

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 and to amend and reenact sections 54-11-13 and 57-62-02 of the North Dakota Century Code,  
3 relating to the salary of the state treasurer and coal severance tax.

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

5 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
6 as may be necessary, are appropriated out of any moneys in the general fund in the state  
7 treasury not otherwise appropriated, to the state treasurer for the purpose of defraying the  
8 expenses of that agency, for the biennium beginning July 1, 2017, and ending June 30, 2019,  
9 as follows:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
12 Salaries and wages	\$1,427,333	(\$44,362)	\$1,382,971
13 Operating expenses	200,614	50,646	251,260
14 Coal severance payments	<u>228,952</u>	<u>(228,952)</u>	<u>0</u>
15 Total general fund	\$1,856,899	(\$222,668)	\$1,634,231
16 Full-time equivalent positions	8.00	0.00	8.00

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

	<u>One-Time Funding Description</u>	<u>2015-17</u>	<u>2017-19</u>
20	Information technology costs	\$65,699	\$0
21	Property tax relief	233,425,000	0
22	Nonoil transportation funding	<u>7,676,000</u>	<u>0</u>
23	Total general fund	\$241,166,699	\$0

1       **SECTION 3. AMENDMENT.** Section 54-11-13 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **54-11-13. Salary of state treasurer.**

4       The annual salary of the state treasurer is ~~ninety-six thousand nine hundred seventy-two~~  
5 ~~dollars through June 30, 2016, and ninety-nine thousand eight hundred eighty-one~~ one hundred  
6 five thousand seven hundred seventy dollars through June 30, 2018, and one hundred six  
7 thousand eight hundred twenty-eight dollars thereafter.

8       **SECTION 4. AMENDMENT.** Section 57-62-02 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10       **57-62-02. Allocation of moneys in coal development fund**

11       Moneys deposited in the coal development fund shall be apportioned monthly by the state  
12 treasurer as follows:

- 13       1. Thirty percent must be deposited in a permanent trust fund in the state treasury, to be  
14 known as the coal development trust fund, pursuant to section 21 of article X of the  
15 Constitution of North Dakota. Those funds held in trust and administered by the board  
16 of university and school lands on March 5, 1981, pursuant to section 12, chapter 563,  
17 1975 Session Laws; section 12, chapter 560, 1977 Session Laws; or section 13,  
18 chapter 626, 1979 Session Laws must also be deposited in the trust fund created  
19 pursuant to this subsection. The fund must be held in trust and administered by the  
20 board of university and school lands for loans to coal-impacted counties, cities, and  
21 school districts as provided in section 57-62-03 and for loans to school districts  
22 pursuant to chapter 15.1-36. The board of university and school lands may invest such  
23 funds as are not loaned out as provided in this chapter and may consult with the state  
24 investment board as provided by law. The income, including interest payments on  
25 loans, from the trust must be used first to replace uncollectible loans made from the  
26 fund and the balance must be deposited in the school construction assistance loan  
27 fund. Loan principal payments must be redeposited in the trust fund. The trust fund  
28 must be perpetual and held in trust as a replacement for depleted natural resources  
29 subject to the provisions of this chapter and chapter 15.1-36.
- 30       2. Seventy percent must be allocated to the coal-producing counties and must be  
31 distributed among such counties in such proportion as the number of tons [metric tons]

1 of coal severed at each mining operation bears to the total number of tons [metric  
2 tons] of coal severed in the state during such monthly period. Allocations under  
3 subdivisions a and b must be apportioned by the state treasurer as follows:

4 a. If the tipple of the currently active coal mining operation in a county is not within  
5 fifteen miles [24.14 kilometers] of another county in which no coal is mined, the  
6 revenue apportioned according to this subdivision must be allocated as follows:

7 (1) Thirty percent must be paid by the state treasurer to the incorporated cities  
8 of the county based upon the population of each incorporated city according  
9 to the last official regular or special federal census or the census taken in  
10 accordance with the provisions of chapter 40-02 in case of a city  
11 incorporated subsequent to such census.

12 (2) Forty percent must be paid to the county treasurer who shall deposit it in the  
13 county general fund to be used for general governmental purposes.

14 (3) Thirty percent must be apportioned by the state treasurer to school districts  
15 within the county on the average daily membership basis, as certified to the  
16 state treasurer by the county superintendent of schools.

