

**FIRST ENGROSSMENT
with House Amendments**

Sixty-first
Legislative Assembly
of North Dakota

**ENGROSSED SENATE CONCURRENT
RESOLUTION NO. 4030**

Introduced by

Senators Triplett, Grindberg, Hogue, Potter

Representatives Glassheim, Hawken

1 A concurrent resolution to create and enact a new section to article X of the Constitution of
2 North Dakota, relating to establishment and use of a legacy fund; and to provide an effective
3 date.

4 **STATEMENT OF INTENT**

5 This measure establishes a legacy fund and imposes limitations on use of moneys in the fund.

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

8 That the following proposed new section to article X of the Constitution of North Dakota
9 is agreed to and must be submitted to the qualified electors of North Dakota at the general
10 election to be held in 2010, in accordance with section 16 of article IV of the Constitution of
11 North Dakota.

12 **SECTION 1.** A new section to article X of the Constitution of North Dakota is created
13 and enacted as follows:

14 The first twenty-five percent of all revenue derived from taxes on oil and gas production
15 or extraction must be transferred by the state treasurer to a special fund in the state treasury
16 known as the legacy fund. Earnings of the legacy fund may be appropriated by the legislative
17 assembly for support of elementary and secondary education and higher education, including
18 scholarships to institutions of higher education in North Dakota for graduates of North Dakota
19 high schools. The principal of the legacy fund may not be expended, except revenue derived
20 after December 31, 2040, may be expended if appropriated by a two-thirds vote of each house
21 of the legislative assembly. The state investment board shall invest the principal of the legacy
22 fund. The state treasurer shall transfer earnings of the legacy fund to the state general fund at
23 the end of each fiscal year.

24 **SECTION 2. EFFECTIVE DATE.** If approved by the voters, this measure becomes
25 effective on July 1, 2011.

1 **SECTION 3. LEGISLATIVE INTENT.** This section is adopted as a statement of intent
2 and the secretary of state shall exclude this section when sections 1 and 2 of this measure are
3 submitted to the qualified electors of North Dakota at the general election to be held in 2010. It
4 is the intent of the Sixty-first Legislative Assembly that if sections 1 and 2 of this measure are
5 approved by the qualified electors of North Dakota, the Sixty-second Legislative Assembly shall
6 develop and enact legislation necessary to avoid any reduction in the relative shares of oil and
7 gas production and extraction tax revenues which existed at the time of the 2010 general
8 election for impact grants, political subdivisions, the oil and gas research fund, water
9 development bond principal and interest payments and the resources trust fund, the common
10 schools trust fund, and the foundation aid stabilization fund.