

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

That the House recede from its amendments as printed on pages 1017-1022 of the Senate Journal and pages 1072-1076 of the House Journal and that Engrossed Senate Bill No. 2012 be amended as follows:

Page 1, line 2, after "transportation" insert "; to limit expenditures on certain streets; to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to cooperating with other states; to amend and reenact subsection 3 of section 24-02-37, sections 24-02-37.1, 39-12-02, and 54-06-09 of the North Dakota Century Code, relating to the special road fund, special trip permits, and state employee vehicle usage; to repeal section 24-02-37.1 of the North Dakota Century Code, relating to the special road advisory committee; and to provide an effective date"

Page 1, line 9, replace "24,084,794" with "22,383,770"

Page 1, line 10, replace "6,525,312" with "6,625,312"

Page 1, line 11, replace "8,870,358" with "8,950,358"

Page 1, line 12, replace "382,681,779" with "384,730,803"

Page 1, line 14, replace "452,824,778" with "453,352,778"

Page 1, after line 23, insert:

"SECTION 4. LEGISLATIVE INTENT - BUDGET SECTION REPORT. It is the intent of the legislative assembly that the department of transportation evaluate the continued use of its 1978 model cessna airplane. The evaluation should include an analysis of the costs of continued maintenance and repair of the airplane and options for replacement of the airplane which may include selling or trading the airplane and leasing or purchasing a new or used airplane. The department shall present a report on its evaluation to the budget section by November 1998.

SECTION 5. EXPENDITURES FOR SCHAFER STREET LIMITED. No funds from any source may be used to widen Schafer street in the city of Bismarck. However, funds may be used to maintain or improve the street.

SECTION 6. A new section to chapter 24-02 of the North Dakota Century Code is created and enacted as follows:

Intergovernmental cooperation - Infrastructure bank. The director may contract and cooperate with other states, with political subdivisions of this state, and with the United States government to establish, maintain, and operate a multistate infrastructure bank pursuant to section 350 of the National Highway System Designation Act of 1995 [Pub. L. 104-59; 109 Stat. 568, 618-622] and the Department of Transportation and Related Agencies Appropriations Act of 1997 [Pub. L. 104-205, Title I]. The director may transfer and commit to the multistate infrastructure bank state and federal-aid highway funds, up to a maximum of ten percent of eligible federal-aid highway funds, and the required state matching funds. All funds and revenue allocated or generated under this section must be used for purposes of funding eligible projects as determined by agreement of the members of the multistate infrastructure bank and as authorized by state and federal law.

SECTION 7. AMENDMENT. Subsection 3 of section 24-02-37 of the North Dakota Century Code is amended and reenacted as follows:

3. The state treasurer shall deposit the moneys in the state highway fund in an interest-bearing account at the Bank of North Dakota. ~~The state treasurer shall deposit any~~ Any income derived from the deposit of the moneys in a special fund in the state treasury known as the special road must be retained in the state highway fund. ~~Moneys, and any earnings on the moneys, in the special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the commissioner with the advice of the special road advisory committee. Requests by political subdivisions or state agencies for funding from the special road fund must be made to the commissioner on forms designated by the commissioner. The commissioner may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund.~~

SECTION 8. AMENDMENT. Section 24-02-37.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-02-37.1. Special road advisory committee - Special road fund. The special road advisory committee consists of one member of the senate transportation committee and one member of the senate appropriations committee appointed by the chairman of the legislative council and one member of the house of representatives transportation committee and one member of the house of representatives appropriations committee appointed by the chairman of the legislative council and also the director of the game and fish department, the director of the parks and recreation department, the director of the department of economic development and finance, and the commissioner.

The special road fund is a special fund in the state treasury that consists of moneys deposited in the fund through June 30, 1997. Moneys, and any earnings on the moneys, in the special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the commissioner with the advice of the special road advisory committee. Requests by political subdivisions or state agencies for funding from the special road fund must be made to the commissioner on forms designated by the commissioner. The commissioner may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund. The state treasurer shall transfer any moneys remaining in the fund on June 30, 1999, to the state highway fund.

