

FIRST ENGROSSMENT

Fifty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE CONCURRENT  
RESOLUTION NO. 4036

Introduced by

Senators Grindberg, Andrist, Cook

Representatives Carlson, Porter, Wald

1 A concurrent resolution for the amendment of section 2 of article V, section 3 of article IX, and  
2 sections 12 and 25 of article X of the Constitution of North Dakota, relating to the office of state  
3 treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the  
4 duties of the state treasurer upon the issuance of legal tender by banks in the state; and to  
5 provide an effective date.

6 **STATEMENT OF INTENT**

7 This amendment removes the state treasurer as an elected constitutional officer effective  
8 January 1, 2005. The amendment also repeals a section providing for the duties of the state  
9 treasurer on issuance of legal tender by banks in the state.

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

12 That the following proposed amendments to section 2 of article V, section 3 of article IX,  
13 and sections 12 and 25 of article X of the Constitution of North Dakota, and the repeal of  
14 section 15 of article XII of the Constitution of North Dakota are agreed to and must be  
15 submitted to the qualified electors of North Dakota at the general election to be held in 2002, in  
16 accordance with section 16 of article IV of the Constitution of North Dakota.

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

19 **Section 2.** The qualified electors of the state at the times and places of choosing  
20 members of the legislative assembly shall choose a governor, lieutenant governor, agriculture  
21 commissioner, attorney general, auditor, insurance commissioner, three public service  
22 commissioners, secretary of state, superintendent of public instruction, and tax commissioner;  
23 ~~and treasurer~~. The legislative assembly may by law provide for a department of labor to be  
24 administered by a public official who may be either elected or appointed.

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

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

8           **Section 3.** The superintendent of public instruction, governor, attorney general,  
9 secretary of state, and state treasurer agriculture commissioner comprise a board of  
10 commissioners, to be denominated the "board of university and school lands". Subject to the  
11 provisions of this article and any law that may be passed by the legislative assembly, the board  
12 has control of the appraisal, sale, rental, and disposal of all school and university lands,  
13 and the proceeds from the sale of such lands ~~shall~~ must be invested as provided by law.

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

16           **Section 12.**

17           1. All public moneys, from whatever source derived, ~~shall~~ must be paid over monthly  
18 by the public official, employee, agent, director, manager, board, bureau, or  
19 institution of the state receiving the ~~same~~ moneys, to the ~~state treasurer~~ proper  
20 official as provided by law, and deposited by ~~him~~ the official to the credit of the  
21 state, and ~~shall be~~ paid out and disbursed only pursuant to appropriation first made  
22 by the ~~legislature~~ legislative assembly; provided, however, that there is hereby  
23 appropriated the necessary funds required in the financial transactions of the Bank  
24 of North Dakota, and required for the payment of losses, duly approved, payable  
25 from the state hail insurance fund, state bonding fund, and state fire and tornado  
26 fund, and required for the payment of compensation to injured employees or death  
27 claims, duly approved, payable from the ~~workmen's~~ workers' compensation fund,  
28 and required for authorized investments made by the board of university and  
29 school lands, and required for the financial operations of the state mill and elevator  
30 association, and required for the payment of interest and principal of bonds and  
31 other fixed obligations of the state, and required for payments required by law to

1 be paid to beneficiaries of the teachers' ~~insurance and fund for~~ retirement fund,  
2 and required for refunds made under the provisions of the Retail Sales Tax Act,  
3 and the State Income Tax Law, and the State Gasoline Tax Law, and the Estate  
4 and Succession Tax Law, and the income of any state institution derived from  
5 permanent trust funds, and the funds allocated under the law to the ~~state highway~~  
6 department of transportation and the various counties for the construction,  
7 reconstruction, and maintenance of public roads.

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

16 2. No bills, claims, accounts, or demands against the state or any county or other  
17 political subdivision ~~shall~~ may be audited, allowed, or paid until a full itemized  
18 statement in writing ~~shall be~~ is filed with the officer or officers whose duty it ~~may be~~  
19 is to audit the same, and then only upon warrant drawn upon the treasurer of ~~such~~  
20 the funds by the proper officer or officers.

21 3. ~~This amendment shall become effective on July 1, 1939.~~

22 **SECTION 4. AMENDMENT.** Section 25 of article X of the Constitution of North Dakota  
23 is amended and reenacted as follows:

24 **Section 25.** The veterans' postwar trust fund ~~shall be~~ is a permanent trust fund of the  
25 state ~~of North Dakota~~ and ~~shall consist~~ consists of moneys transferred or credited to the fund  
26 as authorized by legislative enactment. ~~Investment of the fund shall be the responsibility of the~~  
27 ~~state treasurer who~~ The official designated by the legislative assembly shall have full authority  
28 ~~to~~ invest the fund only in the same manner as the state investment board is authorized to make  
29 investments. All income received from investments ~~is to~~ must be utilized for programs ~~which~~  
30 ~~must be~~ of benefit and service to veterans, who are defined by legislative enactment, or their  
31 dependents, and ~~such~~ the income is ~~hereby~~ appropriated to the administrative committee on

1 veterans' affairs on a continuing basis for expenditure upon those programs selected at the  
2 discretion of the administrative committee on veterans' affairs.

3 **SECTION 5. REPEAL.** Section 15 of article XII of the Constitution of North Dakota is  
4 repealed.

5 **SECTION 6. EFFECTIVE DATE.** If approved by the voters, sections 1 through 5 of  
6 this measure become effective on January 1, 2005.