

FULL TEXT OF THE MEASURE

IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF MATERIAL IS NOT UNDERSCORED OR OVERSTRUCK, THE MATERIAL IS EXISTING LAW THAT IS NOT BEING CHANGED.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

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

1. The people of North Dakota create the clean water, wildlife, and parks trust to protect our clean water, wildlife and parks for the benefit of people as provided herein.
2. There is created a clean water, wildlife, and parks fund that shall be used for grants to state agencies, tribal governments, local governments, political subdivisions, and nonprofit organizations for the following purposes:
 - a. Protect, improve, maintain, or restore water quality through the restoration and protection of rivers, streams, lakes or other surface waters, groundwater, wetlands, grasslands, prairies, or forests;
 - b. Improve natural flood control through the restoration or protection of natural areas along rivers, streams, lakes or other surface waters, groundwater, wetlands, grasslands, prairies, and forests;
 - c. Protect, restore, or create wildlife and fish habitat through voluntary programs on private lands, including working farms and ranches, and public lands through grassland, prairie, wetland, stream, lake, and forest restoration, creation, and protection;
 - d. Conserve or acquire natural areas, parks, and other recreation areas or provide access for hunting and fishing; or
 - e. Create more opportunities and places for children to learn about and enjoy nature and the outdoors.
3. There is created a clean water, wildlife and parks commission that shall be comprised of the governor, attorney general and agriculture commissioner. The commission shall govern the fund in accord with this section. Any money deposited in the clean water, wildlife, and parks fund is hereby appropriated to the commission on a continuing basis for expenditure upon those programs selected by the commission as provided in this section. The commission shall keep accurate records of all financial transactions performed under this section.
4. The commission may employ staff and enter into public and private contracts as may be necessary to operate the fund. The salaries of employees and other expenditures for the operation of the fund must be paid out of the fund. No more than three percent of the funds available in a given year may be paid out of the fund to operate the fund.
5. The commission must allocate no less than seventy-five percent nor more than ninety percent of the revenue deposited in the fund on an annual basis. Ten percent of earnings of the fund shall be reserved and transferred on an annual basis to the trust established in this section.
6. The commission may not use the fund, in any manner, to finance:
 - a. Litigation;
 - b. Lobbying activities;
 - c. Activities that would unduly interfere, disrupt, or prevent the development of mineral rights;
 - d. Projects outside this state or projects that are beyond the scope of defined activities that fulfill the purposes of this section;
 - e. More than fifty percent of grant awards per biennium for any one stated purpose;
 - f. The acquisition of land through condemnation or the use of eminent domain; or
 - g. Compliance with legal mitigation requirements of any local, state, or federal permit or grant.

7. The principal and earnings of the trust may not be expended until after January 1, 2019, and an expenditure of principal after that date requires a vote of at least two-thirds of the members elected to each house of the legislative assembly. The state investment board shall invest the principal of the trust. The state treasurer shall transfer earnings of the trust accruing after January 1, 2019, to the fund established in this section at the end of each fiscal year.
8. Each regular legislative session, the commission must file a report to the citizens of the state at a public hearing before each house of the legislative assembly. The report must include a state auditor's report on the clean water, wildlife, and parks trust and clean water, wildlife, and parks fund for the previous two fiscal years.
9. There is created a citizen accountability board consisting of thirteen members. The board shall provide grant recommendations to the commission in accord with the purposes stated in this section. The board members must be qualified electors of the state and shall be appointed as follows:
- a. Four citizen members appointed by the governor, upon the recommendation of the director of the game and fish department;
 - b. Two citizen members appointed by the governor, upon the recommendation of the director of the parks and recreation department;
 - c. One citizen member appointed by the governor, upon the recommendation of the indian affairs commission;
 - d. Two members of the state senate, appointed by the president pro tempore, with equal representation from the two largest political parties in the senate;
 - e. Two members of the house of representatives, appointed by the speaker, with equal representation from the two largest political parties in the house;
 - f. One energy industry representative to be appointed by the public service commission; and
 - g. One farmer or rancher to be appointed by the agriculture commissioner.
10. The terms of members of the citizen accountability board will be three years, except the terms of the initial board will vary and be drawn by lot to ensure that no more than five members be subsequently appointed each year. Board members may not serve more than three terms. The board shall select a chairman from among the members. Nine voting members is a quorum at any meeting.
11. In making appointments to the citizen accountability board, consideration shall be given to the practical experience and demonstrated knowledge in one or more of the following areas:
- a. Science, policy, or practice of natural resources, conservation, or tribal lands;
 - b. Restoring, protecting, and enhancing groundwater or wetlands;
 - c. Conservation practices, including professional or volunteer work restoring and protecting working agricultural lands, wetlands, prairies, forests, and habitat for fish, game, and wildlife; or
 - d. The maintenance and management of public parks and recreation areas.
12. This constitutional provision shall be self-executing and shall become effective without the necessity of legislative action.
13. The initial members of the citizen accountability board shall be appointed within ninety days after the effective date of this section. Grant applications shall be considered within three hundred sixty-five days of the effective date of this section and grant applications shall be considered at least annually thereafter.
14. The state treasurer shall reserve five percent of the state's share of total revenue derived from oil extraction taxes for the purposes described in this section. Ten percent of the funds so reserved shall be transferred by the state treasurer into the clean water, wildlife, and parks trust within thirty days after the end of each calendar quarter. Ninety percent of the funds so reserved shall be transferred by the state treasurer into the clean water, wildlife, and parks fund within thirty days after the end of each calendar quarter.
15. Upon voter approval of this measure, the provisions of subsections 13 through 15 herein shall be authorized and continue until the next general election held after twenty-five years from the effective date of this section. In that general election, the secretary of state shall place a question, for approval or rejection by the people, of whether the funds reserved as provided in subsection 14 shall continue. The question presented shall include a report from state investment board indicating the then-existing balance of the clean water, wildlife, and parks trust and the annual estimated earnings to be provided to the clean water, wildlife, and parks fund. At the next statewide general election held twenty-five years after a reauthorization under this section, the issue of whether the reservation of funds described in subsection 14 herein shall be resubmitted to the voters for approval or rejection, accompanied by the report as directed herein. If a majority of the voters fail to approve the continued reservation of funds, subsections 13, 14, and 15 herein shall terminate on the first day of the calendar quarter following the date it is rejected by the voters.

SECTION 2. EFFECTIVE DATE. If approved by the voters, this measure becomes effective for oil produced on or after January 1, 2015, or the first day of the first calendar quarter beginning after the date it is approved by the voters, whichever occurs later.