

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1407

Introduced by

Representatives Weisz, Nelson, Ruby

Senators O'Connell, Oehlke

1 A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota
2 Century Code, relating to an economic development transportation fund; amend and reenact
3 sections 39-04-19, 39-04-39, 54-27-19, 54-27-19.1, 57-39.2-26.1, and 57-40.3-10 of the North
4 Dakota Century Code, relating to the collection and distribution of highway funds; to repeal
5 section 39-04.2-03 of the North Dakota Century Code, relating to the registration fee for the
6 public transportation fund; to provide an appropriation; and to provide a continuing
7 appropriation.

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

9 **SECTION 1.** A new section to chapter 24-02 of the North Dakota Century Code is
10 created and enacted as follows:

11 **Economic development transportation fund - Continuing appropriation.** The
12 economic development transportation fund is created as a special fund in the state treasury.
13 Moneys in the fund are appropriated on a continuing basis to the director to provide matching
14 grants to political subdivisions in amounts determined by the director; however, the match
15 provided by a political subdivision must be at least ten percent of the total amount of the
16 project. The director shall provide matching grants for transportation-related projects that
17 promote economic development by improving the transportation infrastructure of this state.

18 **SECTION 2. AMENDMENT.** Section 39-04-19 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **39-04-19. Motor vehicle registration fees and mile tax.** Motor vehicles required to
21 pay registration fees or a mile tax shall pay the following fees:

22 1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do
23 so by the department, shall pay a fee of twenty dollars for a trip permit which is

1 valid for a period of seventy-two hours. All fees collected under the provisions of
2 this subsection must be credited to the highway construction fund.

3 2. Motor vehicles required to be registered in this state must be furnished license
4 plates upon the payment of the following annual fees; however, if a motor vehicle,
5 including a motorcycle or trailer, first becomes subject to registration other than at
6 the beginning of the registration period, such fees must be prorated on a monthly
7 basis. The minimum fee charged hereunder must be five dollars:

8 a. Passenger motor vehicles:

	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
10 Gross Weights				
11 Less than 3,200	\$70 <u>\$73</u>	\$62 <u>\$65</u>	\$54 <u>\$57</u>	\$46 <u>\$49</u>
14 3,200 - 4,499	90 <u>93</u>	78 <u>81</u>	66 <u>69</u>	54 <u>57</u>
15 4,500 - 4,999	108 <u>111</u>	94 <u>94</u>	76 <u>79</u>	60 <u>63</u>
16 5,000 - 5,999	139 <u>142</u>	117 <u>120</u>	95 <u>98</u>	73 <u>76</u>
17 6,000 - 6,999	172 <u>175</u>	143 <u>146</u>	114 <u>117</u>	86 <u>89</u>
18 7,000 - 7,999	205 <u>208</u>	169 <u>172</u>	134 <u>137</u>	99 <u>102</u>
19 8,000 - 8,999	238 <u>241</u>	196 <u>199</u>	154 <u>157</u>	112 <u>115</u>
20 9,000 and over	274 <u>274</u>	222 <u>225</u>	174 <u>177</u>	125 <u>128</u>

21 A house car is subject to registration at the rates prescribed for other
22 vehicles under this subdivision modified by using the weight applicable to a
23 vehicle whose weight is forty percent of that of the house car, but not using a
24 weight of less than four thousand pounds [1814.35 kilograms].

25 A pickup truck is subject to registration at the rates prescribed for other
26 vehicles under this subdivision by applying the shipping weight of the vehicle
27 to the fee schedule. At a minimum, the registered gross weight displayed on
28 the registration card for a pickup truck must be twice the shipping weight of
29 the vehicle. Unless otherwise exempted by this chapter, the owner of a
30 pickup truck shall request the registered gross weight of the pickup truck be
31 increased to ensure the registered gross weight is sufficient to include the

1 total weight of the vehicle and any load transported on or by the vehicle. For
2 purposes of this subdivision, a pickup truck is a motor vehicle with a
3 manufacturer's gross vehicle weight rating of less than eleven thousand five
4 hundred pounds [5216.31 kilograms], with an unladen weight of less than
5 eight thousand pounds [3628.74 kilograms], and which is equipped with an
6 open box-type bed not exceeding nine feet [2.74 meters] in length.

