

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative J. Kelsh

1 A BILL for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century
2 Code, relating to the share of sales, gross receipts, use, and motor vehicle excise tax
3 collections allocated to the state aid distribution fund; and to provide an effective date; and to
4 provide an expiration date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 57-39.2-26.1 of the North Dakota Century Code
7 is amended and reenacted as follows:

8 **57-39.2-26.1. Allocation of revenues among political subdivisions.**

9 Notwithstanding any other provision of law, a portion of sales, gross receipts, use, and motor
10 vehicle excise tax collections, equal to forty percent of an amount determined by multiplying the
11 quotient of one percent divided by the general sales tax rate, that was in effect when the taxes
12 were collected, times the net sales, gross receipts, use, and motor vehicle excise tax collections
13 under chapters 57-39.2, 57-39.5, 57-39.6, 57-40.2, and 57-40.3 must be deposited by the state
14 treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state
15 treasurer the portion of sales, gross receipts, use, and motor vehicle excise tax net revenues
16 that must be deposited in the state aid distribution fund as determined under this section.
17 Revenues deposited in the state aid distribution fund are provided as a standing and continuing
18 appropriation and must be allocated as follows:

- 19 1. Fifty-three and seven-tenths percent of the revenues must be allocated to counties
20 in the first month after each quarterly period as provided in this subsection.
21 a. Sixty-four percent of the amount must be allocated among the seventeen
22 counties with the greatest population, in the following manner:
23 (1) Thirty-two percent of the amount must be allocated equally among the
24 counties; and

(2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.

b. Thirty-six percent of the amount must be allocated among all counties, excluding the seventeen counties with the greatest population, in the following manner:

(1) Forty percent of the amount must be allocated equally among the counties; and

(2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.

A county shall deposit all revenues received under this subsection in the county general fund. Each county shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, townships, rural fire protection districts, rural ambulance districts, soil conservation districts, county recreation service districts, county hospital districts, the Garrison Diversion Conservancy District, the southwest water authority, and other taxing districts within the county, excluding school districts, cities, and taxing districts within cities. The share of the county allocation under this subsection to be distributed to a township must be equal to the percentage of the county share of state aid distribution fund allocations that township received during calendar year 1996. The governing boards of the county and township may agree to a different distribution.

2. Forty-six and three-tenths percent of the revenues must be allocated to cities in the first month after each quarterly period as provided in this subsection.

a. Nineteen and four-tenths percent of the amount must be allocated among cities with a population of eighty thousand or more, based upon the proportion each city's population bears to the total population of all such cities.

b. Thirty-four and five-tenths percent of the amount must be allocated among cities with a population of twenty thousand or more but fewer than eighty thousand, based upon the proportion each such city's population bears to the total population of all such cities.

- 1 c. Sixteen percent of the amount must be allocated among cities with a
2 population of ten thousand or more but fewer than twenty thousand, based
3 upon the proportion each such city's population bears to the total population
4 of all such cities.
- 5 d. Four and nine-tenths percent of the amount must be allocated among cities
6 with a population of five thousand or more but fewer than ten thousand, based
7 upon the proportion each such city's population bears to the total population
8 of all such cities.
- 9 e. Thirteen and one-tenth percent of the amount must be allocated among cities
10 with a population of one thousand or more but fewer than five thousand,
11 based upon the proportion each such city's population bears to the total
12 population of all such cities.
- 13 f. Six and one-tenth percent of the amount must be allocated among cities with
14 a population of five hundred or more but fewer than one thousand, based
15 upon the proportion each such city's population bears to the total population
16 of all such cities.
- 17 g. Three and four-tenths percent of the amount must be allocated among cities
18 with a population of two hundred or more but fewer than five hundred, based
19 upon the proportion each such city's population bears to the total population
20 of all such cities.
- 21 h. Two and six-tenths percent of the amount must be allocated among cities with
22 a population of fewer than two hundred, based upon the proportion each such
23 city's population bears to the total population of all such cities.

24 A city shall deposit all revenues received under this subsection in the city general
25 fund. Each city shall reserve a portion of its allocation under this subsection for
26 further distribution to, or expenditure on behalf of, park districts and other taxing
27 districts within the city, excluding school districts. The share of the city allocation
28 under this subsection to be distributed to a park district must be equal to the
29 percentage of the city share of state aid distribution fund allocations that park
30 district received during calendar year 1996, up to a maximum of thirty percent. The
31 governing boards of the city and park district may agree to a different distribution.

