

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1006
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the office of the tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans' credit; to provide for a continuing appropriation; to provide for transfers; to provide an exemption; to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to a multistate tax audit fund; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|--------------------------------|-------------------|--|----------------------|
| Salaries and wages | \$21,528,135 | \$195,869 | \$21,724,004 |
| Operating expenses | 7,628,262 | (878,967) | 6,749,295 |
| Capital assets | 16,000 | (10,000) | 6,000 |
| Homestead tax credit | 18,690,000 | (3,890,000) | 14,800,000 |
| Disabled veterans' credit | <u>7,175,091</u> | <u>935,109</u> | <u>8,110,200</u> |
| Total all funds | \$55,037,488 | (\$3,647,989) | \$51,389,499 |
| Less estimated income | <u>125,000</u> | <u>0</u> | <u>125,000</u> |
| Total general fund | \$54,912,488 | (\$3,647,989) | \$51,264,499 |
| Full-time equivalent positions | 136.00 | (3.00) | 133.00 |

SECTION 2. HEALTH INSURANCE INCREASE. The salaries and wages line item in section 1 of this Act includes the sum of \$353,067 from the general fund for increases in employee health insurance premiums from \$1,130 to \$1,241 per month.

SECTION 3. ONE-TIME FUNDING. The following amounts reflect the one-time funding 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> |
|-------------------------------------|----------------|----------------|
| Scanners | <u>\$8,000</u> | <u>\$0</u> |
| Total general fund | \$8,000 | \$0 |

SECTION 4. LINE ITEM TRANSFERS - 2015-17 BIENNIUM. The state tax commissioner may transfer funds between the homestead tax credit and disabled veterans' tax credit line items in section 1 of chapter 40 of the 2015 Session Laws if one line item does not have sufficient funds available for state reimbursement of eligible tax credits. The state tax commissioner shall notify the office of management and budget and the legislative council of any transfers made pursuant to this section.

SECTION 5. LINE ITEM TRANSFERS - 2017-19 BIENNIUM. The state tax commissioner may transfer funds between the homestead tax credit and disabled veterans' tax credit line items in section 1 of this Act if one line item does not have sufficient funds available for state reimbursement of eligible tax credits. The state tax commissioner shall notify the office of management and budget and the legislative council of any transfers made pursuant to this section.

SECTION 6. TRANSFER. There is transferred to the general fund in the state treasury out of motor vehicle fuel tax revenue collected pursuant to section 57-43.1-02, the sum of \$2,016,120 for the purpose of reimbursing the general fund for expenses incurred in the collection of the motor vehicle fuels and special fuels taxes and the administration of these taxes for the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 7. EXEMPTION - SALES TAX AUDIT POSITION. Up to \$75,000 of the amount appropriated from the general fund to the tax commissioner in section 1 of chapter 40 of the 2015 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this amount are available to provide salaries and wages funding for a sales tax audit position during the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 8. A new section to chapter 57-01 of the North Dakota Century Code is created and enacted as follows:

Multistate tax audit fund - Continuing appropriation - Transfers to the general fund.

There is created in the state treasury the multistate tax audit fund. The fund consists of all moneys collected and received by the tax commissioner as a result of participation in the multistate tax commission audit and nexus programs. All moneys in the fund are appropriated to the tax commissioner on a continuing basis to pay the multistate tax commission audit and nexus program fees. On or before June thirtieth of each year, the tax commissioner shall certify to the state treasurer the amount of accumulated funds in the multistate tax audit fund which exceed the audit and nexus program fees for the following year. The state treasurer shall transfer the certified amount from the multistate tax audit fund to the general fund prior to the end of each fiscal year.

SECTION 9. EMERGENCY. Section 4 of this Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1006 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 90 Nays 1 Absent 3

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2017.

Approved at _____ M. on _____, 2017.

Governor

Filed in this office this _____ day of _____, 2017,
at _____ o'clock _____ M.

Secretary of State