

**SENATE CONCURRENT RESOLUTION NO. 4022**

Introduced by

Senators Grindberg, G. Nelson, Schobinger

Representatives Clark, Dorso, Grosz

1 A concurrent resolution for the amendment of section 2 of article V, section 3 of article IX, and  
2 section 12 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; to provide  
5 for transition and application; and to provide an effective date.

**6 STATEMENT OF INTENT**

7 This amendment removes the state treasurer as an elected constitutional officer effective  
8 January 1, 2001, and provides that upon approval of this amendment the incumbent state  
9 treasurer would hold office through June 30, 2001. The amendment also repeals a section  
10 providing for the duties of the state treasurer on issuance of legal tender by banks in the state.

**11 BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF****12 REPRESENTATIVES CONCURRING THEREIN:**

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

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

20 **Section 2.** The qualified electors of the state at the times and places of choosing  
21 members of the legislative assembly shall choose a governor, lieutenant governor, agriculture  
22 commissioner, attorney general, auditor, insurance commissioner, three public service  
23 commissioners, secretary of state, superintendent of public instruction, and tax commissioner,  
24 ~~and treasurer~~. The legislative assembly may by law provide for a department of labor to be  
25 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, and  
9 secretary of state ~~and state treasurer~~ comprise a board of commissioners, to be denominated  
10 the "board of university and school lands". Subject to the provisions of this article and any law  
11 that may be passed by the legislative assembly, the board has control of the appraisement,  
12 sale, rental, and disposal of all school and university lands, and the proceeds from the sale of  
13 such lands shall 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 be

1           paid to beneficiaries of the teachers' ~~insurance and fund for~~ retirement fund, and  
2           required for refunds made under the provisions of the Retail Sales Tax Act, and the  
3           State Income Tax Law, and the State Gasoline Tax Law, and the Estate and  
4           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. REPEAL.** Section 15 of article XII of the Constitution of North Dakota is  
23          repealed.

24          **SECTION 5. TRANSITION AND APPLICATION.** If approved by the voters, the term of  
25          the incumbent state treasurer continues through June 30, 2001. The office of state treasurer  
26          will not be on the ballot at the general election in 2000.

27          **SECTION 6. EFFECTIVE DATE.** If approved by the voters, sections 1 through 4 of this  
28          measure become effective on January 1, 2001.