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Sixty-third  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO. 3003**

Introduced by

Representatives Delzer, Monson, Streyle

Senators Lyson, Schaible

1 A concurrent resolution to create and enact two new sections to article X of the Constitution of  
2 North Dakota, relating to the foundation aid stabilization fund and the public employees  
3 retirement stabilization fund; and to amend and reenact section 24 of article X of the  
4 Constitution of North Dakota, relating to the foundation aid stabilization fund.

5 **STATEMENT OF INTENT**

6 This measure limits the growth of the foundation aid stabilization fund and directs that excess  
7 revenues be transferred to the public employees retirement stabilization fund.

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

10 That the following proposed two new sections to article X and the amendment to section 24  
11 of article X of the Constitution of North Dakota are agreed to and must be submitted to the  
12 qualified electors of North Dakota at the general election to be held in 2014, in accordance with  
13 section 16 of article IV of the Constitution of North Dakota.

14 **SECTION 1. AMENDMENT.** Section 24 of article X of the Constitution of North Dakota is  
15 amended and reenacted as follows:

16 **Section 24.** Twenty percent of the revenue from oil extraction taxes from taxable oil  
17 produced in this state must be allocated as follows:

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

1       **SECTION 2.** A new section to article X of the Constitution of North Dakota is created and  
2 enacted as follows:

- 3       1. The balance of moneys in the foundation aid stabilization fund may not exceed one  
4       hundred fifty million dollars.
- 5       2. Whenever the balance of moneys in the foundation aid stabilization fund reaches one  
6       hundred fifty million dollars, any excess moneys must be transferred to the public  
7       employees retirement stabilization fund and no additional moneys may be deposited in  
8       the foundation aid stabilization fund until the balance in the foundation aid stabilization  
9       fund falls below one hundred million dollars.
- 10      3. If the balance of moneys in the foundation aid stabilization fund falls below one  
11      hundred million dollars, the deposits required by section 24 of article X, together with  
12      any interest and income, must be retained in the foundation aid stabilization fund until  
13      the balance is again one hundred fifty million dollars.
- 14      4. Moneys in the foundation aid stabilization fund may be expended only by the governor  
15      and only for the purpose of offsetting reductions in state aid to elementary and  
16      secondary education which were made by executive action pursuant to law due to a  
17      revenue shortage.

18      **SECTION 3.** A new section to article X of the Constitution of North Dakota is created and  
19 enacted as follows:

- 20      1. The balance of moneys in the public employees retirement stabilization fund may not  
21      exceed four hundred fifty million dollars.
- 22      2. Whenever the balance of moneys in the public employees retirement stabilization fund  
23      reaches four hundred fifty million dollars, any excess moneys must be transferred to  
24      the state general fund and used first to provide state aid to elementary and secondary  
25      education.
- 26      2. Moneys in the public employees retirement stabilization fund may be expended by the  
27      legislative assembly only for the purpose of addressing any unfunded retirement  
28      benefit obligations payable by the state to members of the public employees  
29      retirement system.