

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,
one thousand nine hundred and ninety-nine**

SENATE BILL NO. 2006
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; to amend and reenact section 57-01-04 and subsection 2 of section 57-01-13 of the North Dakota Century Code, relating to the salary of the state tax commissioner and the payment of fees for services rendered by a collection or credit agency; to provide a continuing appropriation for the payment of fees for services rendered by a collection or credit agency; and to provide a contingent expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds, to the state tax commissioner for the purpose of defraying the expenses of the state tax commissioner and paying the state reimbursement under the homestead tax credit, for the biennium beginning July 1, 1999, and ending June 30, 2001, as follows:

Subdivision 1.

TAX COMMISSIONER

Salaries and wages	\$11,761,828
Operating expenses	4,678,051
Equipment	343,500
City tax administration fees	50,000
Motor fuels federal grant	<u>293,729</u>
Total all funds	\$17,127,108
Less estimated income	<u>293,729</u>
Total general fund appropriation	\$16,833,379

Subdivision 2.

HOMESTEAD TAX CREDIT

Grants	\$4,540,813
Total general fund appropriation	\$4,540,813
Grand total general fund appropriation S.B. 2006	\$21,374,192
Grand total special funds appropriation S.B. 2006	\$293,729
Grand total all funds appropriation S.B. 2006	\$21,667,921

SECTION 2. TRANSFER. There is hereby transferred to the general fund in the state treasury, out of motor vehicle fuel tax revenue, collected pursuant to section 57-43.1-02, the sum of \$1,380,608 for the purpose of reimbursing the general fund for expenses incurred in the collection of the motor vehicle fuels and special fuels taxes and the administration of these taxes.

SECTION 3. EXEMPTION. The appropriation contained in section 1 of chapter 6 of the 1997 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$60,000 and this amount may be spent for continued development of "Project 2001", the department's new tax processing system, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 4. AMENDMENT. Section 57-01-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-01-04. Salary. The annual salary of the state tax commissioner is ~~fifty-five~~ fifty-eight thousand ~~four~~ two hundred ~~sixty-four~~ sixty-two dollars through June 30, ~~1998~~ 2000, ~~fifty-nine~~ thirty-nine thousand ~~four~~ hundred ~~twenty-eight~~ eighty-two dollars through December 31, 2000, and ~~fifty-seven~~ sixty-six thousand ~~one~~ hundred ~~twenty~~ eighty-two dollars thereafter.

SECTION 5. AMENDMENT. Subsection 2 of section 57-01-13 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. a. Fees for services, reimbursement, or any other remuneration to a collection or credit agency must be based on the amount of tax, penalty, and interest actually collected. Each contract entered into between the tax commissioner and the collection or credit agency must provide for the payment of fees for the services, reimbursements, or other remuneration not in excess of fifty percent of the amount of delinquent sales, use, motor vehicle fuels, special fuels, importer for use, aviation fuel, motor vehicle excise, income, or business and corporation privilege tax, including penalties and interest actually collected.
- b. All funds collected, less the fees for collection services, as provided in the contract, by the collection or credit agency must be remitted to the tax commissioner monthly from the date of collection from a taxpayer. Forms to be used for the remittances must be prescribed by the tax commissioner. The tax commissioner shall transfer the funds to the state treasurer for deposit in the state general fund. An amount equal to the amount of fees for services, reimbursement, or any other remuneration to the collection or credit agency as set forth in the contract authorized by this section is appropriated as a standing and continuing appropriation to the tax commissioner for payment of fees due under the contract.
- c. Before entering into a contract, the tax commissioner shall require a bond from the collection or credit agency not in excess of ten thousand dollars, guaranteeing compliance with the terms of the contract.

SECTION 6. CONTINGENT EXPIRATION DATE. Section 5 of this Act is effective until such time as section 12 of article X of the Constitution of North Dakota is effectively amended to provide for the retention of public money by a nongovernmental entity as fees for services rendered to the state of North Dakota.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2006.

Senate Vote: Yeas 47 Nays 1 Absent 1

House Vote: Yeas 81 Nays 14 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State