

**SENATE BILL NO. 2033**

Introduced by

Legislative Management

(Energy Development and Transmission Committee)

1 A BILL for an Act to create and enact a new section to chapter 54-44.1 of the North Dakota  
2 Century Code, relating to appropriation of a portion of state oil and gas tax revenue exceeding  
3 forecasted amounts for distribution in the second year of the state biennium to supplement oil  
4 and gas gross production tax funding to political subdivisions; and to provide a contingent  
5 appropriation.

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

7 **SECTION 1.** A new section to chapter 54-44.1 of the North Dakota Century Code is created  
8 and enacted as follows:

9 **Determination of oil and gas tax revenues exceeding legislative forecast - Allocation.**

10 By March first of each even-numbered year, the tax commissioner shall determine the  
11 amount by which state oil and gas gross production tax and oil extraction tax actual revenues  
12 during the period from July first through December thirty-first of the immediately preceding year  
13 exceed the forecasted amount of those revenues as contained in the legislative forecast  
14 prepared at the conclusion of the most recent regular session of the legislative assembly. The  
15 tax commissioner shall certify the amount of state oil and gas gross production tax and oil  
16 extraction tax actual revenues exceeding the legislative forecast as determined under this  
17 section to the state treasurer.

18 If the certified amount of state oil and gas gross production tax and oil extraction tax actual  
19 revenues exceeds the legislative forecast as determined under this section by twenty percent or  
20 more, the state treasurer shall allocate funds provided by legislative appropriation from the  
21 strategic investment and improvements fund among political subdivisions in a single allocation  
22 in April of that even-numbered year. The allocation under this section must be made by the state  
23 treasurer in proportion to the aggregate amount of allocations among political subdivisions

1 under section 57-51-15 during the immediately preceding six-month period from September  
2 through February.

3 The amounts allocated under this section must not be considered as revenue received by  
4 political subdivisions for purposes of chapter 57-51.

5 **SECTION 2. CONTINGENT APPROPRIATION.** If the amount of state oil and gas gross  
6 production tax and oil extraction tax actual revenues exceeds the legislative forecast as  
7 determined under section 1 of this Act, there is appropriated out of any moneys in the strategic  
8 investment and improvements fund in the state treasury, not otherwise appropriated, the sum of  
9 \$200,000,000, or so much of the sum as may be necessary, to the state treasurer for the  
10 purpose of allocation among political subdivisions as provided in section 1 of this Act for the  
11 period beginning April 1, 2016, and ending June 30, 2017.