SECTION 2. AMENDMENT. Section 57-39.2-26.1 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26.1. Allocation of revenues among political subdivisions.

Notwithstanding any other provision of law, a portion of sales, gross receipts, use, and motor vehicle excise tax collections, equal to forty percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate, that was in effect when the taxes were collected, times the net sales, gross receipts, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-39.5, 57-39.6, 57-40.2, and 57-40.3 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, gross receipts, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section.

Revenues deposited in the state aid distribution fund are provided as a standing and continuing appropriation and must be allocated as follows:

1. Fifty-three and seven-tenths percent of the revenues must be allocated to counties in the first month after each quarterly period as provided in this subsection.
 - a. Sixty-four percent of the amount must be allocated among the seventeen counties with the greatest population, in the following manner:
 - (1) Thirty-two percent of the amount must be allocated equally among the counties; and
 - (2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.
 - b. Thirty-six percent of the amount must be allocated among all counties, excluding the seventeen counties with the greatest population, in the following manner:
 - (1) Forty percent of the amount must be allocated equally among the counties; and
 - (2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.

A county shall deposit all revenues received under this subsection in the county general fund. Each county shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, townships, rural fire protection districts, rural ambulance districts, soil conservation districts, county recreation service districts, county hospital districts, the Garrison Diversion Conservancy District, the southwest water authority, and other taxing districts within the county, excluding school districts, cities, and taxing districts within cities.

The share of the county allocation under this subsection to be distributed to a township must be equal to the percentage of the county share of state aid distribution fund allocations that township received during calendar year 1996. The governing boards of the county and township may agree to a different distribution.

2. Forty-six and three-tenths percent of the revenues must be allocated to cities in the first month after each quarterly period as provided in this subsection.
 - a. Nineteen and four-tenths percent of the amount must be allocated among cities with a population of eighty thousand or more, based upon the proportion each city's population bears to the total population of all such cities.
 - b. Thirty-four and five-tenths percent of the amount must be allocated among cities with a population of twenty thousand or more but fewer than eighty thousand, based upon the proportion each such city's population bears to the total population of all such cities.
 - c. Sixteen percent of the amount must be allocated among cities with a population of ten thousand or more but fewer than twenty thousand, based upon the proportion each such city's population bears to the total population of all such cities.
 - d. Four and nine-tenths percent of the amount must be allocated among cities with a population of five thousand or more but fewer than ten thousand, based upon the proportion each such city's population bears to the total population of all such cities.
 - e. Thirteen and one-tenth percent of the amount must be allocated among cities with a population of one thousand or more but fewer than five thousand,

1 based upon the proportion each such city's population bears to the total
2 population of all such cities.

3 f. Six and one-tenth percent of the amount must be allocated among cities with
4 a population of five hundred or more but fewer than one thousand, based
5 upon the proportion each such city's population bears to the total population
6 of all such cities.

7 g. Three and four-tenths percent of the amount must be allocated among cities
8 with a population of two hundred or more but fewer than five hundred, based
9 upon the proportion each such city's population bears to the total population
10 of all such cities.

11 h. Two and six-tenths percent of the amount must be allocated among cities with
12 a population of fewer than two hundred, based upon the proportion each such
13 city's population bears to the total population of all such cities.

14 A city shall deposit all revenues received under this subsection in the city general
15 fund. Each city shall reserve a portion of its allocation under this subsection for
16 further distribution to, or expenditure on behalf of, park districts and other taxing
17 districts within the city, excluding school districts. The share of the city allocation
18 under this subsection to be distributed to a park district must be equal to the
19 percentage of the city share of state aid distribution fund allocations that park
20 district received during calendar year 1996, up to a maximum of thirty percent. The
21 governing boards of the city and park district may agree to a different distribution.

22 **SECTION 3. EFFECTIVE DATE - EXPIRATION DATE.** Section 1 of this Act is
23 effective for taxable events occurring after June 30, 2009, and before July 1, 2011 and is
24 thereafter ineffective. Section 2 of this Act is effective for taxable events occurring after
25 June 30, 2011.