

HOUSE BILL NO. 1066

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 office of the
2 tax commissioner and for payment of state reimbursement under the homestead tax credit and
3 disabled veterans' credit; to provide a continuing appropriation; to provide for a transfer; to
4 create a new section to chapter 57-01 of the North Dakota Century Code, relating to a
5 multistate tax audit; to amend and reenact section 57-01-04 of the North Dakota Century Code,
6 relating to the tax commissioner's salary; and to declare an emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
9 as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and
11 other income, to the tax commissioner for the purpose of defraying the expenses of the tax
12 commissioner and paying the state reimbursement under the homestead tax credit and
13 disabled veterans' credit, for the biennium beginning July 1, 2017, and ending June 30, 2019,
14 as follows:

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> | |
|----|---------------------------|--|----------------------|------------------|
| 15 | | | | |
| 16 | | | | |
| 17 | Salaries and wages | \$21,528,135 | \$985,425 | \$22,513,560 |
| 18 | Operating expenses | 7,628,262 | (706,487) | 6,921,775 |
| 19 | Capital assets | 16,000 | (10,000) | 6,000 |
| 20 | Homestead tax credit | 18,690,000 | (2,690,000) | 16,000,000 |
| 21 | Disabled veterans' credit | <u>7,175,091</u> | <u>(264,891)</u> | <u>6,910,200</u> |
| 22 | Total all funds | \$55,037,488 | (\$2,685,953) | \$52,351,535 |
| 23 | Less estimated income | <u>125,000</u> | <u>0</u> | <u>125,000</u> |

| | | | | |
|---|--------------------------------|--------------|---------------|--------------|
| 1 | Total general fund | \$54,912,488 | (\$2,685,953) | \$52,226,535 |
| 2 | Full-time equivalent positions | 136.00 | (3.00) | 133.00 |

3 **SECTION 2. ONE-TIME FUNDING.** The following amounts reflect the one-time funding
4 items approved by the sixty-fourth legislative assembly for the 2015-17 biennium:

| | | | |
|---|-------------------------------------|----------------|----------------|
| 5 | <u>One-Time Funding Description</u> | <u>2015-17</u> | <u>2017-19</u> |
| 6 | Scanners | \$8,000 | \$0 |
| 7 | Total general fund | \$8,000 | \$0 |

8 **SECTION 3. LINE ITEM TRANSFERS.** The state tax commissioner may transfer between
9 the homestead tax credit and disabled veterans' credit line items in section 1 of this Act if one
10 line item does not have sufficient funds available for state reimbursement of eligible tax credits.
11 The state tax commissioner shall notify the office of management and budget of any transfers
12 made pursuant to this section.

13 **SECTION 4. TRANSFER.** There is transferred to the general fund in the state treasury out
14 of motor vehicle fuel tax revenue collected pursuant to section 57-43.1-02, the sum of
15 \$2,016,120 for the purpose of reimbursing the general fund for expenses incurred in the
16 collection of the motor vehicle fuels and special fuels taxes and the administration of these
17 taxes.

18 **SECTION 5.** A new section to chapter 57-01 of the North Dakota Century Code is created
19 and enacted as follows:

20 **Multistate tax audit fund - Creation - Continuing appropriation authority.**

21 All moneys collected and received by the tax commissioner as a result of participation in the
22 multistate tax commission audit and nexus programs must be transferred to the state treasurer
23 for deposit in the multistate tax audit fund, which is created as a special fund in the state
24 treasury. All moneys in the fund are appropriated to the tax commissioner as a continuing
25 appropriation to pay the multistate tax commission audit and nexus program fees. On or before
26 June thirtieth of each year, the tax commissioner shall certify to the state treasurer the amount
27 of accumulated funds in the multistate tax audit fund which exceed the audit and nexus program
28 fees for the following year, for transfer of the certified amount to the general fund in the state
29 treasury.

30 **SECTION 6. AMENDMENT.** Section 57-01-04 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **57-01-04. Salary.**

2 The annual salary of the state tax commissioner is ~~one hundred eleven thousand four-~~
3 ~~hundred forty eight dollars through June 30, 2016,~~ and one hundred fourteen thousand seven
4 hundred ninety-one dollars through June 30, 2018, and one hundred fifteen thousand nine
5 hundred thirty-nine dollars thereafter.

6 **SECTION 7. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure.