

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1518

Introduced by

Representatives Kaldor, Conrad, Damschen, Wieland

Senators Anderson, Fischer

1 A BILL for an Act to amend and reenact sections 57-34-05 and 57-34-06 of the North Dakota
2 Century Code, relating to allocations of telecommunications carriers taxes among political
3 subdivisions; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 57-34-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **57-34-05. Deposit of tax revenues - Allocation to counties - Telecommunications**
8 **carriers tax fund - Continuing appropriation.** Gross receipts tax revenues ~~of up to eight~~
9 ~~million four hundred thousand dollars~~ under this chapter must be deposited in a special fund in
10 the state treasury, the telecommunications carriers tax fund. ~~Gross receipts tax revenues~~
11 ~~under this chapter exceeding eight million four hundred thousand dollars must be deposited in~~
12 ~~the state general fund. The tax commissioner shall allocate moneys in the~~

13 1. The tax commissioner shall allocate eight million four hundred thousand dollars of
14 the telecommunications carriers tax fund among counties in the same proportion
15 that taxes paid by telecommunications carriers in locally assessed property taxes
16 and taxes assessed under chapter 57-06 and this chapter in 1997 and received by
17 taxing districts in the county bears to all taxes paid by telecommunications carriers
18 in locally assessed property taxes and taxes assessed under chapter 57-06 and
19 this chapter in 1997 and received by taxing districts in the state. On or before
20 March tenth of each year, the tax commissioner shall certify for payment to the
21 state treasurer an amount determined to be due each county. The state treasurer
22 shall remit the certified amount to the county treasurers according to the allocation
23 made by the tax commissioner under this section not later than March thirty-first of
24 each year.

2. Any balance existing in the telecommunications carriers tax fund as of June first of each year must be allocated by the tax commissioner among county and township funds in the same proportion that real property taxes were levied in the preceding tax year for the county farm to market and federal aid road levy under subsection 17 of section 57-15-06.7, the county unorganized township road and bridge levy under section 57-15-22, and the civil township general fund levy under section 57-15-20. On or before June tenth of each year, the tax commissioner shall certify for payment to the state treasurer an amount determined to be due each county. The state treasurer shall remit the certified amount to the county treasurers according to the allocation made by the tax commissioner under this section not later than June thirtieth of each year. The balance in the telecommunications carriers tax fund, not exceeding eight million four hundred thousand dollars, is appropriated as a standing and continuing appropriation to the tax commissioner for annual allocation to counties under this section. If gross receipts tax revenues available for allocation on the first day of March of any year are less than eight million four hundred thousand dollars, there is appropriated as a standing and continuing appropriation from the state general fund the amount that, when added to gross receipts tax revenues available for allocation from the telecommunications carriers tax fund results in allocation of eight million four hundred thousand dollars to counties per calendar year. On or before the first day of March of each year, the tax commissioner shall certify for payment to the state treasurer an amount determined to be due each county. The state treasurer shall remit the certified amount to the county treasurers according to the allocation made by the tax commissioner under this section not later than the tenth working day in March of each year.

SECTION 2. AMENDMENT. Section 57-34-06 of the North Dakota Century Code is amended and reenacted as follows:

57-34-06. Duties of county treasurer.

1. The county treasurer shall allocate taxes received under ~~this chapter~~ subsection 1 of section 57-34-05 to the state, the county, and the various taxing districts within the county according to the proportion that taxes paid by telecommunications

carriers in locally assessed property taxes and taxes assessed under chapter 57-06 and this chapter in 1997 and received by the state, the county, and each currently existing taxing district in the county bears to all taxes paid by telecommunications carriers in locally assessed property taxes and taxes assessed under chapter 57-06 and this chapter in 1997 and received by the state, the county, and all taxing districts in the county.

2. The county treasurer shall allocate taxes received under subsection 2 of section 57-34-05 to county and township funds in the same proportion that real property taxes were levied in the preceding tax year for the county farm to market and federal aid road levy under subsection 17 of section 57-15-06.7, the county unorganized township road and bridge levy under section 57-15-22, and the civil township general fund levy under section 57-15-20.

SECTION 3. EFFECTIVE DATE. This Act is retroactively effective and applies to all taxable years beginning after December 31, 2007.