The committee shall meet at the call of the commissioner, who is chairman of the committee, to review requests for funding from the special road fund and to advise the commissioner regarding funding requested projects. The commissioner shall provide staff services to the committee. All final decisions regarding funding requested projects are in the sole discretion of the commissioner. The members of the commission who are members of the legislative assembly must be compensated by the department, from moneys appropriated from the special road fund, for attendance at committee meetings at the rate provided in section 54-35-10 and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

SECTION 9. AMENDMENT. Section 39-12-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-12-02. Special permits for vehicles of excessive size and weight issued
- Contents - Fees.**

1. The highway patrol and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. Every ~~such~~ permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting ~~such the~~ permit. Every ~~such~~ permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent of the superintendent of the highway patrol unless prior approval is obtained from the highway patrol. It is a violation of ~~the provisions of~~ this chapter for any person to violate any of the terms or conditions of ~~such special the~~ permit. All permits for the movement of excessive size and weight on state highways must be single trips only. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.
2. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund ~~and are hereby appropriated~~ for use in the construction and maintenance of highways and operating expenses of the department of transportation. ~~For each permit for the movement of a mobile home or modular unit, the fee is ten dollars.~~ Official or publicly owned vehicles may not be required to pay charges for permits. The minimum fee for selected charges is as follows:

 - a. The fee for a seasonal permit, harvest and wintertime, is fifty dollars per month.
 - b. The fee for a non-self-issuing interstate permit is ten dollars per trip.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for filing a permit is five dollars per trip.
 - f. The fee for a single trip permit is twenty dollars per trip.
3. The director of tax equalization of the county of destination must be furnished a copy of the permit for the movement of an overdimensional mobile home.

SECTION 10. AMENDMENT. Section 54-06-09 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-06-09. Mileage and travel expense of state officers and employees.

1. State officials, whether elective or appointive, and their deputies, assistants, and clerks, or other state employees, entitled by law to be reimbursed for mileage or travel expense, must be allowed and paid for mileage and travel expense the following amounts:
- 4- a. The sum of twenty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle or twenty-seven

cents per mile [1.61 kilometers] if the travel is by truck, the use of which is required by the employing subdivision, agency, bureau, board, or commission. The sum of thirty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by private airplane. Mileage by private aircraft must be computed by actual air mileage when only one state employee or official is traveling; if two or more state employees or officials are traveling by private aircraft, the actual mileage must be based on the road mileage between the geographical points. Reimbursement for private airplane travel must be calculated as follows:

- a. (1) If reimbursement is for one properly authorized and reimbursable passenger, reimbursement must be paid on a per-mile basis as provided in this subsection.
- b. (2) If reimbursement is claimed for a chartered private aircraft, reimbursement may not exceed the cost of regular coach fare on a commercial flight, if one is scheduled between the point of departure, point of destination, and return, for each properly authorized and reimbursable passenger on the charter flight; or, where there is no such regularly scheduled commercial flight, the actual cost of the charter.
- b. Except as provided in subdivision a, when travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.
- 2. No reimbursement may be paid for leased private aircraft, except for leased or rented private aircraft from a recognized fixed base aviation operator who is in the business of leasing and renting private aircraft and is located on an airport open for public use.
- 3. If only one person ~~shall engage~~ engages in such travel in a motor vehicle exceeding at any geographical point one hundred fifty miles [241.40 kilometers] beyond the borders of this state, reimbursement must be limited to eighteen cents per mile [1.61 kilometers] for the out-of-state portion of the travel beyond the first one hundred fifty miles [241.40 kilometers].
- 4. An official, deputy, assistant, clerk, or other employee, when required to travel by motor vehicle or truck in the performance of official duty, shall use a state-owned vehicle whenever possible unless exempted under section 24-02-03.3. When official travel is by motor vehicle or airplane owned by the state or by any department or political subdivision thereof, no allowance may be made or paid for such mileage.
- 2. ~~Except as provided in subsection 1, when travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.~~
- 3. 5. Notwithstanding the other provisions of this section, state employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding at least thirty consecutive days, must be allowed and paid twenty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the

one-hundred-fifty-mile [241.40-kilometer] restriction imposed by subsection 4 3 does not apply.

6. Before any allowance for any such mileage or travel expenses may be made, the official, deputy, assistant, clerk, or other employee shall file with the employee's department, institution, board, commission, or agency an itemized statement showing the mileage traveled, the hour of departure and return, the days when and how traveled, the purpose thereof, and such other information and documentation as may be prescribed by rule of the employee's department, institution, board, commission, or agency. The statement must be submitted to the employee's department, institution, board, commission, or agency for approval and must be paid only when approved by the employee's department, institution, board, commission, or agency.

SECTION 11. REPEAL. Section 24-02-37.1 of the 1995 Supplement to the North Dakota Century Code is repealed.

