

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senator Stenehjem

1 A BILL for an Act to reenact sections 54-17.2-23, 54-27-19, 57-39.2-26.1, 57-39.2-26.2,  
2 57-40.3-10, and 57-40.4-03 of the North Dakota Century Code, relating to allocation of motor  
3 vehicle excise tax revenues to the highway tax distribution fund; and to provide an effective  
4 date.

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

6 **SECTION 1. AMENDMENT.** Section 54-17.2-23 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **54-17.2-23. State building authority lease payments - Limitation.** The general fund  
9 amount of lease payments for a biennium associated with capital construction projects financed  
10 by the industrial commission acting as the state building authority may not exceed the amount  
11 equal to a portion of sales, use, and motor vehicle excise tax collections equal to ten percent of  
12 an amount, determined by multiplying the quotient of one percent divided by the general sales  
13 tax rate that was in effect when the taxes were collected, times the net sales, use, and motor  
14 vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3. The computation  
15 for the authorized general fund lease payments for a biennium must be based on the projected  
16 sales, use, and motor vehicle excise tax collections presented to the legislative assembly at the  
17 close of the most recently adjourned regular legislative session. Lease payment amounts for  
18 any particular project must be calculated as of the date the related bonds are issued.

19 **SECTION 2. AMENDMENT.** Section 54-27-19 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **54-27-19. Highway tax distribution fund - State treasurer to make allocation to**  
22 **state, counties, and cities.** A highway tax distribution fund is created as a special fund in the  
23 state treasury into which must be deposited the moneys available by law from collections of  
24 motor vehicle registration and related fees, fuels taxes, special fuels taxes, use taxes, and

1 special fuels excise taxes. Any moneys in the highway tax distribution fund must be allocated  
2 and transferred monthly by the state treasurer, as follows:

- 3 1. Sixty-three percent of such moneys must be transferred monthly to the state  
4 department of transportation and placed in a state highway fund.
- 5 2. Thirty-seven percent of such moneys must be allocated to the counties of this state  
6 in proportion to the number of motor vehicle registrations credited to each county.  
7 Each county must be credited with the certificates of title of all motor vehicles  
8 registered by residents of such county. The state treasurer shall compute and  
9 distribute the counties' share monthly after deducting the incorporated cities' share.  
10 All the moneys received by the counties from the highway tax distribution fund  
11 must be set aside in a separate fund called the "highway tax distribution fund" and  
12 must be appropriated and applied solely for highway purposes in accordance with  
13 section 11 of article X of the Constitution of North Dakota. The state treasurer shall  
14 compute and distribute monthly the sums allocated to the incorporated cities within  
15 each county according to the formula in this subsection on the basis of the per  
16 capita population of all of the incorporated cities situated within each county as  
17 determined by the last official regular or special federal census or the census taken  
18 in accordance with the provisions of chapter 40-02 in case of a city incorporated  
19 subsequent to such census. Provided, however, that in each county having a city  
20 with a population of ten thousand or more, the amount transferred each month into  
21 the county highway tax distribution fund must be the difference between the  
22 amount allocated to that county pursuant to this subsection and the total amount  
23 allocated and distributed to the incorporated cities in that county as computed  
24 according to the following formula:
  - 25 a. A statewide per capita average as determined by calculating twenty-seven  
26 percent of the amount allocated to all of the counties under this subsection  
27 divided by the total population of all of the incorporated cities in the state.
  - 28 b. The share distributed to each city in the county having a population of less  
29 than one thousand must be determined by multiplying the population of that  
30 city by the product of 1.50 times the statewide per capita average computed  
31 under subdivision a.

- 1           c.    The share distributed to each city in the county having a population of one  
2                    thousand to four thousand nine hundred ninety-nine, inclusive, must be  
3                    determined by multiplying the population of that city by the product of 1.25  
4                    times the statewide per capita average computed under subdivision a.
- 5           d.    The share distributed to each city in the county having a population of five  
6                    thousand or more must be determined by multiplying the population of that  
7                    city by the statewide per capita average for all such cities, which per capita  
8                    average must be computed as follows: the total of the shares computed  
9                    under subdivisions b and c for all cities in the state having a population of less  
10                   than five thousand must be subtracted from the total incorporated cities' share  
11                   in the state as computed under subdivision a and the balance remaining must  
12                   then be divided by the total population of all cities of five thousand or more in  
13                   the state.

14 The moneys allocated to the incorporated cities must be distributed to them monthly by the  
15 state treasurer and must be deposited by the cities in a separate fund and may only be used in  
16 accordance with section 11 of article X of the Constitution of North Dakota; provided, that any  
17 incorporated city may use such fund for the construction, reconstruction, repair, and  
18 maintenance of public highways within or outside such city pursuant to an agreement entered  
19 into between the city and any other political subdivision as authorized by section 54-40-08.

20           **SECTION 3. AMENDMENT.** Section 57-39.2-26.1 of the North Dakota Century Code  
21 is amended and reenacted as follows:

22           **57-39.2-26.1. Allocation of revenues among political subdivisions.**

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

1 Revenues deposited in the state aid distribution fund are provided as a standing and continuing  
2 appropriation and must be allocated as follows:

3 1. Fifty-three and seven-tenths percent of the revenues must be allocated to counties  
4 in the first month after each quarterly period as provided in this subsection.

5 a. Sixty-four percent of the amount must be allocated among the seventeen  
6 counties with the greatest population, in the following manner:

7 (1) Thirty-two percent of the amount must be allocated equally among the  
8 counties; and

9 (2) The remaining amount must be allocated based upon the proportion  
10 each such county's population bears to the total population of all such  
11 counties.