17 b. If the tipple of a currently active coal mining operation in a county is within fifteen  
18 miles [24.14 kilometers] of another county in which no coal is mined, the revenue  
19 from the production not exceeding the production limitation in a calendar year  
20 which is apportioned from that coal mining operation according to this subsection  
21 must be allocated, subject to the definitions of terms and the requirements in  
22 paragraph 4, as provided in this subdivision. For purposes of this subdivision, the  
23 production limitation is three million eight hundred thousand tons [3447302.02  
24 metric tons] through calendar year 1995, three million six hundred thousand tons  
25 [3265865.07 metric tons] in calendar years 1996 and 1997, and three million four  
26 hundred thousand tons [3084428.12 metric tons] in calendar years after 1997.  
27 Revenue from production exceeding the production limitation in a calendar year  
28 from that coal mining operation must be allocated only within the coal-producing  
29 county under subdivision a. Allocations under this subdivision must be made as  
30 follows:

- 1           (1) Thirty percent must be paid by the state treasurer to the incorporated cities  
2           of the coal-producing county and to any city of a non-coal-producing county  
3           when any portion of the city lies within fifteen miles [24.14 kilometers] of the  
4           tipple of the currently active coal mining operation in the coal-producing  
5           county, based upon the population of each incorporated city according to  
6           the last official regular or special federal census or the census taken in  
7           accordance with the provisions of chapter 40-02 in case of a city  
8           incorporated subsequent to such census.
- 9           (2) Forty percent must be divided by the state treasurer between the general  
10          fund of the coal-producing county and the general fund of any  
11          non-coal-producing county when any portion of the latter county lies within  
12          fifteen miles [24.14 kilometers] of the tipple of the currently active coal  
13          mining operation in the coal-producing county. The non-coal-producing  
14          county portion must be based upon the ratio which the assessed valuation  
15          of all quarter sections of land in that county, any portion of which lies within  
16          fifteen miles [24.14 kilometers] of the tipple of the currently active coal  
17          mining operation, bears to the combined assessed valuations of all land in  
18          the coal-producing county and the quarter sections of land in the  
19          non-coal-producing county within fifteen miles [24.14 kilometers] of the  
20          tipple of the currently active coal mining operation. The county director of  
21          tax equalization of the coal-producing county shall certify to the state  
22          treasurer the number of quarter sections of land in the non-coal-producing  
23          counties which lie at least in part within fifteen miles [24.14 kilometers] of  
24          the tipple of the currently active coal mining operation and their assessed  
25          valuations.
- 26          (3) Thirty percent must be apportioned by the state treasurer to school districts  
27          within the coal-producing county and to school districts in adjoining  
28          non-coal-producing counties when a portion of those school districts' land  
29          includes any of the quarter sections of land certified by the director of tax  
30          equalization to the state treasurer to be eligible to share county funds as  
31          provided for in paragraph 2. The county superintendent of the

1 non-coal-producing counties shall certify to the state treasurer the number  
2 of students actually residing on these quarter sections lying outside the  
3 coal-producing county and each school district in non-coal-producing  
4 counties shall receive a portion of the money under this paragraph based  
5 upon the ratio of the number of children residing on quarter sections of that  
6 school district within the fifteen-mile [24.14-kilometer] radius of the tipple of  
7 a currently active coal mining operation to the total number of schoolchildren  
8 from the coal-producing county combined with all the schoolchildren  
9 certified to be living on quarter sections within fifteen miles [24.14  
10 kilometers] of the tipple of the currently active coal mining operation in the  
11 coal-producing county.

12 (4) For the purposes of this subdivision:

- 13 (a) The terms "currently active coal mining operation in a county",  
14 "currently active coal mining operation in the coal-producing county",  
15 and "currently active coal mining operation" mean a coal mining  
16 operation that produced more than one hundred fifty thousand tons  
17 [136077.71 metric tons] of coal in a coal-producing county during the  
18 prior quarterly period.
- 19 (b) The term "coal-producing county" means a county in which more than  
20 one hundred fifty thousand tons [136077.71 metric tons] of coal were  
21 mined in the prior quarterly period.
- 22 (c) The term "another county in which no coal is mined" means a county  
23 in which not more than seventy-five thousand tons [68038.86 metric  
24 tons] of coal were mined in the prior quarterly period.
- 25 (d) The terms "non-coal-producing county" and "non-coal-producing  
26 counties" mean any county in which not more than seventy-five  
27 thousand tons [68038.86 metric tons] of coal were mined in the prior  
28 quarterly period.
- 29 (e) In computing each amount to be paid as provided in paragraph 1, 2,  
30 or 3 for coal severance tax revenue from coal mined during a monthly  
31 period, the state treasurer shall deduct from the allocation the amount

1                                   of coal severance tax revenue, if any, that the governmental body in  
2                                   the non-coal-producing county received from the coal mined in the  
3                                   non-coal-producing county during the same monthly period.

4                   (5) ~~The state treasurer shall allocate funds provided by legislative appropriation~~  
5                   ~~to cities, the county general fund, and school districts within a~~  
6                   ~~coal-producing county according to the allocation method provided in~~  
7                   ~~subdivision a in an amount to offset fifty percent of the loss of that county's~~  
8                   ~~share of coal severance tax revenue allocated to a non-coal-producing~~  
9                   ~~county under this subdivision in the previous calendar year. The state~~  
10                  ~~treasurer shall make the allocation and distribute the funds, within the limits~~  
11                  ~~of legislative appropriations, under this paragraph during the first month of~~  
12                  ~~each calendar year. The state treasurer shall include in each biennial~~  
13                  ~~budget request the amounts estimated to be necessary for the biennium for~~  
14                  ~~purposes of this paragraph, based on the allocations under this subdivision~~  
15                  ~~in the most recent calendar years.~~