

Sixtieth
Legislative Assembly
of North Dakota

SENATE CONCURRENT RESOLUTION NO. 4014

Introduced by

Senator Mathern

Representative Gruchalla

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 public service commission; to provide for application; and to
3 provide an effective date.

STATEMENT OF INTENT

4
5 This measure replaces the three-member public service commission with a public service
6 commissioner and changes the term of office from six to four years. The measure provides for
7 the next election for public service commissioner to be held in 2012.

8 **BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF**

9 **REPRESENTATIVES CONCURRING THEREIN:**

10 That the following proposed amendments to sections 2 and 5 of article V of the
11 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of
12 North Dakota at the primary election to be held in 2008, in accordance with section 16 of
13 article IV of the Constitution of North Dakota.

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

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

22 The powers and duties of the agriculture commissioner, attorney general, auditor,
23 insurance commissioner, public service ~~commissioners~~ commissioner, secretary of state,
24 superintendent of public instruction, tax commissioner, and treasurer must be prescribed by

1 law. If the legislative assembly establishes a labor department, the powers and duties of the
2 officer administering that department must be prescribed by law.

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

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

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

16 **SECTION 3. APPLICATION.** The six-year term for a public service commissioner
17 provided before the effective date of this measure continues until expiration of the respective
18 term. The next election for a public service commissioner must be held in 2012.

19 **SECTION 4. EFFECTIVE DATE.** If approved by the voters, this measure becomes
20 effective July 1, 2008.