, 2089, to the Governor, for use in commemorating and celebrating the 200th birthday of the state of North Dakota.

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

That the following proposed new section to article x of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 1992, in accordance with section 16 of article IV of the Constitution of North Dakota.

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

The bicentennial trust fund is a permanent trust fund to be used for the purpose of commemorating and celebrating the bicentennial of the state of North Dakota. The interest earned on the money in the fund accrues to the bicentennial trust fund. On January 1, 2089, or as soon thereafter as practicable, the principal and interest in the trust fund must be transferred to the bicentennial commission or, if no bicentennial commission is in existence on January 1, 2089, to the governor, for expenditure to commemorate and celebrate the bicentennial of the state of North Dakota. Any amounts held by the state treasurer in trust for the North Dakota bicentennial commission pursuant to Senate Bill No. 2301 enacted by the fifty-second legislative assembly must be transferred to the bicentennial trust fund.

SECTION 2. EFFECTIVE DATE. If approved by the voters, this measure becomes effective on January 1, 1993.

Disapproved November 3, 1992

120,479 to 164,030

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