

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine**

**SENATE CONCURRENT RESOLUTION NO. 4022**  
(Senators Grindberg, G. Nelson, Schobinger)  
(Representatives Clark, Dorso, Grosz)

A concurrent resolution for the amendment of section 2 of article V, section 3 of article IX, and section 12 of article X of the Constitution of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer upon the issuance of legal tender by banks in the state; to provide for transition; and to provide an effective date.

**STATEMENT OF INTENT**

This amendment removes the state treasurer as an elected constitutional officer effective January 1, 2003, and provides that upon approval of this amendment the term of the state treasurer elected in 2000 will be two years. The amendment also repeals a section providing for the duties of the state treasurer on issuance of legal tender by banks in the state.

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

That the following proposed amendments to section 2 of article V, section 3 of article IX, and section 12 of article X of the Constitution of North Dakota, and the repeal of section 15 of article XII of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 2000, in accordance with section 16 of article IV of the Constitution of North Dakota.

**SECTION 1. AMENDMENT.** Section 2 of article V of the Constitution of North Dakota is amended and reenacted as follows:

**Section 2.** 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, and 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 powers and duties of the agriculture commissioner, attorney general, auditor, insurance commissioner, public service commissioners, secretary of state, superintendent of public instruction, and tax commissioner, ~~and treasurer~~ must be prescribed by law. If the legislative assembly establishes a labor department, the powers and duties of the officer administering that department must be prescribed by law.

**SECTION 2. AMENDMENT.** Section 3 of article IX of the Constitution of North Dakota is amended and reenacted as follows:

**Section 3.** The superintendent of public instruction, governor, attorney general, secretary of state, ~~and state treasurer~~ agriculture commissioner comprise a board of commissioners, to be denominated the "board of university and school lands". Subject to the provisions of this article and any law that may be passed by the legislative assembly, the board has control of the appraisal, 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.

**SECTION 3. AMENDMENT.** Section 12 of article X of the Constitution of North Dakota is amended and reenacted as follows:

**Section 12.**

1. All public moneys, from whatever source derived, ~~shall~~ must be paid over monthly by the public official, employee, agent, director, manager, board, bureau, or institution of the state receiving the same moneys, to the ~~state treasurer~~ proper official as provided by law, and deposited by ~~him~~ the official to the credit of the state, and ~~shall be paid out and disbursed~~ only pursuant to appropriation first made by the ~~legislature~~ legislative assembly; provided, however, that there is hereby appropriated the necessary funds required in the financial transactions of the Bank of North Dakota, and required for the payment of losses, duly approved, payable from the state hail insurance fund, state bonding fund, and state fire and tornado fund, and required for the payment of compensation to injured employees or death claims, duly approved, payable from the ~~workmen's~~ workers' compensation fund, and required for authorized investments made by the board of university and school lands, and required for the financial operations of the state mill and elevator association, and required for the payment of interest and principal of bonds and other fixed obligations of the state, and required for payments required by law to be paid to beneficiaries of the teachers' ~~insurance and fund for retirement fund~~, and required for refunds made under the provisions of the Retail Sales Tax Act, and the State Income Tax Law, and the State Gasoline Tax Law, and the Estate and Succession Tax Law, and the income of any state institution derived from permanent trust funds, and the funds allocated under the law to the ~~state highway~~ department of transportation and the various counties for the construction, reconstruction, and maintenance of public roads.

This constitutional amendment ~~shall~~ does not ~~be construed to~~ apply to fees and moneys received in connection with the licensing and organization of physicians and surgeons, pharmacists, dentists, osteopaths, optometrists, embalmers, barbers, lawyers, veterinarians, nurses, chiropractors, accountants, architects, hairdressers, chiropodists, and other similarly organized, licensed trades and professions; ~~and this constitutional amendment shall not be construed to amend or repeal existing laws or Acts amendatory thereof concerning such fees and moneys.~~

2. No bills, claims, accounts, or demands against the state or any county or other political subdivision ~~shall~~ may be audited, allowed, or paid until a full itemized statement in writing ~~shall be~~ is filed with the officer or officers whose duty it ~~may be~~ is to audit the same, and then only upon warrant drawn upon the treasurer of ~~such~~ the funds by the proper officer or officers.
- ~~3. This amendment shall become effective on July 1, 1939.~~

**SECTION 4. REPEAL.** Section 15 of article XII of the Constitution of North Dakota is repealed.

**SECTION 5. TRANSITION.** The term of the state treasurer elected in 2000 is two years.

**SECTION 6. EFFECTIVE DATE.** If approved by the voters, sections 1 through 4 of this measure become effective on January 1, 2003.

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President of the Senate

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Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

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Chief Clerk of the House

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State