

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senator Nething

1 A BILL for an Act to amend and reenact section 57-43.2-19 of the North Dakota Century Code,  
2 relating to deposit of special fuels excise taxes paid by railroads in a special fund; to provide an  
3 appropriation; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **57-43.2-19. Transfer, deposit, and distribution of funds.** All taxes, license fees,  
8 penalties, and interest collected under this chapter must be transferred to the state treasurer  
9 who shall deposit moneys in a highway tax distribution fund, except all special fuels excise  
10 taxes collected on sales of diesel fuel to a railroad under section 57-43.2-03 must be  
11 transferred to the state treasurer who shall deposit the moneys in the highway-rail grade  
12 crossing safety projects fund. The highway tax distribution fund must be distributed in the  
13 manner as prescribed by section 54-27-19.

14 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the  
15 highway-rail grade crossing safety projects fund in the state treasury, not otherwise  
16 appropriated, the sum of \$6,400,000, or so much of the sum as may be necessary, to the  
17 department of transportation for funding of grants for highway-rail grade crossing safety projects  
18 in this state, for the biennium beginning July 1, 2009, and ending June 30, 2011.

19 Grants under this section by the department of transportation for highway-rail grade  
20 crossing safety projects are subject to the following requirements:

21 1. A political subdivision must file an application with the department of transportation  
22 for a grant.

1           2.    A political subdivision grant applicant must provide ten percent matching funds for  
2                   the project costs but no local matching funds are required for a highway-rail grade  
3                   crossing on a state highway.

4           3.    Grant funds may be allocated for development of railroad quiet zones, installation  
5                   or upgrading of active warning devices, resurfacing crossings, building of grade  
6                   separations, and other costs associated with these improvements.

7           4.    An applicant for grant approval for development of a railroad quiet zone shall  
8                   provide the department of transportation a copy of the notice of intent filed with the  
9                   federal railroad administration regarding establishment of a proposed quiet zone  
10                  and copies of any subsequent filings with or orders from the federal railroad  
11                  administration relating to the notice of intent.

12           **SECTION 3. EFFECTIVE DATE.** Section 1 of this Act is effective for taxable events  
13   occurring after June 30, 2009.