7 b. Schoolbuses, buses for hire, buses owned and operated by religious,
8 charitable, or nonprofit organizations and used exclusively for religious,
9 charitable, or other public nonprofit purposes, and trucks or combination
10 trucks and trailers, including commercial and noncommercial trucks, except
11 those trucks or combinations of trucks and trailers which qualify for
12 registration under this subsection or subsection 5:

		YEARS REGISTERED				
		1st	7th	10th	13th	20th and
Gross	Through	Through	Through	Through	Through	Subsequent
Weights	6th Years	9th Years	12th Years	19th Years	Years	
Not over 4,000	\$68 <u>\$71</u>	\$55 <u>\$58</u>	\$50 <u>\$53</u>	\$47 <u>\$50</u>	\$46 <u>\$49</u>	
4,001 - 6,000	73 <u>76</u>	60 <u>63</u>	54 <u>57</u>	48 <u>51</u>	47 <u>50</u>	
6,001 - 8,000	78 <u>81</u>	65 <u>68</u>	58 <u>61</u>	49 <u>52</u>	48 <u>51</u>	
8,001 - 10,000	83 <u>86</u>	70 <u>73</u>	62 <u>65</u>	54 <u>54</u>	50 <u>53</u>	
10,001 - 12,000	88 <u>91</u>	75 <u>78</u>	66 <u>69</u>	53 <u>56</u>	52 <u>55</u>	
12,001 - 14,000	93 <u>96</u>	80 <u>83</u>	70 <u>73</u>	56 <u>59</u>	55 <u>58</u>	
14,001 - 16,000	98 <u>101</u>	85 <u>88</u>	74 <u>77</u>	59 <u>62</u>	58 <u>61</u>	
16,001 - 18,000	103 <u>106</u>	90 <u>93</u>	78 <u>81</u>	64 <u>64</u>	60 <u>63</u>	
18,001 - 20,000	106 <u>109</u>	93 <u>96</u>	80 <u>83</u>	62 <u>65</u>	64 <u>64</u>	

		YEARS REGISTERED		
		1st, 2nd, 3rd,	8th, 9th, 10th,	13th and
Gross	4th, 5th, 6th,	11th, and	Subsequent	
Weights	and 7th Years	12th Years	Years	
20,001 - 22,000	\$136 <u>\$139</u>	\$140 <u>\$113</u>	\$97 <u>\$100</u>	
22,001 - 26,000	188 <u>191</u>	158 <u>161</u>	142 <u>145</u>	

Sixty-first
Legislative Assembly

1	26,001 - 30,000	249 <u>252</u>	207 <u>210</u>	185 <u>188</u>
2	30,001 - 34,000	315 <u>318</u>	260 <u>263</u>	232 <u>235</u>
3	34,001 - 38,000	376 <u>379</u>	309 <u>312</u>	275 <u>278</u>
4	38,001 - 42,000	437 <u>440</u>	358 <u>361</u>	317 <u>320</u>
5	42,001 - 46,000	498 <u>501</u>	406 <u>409</u>	360 <u>363</u>
6	46,001 - 50,000	559 <u>562</u>	455 <u>458</u>	403 <u>406</u>
7	50,001 - 54,000	629 <u>632</u>	513 <u>516</u>	454 <u>457</u>
8	54,001 - 58,000	690 <u>693</u>	562 <u>565</u>	497 <u>500</u>
9	58,001 - 62,000	752 <u>755</u>	614 <u>614</u>	540 <u>543</u>
10	62,001 - 66,000	812 <u>815</u>	659 <u>662</u>	583 <u>586</u>
11	66,001 - 70,000	873 <u>876</u>	708 <u>711</u>	625 <u>628</u>
12	70,001 - 74,000	934 <u>937</u>	757 <u>760</u>	668 <u>671</u>
13	74,001 - 78,000	995 <u>998</u>	806 <u>809</u>	711 <u>714</u>
14	78,001 - 82,000	1,056 <u>1,059</u>	855 <u>858</u>	754 <u>757</u>
15	82,001 - 86,000	1,179 <u>1,182</u>	960 <u>963</u>	841 <u>844</u>
16	86,001 - 90,000	1,301 <u>1,304</u>	1,064 <u>1,067</u>	928 <u>931</u>
17	90,001 - 94,000	1,423 <u>1,426</u>	1,169 <u>1,172</u>	1,015 <u>1,018</u>
18	94,001 - 98,000	1,545 <u>1,548</u>	1,274 <u>1,277</u>	1,103 <u>1,106</u>
19	98,001 - 102,000	1,667 <u>1,670</u>	1,378 <u>1,381</u>	1,190 <u>1,193</u>
20	102,001 - 105,500	1,789 <u>1,792</u>	1,483 <u>1,486</u>	1,277 <u>1,280</u>

