

April 7, 2009

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide borrowing authority; and to provide legislative intent"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "18,107,351" and replace "203,805,014" with "192,805,014"

Page 1, line 18, replace "96,855,896" with "39,167,450" and replace "645,576,994" with "587,888,548"

Page 1, line 20, replace "166,810,878" with "93,975,417" and replace "1,069,968,378" with "997,132,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

**"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	<u>5,956,174</u>
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

**SECTION 3. APPROPRIATION - CONTINGENCY FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of matching federal highway construction funds, for the biennium beginning July 1, 2009, and ending June 30, 2011. Moneys appropriated under this section may only be spent subject to budget section

approval to match federal highway construction funds or federal emergency relief funds if amounts appropriated in section 1 of this Act are not sufficient. The funds provided in this section are considered one-time funding.

**SECTION 4. TRANSFER - TOWNSHIP HIGHWAY AID FUND.** The state treasurer shall transfer the sum of \$1,000,000 from the public transportation fund to the township highway aid fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 5. 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 6 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 6. FEDERAL HIGHWAY EMERGENCY RELIEF FUNDING - LOCAL MATCHING - EXCEPTION - REPORTING.** A 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 5 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 7. 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 8. 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."

Page 3, replace lines 4 through 10 with:

**"SECTION 10. TOWNSHIP HIGHWAY AID FUNDING - USES.** Any funding distributed from the township highway aid fund in excess of the amount of distributions resulting from motor vehicle fuel taxes and registration fees deposited in the fund to counties with unorganized townships must be used by these counties for the maintenance of unorganized township roads in the county for which the funding was received for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 11.** A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

**Theodore Roosevelt expressway - United States highway 85.**  
Notwithstanding any previous designation, the department shall designate United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall place signs along the highway designating that name and may use any appropriate signs donated to the department."

Page 13, after line 13, insert:

**"SECTION 18.** A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

**Report on transportation funding and expenditures.** Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within thirty-one days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.

**SECTION 19. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE.** During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

**SECTION 20. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS.** During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

**SECTION 21. LEGISLATIVE INTENT - HIGHWAY-RELATED FUNDING ALLOCATIONS.** It is the intent of the sixty-first legislative assembly that the department of transportation allocate highway-related funding to township, city, county, and state road projects to the extent possible in a proportion similar to distribution proportions of state highway tax distribution fund allocations to these entities for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 13, after line 15, insert:

**"SECTION 23. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0216 FN 3**

**A copy of the statement of purpose of amendment is attached.**