

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 - USE OF FUNDS - EXCEPTION.** Each city and county 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 eligible requests to the budget section. Notwithstanding section 54-27-19 and subject to budget section approval, the state treasurer shall distribute funding for each approved reimbursement request to the respective county or city 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 city or county 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.

**SECTION 4. CITIES AND COUNTIES - FEDERAL EMERGENCY RELIEF FUNDING - BORROWING AUTHORITY.** Cities and counties 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, 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 be used during the 2009-11 biennium to reimburse cities and counties for up to 50 percent of the cost of the local match to receive federal highway emergency relief funding. Sections are also added regarding the one-time classification of highway funding and providing cities and counties with authority to borrow funds for certain purposes from the Bank of North Dakota.