

Sixty-first  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE CONCURRENT  
RESOLUTION NO. 4038**

Introduced by

Senators Andrist, Grindberg, Kilzer, Triplett

Representatives Monson, Rust

(Approved by the Delayed Bills Committee)

1 A concurrent resolution to create and enact a new section to article X of the Constitution of  
2 North Dakota, relating to the creation of a public health investment trust fund.

3 **STATEMENT OF INTENT**

4 This measure provides for the creation of a public health investment trust fund that is to be  
5 used for the funding of tobacco prevention and cessation efforts and other public health  
6 programs.

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

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

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

15 The public health investment trust fund is created in the state treasury. The fund  
16 consists of the tobacco settlement dollars obtained by the state after June 30, 2011, under  
17 section IX(c)(2) of the agreement adopted by the east central judicial district court in its  
18 judgment entered December 28, 1998 [Civil No. 98-3778]. On July 1, 2011, the state treasurer  
19 shall transfer to the public health investment trust fund all tobacco settlement dollars obtained  
20 by the state under section IX(c)(2) of the agreement before July 1, 2011, which are  
21 unexpended and unobligated on July 1, 2011. Earnings on the fund must be credited to the  
22 fund and deposited in the fund. The legislative assembly shall appropriate the earnings on the  
23 fund for distribution to public health units for the purpose of providing funds for tobacco  
24 prevention and cessation efforts and other public health programs. The principal of the public  
25 health investment trust fund may not be expended before January 1, 2020, and then only for

Sixty-first  
Legislative Assembly

- 1 public health programs and only upon a two-thirds vote of the members elected to each house
- 2 of the legislative assembly.