12 b. Thirty-six percent of the amount must be allocated among all counties,  
13 excluding the seventeen counties with the greatest population, in the following  
14 manner:

15 (1) Forty percent of the amount must be allocated equally among the  
16 counties; and

17 (2) The remaining amount must be allocated based upon the proportion  
18 each such county's population bears to the total population of all such  
19 counties.

20 A county shall deposit all revenues received under this subsection in the county  
21 general fund. Each county shall reserve a portion of its allocation under this  
22 subsection for further distribution to, or expenditure on behalf of, townships, rural  
23 fire protection districts, rural ambulance districts, soil conservation districts, county  
24 recreation service districts, county hospital districts, the Garrison Diversion  
25 Conservancy District, the southwest water authority, and other taxing districts  
26 within the county, excluding school districts, cities, and taxing districts within cities.  
27 The share of the county allocation under this subsection to be distributed to a  
28 township must be equal to the percentage of the county share of state aid  
29 distribution fund allocations that township received during calendar year 1996. The  
30 governing boards of the county 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.
- 3           a.   Nineteen and four-tenths percent of the amount must be allocated among  
4                   cities with a population of eighty thousand or more, based upon the proportion  
5                   each city's population bears to the total population of all such cities.
- 6           b.   Thirty-four and five-tenths percent of the amount must be allocated among  
7                   cities with a population of twenty thousand or more but fewer than eighty  
8                   thousand, based upon the proportion each such city's population bears to the  
9                   total population of all such cities.
- 10          c.   Sixteen percent of the amount must be allocated among cities with a  
11                   population of ten thousand or more but fewer than twenty thousand, based  
12                   upon the proportion each such city's population bears to the total population  
13                   of all such cities.
- 14          d.   Four and nine-tenths percent of the amount must be allocated among cities  
15                   with a population of five thousand or more but fewer than ten thousand, based  
16                   upon the proportion each such city's population bears to the total population  
17                   of all such cities.
- 18          e.   Thirteen and one-tenth percent of the amount must be allocated among cities  
19                   with a population of one thousand or more but fewer than five thousand,  
20                   based upon the proportion each such city's population bears to the total  
21                   population of all such cities.
- 22          f.   Six and one-tenth percent of the amount must be allocated among cities with  
23                   a population of five hundred or more but fewer than one thousand, based  
24                   upon the proportion each such city's population bears to the total population  
25                   of all such cities.
- 26          g.   Three and four-tenths percent of the amount must be allocated among cities  
27                   with a population of two hundred or more but fewer than five hundred, based  
28                   upon the proportion each such city's population bears to the total population  
29                   of all such cities.

1           h. Two and six-tenths percent of the amount must be allocated among cities with  
2                   a population of fewer than two hundred, based upon the proportion each such  
3                   city's 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  
5           fund. Each city shall reserve a portion of its allocation under this subsection for  
6           further distribution to, or expenditure on behalf of, park districts and other taxing  
7           districts within the city, excluding school districts. The share of the city allocation  
8           under this subsection to be distributed to a park district must be equal to the  
9           percentage of the city share of state aid distribution fund allocations that park  
10          district received during calendar year 1996, up to a maximum of thirty percent. The  
11          governing boards of the city and park district may agree to a different distribution.

12          **SECTION 4. AMENDMENT.** Section 57-39.2-26.2 of the North Dakota Century Code  
13 is amended and reenacted as follows:

14          **57-39.2-26.2. Allocation of revenues to senior citizen services and programs**  
15 **matching fund - Continuing appropriation.** Notwithstanding any other provision of law, a  
16 portion of sales, use, and motor vehicle excise tax collections equal to the amount of revenue  
17 that would have been generated by a levy of two-thirds of one mill on the taxable valuation of all  
18 property in the state subject to a levy under section 57-15-56 in the previous taxable year must  
19 be deposited by the state treasurer in the senior citizen services and programs fund during the  
20 period from July first through December thirty-first of each year. The state tax commissioner  
21 shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax  
22 revenues which must be deposited in the fund as determined under this section. Revenues  
23 deposited in the senior citizen services and programs fund are provided as a standing and  
24 continuing appropriation for allocation as provided in subsection 5 of section 57-15-56. Any  
25 unexpended and unobligated amount in the senior citizen services and programs fund at the  
26 end of the 2005-07 biennium must be allocated among counties that levied the statutory  
27 maximum mill levy for taxable year 2004 in proportion to the dollars generated by those levies  
28 in those counties for that year but the allocation to any county may not exceed the difference  
29 between combined funding for the county's senior citizen services and programs for taxable  
30 year 2004 and the combined funding for those services and programs for taxable year 2006

1 and any remaining unexpended and unobligated amount at the end of any biennium must be  
2 transferred by the state treasurer to the state general fund.

3 **SECTION 5. AMENDMENT.** Section 57-40.3-10 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **57-40.3-10. (Effective through June 30, 2009) Transfer of revenue.** All moneys  
6 collected and received under this chapter after moneys are deposited in the state aid  
7 distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the  
8 department of transportation to the state treasurer to be transferred and credited as follows:

- 9 1. Ten percent to the highway fund.
- 10 2. Ninety percent to the state general fund.

11 **(Effective after June 30, 2009) Transfer of revenue.** All moneys collected and  
12 received under this chapter must be transmitted monthly by the director of the department of  
13 transportation to the state treasurer to be transferred and credited to the general fund.

14 **SECTION 6. EFFECTIVE DATE.** This Act is effective for taxable events occurring after  
15 June 30, 2009.