SECTION 12. EFFECTIVE DATE. Section 11 of this Act becomes effective on July 1, 1999."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DEPARTMENT OF TRANSPORTATION

HOUSE - This amendment makes the following changes:

Changes by line item include:

| | SENATE VERSION | ADMINISTRATIVE COST CHANGES | REMOVE RISK MANAGEMENT PREMIUMS | INCREASE HIGHWAY CONSTRUCTION | TOTAL CHANGES TO SENATE VERSION | CONFERENCE COMMITTEE VERSION | HOUSE VERSION | CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION |
|----------------------|-------------------|---|---------------------------------|-------------------------------|---------------------------------|------------------------------|-------------------|---|
| Salaries and wages | \$ 82,990,450 | \$ 90,000 ² | | | \$ 90,000 | \$ 82,990,450 | \$ 82,900,450 | \$ 90,000 |
| Operating expenses | 79,300,558 | (1,110,000) ¹ , ² | \$(501,024) | | (1,611,024) | 77,689,534 | 77,599,534 | 90,000 |
| Equipment | 21,597,257 | | | | | 21,597,257 | 21,597,257 | |
| Capital improvements | 243,554,813 | 1,200,000 ¹ , ² | 501,024 | \$528,000 | 2,049,024 | 245,603,837 | 245,783,837 | (180,000) |
| Grants | <u>25,471,700</u> | | | | | <u>25,471,700</u> | <u>25,471,700</u> | |
| Total special funds | \$452,824,778 | \$ 0 | \$ 0 ³ | \$528,000 ⁴ | \$ 528,000 | \$453,352,778 | \$453,352,778 | \$ 0 |
| FTE | 1,042.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,042.00 | 1,042.00 | 0.00 |

Changes by program include:

| | SENATE VERSION | REDUCE ADMINISTRATIVE COSTS | REMOVE RISK MANAGEMENT PREMIUMS | INCREASE HIGHWAY CONSTRUCTION | TOTAL CHANGES TO SENATE VERSION | CONFERENCE COMMITTEE VERSION | HOUSE VERSION | CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION |
|---------------------|-------------------|---------------------------------------|---------------------------------|-------------------------------|---------------------------------|------------------------------|-------------------|---|
| Administration | \$ 24,084,794 | (\$1,200,000) ¹ | (\$501,024) | | (\$1,701,024) | \$ 22,383,770 | \$ 22,383,770 | |
| Motor vehicle | 6,525,312 | 100,000 ² | | | 100,000 | 6,625,312 | 6,525,312 | \$100,000 |
| Driver's license | 8,870,358 | 80,000 ² | | | 80,000 | 8,950,358 | 8,870,358 | 80,000 |
| Highways | 382,681,779 | 1,020,000 ¹ , ² | 501,024 | \$528,000 | 2,049,024 | 384,730,803 | 384,910,803 | (180,000) |
| Fleet services | <u>30,662,535</u> | | | | | <u>30,662,535</u> | <u>30,662,535</u> | |
| Total special funds | \$452,824,778 | \$ 0 | \$ 0 ³ | \$528,000 ⁴ | \$528,000 | \$453,352,778 | \$453,352,778 | \$ 0 |

¹ Operating expenses in the administration program are reduced by \$1,200,000 for savings resulting from anticipated program efficiencies and the funding is added in the highways program for highways program for highway construction and maintenance costs.

² The following changes are made to provide funding for costs associated with administering provisions of House Bill No. 1103 which relate to disclosure of the department's records:

| | MOTOR VEHICLE | DRIVER'S LICENSE | HIGHWAYS | TOTAL |
|----------------------|------------------|------------------|--------------------|-------------|
| Salaries and wages | \$ 45,000 | \$45,000 | | \$90,000 |
| Operating expenses | 55,000 | 35,000 | | 90,000 |
| Capital improvements | | | \$(180,000) | (180,000) |
| Total | <u>\$100,000</u> | <u>\$80,000</u> | <u>\$(180,000)</u> | <u>\$ 0</u> |

³ Funding for risk management premiums is removed and funding is added in the highways program for highway construction and maintenance costs.

⁴ Adds funding for highway construction and maintenance costs resulting from additional highway fund revenue which is generated by increasing special permit fees.

Sections are added which:

Provide that the department evaluate the cost-effectiveness of the continued use of one of its airplanes and report to the Budget Section regarding the department's options.

Preclude any funding to be used to widen Schafer Street in Bismarck.

Increase special permit fees for oversize and overweight vehicles. The fee increases are estimated to generate \$528,000 to the highway fund during the 1997-99 biennium.

Provide that state employees use state vehicles, whenever possible, when traveling by car or truck on state business.

Discontinue, on July 1, 1997, the deposit of interest earned on the highway fund into the special road fund for the construction and maintenance of roads relating to recreational, tourist, and historical areas. The interest earned will remain in the highway fund. This will result in an estimated increase of \$2.2 million of revenue to the highway fund during the 1997-99 biennium. The special road fund and the Special Road Advisory Committee will remain in effect until June 30, 1999, to advise the director on the expenditure of moneys remaining in the special road fund on June 30, 1997.