

Sixty-third
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1005

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer;
2 to amend and reenact subsection 18 of section 54-11-01 ~~and~~, section 54-11-13, and
3 subsection 5 of section 57-51.2-02 of the North Dakota Century Code, relating to the duties and
4 salary of the state treasurer and a tribal oil and gas agreement; ~~and~~ to provide legislative intent;
5 and to declare an emergency.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury not otherwise appropriated, to the state treasurer for the purpose of defraying the
10 expenses of that agency, for the biennium beginning July 1, 2013, and ending June 30, 2015,
11 as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$1,054,524	\$321,160	\$1,375,684
15 Accrued leave payments	0	13,038	13,038
16 Operating expenses	163,066	337,110	500,176
17 Coal severance payments	252,800	0	252,800
18 Total general fund	\$1,470,390	\$671,308	\$2,141,698
19 Full-time equivalent positions	7.00	1.00	8.00
20 <u>Salaries and wages</u>	<u>\$1,054,524</u>	<u>\$341,913</u>	<u>\$1,396,437</u>
21 <u>Accrued leave payments</u>	<u>0</u>	<u>13,038</u>	<u>13,038</u>
22 <u>Operating expenses</u>	<u>163,066</u>	<u>349,881</u>	<u>512,947</u>
23 <u>Coal severance payments</u>	<u>252,800</u>	<u>0</u>	<u>252,800</u>

1	Total general fund	\$1,470,390	\$704,832	\$2,175,222
2	Full-time equivalent positions	7.00	1.00	8.00

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

4 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
5 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
6 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

7	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
8	IT development costs	\$266,588	\$364,820
9	Transportation funding distributions	25,000,000	0
10	Transportation funding - Special session	23,000,000	0
11	Total general fund	\$48,266,588	\$364,820
12	IT development costs	\$266,588	\$377,591
13	Transportation funding distributions	25,000,000	0
14	Transportation funding - special session	23,000,000	0
15	Total general fund	\$48,266,588	\$377,591

16 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
17 2015-17 biennium. The state treasurer shall report to the appropriations committees of the
18 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning
19 July 1, 2013, and ending June 30, 2015.

20 **SECTION 3. AMENDMENT.** Subsection 18 of section 54-11-01 of the North Dakota Century
21 Code is amended and reenacted as follows:

- 22 18. Shall correct any underpayment, overpayment, or erroneous payment of tax
23 distribution funds, resulting from an error made by the state treasurer in a timely
24 manner. Unless otherwise provided by law, adjustments may be made from the
25 general fund. This authority is limited to one hundred dollars per biennium, unless
26 approved by the emergency commission. An adjustment of an insignificant amount
27 need not be made at the discretion of the state treasurer. The state treasurer shall
28 adopt a written policy identifying what is considered insignificant.

29 **SECTION 4. AMENDMENT.** Section 54-11-13 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **54-11-13. Salary of state treasurer.**

2 The annual salary of the state treasurer is ~~eighty-five~~ninety-ninety-one thousand
3 ~~three~~five~~four~~ hundred ~~thirty~~twenty-seven~~six~~ dollars through June 30, ~~2012~~2014, and
4 ~~eighty-seven~~ninety-three~~ninety-four~~ thousand eight hundred ~~ninety~~two hundred forty-three~~one~~
5 hundred forty-eighty dollars thereafter.

6 **SECTION 5. AMENDMENT.** Subsection 5 of section 57-51.2-02 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 5. The allocation of revenue from oil and gas gross production and oil extraction taxes on
9 the Fort Berthold Reservation must be as follows:

- 10 a. Production attributable to trust lands. All revenues and exemptions from all oil
11 and gas gross production and oil extraction taxes attributable to production from
12 trust lands on the Fort Berthold Reservation must be evenly divided between the
13 tribe and the state.
- 14 b. All other production. The tribe must receive twenty percent of the total oil and gas
15 gross production taxes collected from all production attributable to nontrust lands
16 on the Fort Berthold Reservation in lieu of the application of the Three Affiliated
17 Tribes' fees and taxes related to production on such lands. The state must
18 receive the remainder.
- 19 c. The state's share of the oil and gas gross production tax revenue as divided in
20 subdivisions a and b is subject to distribution among political subdivisions as
21 provided in ~~chapters~~chapter 57-51 ~~and 57-51.1~~.

22 **SECTION 6. LEGISLATIVE INTENT - STATE TREASURER'S SALARY.** It is the intent of
23 the sixty-third legislative assembly that the salary of the state treasurer be increased to the
24 salary of the next lowest-paid elected official effective July 1, 2017.

25 **SECTION 7. EMERGENCY.** The sum of \$195,223 and one full-time equivalent position
26 included in section 1 of this Act are declared to be an emergency measure.