

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2229

Introduced by

Senators Stenehjem, O'Connell

Representatives Boucher, Carlson

(At the request of the Governor)

1 A BILL for an Act to amend and reenact subsections 1 and 2 of section 57-51-15 of the North
2 Dakota Century Code, relating to the apportionment of oil and gas gross production taxes; and
3 to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsections 1 and 2 of section 57-51-15 of the North
6 Dakota Century Code are amended and reenacted as follows:

- 7 1. First the tax revenue collected under this chapter equal to one percent of the gross
8 value at the well of the oil and one-fifth of the tax on gas must be deposited with
9 the state treasurer who shall credit thirty-three and one-third percent of the
10 revenues to the oil and gas impact grant fund, but not in an amount exceeding ~~six~~
11 twenty million dollars per biennium, including any amounts otherwise appropriated
12 for oil and gas impact grants for the biennium by the legislative assembly, and who
13 shall credit the remaining revenues to the state general fund.
- 14 2. The first one million dollars of annual revenue after the deduction of the amount
15 provided for in subsection 1 from oil or gas produced in any county must be
16 allocated to that county. The second one million dollars of annual revenue after
17 the deduction for the amount provided for in subsection 1 from oil and gas
18 produced in any county must be allocated seventy-five percent to that county and
19 twenty-five percent to the state general fund. The third one million dollars of
20 annual revenue after the deduction of the amount provided for in subsection 1 from
21 oil or gas produced in any county must be allocated fifty percent to that county and
22 fifty percent to the state general fund. All annual revenue after the deduction of the
23 amount provided for in subsection 1 above three million dollars from oil or gas
24 produced in any county must be allocated twenty-five percent to that county and

1 seventy-five percent to the state general fund. However, the amount to which
2 each county is entitled pursuant to this subsection must be limited based upon the
3 population of the county according to the last official decennial federal census as
4 follows:

5 a. Counties having a population of three thousand or less shall receive no more
6 than ~~three~~ five million nine hundred thousand dollars for each fiscal year;
7 however, a county may receive up to ~~four~~ six million nine hundred thousand
8 dollars under this subdivision for each fiscal year if during that fiscal year the
9 county levies a total of at least ten mills for combined levies for county road
10 and bridge, farm-to-market and federal-aid road, and county road purposes.
11 Any amount received by a county exceeding ~~three~~ five million nine hundred
12 thousand dollars under this subdivision is not subject to allocation under
13 subsection 3 but must be credited by the county treasurer to the county
14 general fund.

15 b. Counties having a population of over three thousand but less than six
16 thousand shall receive no more than ~~four~~ six million one hundred thousand
17 dollars for each fiscal year; however, a county may receive up to ~~five~~ seven
18 million one hundred thousand dollars under this subdivision for each fiscal
19 year if during that fiscal year the county levies a total of at least ten mills for
20 combined levies for county road and bridge, farm-to-market and federal-aid
21 road, and county road purposes. Any amount received by a county
22 exceeding ~~four~~ six million one hundred thousand dollars under this
23 subdivision is not subject to allocation under subsection 3 but must be
24 credited by the county treasurer to the county general fund.

25 c. Counties having a population of six thousand or more shall receive no more
26 than ~~four~~ six million six hundred thousand dollars for each fiscal year;
27 however, a county may receive up to ~~five~~ seven million six hundred thousand
28 dollars under this subdivision for each fiscal year if during that fiscal year the
29 county levies a total of ten mills or more for combined levies for county road
30 and bridge, farm-to-market and federal-aid road, and county road purposes.
31 Any amount received by a county exceeding ~~four~~ six million six hundred

1 thousand dollars under this subdivision is not subject to allocation under
2 subsection 3 but must be credited by the county treasurer to the county
3 general fund.

4 Any allocations for any county pursuant to this subsection which exceed the
5 applicable limitation for that county as provided in subdivisions a through c must be
6 deposited instead in the state's general fund.

7 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable events occurring after
8 June 30, 2009.