21 c. ~~Notwithstanding the fees provided by subdivision a of subsection 2, only~~
 22 ~~one half of the increase in registration fees, rounded up to the nearest dollar,~~
 23 ~~resulting from the reclassification of pickup trucks in 2005 from subdivision b~~
 24 ~~of subsection 2 to subdivision a of subsection 2 is effective from July 1, 2005,~~
 25 ~~through June 30, 2007.~~

26 d. Motorcycles, fifteen dollars.

27 3. Motor vehicles acquired by disabled veterans under the provisions of Public Law
 28 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax
 29 and, if paid, such veterans are entitled to a refund. This exemption also applies to
 30 any passenger motor vehicle or pickup truck not exceeding ten thousand pounds

1 [4535.92 kilograms] gross weight but shall apply to no more than two such motor
2 vehicles owned by a disabled veteran at any one time.

3 4. Every trailer, semitrailer, and farm trailer required to be registered under this
4 chapter must be furnished registration plates upon the payment of a twenty dollar
5 annual fee. Every trailer, semitrailer, or farm trailer not required to be registered
6 under this chapter must be furnished an identification plate upon the payment of a
7 fee of five dollars. Upon the request of a person with a trailer or farm trailer to
8 whom a registration or identification plate is provided under this subsection, the
9 department shall provide a plate of the same size as provided for a motorcycle.
10 The department shall provide notification of this option to the person before the
11 replacement or issuance of the plate.

12 5. Trucks or combinations of trucks and trailers weighing more than twenty thousand
13 but not more than one hundred five thousand five hundred pounds [more than
14 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles
15 only, are entitled to registration under the following fee schedule and the provisions
16 of this subsection. Farm vehicles are considered, for the purpose of this
17 subsection, as trucks or combinations of trucks and trailers weighing more than
18 twenty thousand but not more than one hundred five thousand five hundred
19 pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or
20 leased for at least one year by a bona fide resident farmer who uses the vehicles
21 exclusively for transporting the farmer's own property or other property on a farm
22 work exchange basis with other farmers between farms and the usual local trading
23 places but not in connection with any commercial retail or wholesale business
24 being conducted from those farms, nor otherwise for hire. In addition to the
25 penalty provided in section 39-04-41, any person violating this subsection shall
26 license for the entire license period the farm vehicle at the higher commercial
27 vehicle rate in accordance with the weight carried by the farm vehicle at the time of
28 the violation.

	YEARS REGISTERED			
	1st, 2nd,	7th and	9th and	11th and
	3rd, 4th, 5th,	8th	10th	Subsequent
29				
30				
31	Gross			

