

CHAPTER 618

INVESTMENT OF INSTITUTIONAL TRUST FUNDS

Senate Concurrent Resolution No. 62, chapter 594, 1969 Session Laws, proposed by the Forty-first Legislative Assembly of the State of North Dakota, providing for the amendment of section 153 of the Constitution of the State of North Dakota, relating to lands granted by the United States for the support of the common schools of this State; to amend section 156 of the Constitution of the State of North Dakota, relating to the membership and powers of the Board of University and School Lands; to repeal section 159 of the Constitution of the State of North Dakota, relating to the disposition of land, money, or property granted by the United States for certain named educational or charitable institutions; and to repeal section 162 of the Constitution of the State of North Dakota, relating to investment of monies in the permanent school funds and other educational permanent funds; all to read as follows:

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

SECTION 1. AMENDMENT.) Section 153 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

Section 153. All proceeds of the public lands that have heretofore been, or may hereafter be granted by the United States for the support of the common schools in this state; all such per centum as may be granted by the United States on the sale of public lands; the proceeds of property that shall fall to the state by escheat; all gifts, donations, or the proceeds thereof that come to the state for support of the common schools, or not otherwise appropriated by the terms of the gift, and all other property otherwise acquired for common schools, shall be and remain a perpetual trust fund for the maintenance of the common schools of the state. Only the interest and income of the fund may be expended and the principal shall be retained and devoted to the trust purpose. All property, real or personal, received by the state from whatever source, for any specific educational or charitable institution, unless otherwise designated by the donor, shall be and remain a perpetual trust fund for the creation and maintenance of such institution, and may be commingled only with similar funds for the same institution. Should a gift be made to an institution for a specific purpose, without designating a trustee, such gift may be placed in the institution's fund; provided that such a donation may be expended as the terms of the gift provide.

The interest and income of each institutional trust fund held by the state shall, unless otherwise specified by the donor, be appropriated by the legislative assembly to the exclusive use of the institution for which the funds were given.

SECTION 2. AMENDMENT.) Section 156 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

Section 156. The superintendent of public instruction, governor, attorney general, secretary of state and state auditor shall constitute a board of commissioners, which shall be denominated the "Board of University and School Lands," and, subject to the provisions of this article and any law that may be passed by the legislative assembly, said board shall have control of the appraisement, sale, rental, and disposal of all school and university lands, and the proceeds from the sale of such lands shall be invested as provided by law.

SECTION 3. REPEAL.) Sections 159 and 162 of the North Dakota State Constitution are hereby repealed.

Approved September 1, 1970.

48,552 to 43,435

NOTE: This was constitutional measure No. 3 on the primary election ballot.