

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2377

Introduced by

Senators Dotzenrod, Triplett

1 A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 57-62-02 of the
2 North Dakota Century Code, relating to allocation of money in the coal development fund.

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

4 **SECTION 1. AMENDMENT.** Subdivision b of subsection 2 of section 57-62-02 of the
5 North Dakota Century Code is amended and reenacted as follows:

6 b. If the tipple of a currently active coal mining operation in a county is within
7 fifteen miles [24.14 kilometers] of another county in which no coal is mined,
8 the revenue from the production not exceeding the production limitation in a
9 calendar year which is apportioned from that coal mining operation according
10 to this subsection must be allocated, subject to the definitions of terms and
11 the requirements in paragraph 4, as provided in this subdivision. For
12 purposes of this subdivision, the production limitation is three million eight
13 hundred thousand tons [3447302.02 metric tons] through calendar year 1995,
14 three million six hundred thousand tons [3265865.07 metric tons] in calendar
15 years 1996 and 1997, and three million four hundred thousand tons
16 [3084428.12 metric tons] in calendar years after 1997. Revenue from
17 production exceeding the production limitation in a calendar year from that
18 coal mining operation must be allocated only within the coal-producing county
19 under subdivision a. Allocations under this subdivision must be made as
20 follows:

21 (1) Thirty percent must be paid by the state treasurer to the incorporated
22 cities of the coal-producing county and to any city of a
23 non-coal-producing county when any portion of the city lies within
24 fifteen miles [24.14 kilometers] of the tipple of the currently active coal

1 mining operation in the coal-producing county, based upon the
2 population of each incorporated city according to the last official regular
3 or special federal census or the census taken in accordance with the
4 provisions of chapter 40-02 in case of a city incorporated subsequent to
5 such census.

6 (2) Forty percent must be divided by the state treasurer between the
7 general fund of the coal-producing county and the general fund of any
8 non-coal-producing county when any portion of the latter county lies
9 within fifteen miles [24.14 kilometers] of the tipple of the currently active
10 coal mining operation in the coal-producing county. The
11 non-coal-producing county portion must be based upon the ratio which
12 the assessed valuation of all quarter sections of land in that county, any
13 portion of which lies within fifteen miles [24.14 kilometers] of the tipple
14 of the currently active coal mining operation, bears to the combined
15 assessed valuations of all land in the coal-producing county and the
16 quarter sections of land in the non-coal-producing county within fifteen
17 miles [24.14 kilometers] of the tipple of the currently active coal mining
18 operation. The county director of tax equalization of the coal-producing
19 county shall certify to the state treasurer the number of quarter sections
20 of land in the non-coal-producing counties which lie at least in part
21 within fifteen miles [24.14 kilometers] of the tipple of the currently active
22 coal mining operation and their assessed valuations.

23 (3) Thirty percent must be apportioned by the state treasurer to school
24 districts within the coal-producing county and to school districts in
25 adjoining non-coal-producing counties when a portion of those school
26 districts' land includes any of the quarter sections of land certified by
27 the director of tax equalization to the state treasurer to be eligible to
28 share county funds as provided for in paragraph 2. The county
29 superintendent of the non-coal-producing counties shall certify to the
30 state treasurer the number of students actually residing on these
31 quarter sections lying outside the coal-producing county and each

1 school district in non-coal-producing counties shall receive a portion of
2 the money under this paragraph based upon the ratio of the number of
3 children residing on quarter sections of that school district within the
4 fifteen-mile [24.14-kilometer] radius of the tippie of a currently active
5 coal mining operation to the total number of schoolchildren from the
6 coal-producing county combined with all the schoolchildren certified to
7 be living on quarter sections within fifteen miles [24.14 kilometers] of
8 the tippie of the currently active coal mining operation in the
9 coal-producing county.

10 (4) For the purposes of this ~~subsection~~ subdivision:

- 11 (a) The terms "currently active coal mining operation in a county",
12 "currently active coal mining operation in the coal-producing
13 county", and "currently active coal mining operation" mean a coal
14 mining operation that produced more than one hundred fifty
15 thousand tons [136077.71 metric tons] of coal in a coal-producing
16 county during the prior quarterly period.
- 17 (b) The term "coal-producing county" means a county in which more
18 than one hundred fifty thousand tons [136077.71 metric tons] of
19 coal were mined in the prior quarterly period.
- 20 (c) The term "another county in which no coal is mined" means a
21 county in which not more than seventy-five thousand tons
22 [68038.86 metric tons] of coal were mined in the prior quarterly
23 period.
- 24 (d) The terms "non-coal-producing county" and "non-coal-producing
25 counties" mean any county in which not more than seventy-five
26 thousand tons [68038.86 metric tons] of coal were mined in the
27 prior quarterly period.
- 28 (e) In computing each amount to be paid as provided in paragraph 1,
29 2, or 3 for coal severance tax revenue from coal mined during a
30 monthly period, the state treasurer shall deduct from the
31 allocation the amount of coal severance tax revenue, if any, that

1 the governmental body in the non-coal-producing county received
2 from the coal mined in the non-coal-producing county during the
3 same monthly period.