Sixty-first
Legislative Assembly

1	Weights	and 6th Years	Years	Years	Years
2	20,001 - 22,000	\$108 <u>\$111</u>	\$94 <u>\$97</u>	\$80 <u>\$83</u>	\$62 <u>\$65</u>
3	22,001 - 24,000	113 <u>116</u>	98 <u>101</u>	83 <u>86</u>	64 <u>67</u>
4	24,001 - 26,000	124 <u>124</u>	104 <u>107</u>	87 <u>90</u>	66 <u>69</u>
5	26,001 - 28,000	132 <u>135</u>	112 <u>115</u>	93 <u>96</u>	70 <u>73</u>
6	28,001 - 30,000	144 <u>144</u>	120 <u>123</u>	99 <u>102</u>	74 <u>77</u>
7	30,001 - 32,000	156 <u>159</u>	133 <u>136</u>	110 <u>113</u>	83 <u>86</u>
8	32,001 - 34,000	166 <u>169</u>	144 <u>144</u>	116 <u>119</u>	87 <u>90</u>
9	34,001 - 36,000	176 <u>179</u>	149 <u>152</u>	122 <u>125</u>	91 <u>94</u>
10	36,001 - 38,000	186 <u>189</u>	157 <u>160</u>	128 <u>131</u>	95 <u>98</u>
11	38,001 - 40,000	196 <u>199</u>	165 <u>168</u>	134 <u>137</u>	99 <u>102</u>
12	40,001 - 42,000	206 <u>209</u>	173 <u>176</u>	140 <u>143</u>	103 <u>106</u>
13	42,001 - 44,000	216 <u>219</u>	184 <u>184</u>	146 <u>149</u>	107 <u>110</u>
14	44,001 - 46,000	226 <u>229</u>	189 <u>192</u>	152 <u>155</u>	111 <u>114</u>
15	46,001 - 48,000	236 <u>239</u>	197 <u>200</u>	158 <u>161</u>	115 <u>118</u>
16	48,001 - 50,000	246 <u>249</u>	205 <u>208</u>	164 <u>167</u>	119 <u>122</u>
17	50,001 - 52,000	266 <u>269</u>	223 <u>226</u>	180 <u>183</u>	133 <u>136</u>
18	52,001 - 54,000	276 <u>279</u>	234 <u>234</u>	186 <u>189</u>	137 <u>140</u>
19	54,001 - 56,000	286 <u>289</u>	239 <u>242</u>	192 <u>195</u>	141 <u>144</u>
20	56,001 - 58,000	296 <u>299</u>	247 <u>250</u>	198 <u>201</u>	145 <u>148</u>
21	58,001 - 60,000	306 <u>309</u>	255 <u>258</u>	204 <u>207</u>	149 <u>152</u>
22	60,001 - 62,000	316 <u>319</u>	263 <u>266</u>	210 <u>213</u>	153 <u>156</u>
23	62,001 - 64,000	326 <u>329</u>	274 <u>274</u>	216 <u>219</u>	157 <u>160</u>
24	64,001 - 66,000	336 <u>339</u>	279 <u>282</u>	222 <u>225</u>	161 <u>164</u>
25	66,001 - 68,000	346 <u>349</u>	287 <u>290</u>	228 <u>231</u>	165 <u>168</u>
26	68,001 - 70,000	356 <u>359</u>	295 <u>298</u>	234 <u>237</u>	169 <u>172</u>
27	70,001 - 72,000	366 <u>369</u>	303 <u>306</u>	240 <u>243</u>	173 <u>176</u>
28	72,001 - 74,000	376 <u>379</u>	314 <u>314</u>	246 <u>249</u>	177 <u>180</u>
29	74,001 - 76,000	386 <u>389</u>	319 <u>322</u>	252 <u>255</u>	181 <u>184</u>
30	76,001 - 78,000	396 <u>399</u>	327 <u>330</u>	258 <u>261</u>	185 <u>188</u>
31	78,001 - 80,000	406 <u>409</u>	335 <u>338</u>	264 <u>267</u>	189 <u>192</u>

Sixty-first
Legislative Assembly

1	80,001 - 82,000	416 <u>419</u>	343 <u>346</u>	270 <u>273</u>	493 <u>196</u>
2	82,001 - 84,000	426 <u>429</u>	365 <u>368</u>	313 <u>316</u>	269 <u>272</u>
3	84,001 - 86,000	446 <u>449</u>	382 <u>385</u>	327 <u>330</u>	284 <u>284</u>
4	86,001 - 88,000	466 <u>469</u>	399 <u>402</u>	344 <u>344</u>	293 <u>296</u>
5	88,001 - 90,000	486 <u>489</u>	416 <u>419</u>	355 <u>358</u>	305 <u>308</u>
6	90,001 - 92,000	506 <u>509</u>	433 <u>436</u>	369 <u>372</u>	317 <u>320</u>
7	92,001 - 94,000	526 <u>529</u>	450 <u>453</u>	383 <u>386</u>	329 <u>332</u>
8	94,001 - 96,000	546 <u>549</u>	467 <u>470</u>	397 <u>400</u>	344 <u>344</u>
9	96,001 - 98,000	566 <u>569</u>	484 <u>487</u>	414 <u>414</u>	353 <u>356</u>
10	98,001 - 100,000	586 <u>589</u>	504 <u>504</u>	425 <u>428</u>	365 <u>368</u>
11	100,001 - 102,000	606 <u>609</u>	518 <u>521</u>	439 <u>442</u>	377 <u>380</u>
12	102,001 - 104,000	626 <u>629</u>	535 <u>538</u>	453 <u>456</u>	389 <u>392</u>
13	104,001 - 105,500	646 <u>649</u>	552 <u>555</u>	467 <u>470</u>	404 <u>404</u>

