

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1495

Introduced by

Representatives Weisz, Kempenich, Ruby, Vigesaa

Senators Andrist, G. Lee

1 A BILL for an Act to amend and reenact sections 54-27-19 and 57-40.3-10 of the North Dakota
2 Century Code, relating to allocation of motor vehicle excise tax revenues to the highway tax
3 distribution fund and the use of funds by counties and cities to implement the strategic
4 transportation plan; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Section 54-27-19 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **54-27-19. Highway tax distribution fund - State treasurer to make allocation to**
9 **state, counties, and cities.** A highway tax distribution fund is created as a special fund in the
10 state treasury into which must be deposited the moneys available by law from collections of
11 motor vehicle registration and related fees, fuels taxes, special fuels taxes, use taxes, and
12 special fuels excise taxes. Any moneys in the highway tax distribution fund must be allocated
13 and transferred monthly by the state treasurer, as follows:

- 14 1. Sixty-three percent of such moneys must be transferred monthly to the state
15 department of transportation and placed in a state highway fund.
- 16 2. Thirty-seven percent of such moneys must be allocated to the counties of this state
17 in proportion to the number of motor vehicle registrations credited to each county.
18 Each county must be credited with the certificates of title of all motor vehicles
19 registered by residents of such county. The state treasurer shall compute and
20 distribute the counties' share monthly after deducting the incorporated cities' share.
21 All the moneys received by the counties from the highway tax distribution fund
22 must be set aside in a separate fund called the "highway tax distribution fund" and
23 must be appropriated and applied solely for highway purposes in accordance with
24 section 11 of article X of the Constitution of North Dakota. The state treasurer

shall compute and distribute monthly the sums allocated to the incorporated cities within each county according to the formula in this subsection on the basis of the per capita population of all of the incorporated cities situated within each county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to such census. Provided, however, that in each county having a city with a population of ten thousand or more, the amount transferred each month into the county highway tax distribution fund must be the difference between the amount allocated to that county pursuant to this subsection and the total amount allocated and distributed to the incorporated cities in that county as computed according to the following formula:

- a. A statewide per capita average as determined by calculating twenty-seven percent of the amount allocated to all of the counties under this subsection divided by the total population of all of the incorporated cities in the state.
- b. The share distributed to each city in the county having a population of less than one thousand must be determined by multiplying the population of that city by the product of 1.50 times the statewide per capita average computed under subdivision a.
- c. The share distributed to each city in the county having a population of one thousand to four thousand nine hundred ninety-nine, inclusive, must be determined by multiplying the population of that city by the product of 1.25 times the statewide per capita average computed under subdivision a.
- d. The share distributed to each city in the county having a population of five thousand or more must be determined by multiplying the population of that city by the statewide per capita average for all such cities, which per capita average must be computed as follows: the total of the shares computed under subdivisions b and c for all cities in the state having a population of less than five thousand must be subtracted from the total incorporated cities' share in the state as computed under subdivision a and the balance remaining must then be divided by the total population of all cities of five thousand or more in the state.

1 3. Not less than fifteen percent of funds allocated to each county and city under this
2 section must be used for transportation priorities approved by the director of the
3 department of transportation under the county and city strategic transportation
4 plan.

5 The moneys allocated to the incorporated cities must be distributed to them monthly by the
6 state treasurer and must be deposited by the cities in a separate fund and may only be used in
7 accordance with section 11 of article X of the Constitution of North Dakota; provided, that any
8 incorporated city may use such fund for the construction, reconstruction, repair, and
9 maintenance of public highways within or outside such city pursuant to an agreement entered
10 into between the city and any other political subdivision as authorized by section 54-40-08.

11 **SECTION 2. AMENDMENT.** Section 57-40.3-10 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **57-40.3-10. Transfer of revenue.** ~~All~~ Ninety percent of moneys collected and received
14 under this chapter must be transmitted monthly by the director of the department of
15 transportation to the state treasurer to be transferred and credited to the general fund. Ten
16 percent of moneys collected and received under this chapter must be transmitted monthly by
17 the director of the department of transportation to the state treasurer to be transferred and
18 credited to the highway tax distribution fund and the amount so credited and transferred may
19 not be considered to be a portion of net sales, gross receipts, use, and motor vehicle excise tax
20 collections under section 57-39.2-26.1.

21 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable events occurring after
22 July 31, 2007.