

**ANALYSIS OF THE  
STATEWIDE MEASURES  
APPEARING ON THE  
GENERAL ELECTION BALLOT  
NOVEMBER 2, 2010**

The following analyses are for the two measures appearing on the statewide General Election ballot on November 2, 2010. This publication is required by section 16.1-01-07 of the North Dakota Century Code to enable voters to become familiar with the effect of proposed measures. The full text of each measure is available on the Secretary of State's website at [www.nd.gov/sos](http://www.nd.gov/sos) or by requesting a copy from the Elections Division, Secretary of State's office at (800) 352-0867, ext. 8-4146, or from the office of any County Auditor.

In addition, as required by section 16.1-01-17 of the North Dakota Century Code, a copy of the Legislative Council's report on the estimated fiscal impact of Measure No. 2 is available on the Secretary of State's website at [www.nd.gov/sos](http://www.nd.gov/sos), by calling (800) 352-0867, ext. 8-4146, or by writing to Secretary of State, 600 E Boulevard Avenue Dept 108, Bismarck ND 58505-0500.

**Analysis of Constitutional Measure  
No. 1**

Constitutional Measure No. 1 was placed on the ballot by action of the 2009 North Dakota Legislative Assembly with the passage of House Concurrent Resolution No. 3054 (2009 Session Laws, Ch. 641). If approved, it would add a new section to article X of the North Dakota Constitution. The full text of the measure is as follows:

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

1. Thirty percent of total revenue derived from taxes on oil and gas production or extraction must be transferred by the state treasurer to a special fund in the state treasury known as the legacy fund. The legislative assembly may transfer funds from any source into the legacy fund and such transfers become part of the principal of the legacy fund.

2. The principal and earnings of the legacy fund may not be expended until after June 30, 2017, 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. Not more than fifteen percent of the principal of the legacy fund may be expended during a biennium.

3. Statutory programs, in existence as a result of legislation enacted through 2009, providing for impact grants, direct revenue allocations to political subdivisions, and deposits in the oil and gas research fund must remain in effect but the legislative assembly may adjust statutory allocations for those purposes.

The state investment board shall invest the principal of the North Dakota legacy fund. The state treasurer shall transfer earnings of the North Dakota legacy fund accruing after June 30, 2017, to the state general fund at the end of each biennium.

SECTION 2. EFFECTIVE DATE. If approved by the voters, this measure becomes effective for oil and gas produced after June 30, 2011."

Voting "YES" means you approve the measure as stated above.

Voting "NO" means you reject the measure as stated above.

**Analysis of Initiated Statutory  
Measure No. 2**

Statutory Measure No. 2 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, it would add a new section to chapter 36-01 of the North Dakota Century Code. The full text of the measure is as follows:

"SECTION 1. A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:

Fee killing of certain captive game animals prohibited — Penalty — Exception. A person is guilty of a class A misdemeanor if the person obtains fees or other remuneration from another person for the killing or attempted killing of privately-owned big game species or exotic mammals confined in or released from any man-made enclosure designed to prevent escape. This section does not apply to the actions of a government employee or agent to control an animal population, to prevent or control

diseases, or when government action is otherwise required or authorized by law.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on November 1, 2012."

Voting "YES" means you approve the measure as stated above.

Voting "NO" means you reject the measure as stated above.