

**SECOND ENGROSSMENT
with Senate Amendments
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, section 54-11-13, and subsection 5 of
3 section 57-51.2-02 of the North Dakota Century Code, relating to the duties and salary of the
4 state treasurer and a tribal oil and gas agreement; to provide legislative intent; and to declare
5 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	\$374,264	\$1,428,788
15 Operating expenses	163,066	337,110	500,176
16 Coal severance payments	<u>252,800</u>	<u>0</u>	<u>252,800</u>
17 Total general fund	\$1,470,390	\$711,374	\$2,181,764
18 Full-time equivalent positions	7.00	1.00	8.00

19 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
20 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
21 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
22 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
24	IT development costs	\$266,588	\$364,820

1	Transportation funding distributions	25,000,000	0
2	Transportation funding - Special session	<u>23,000,000</u>	<u>0</u>
3	Total general fund	\$48,266,588	\$364,820

4 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
5 2015-17 biennium. The state treasurer shall report to the appropriations committees of the
6 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning
7 July 1, 2013, and ending June 30, 2015.

8 **SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the general
9 fund in the state treasury, not otherwise appropriated, the sum of \$12,771, or so much of the
10 sum as may be necessary, to the state treasurer for the purpose of defraying information
11 technology expenses relating to changes in oil revenue distributions and other changes, for the
12 biennium beginning July 1, 2013, and ending June 30, 2015.

13 **SECTION 4. AMENDMENT.** Subsection 18 of section 54-11-01 of the North Dakota Century
14 Code is amended and reenacted as follows:

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

22 **SECTION 5. AMENDMENT.** Section 54-11-13 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-11-13. Salary of state treasurer.**

25 The annual salary of the state treasurer is ~~eighty-five~~ninety-one thousand ~~three~~four hundred
26 ~~thirtysix~~ dollars through June 30, ~~2012~~2014, and ~~eighty-seven~~ninety-five thousand eight
27 ~~hundred-ninety~~sixty-two dollars thereafter.

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

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

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

13 **SECTION 7. LEGISLATIVE INTENT - STATE TREASURER'S SALARY.** It is the intent of
14 the sixty-third legislative assembly that the salary of the state treasurer be increased to the
15 salary of the next lowest-paid elected official effective July 1, 2017.

16 **SECTION 8. EMERGENCY.** The sum of \$195,223 and one full-time equivalent position
17 included in section 1 of this Act are declared to be an emergency measure.