

**SENATE BILL NO. 2253**

Introduced by

Senators Olafson, Andrist, Dotzenrod

Representative Froseth

1 A BILL ~~for an Act to create and enact a new subsection to section 57-39.2-26.1 of the North~~  
 2 ~~Dakota Century Code, relating to the allocation of revenues among political subdivisions~~  
 3 ~~through the state aid distribution fund; to provide an expiration date; and to declare an~~  
 4 ~~emergency.~~ for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century  
 5 Code, relating to the allocation of funds in the state aid distribution fund; to provide an effective  
 6 date; and to declare an emergency.

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

8 ~~SECTION 1. A new subsection to section 57-39.2-26.1 of the North Dakota Century Code is~~  
 9 ~~created and enacted as follows:~~

10 ~~The population figures used for the allocation of revenues to counties and cities under~~  
 11 ~~subsections 1 and 2 must be the population figures determined by the 2000 federal~~  
 12 ~~decennial census.~~

13 ~~SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2013, and after that~~  
 14 ~~date is ineffective.~~

15 ~~SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.~~

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

18 **57-39.2-26.1. Allocation of revenues among political subdivisions.**

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

1 shall certify to the state treasurer the portion of sales, gross receipts, use, and motor vehicle  
2 excise tax net revenues that must be deposited in the state aid distribution fund as determined  
3 under this section. Revenues deposited in the state aid distribution fund are provided as a  
4 standing and continuing appropriation and must be allocated as follows:

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

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

1           2.   Forty-six and three-tenths percent of the revenues must be allocated to cities in the  
2           first month after each quarterly period ~~as provided in this subsection~~based upon the  
3           proportion each city's population bears to the total population of all cities.

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

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

11          ~~c.   Sixteen percent of the amount must be allocated among cities with a population~~  
12          ~~of ten thousand or more but fewer than twenty thousand, based upon the~~  
13          ~~proportion each such city's population bears to the total population of all such~~  
14          ~~cities.~~

15          ~~d.   Four and nine-tenths percent of the amount must be allocated among cities with~~  
16          ~~a population of five thousand or more but fewer than ten thousand, based upon~~  
17          ~~the proportion each such city's population bears to the total population of all such~~  
18          ~~cities.~~

19          ~~e.   Thirteen and one-tenth percent of the amount must be allocated among cities~~  
20          ~~with a population of one thousand or more but fewer than five thousand, based~~  
21          ~~upon the proportion each such city's population bears to the total population of all~~  
22          ~~such cities.~~

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

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

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

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

12 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2011.

13 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.