

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 6, after the semicolon insert "to provide legislative intent; to provide borrowing authority;"

Page 1, after line 21, insert:

**"SECTION 2. APPROPRIATION - TRANSFER - HIGHWAY TAX DISTRIBUTION FUND - EXCEPTION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000,000, which the office of management and budget shall transfer to the highway tax distribution fund during the biennium beginning July 1, 2009, and ending June 30, 2011. Notwithstanding section 54-27-19, the state treasurer may not distribute the funds transferred to the highway tax distribution fund under this section except as provided under section 3 of this Act or as determined by the sixty-second legislative assembly. The funds transferred under this section are available for use as determined by the sixty-second legislative assembly for transportation purposes or for other state government programs based on anticipated revenues and appropriations of the general fund and state highway fund for the 2011-13 biennium. The appropriation provided in this section is considered one-time funding.

**SECTION 3. FEDERAL HIGHWAY EMERGENCY RELIEF FUNDING - LOCAL MATCHING - EXCEPTION - REPORTING.** Each political subdivision receiving federal emergency relief funding for road repairs or improvements may apply to the department of emergency services for reimbursement of up to fifty percent of the local match required to receive the federal emergency relief funding. The department of emergency services shall review requests for reimbursement and provide a listing of approved requests to the state treasurer. Notwithstanding section 54-27-19, the state treasurer shall distribute funding for each approved reimbursement request to the respective political subdivision from funds transferred to the highway tax distribution fund under section 2 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services by February 1, 2010, for calendar year 2009 projects and by February 1, 2011, for calendar year 2010 projects. The department of emergency services shall report to the budget section regarding the amount and use of funds provided for calendar year 2009 and shall report to the sixty-second legislative assembly regarding the amount and use of funds for calendar year 2010.

**SECTION 4. POLITICAL SUBDIVISIONS - FEDERAL EMERGENCY RELIEF FUNDING - BORROWING AUTHORITY.** A political subdivision may borrow funds from the Bank of North Dakota for the purpose of providing up to fifty percent of the matching funds required to receive federal emergency relief funding for road projects or up to five percent of the total road project amount for which federal emergency relief funding is to be received, whichever is less, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 5. HIGHWAY FUNDING - ONE-TIME FUNDING.** Any highway funding received by the state, counties, cities, and townships in excess of the amounts received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment provides for a \$100 million transfer from the general fund to the highway tax distribution fund with the use of funds to be determined by the 62nd Legislative Assembly. The transferred funds may also be used during the 2009-11 biennium to reimburse political subdivisions for up to 50 percent of the cost of the local match to receive federal highway emergency relief funding or up to 5 percent of the total road project cost, whichever is less. Sections are also added regarding the one-time classification of highway funding and providing political subdivisions with authority to borrow funds for certain purposes from the Bank of North Dakota.