

Introduced by

Representative Kretschmar

Senator Nething

1 A concurrent resolution to create and enact a new section to article V of the Constitution of
2 North Dakota, relating to executive branch organization.

3 **STATEMENT OF INTENT**

4 This measure would provide that the legislative assembly must allocate the executive power
5 among not more than twenty-one principal state departments.

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

8 That the following proposed new section to article V of the Constitution of North Dakota
9 is agreed to and must be submitted to the qualified electors of North Dakota at the general
10 election to be held in 2010, in accordance with section 16 of article IV of the Constitution of
11 North Dakota.

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

14 The legislative assembly shall allocate the executive power among not more than
15 twenty-one principal state departments, which must be organized along broad functional lines.
16 The executive power of each department must be vested in one individual unless otherwise
17 provided by this constitution or by law. The legislative assembly shall prescribe the duties of
18 the executive departments and periodically shall reorganize the departments, except any
19 reorganization or change in duties may not affect the organization and powers granted to the
20 state board of higher education under this constitution.

21 For more effective administration, the governor may make changes in the statutory
22 allocation of functions, powers, and duties among and within the executive departments, other
23 than those headed by constitutionally elective officials. Any change must be set forth in an
24 executive order and submitted to both houses of the legislative assembly on the first day of the
25 next regular session of the legislative assembly. If not disapproved by a majority of the

Sixty-first
Legislative Assembly

- 1 members elected to either house of the legislative assembly within thirty days after submission
- 2 by the governor, the order becomes effective when filed with the secretary of state or on a later
- 3 date specified in the order.