

Sixty-eighth
Legislative Assembly
of North Dakota

**ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3033**

Introduced by

Representatives Mock, Hagert, Ista, Kempenich, Kreidt, Schatz

Senators Cleary, Meyer

1 A concurrent resolution to amend and reenact section 26 of article X of the Constitution of North
2 Dakota, relating to the transfer of earnings from the legacy fund.

3 **STATEMENT OF INTENT**

4 This measure would require the legislative assembly to approve a transfer of earnings from the
5 legacy fund each biennium and would define the earnings based on a percent of the value of
6 the fund.

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

9 That the following proposed amendment to section 26 of article X of the Constitution of
10 North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the
11 general election held in 2024, in accordance with section 16 of article IV of the Constitution of
12 North Dakota.

13 **SECTION 1. AMENDMENT.** Section 26 of article X of the Constitution of North Dakota is
14 amended and reenacted as follows:

15 **Section 26.**

- 16 1. Thirty percent of total revenue derived from taxes on oil and gas production or
17 extraction must be transferred by the state treasurer to a special fund in the state
18 treasury known as the legacy fund. The legislative assembly may transfer funds from
19 any source into the legacy fund and such transfers become part of the principal of the
20 legacy fund.
- 21 2. The principal and earnings of the legacy fund may ~~not~~ be expended ~~until after~~
22 ~~June 30, 2017, and an~~ but an expenditure of principal ~~after that date~~ requires a vote of
23 at least two-thirds of the members elected to each house of the legislative assembly.
24 Not more than fifteen percent of the principal of the legacy fund may be expended
25 during a biennium.

- 1 3. Statutory programs, in existence as a result of legislation enacted through 2009,
2 providing for impact grants, direct revenue allocations to political subdivisions, and
3 deposits in the oil and gas research fund must remain in effect but the legislative
4 assembly may adjust statutory allocations for those purposes.
- 5 ~~4.~~ The state investment board shall invest the principal of the ~~North Dakota~~ legacy fund.
6 ~~The~~
- 7 5. On July first of each odd-numbered year, the state treasurer shall transfer seventy
8 percent of the earnings of the North Dakota from the legacy fund accruing after
9 June 30, 2017, to the state general fund at the end of each biennium to a legacy
10 earnings fund subject to approval by the legislative assembly each biennium. Any
11 earnings not transferred from the legacy fund become part of the principal of the
12 legacy fund.
- 13 6. For purposes of this section, "earnings" means up to eight percent of the five-year
14 average value of legacy fund assets as reported by the state investment board using
15 the value of legacy fund assets at the end of each fiscal year for the five-year period
16 ending with the most recently completed even-numbered fiscal year.