14 6. A motor vehicle registered in subsection 5 may be used for custom combining
15 operations by displaying identification issued by the department and upon payment
16 of a fee of twenty-five dollars.

17 7. ~~Thirteen dollars of each registration fee collected under subsections 2 and 5 must~~
18 ~~be deposited in the state highway fund.~~

19 **SECTION 3. AMENDMENT.** Section 39-04-39 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **39-04-39. Distribution of registration fees collected.** Any moneys in the registration
22 fund accruing from license fees or from other like sources, in excess of the amount required to
23 pay salaries and other necessary expenses; in accordance with the legislative assembly's
24 appropriation for ~~such~~ these purposes, must be promptly deposited in the highway tax
25 distribution fund ~~which must be distributed in the manner as prescribed by law. The state~~
26 ~~treasurer shall transfer annually from the highway tax distribution fund to the ethanol production~~
27 ~~incentive fund an amount equal to forty percent of all sums collected for the registration of farm~~
28 ~~vehicles under subsection 5 of section 39-04-19 except that no transfer may be made in an~~
29 ~~amount that would result in the balance of the ethanol production incentive fund exceeding~~
30 ~~seven million five hundred thousand dollars.~~

1 **SECTION 4. AMENDMENT.** Section 54-27-19 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **54-27-19. Highway tax distribution fund - State treasurer to make allocation to**
4 **state, counties, and cities.** A highway tax distribution fund is created as a special fund in the
5 state treasury into which must be deposited the moneys available by law from collections of
6 motor vehicle registration and related fees, fuels taxes, special fuels taxes, use taxes, and
7 special fuels excise taxes. Any moneys in the highway tax distribution fund must be allocated
8 and transferred monthly by the state treasurer, as follows:

- 9 1. ~~Sixty-three and twenty-eight hundredths percent of such moneys~~ must be
10 transferred monthly to the state department of transportation and placed in a state
11 highway fund.
- 12 2. ~~Thirty-seven~~ Two and seventy-four hundredths percent must be transferred
13 monthly to the township highway fund.
- 14 3. One and fifty-three hundredths percent must be transferred monthly to the public
15 transportation fund.
- 16 4. Thirty-two and forty-five hundredths percent of such moneys must be allocated to
17 the counties of this state in proportion to the number of motor vehicle registrations
18 credited to each county. Each county must be credited with the certificates of title
19 of all motor vehicles registered by residents of ~~such~~ the county. The state
20 treasurer shall compute and distribute the counties' share monthly after deducting
21 the incorporated cities' share. All the moneys received by the counties from the
22 highway tax distribution fund must be set aside in a separate fund called the
23 "highway tax distribution fund" and must be appropriated and applied solely for
24 highway purposes in accordance with section 11 of article X of the Constitution of
25 North Dakota. The state treasurer shall compute and distribute monthly the sums
26 allocated to the incorporated cities within each county according to the formula in
27 this subsection on the basis of the per capita population of all of the incorporated
28 cities situated within each county as determined by the last official regular or
29 special federal census or the census taken in accordance with the provisions of
30 chapter 40-02 in case of a city incorporated subsequent to ~~such~~ the census.
31 ~~Provided, however, that~~ However, in each county having a city with a population of

1 ten thousand or more, the amount transferred each month into the county highway
2 tax distribution fund must be the difference between the amount allocated to that
3 county pursuant to this subsection and the total amount allocated and distributed
4 to the incorporated cities in that county as computed according to the following
5 formula:

6 a. A statewide per capita average as determined by calculating twenty-seven
7 percent of the amount allocated to all of the counties under this subsection
8 divided by the total population of all of the incorporated cities in the state.

