

Introduced by

Senators Magrum, Walen

Representative Osowski

1 A concurrent resolution to amend and reenact section 2 of article V of the Constitution of North
2 Dakota, relating to the election of public service commissioners; to provide for application; and
3 to provide an effective date.

4 **STATEMENT OF INTENT**

5 The measure increases the elected members of the public service commission to five members
6 and requires the legislative assembly to divide the state into five districts for the election of the
7 five members to the public service commission.

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

10 That the following proposed amendment to section 2 of article V of the Constitution of North
11 Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the
12 general election to be held in 2026, in accordance with section 16 of article IV of the
13 Constitution of North Dakota.

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

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

22 The public service commission consists of five public service commissioners. The
23 legislative assembly shall divide the state into five districts of compact and contiguous territory
24 and a commissioner must be elected from each district for a term of four years, as provided by
25 law. On the day of the election, a commissioner must be a qualified elector in the district from

1 which the commissioner was elected. After each decennial census, the legislative assembly
2 shall establish commission districts and shall guarantee, as nearly as is practicable, that every
3 elector is equal to every other elector in the state in the power to cast ballots for public service
4 commission candidates.

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

10 **SECTION 2. APPLICATION.** The additional two members to the public service commission
11 must be elected at the general election in 2028, and take office on January 1, 2029. The
12 legislative assembly shall create the initial commissioner districts before January 1, 2027,
13 based upon the 2020 decennial census.