

Sixty-seventh  
Legislative Assembly  
of North Dakota

## REENGROSSED HOUSE BILL NO. 1358

Introduced by

Representatives Kempenich, Christensen, Mock, Steiner, Trottier

Senators Bekkedahl, Dwyer, Schaible

1 A BILL for an Act to amend and reenact section 54-44-16 of the North Dakota Century Code,  
2 relating to oil and gas tax revenue hedging; to provide an appropriation; to provide a continuing  
3 appropriation; to provide for a transfer; to provide a statement of legislative intent; and to  
4 declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 54-44-16 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **54-44-16. Oil and gas tax revenue put optionshedging fund - Advisory committee -**  
9 **Continuing appropriation - Transfer to strategic investment and improvements fund.**

10 ~~Upon request of the director of the office of management and budget and upon approval by~~  
11 ~~the industrial commission, the state investment board may purchase oil put options for the office~~  
12 ~~of management and budget. The purchase of put options must be designed to offset reduced~~  
13 ~~state general fund oil and gas tax revenues due to oil and gas prices falling below selected~~  
14 ~~levels. Put options may be purchased only at such times that the purchase assures that oil tax~~  
15 ~~revenues plus the revenues from the sale of put options will be in excess of the oil tax revenues~~  
16 ~~estimated for that level of production by the most recently adjourned legislative assembly. The~~  
17 ~~office of management and budget shall report any purchases of put options to the budget~~  
18 ~~section of the legislative management.~~

19 1. There is created in the state treasury the oil and gas tax revenue hedging fund. The  
20 fund consists of all moneys transferred to the fund by the legislative assembly, interest  
21 and earnings upon moneys in the fund, and proceeds from any hedging financial  
22 instruments. The moneys in the fund are appropriated to the ~~Bank of North~~  
23 ~~Dakota~~office of management and budget on a continuing basis for the purpose of

- 1 implementing hedging strategies as approved by the oil and gas tax revenue hedging  
2 advisory committee and for administrative expenses.
- 3 2. The oil and gas tax revenue hedging advisory committee consists of:
- 4 a. The director of the office of management and budget, as chairman;  
5 b. One senator appointed by the senate majority leader;  
6 c. One representative appointed by the house majority leader;  
7 d. The president of the Bank of North Dakota or the president's designee; and  
8 e. The director of the department of mineral resources.
- 9 3. The advisory committee shall meet at least quarterly, and the ~~Bank~~office of  
10 management and budget shall provide administrative services to the committee.
- 11 4. The advisory committee shall recommend ~~to the Bank~~ hedging strategies to offset any  
12 potential reductions to state oil and gas tax revenues ~~due to oil and gas prices falling~~  
13 ~~below levels included in the legislative revenue forecast at the conclusion of the most~~  
14 ~~recently adjourned regular or special session of the legislative assembly.~~ Hedging  
15 strategies include put and call options or any other hedging financial instruments. The  
16 committee may recommend ~~to the Bank~~ that hedging strategies not be implemented.  
17 The committee shall submit quarterly reports to the legislative management regarding  
18 the results of the hedging strategies.
- 19 5. The ~~Bank~~office of management and budget may contract for consulting services to  
20 implement the hedging strategies, and any related contracting expenses must be paid  
21 from the fund.
- 22 6. On or before September fifteenth of each year, the ~~Bank~~committee shall certify to the  
23 state treasurer the amount of accumulated funds in the oil and gas tax revenue  
24 hedging fund on June thirtieth of the preceding fiscal year ~~which exceed the estimated~~  
25 ~~hedging costs for the current fiscal year.~~ The state treasurer shall transfer the  
26 ~~certified~~any amount ~~exceeding twenty million dollars~~ from the oil and gas tax revenue  
27 hedging fund to the strategic investment and improvements fund by September  
28 thirtieth of each fiscal year.

29 **SECTION 2. APPROPRIATION - TRANSFER - INTENT.** There is appropriated out of any  
30 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of  
31 ~~\$10,000,000~~\$20,000,000, which the office of management and budget shall transfer to the oil

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1 and gas tax revenue hedging fund during the period beginning with the effective date of this Act  
2 and ending June 30, 2023. It is the intent of the sixty-seventh legislative assembly that excess  
3 amounts generated from hedging strategies, which are transferred to the strategic investment  
4 and improvements fund, be used to repay the general fund before being appropriated for other  
5 purposes.

6 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.