

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in force and effect from and after its ratification.

Ratified this the 10th day of February, 1943.

H. B. 45

CHAPTER 57

AN ACT TO AMEND THE CONSTITUTION TO MAKE THE COMMISSIONER OF AGRICULTURE AND THE COMMISSIONER OF LABOR CONSTITUTIONAL OFFICERS AND MEMBERS OF THE COUNCIL OF STATE.

The General Assembly of North Carolina do enact:

SECTION 1. Section one of Article three of the Constitution of North Carolina is hereby amended to read as follows: Proposed amendment to Sec. 1, Art. III, N. C. Constitution.

“SECTION 1. Officers of the executive department; terms of office. The executive department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: Provided, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.” Officers of the Executive Department.

SEC. 2. That Section thirteen of Article three of the Constitution of North Carolina is hereby amended to read as follows: Proposed amendment to Sec. 13, Art. III, N. C. Constitution.

“SEC. 13. Duties of other executive officers. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall Duties of other executive officers.

hold the office for the remainder of the unexpired term fixed in the first section of this article.”

Proposed amend-
ment to Sec. 14,
Art. III, N. C.
Constitution.

SEC. 3. That Section fourteen of Article three of the Constitution of North Carolina is hereby amended to read as follows:

Council
of State.

“SEC. 14. Council of State. The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall constitute, ex officio, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose, exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney General shall be, ex officio, the legal adviser of the executive department.”

Referendum
on proposed
amendments.

SEC. 4. Sections one, two and three of this Act shall be submitted at the next general election to the qualified voters in the State, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

Form of ballots
prescribed.

SEC. 5. The electors favoring the adoption of the amendments in Sections one, two and three of this Act shall vote ballots, on which shall be printed or written the words, “For making Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance constitutional officers and members of the Council of State,” and those opposed shall vote a ballot on which shall be written or printed the words, “Against making Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance constitutional officers and members of the Council of State.”

Conduct of
election.

SEC. 6. The election upon these amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of these amendments, it shall be the duty of the Governor of the State to certify these amendments under the Seal of the State to the Secretary of State, who shall enroll the said amendments so certified among the permanent records of his office, and the amendments so certified shall be in force, and every part thereof, from and after the date of such certification.

Certification
of amendments
upon favorable
vote.

Enrollment of
amendments.

SEC. 7. The persons elected to the offices of Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance in the general election to be held on the first Tuesday after the first Monday in November, one thousand nine hundred and forty-four, shall, in the event the amendments proposed in

If amendments
adopted, Com-
missioners of
Agriculture,
Labor and Insur-
ance elected in
1944 to be con-
stitutional
officers.

