

CONSTITUTIONAL AMENDMENTS APPROVED

CHAPTER 640

SENATE CONCURRENT RESOLUTION NO. 4014

(Senators Freborg, Keller, Lips)
(Representatives Gates, Mahoney, Tollefson)

COAL TRUST FUND EXPENDITURES

Senate Concurrent Resolution No. 4014, Chapter 662, 1993 Session Laws, proposed by the Fifty-third Legislative Assembly of the State of North Dakota, for the amendment of section 21 of article X of the Constitution of North Dakota, relating to expenditures from the permanent coal trust fund for clean coal demonstration projects.

STATEMENT OF INTENT

This amendment provides that funds may be expended from the permanent coal trust fund for clean coal demonstration projects approved by the industrial commission.

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

That the following proposed amendment to section 21 of article X of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 1994, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 21 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 21. Not less than fifteen percent of the tax imposed for severing coal shall be placed into a permanent trust fund in the state treasury to be held in trust and administered by the board of university and school lands, which shall have full authority to invest said trust funds as provided by law, and may loan moneys from the fund to political subdivisions as provided by law. The interest earned on the moneys in said trust fund shall be used first to replace uncollectable loans made from the fund, and the balance shall be credited to the general fund of the state. Up to fifty percent of the taxes collected and deposited in the permanent trust fund during a biennium may be appropriated by the legislative assembly for lignite

research, development, and marketing as provided by law. An additional twenty percent of the taxes collected and deposited in the permanent trust fund during a biennium may be appropriated by the legislative assembly for clean coal demonstration projects approved by the industrial commission.

Approved June 14, 1994

74,671 to 46,903

NOTE: This was measure No. 1 on the primary election ballot.

CHAPTER 641

SENATE CONCURRENT RESOLUTION NO. 4011

(Senators Yockim, Freborg, Redlin)
(Representatives Soukup, Tollefson, Kaldor)

OIL EXTRACTION TAX REVENUES

Senate Concurrent Resolution No. 4011, Chapter 663, 1993 Session Laws, proposed by the Fifty-third Legislative Assembly of the State of North Dakota, to create and enact a new section to article X of the Constitution of North Dakota, relating to deposit of certain oil extraction tax revenues in the common schools trust fund and the foundation aid stabilization fund and providing for use of the principal and income of the foundation aid stabilization fund; and to provide an effective date.

STATEMENT OF INTENT

This measure requires a portion of oil extraction tax revenues to be deposited in the common schools trust fund and an equal portion to be deposited in the foundation aid stabilization fund, with income of the foundation aid stabilization fund to be transferred to the state general fund. Beginning July 1, 1995, the amount of extraction tax revenue deposited in the two funds pursuant to this measure would equal twenty percent of the extraction tax revenue from taxable oil produced in the state.

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

That the following proposed new section to article X of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 1994, in accordance with section 16 of article IV of the Constitution of North Dakota.

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

Twenty percent of the revenue from oil extraction taxes from taxable oil produced in this state must be allocated as follows:

1. Fifty percent must be deposited in the common schools trust fund.
2. Fifty percent must be deposited in the foundation aid stabilization fund in the state treasury, the interest income of which must be transferred to the state general fund on July first of each year. The principal of the foundation aid stabilization fund may be expended only upon order of the governor, who may direct such a transfer only to offset foundation aid reductions that were made by executive action pursuant to law due to a revenue shortage.

SECTION 2. EFFECTIVE DATE. If approved by the electors, this measure is effective for tax revenue from oil and gas produced after June 30, 1995.

Approved November 8, 1994

159,034 to 53,614

NOTE: This was measure No. 1 on the general election ballot.

CHAPTER 642

HOUSE CONCURRENT RESOLUTION NO. 3014

(Representatives Poolman, Austin, R. Berg)
 (Senators W. Stenehjem, Nalewaja, DeMers)

BOARD OF HIGHER EDUCATION

House Concurrent Resolution No. 3014, Chapter 664, 1993 Session Laws, proposed by the Fifty-third Legislative Assembly of the State of North Dakota, for the amendment of subsections 2 and 4 of section 6 of article VIII of the Constitution of North Dakota, relating to the appointment of a student member to the state board of higher education.

