

**SENATE CONCURRENT RESOLUTION NO. 4047**

Introduced by

Senators Erbele, G. Nelson, Trenbeath

Representatives Belter, Kretschmar, Wald

1 A concurrent resolution for the amendment of sections 2 and 5 of article V of the Constitution of  
2 North Dakota, relating to the agriculture commissioner; to provide for application; and to provide  
3 an effective date.

4 **STATEMENT OF INTENT**

5 This amendment removes the agriculture commissioner as a constitutionally elected official.  
6 This amendment becomes effective January 1, 2005.

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

9 That the following proposed amendments to sections 2 and 5 of article V of the  
10 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of  
11 North Dakota at the general election to be held in 2002, in accordance with section 16 of  
12 article IV of the Constitution of North Dakota.

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

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

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

1           **SECTION 2. AMENDMENT.** Section 5 of article V of the Constitution of North Dakota  
2 is amended and reenacted as follows:

3           **Section 5.** The qualified electors shall choose the elected state officials at a time  
4 designated by the legislative assembly. The elected state officials shall serve until their  
5 successors are duly qualified. Terms of office of the elected officials except the public service  
6 commissioners are four years, except that in 2004 the ~~agriculture commissioner~~, attorney  
7 general, secretary of state, and tax commissioner are elected to a term of two years. The terms  
8 of the public service commissioners are six years, so arranged that one of them is elected every  
9 two years. The terms of the governor and lieutenant governor begin on December fifteenth  
10 following their election.

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

14           **SECTION 3. APPLICATION.** If approved by the voters, this measure does not affect  
15 the term of office to which the agriculture commissioner was elected on November 7, 2000.

16           **SECTION 4. EFFECTIVE DATE.** If approved by the voters, this measure becomes  
17 effective on January 1, 2005.