

Introduced by

Representatives Nathe, Delmore, Dockter, Lefor, Owens, D. Ruby

Senators Casper, Mathern, Unruh

1 A concurrent resolution to amend and reenact section 2 of article V, section 3 of article IX, and
2 sections 12, 25, and 26 of article X of the Constitution of North Dakota, relating to the state
3 treasurer; and to provide an effective date.

4 **STATEMENT OF INTENT**

5 This amendment removes the state treasurer as an elected constitutional officer effective
6 January 1, 2021.

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

9 That the following proposed amendments to section 2 of article V, section 3 of article IX,
10 and sections 12, 25, and 26 of article X of the Constitution of North Dakota are agreed to and
11 must be submitted to the qualified electors of North Dakota at the general election to be held in
12 2018, in accordance with section 16 of article IV of the Constitution of North Dakota.

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

15 **Section 2.** The qualified electors of the state at the times and places of choosing members
16 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, and tax commissioner,
19 ~~and 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, insurance
22 commissioner, public service commissioners, secretary of state, superintendent of public
23 instruction, and 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 that
25 department must be prescribed by law.

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

3 **Section 3.** The superintendent of public instruction, governor, attorney general, and
4 secretary of state ~~and state treasurer~~ comprise a board of commissioners, to be denominated
5 the "board of university and school lands". Subject to the provisions of this article and any law
6 that may be passed by the legislative assembly, the board has control of the appraisalment,
7 sale, rental, and disposal of all school and university lands, and the proceeds from the sale of
8 such lands ~~shall~~must be invested as provided by law.

9 **SECTION 3. AMENDMENT.** Section 12 of article X of the Constitution of North Dakota is
10 amended and reenacted as follows:

11 **Section 12.**

12 1. All public moneys, from whatever source derived, ~~shall~~must be paid over monthly by
13 the public official, employee, agent, director, manager, board, bureau, or institution of
14 the state receiving the same, to the ~~state treasurer~~proper official as provided by law,
15 and deposited by ~~him~~that official to the credit of the state, and ~~shall be~~ paid out and
16 disbursed only pursuant to appropriation first made by the ~~legislature~~legislative
17 assembly; provided, however, that there is hereby appropriated the necessary funds
18 required in the financial transactions of the Bank of North Dakota, and required for the
19 payment of losses, duly approved, payable from the state hail insurance fund, state
20 bonding fund, and state fire and tornado fund, and required for the payment of
21 compensation to injured employees or death claims, duly approved, payable from the
22 ~~workmen's compensation~~workforce safety and insurance fund, and required for
23 authorized investments made by the board of university and school lands, and
24 required for the financial operations of the state mill and elevator association, and
25 required for the payment of interest and principal of bonds and other fixed obligations
26 of the state, and required for payments required by law to be paid to beneficiaries of
27 the teachers' ~~insurance and~~fund for retirement fund, and required for refunds made
28 under the provisions of the ~~Retail Sales Tax Act, and the State Income Tax Law, and~~
29 ~~the State Gasoline Tax Law, and the Estate and Succession Tax Laws~~sales and use
30 tax, income tax, motor vehicle and special fuels tax, and estate tax laws, and the
31 income of any state institution derived from permanent trust funds, and the funds

1 allocated under the law to the state highway department of transportation and the
2 various counties for the construction, reconstruction, and maintenance of public roads.

3 This constitutional amendment ~~shall~~does not be construed to apply to fees and
4 moneys received in connection with the licensing and organization of physicians and
5 surgeons, pharmacists, dentists, osteopaths, optometrists, embalmers, barbers,
6 lawyers, veterinarians, nurses, chiropractors, accountants, architects, hairdressers,
7 chiropodists, and other similarly organized, licensed trades and professions; ~~and this~~
8 ~~constitutional amendment shall not be construed to amend or repeal existing laws or~~
9 ~~Acts amendatory thereof concerning such fees and moneys.~~

10 2. No bills, claims, accounts, or demands against the state or any county or other political
11 subdivision ~~shall~~may be audited, allowed, or paid until a full itemized statement in
12 writing ~~shall be~~is filed with the officer or officers whose duty it ~~may be~~is to audit the
13 same, and then only upon warrant drawn upon the ~~treasurer~~custodian of ~~such~~the
14 funds by the proper officer or officers.

15 3. ~~This amendment shall become effective on July 1, 1939.~~

16 **SECTION 4. AMENDMENT.** Section 25 of article X of the Constitution of North Dakota is
17 amended and reenacted as follows:

18 **Section 25.** The veterans' postwar trust fund ~~shall be~~is a permanent trust fund of the state
19 of North Dakota and ~~shall consist~~consists of moneys transferred or credited to the fund as
20 authorized by legislative enactment. Investment of the fund ~~shall be~~is the responsibility of the
21 state treasurer ~~who shall have full authority to invest the fund only in the same manner as the~~
22 ~~state investment board is authorized to make investments.~~ All income received from investments
23 ~~is to~~must be utilized for programs ~~which must be~~ of benefit and service to veterans, who are
24 defined by legislative enactment, or their dependents, and such income is hereby appropriated
25 to the administrative committee on veterans' affairs on a continuing basis for expenditure upon
26 those programs selected at the discretion of the administrative committee on veterans' affairs.

27 **SECTION 5. AMENDMENT.** Section 26 of article X of the Constitution of North Dakota is
28 amended and reenacted as follows:

29 **Section 26.**

30 1. Thirty percent of total revenue derived from taxes on oil and gas production or
31 extraction ~~must be transferred by the state treasurer~~ to a special fund in the state

1 treasury known as the legacy fund. The legislative assembly may transfer funds from
2 any source into the legacy fund and such transfers become part of the principal of the
3 legacy fund.

4 2. ~~The principal and earnings of the legacy fund may not be expended until after~~
5 ~~June 30, 2017, and an~~An expenditure of principal after that date from the legacy fund
6 requires a vote of at least two-thirds of the members elected to each house of the
7 legislative assembly. Not more than fifteen percent of the principal of the legacy fund
8 may be expended during a biennium.

9 3. Statutory programs, in existence as a result of legislation enacted through 2009,
10 providing for impact grants, direct revenue allocations to political subdivisions, and
11 deposits in the oil and gas research fund must remain in effect but the legislative
12 assembly may adjust statutory allocations for those purposes.

13 4. The state investment board shall invest the principal of the North Dakota legacy fund.
14 ~~The state treasurer~~proper official as provided by law shall transfer earnings of the
15 North Dakota legacy fund ~~accruing after June 30, 2017,~~to the state general fund at the
16 end of each biennium.

17 **SECTION 6. EFFECTIVE DATE.** If approved by the voters, this measure becomes effective
18 January 1, 2021.