STATEMENT OF INTENT

This amendment provides for the gubernatorial appointment of a student member to the state board of higher education and provides that the new member's term begins on July 1, 1995.

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

That the following proposed amendment to subsections 2 and 4 of section 6 of article VIII of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 1994, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Subsections 2 and 4 of section 6 of article VIII of the Constitution of North Dakota are amended and reenacted as follows:

2. a. The state board of higher education ~~shall consist~~ consists of ~~seven~~ eight members; ~~all of whom shall be.~~ The governor shall appoint seven members who are qualified electors and taxpayers of the state, and who shall have resided in this state for not less than five years immediately preceding their appointment, to be appointed by the governor, by and with the consent of appointments. These seven appointments are subject to confirmation by the senate; from a list of names selected as hereinafter provided.

~~There shall not be on said~~ The governor shall appoint as the eighth member of the board a full-time resident student in good academic standing at an institution under the jurisdiction of the state board. Except for the student member, no more than one graduate of any one of the institutions institution under the jurisdiction of the state board of higher education may serve on the board at any one time. No Except for the student member, no person employed by any institution under the control of the board shall serve as a member of the board; nor shall any and no employee of any such institution may be eligible for membership on the state board of higher education for a period of two years following the termination of his employment.

~~On or before the first day of February, 1939, the~~ The governor shall nominate from a list of three names for each position, selected by the unanimous action of the president of the North Dakota educational association, the chief justice of the supreme court, and the superintendent of public instruction, and, with the consent of a majority of the members-elect of the senate, shall appoint from ~~such the list as such to the~~ the state board of higher education seven members; ~~whose terms shall commence on the first day of July, 1939, one of which terms shall expire on the thirtieth day of June, 1940, and one on the thirtieth day of June in each of the years 1941, 1942, 1943, 1944, 1945, and 1946.~~ The term of office of members appointed to fill vacancies at the expiration of said terms shall be for seven years, and in the case of vacancies otherwise arising, appointments shall be made only for the balance of the term of the members whose places are to be filled.

- b. In the event any nomination made by the governor is not consented to and confirmed by the senate ~~as hereinbefore provided,~~ the governor shall again nominate a candidate ~~for such office,~~ selected from a new list; ~~prepared in the manner hereinbefore provided, which.~~ The nomination shall be submitted to the senate for confirmation; and ~~said the proceedings shall be continued continue~~ until ~~such appointments have an appointee has~~ been confirmed by the senate; or the session of the legislature ~~shall have has~~ adjourned.
- c. ~~When any~~ If a term expires or a vacancy occurs when the legislature is not in session, the governor may appoint from a list selected as ~~hereinbefore~~ provided, a member who shall serve until the opening of the next session of the legislature, at which time ~~his~~ the appointment ~~shall must~~ be certified to the senate for confirmation; ~~as above provided; and if the appointment be.~~ If the appointee is not confirmed by the thirtieth legislative day of ~~such the session, his the~~ office shall be deemed vacant and the governor shall nominate ~~from a list selected as hereinbefore provided,~~ another candidate for ~~such the office and the.~~ The same proceedings shall be followed as are ~~above set forth; provided further, that when in this section.~~ above set forth; provided further, that when in this section. If the legislature ~~shall be is~~ in session at any time within six months prior to the date of the expiration of the term of any member, the governor shall nominate ~~his a~~ successor from a list selected as above set forth, within the first thirty days of ~~such the~~ session; and upon confirmation by the senate ~~such the~~ successor shall take office at the expiration of the ~~incumbent's term of the incumbent.~~ incumbent's term of the incumbent. No person who has been nominated and whose nomination the senate has failed to confirm; ~~shall be is~~ eligible for an interim appointment. On or before July first of each year, beginning in 1995, the governor shall appoint a student member from a list of names recommended by the executive board of the North Dakota student association for a term of one year, beginning on July first. A student member may not serve more than two consecutive terms.

4. Each appointive member of the state board of higher education, except the student member, shall receive ~~such~~ compensation ~~as may be determined~~ set by the legislative assembly for the time actually spent devoted to the duties of ~~his~~ the member's office; ~~and, in addition,~~ All members shall receive ~~his~~ necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of ~~his~~ their office.

Approved November 8, 1994

141,831 to 73,285

NOTE: This was measure No. 2 on the general election ballot.