

March 18, 2019

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2258

Page 1, line 22, after the underscored period insert "An agreement under this chapter must include the sales tax, use tax, farm machinery gross receipts tax, and the alcoholic beverages gross receipts tax."

Page 3, line 15, remove "An agreement under this chapter may provide for the allocation of revenue to a tribe or"

Page 3, replace line 16 with "The amount of state sales, use, and farm machinery gross receipts tax revenue allocated to a tribe or tribes under an agreement must be calculated as follows:"

Page 3, line 17, replace "One hundred" with "Fifty"

Page 3, line 18, after the underscored period insert "The state shall receive the remainder."

Page 3, line 19, remove "agreed to by the tribe or tribes and the state"

Page 3, line 20, remove "individual tribal members on taxable transactions or"

Page 3, line 21, replace "purchases occurring" with "enrolled tribal members residing"

Page 3, line 21, replace the underscored period with "determined by multiplying the enrolled membership of the tribe by the estimated per capita use tax. The estimated per capita use tax is ten percent of the per capita sales tax burden. The per capita sales tax burden is determined by multiplying the state tax rate factor by one third of the sales tax burden reported by the most recent "Tax Rates and Tax Burdens in the District of Columbia - A Nationwide Comparison", published by the government of the District of Columbia office of revenue analysis, for a family of three living in the largest city in North Dakota, and earning fifty thousand dollars per year. The state tax rate factor is a fraction representing the state general sales tax rate as a share of the combined state and local sales tax rate for the North Dakota city referenced in this subdivision.

- c. Except as provided in subdivision d, the enrolled membership of the tribe must be certified to the state by September thirtieth of each year during the term of the agreement. The enrolled membership of the tribe must consist of the number of enrolled members of the tribe physically residing within the exterior boundaries of the portion of the tribe's reservation located in this state. The enrolled membership of the tribe must be based on the tribe's enrollment office records, the bureau of Indian affairs enrollment records, or other records maintained by the tribe. The previous year's certified enrollment number must be used if the tribe does not issue a certification by September thirtieth, unless the tribe demonstrates the certified enrollment number has increased or decreased.
- d. The tribe or tribes shall provide the initial population required by subdivision c no less than sixty days before the effective date of the agreement.
- e. The manner in which the state and tribe resolve issues arising under this subsection must be specified in the agreement.

11. The amount of alcoholic beverages gross receipts tax allocated to the tribe under an agreement must be equal to an amount determined by multiplying the enrolled membership of the tribe by the state alcohol revenue per capita.
- a. The state alcohol revenue per capita is the monthly collections of the state's alcoholic beverages gross receipts tax designated for deposit in the state general fund divided by the state's total population as determined in the most recent actual or estimated census data published by the United States census bureau.
- b. The enrolled membership of the tribe must be certified to the state by September thirtieth of each year during the term of the agreement. The enrolled membership of the tribe must consist of the number of enrolled members of the tribe physically residing within the exterior boundaries of the portion of the tribe's reservation located in this state. The enrolled membership of the tribe must be based on the tribe's enrollment office records, the bureau of Indian affairs enrollment records, or other records maintained by the tribe. The previous year's certified enrollment number must be used if the tribe does not issue a certification by September thirtieth, unless the tribe demonstrates the certified enrollment number has increased or decreased.
- c. The tribe or tribes shall provide the initial population required by this subsection no less than sixty days before the effective date of the agreement.
- d. The manner in which the state and tribe resolve issues arising under this subsection must be specified in the agreement."

Page 3, line 22, replace "11." with "12."

Page 3, line 25, replace "12." with "13."

Page 4, line 13, replace "13." with "14."

Page 4, line 25, replace "14." with "15."

Page 4, line 28, replace "15." with "16."

Renumber accordingly