

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to provide for budget section reports; 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;"; after "39-04-19" insert ", 39-06-17", and after "54-27-19.1" insert ", 57-40.3-10"

Page 1, line 4, after "disasters" insert ", restricted operators' licenses,"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide borrowing authority; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency"

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 "59,267,450" and replace "645,576,994" with "607,988,548"

Page 1, line 19, replace "16,653,601" with "16,253,601" and replace "69,066,101" with "68,666,101"

Page 1, line 20, replace "166,810,878" with "113,675,417" and replace "1,069,968,378" with "1,016,832,917"

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 - 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 \$60,000,000, 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 4 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 4. APPROPRIATION - STATE TREASURER -

WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$38,000,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds to political subdivisions, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section to political subdivisions before June 30, 2009, as follows:

1. Ten million to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Twenty-eight million to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.

SECTION 5. 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 3 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 6. USE OF HIGHWAY FUNDING - REPORT TO THE BUDGET

SECTION. The department of transportation shall coordinate with the department of emergency services to compile information regarding the use of state, federal, emergency, and other highway funding by the department of transportation, counties, cities, and townships during the biennium beginning July 1, 2009, and ending June 30, 2011. The department of transportation shall provide periodic reports to the budget section regarding the use of funds during the 2009-10 interim.

SECTION 7. 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 2, remove lines 1 through 29

Page 3, replace lines 4 through 10 with:

"SECTION 9. 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 9, after line 13, insert:

"SECTION 12. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has:

- (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
 - (2) Successfully completed a course at an approved commercial driver training school.
- e. The child has driving experience of at least one hour at night, one hour during winter conditions, and one hour on a gravel, dirt, or loose surface highway to which the parent or guardian of the child must attest.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.
6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
 - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity."

Page 9, line 26, replace "three-tenths" with "four-tenths"

Page 10, line 1, replace "five-tenths" with "four-tenths"

Page 13, after line 13, insert:

"**SECTION 17.** 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 18. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited as follows:

1. Ten percent to the highway fund.
2. ~~Ninety~~ Ten percent to the highway tax distribution fund.
3. Eighty percent to the state general fund.

(Effective after June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund.

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. Sections 2 and 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0223 FN 7

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