

110TH CONGRESS  
1ST SESSION

# S. 1740

To amend the Act of February 22, 1889, and the Act of July 2, 1862, to provide for the management of public land trust funds in the State of North Dakota.

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## IN THE SENATE OF THE UNITED STATES

JUNE 28, 2007

Mr. CONRAD (for himself and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Act of February 22, 1889, and the Act of July 2, 1862, to provide for the management of public land trust funds in the State of North Dakota.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Dakota Ena-  
5 bling Act and First Morrill Act Amendments Act of  
6 2007”.

1 **SEC. 2. MANAGEMENT AND DISTRIBUTION OF NORTH DA-**  
 2 **KOTA TRUST FUNDS.**

3 The Act of February 22, 1889 (25 Stat. 676, chapter  
 4 180), is amended by adding at the end the following:

5 **“SEC. 26. NORTH DAKOTA TRUST FUNDS.**

6 “(a) DISPOSITION.—Notwithstanding section 11, the  
 7 State of North Dakota shall, with respect to any trust  
 8 fund in which proceeds from the sale of public land are  
 9 deposited under this Act (referred to in this section as the  
 10 ‘trust fund’)—

11 “(1) deposit all revenues earned by a trust fund  
 12 into the trust fund;

13 “(2) deduct the costs of administering a trust  
 14 fund from each trust fund; and

15 “(3) manage each trust fund to—

16 “(A) preserve the purchasing power of the  
 17 trust fund; and

18 “(B) maintain stable distributions to trust  
 19 fund beneficiaries.

20 “(b) DISTRIBUTIONS.—Notwithstanding section 11,  
 21 any distributions from trust funds in the State of North  
 22 Dakota shall be made in accordance with section 2 of arti-  
 23 cle IX of the Constitution of the State of North Dakota.

24 “(c) MANAGEMENT OF PROCEEDS.—Notwith-  
 25 standing section 13, the State of North Dakota shall man-

1 age the proceeds referred to in that section in accordance  
2 with subsections (a) and (b).

3 “(d) MANAGEMENT OF LAND AND PROCEEDS.—Not-  
4 withstanding sections 14 and 16, the State of North Da-  
5 kota shall manage the land granted under that section,  
6 including any proceeds from the land, and make distribu-  
7 tions in accordance with subsections (a) and (b).”.

8 **SEC. 3. MANAGEMENT AND DISTRIBUTION OF MORRILL**  
9 **ACT GRANTS.**

10 The Act of July 2, 1862 (commonly known as the  
11 “First Morrill Act”) (7 U.S.C. 301 et seq.), is amended  
12 by adding at the end the following:

13 **“SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.**

14 “(a) EXPENSES.—Notwithstanding section 3, the  
15 State of North Dakota shall manage the land granted to  
16 the State under the first section, including any proceeds  
17 from the land, in accordance with this section.

18 “(b) DISPOSITION OF PROCEEDS.—Notwithstanding  
19 section 4, the State of North Dakota shall, with respect  
20 to any trust fund in which proceeds from the sale of land  
21 under this Act are deposited (referred to in this section  
22 as the ‘trust fund’)—

23 “(1) deposit all revenues earned by a trust fund  
24 into the trust fund;

1           “(2) deduct the costs of administering a trust  
2 fund from each trust fund; and

3           “(3) manage each trust fund to—

4                   “(A) preserve the purchasing power of the  
5 trust fund; and

6                   “(B) maintain stable distributions to trust  
7 fund beneficiaries.

8           “(c) DISTRIBUTIONS.—Notwithstanding section 4,  
9 any distributions from trust funds in the State of North  
10 Dakota shall be made in accordance with section 2 of arti-  
11 cle IX of the Constitution of the State of North Dakota.

12           “(d) MANAGEMENT.—Notwithstanding section 5, the  
13 State of North Dakota shall manage the land granted  
14 under the first section, including any proceeds from the  
15 land, in accordance with this section.”.

16 **SEC. 4. CONSENT OF CONGRESS.**

17           Effective July 1, 2009, Congress consents to the  
18 amendments to the Constitution of North Dakota pro-  
19 posed by House Concurrent Resolution No. 3037 of the  
20 59th Legislature of the State of North Dakota entitled  
21 “A concurrent resolution for the amendment of sections  
22 1 and 2 of article IX of the Constitution of North Dakota,  
23 relating to distributions from and the management of the  
24 common schools trust fund and the trust funds of other  
25 educational or charitable institutions; and to provide a

1 contingent effective date” and approved by the voters of  
2 the State of North Dakota on November 7, 2006.

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