

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2177

Introduced by

Senators Thomas, Conley, Hogue

Representatives Hagert, Schreiber-Beck, Lefor

1 A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota
2 Century Code, relating to an animal agriculture facility infrastructure fund; to amend and reenact
3 section 57-39.2-26 of the North Dakota Century Code, relating to the allocation of sales tax
4 revenue; and to provide a continuing appropriation.

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

6 **SECTION 1. AMENDMENT.** Section 57-39.2-26 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **57-39.2-26. Allocation of revenue. (Effective through June 30, 2027)**

9 Except as provided by sections 57-39.2-26.1, 57-39.2-26.2, 57-39.2-26.3, and 57-39.2-26.4,
10 and section 2 of this Act, all moneys collected and received under this chapter must be paid into
11 the state treasury and must be credited by the state treasurer to the general fund. Moneys
12 deposited with the commissioner as security for the payment of tax, penalties, or costs due
13 must be deposited and accounted for as provided in subsection 3 of section 57-39.2-12.

14 **Allocation of revenue. (Effective after June 30, 2027)** Except as provided by sections
15 57-39.2-26.1 and, 57-39.2-26.2, and section 2 of this Act, all moneys collected and received
16 under this chapter must be paid into the state treasury and must be credited by the state
17 treasurer to the general fund. Moneys deposited with the commissioner as security for the
18 payment of tax, penalties, or costs due must be deposited and accounted for as provided in
19 subsection 3 of section 57-39.2-12.

20 **SECTION 2.** A new section to chapter 57-39.2 of the North Dakota Century Code is created
21 and enacted as follows:

Animal agriculture facility infrastructure fund - State treasurer - Continuing appropriation.

1. The animal agriculture facility infrastructure fund is created as a special fund in the state treasury. The fund consists of all moneys transferred to the fund under subsection 2. All moneys in the fund are appropriated to the the state treasurer on a continuing basis for the purpose of providing distributions to counties.
2. Notwithstanding any other provision of law, after the allocations under sections 57-39.2-26.1, 57-39.2-26.2, 57-39.2-26.3, and 57-39.2-26.4, a portion of sales, gross receipts, and use tax collections equal to the combined total of the amounts under subsection 3 must be deposited by the state treasurer in the animal agriculture facility infrastructure fund as needed. The tax commissioner shall calculate the amount needed for distributions under subsection 3 and shall certify to the state treasurer the portion of sales, gross receipts, and use tax net revenues that must be deposited in the fund to provide for the distributions.
3. At least once per fiscal year, the state treasurer shall distribute to each county the amount certified by the tax commissioner. The amount certified by the tax commissioner each fiscal year for each county is the sum of the state portion of sales, gross receipts, and use tax imposed under this title on eligible tangible personal property purchased to construct or repair animal agriculture facilities located in the county or to operate or repair equipment used in animal agriculture facilities located in the county based on documentation of proof of purchase submitted to the tax commissioner during the fiscal year. Documentation of proof of purchase must be submitted in the form and manner prescribed by the tax commissioner.
4. A county shall use the funding distributed under this section for infrastructure projects near animal agriculture facilities located in the county or for other county expenses.