9 b. The share distributed to each city in the county having a population of less
10 than one thousand must be determined by multiplying the population of that
11 city by the product of 1.50 times the statewide per capita average computed
12 under subdivision a.

13 c. The share distributed to each city in the county having a population of one
14 thousand to four thousand nine hundred ninety-nine, inclusive, must be
15 determined by multiplying the population of that city by the product of 1.25
16 times the statewide per capita average computed under subdivision a.

17 d. The share distributed to each city in the county having a population of five
18 thousand or more must be determined by multiplying the population of that
19 city by the statewide per capita average for all such cities, which per capita
20 average must be computed as follows: the total of the shares computed
21 under subdivisions b and c for all cities in the state having a population of less
22 than five thousand must be subtracted from the total incorporated cities' share
23 in the state as computed under subdivision a and the balance remaining must
24 then be divided by the total population of all cities of five thousand or more in
25 the state.

26 The moneys allocated to the incorporated cities must be distributed to them monthly by the
27 state treasurer and must be deposited by the cities in a separate fund and may only be used in
28 accordance with section 11 of article X of the Constitution of North Dakota; ~~provided, that any~~
29 and an incorporated city may use ~~such~~ the fund for the construction, reconstruction, repair, and
30 maintenance of public highways within or outside ~~such~~ the city pursuant to an agreement

1 entered into between the city and any other political subdivision as authorized by section
2 54-40-08.

3 **SECTION 5. AMENDMENT.** Section 54-27-19.1 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **54-27-19.1. Township highway aid fund - Distribution.** ~~Notwithstanding any other~~
6 ~~provision of law, one cent per gallon [3.79 liters] of the tax imposed by sections 57-43.1-02 and~~
7 ~~57-43.2-02 may not be refunded and the proceeds must be distributed as provided in this~~
8 ~~section. The tax commissioner shall transfer the proceeds of one cent per gallon [3.79 liters] of~~
9 ~~the tax imposed by sections 57-43.1-02 and 57-43.2-02 to the state treasurer who shall deposit~~
10 ~~the proceeds in a township highway aid fund in the state treasury. The state treasurer shall no~~
11 ~~less than quarterly allocate and distribute all moneys in the township highway aid fund to the~~
12 ~~counties of the state based on the length of township roads in each county compared to the~~
13 ~~length of all township roads in the state. To receive any funds under this section, organized~~
14 ~~townships shall~~ must provide fifty percent matching funds. The county treasurer shall allocate
15 the funds received to the organized townships in the county which provide fifty percent
16 matching funds based on the length of township roads in each ~~such~~ of those organized
17 ~~township~~ townships compared to the length of all township roads in the county. The funds
18 received must be deposited in the township road and bridge fund and used for highway and
19 bridge purposes. If a county ~~has no~~ does not have organized townships, or has some
20 organized and some unorganized townships, the county shall retain a pro rata portion of the
21 funds received based on the length of roads in unorganized townships compared to the length
22 of township roads in organized townships in the county. Moneys retained by a county for the
23 benefit of unorganized townships under this section must be deposited in the county road and
24 bridge fund. Moneys retained by the county treasurer due to the failure of organized townships
25 to provide required matching funds must be returned to the state treasurer who shall deposit
26 the funds in the highway tax distribution fund. The board of county commissioners shall certify
27 to the state treasurer any change in township road mileage when a change occurs and shall, by
28 July first of each even-numbered year, certify the total number of township road mileage in
29 each of the county's organized and unorganized townships. The state treasurer shall prescribe
30 the form and manner by which the certification is made.

1 **SECTION 6. AMENDMENT.** Section 57-39.2-26.1 of the North Dakota Century Code
2 is amended and reenacted as follows:

3 **57-39.2-26.1. Allocation of revenues among political subdivisions.**

4 Notwithstanding any other provision of law, a portion of sales, gross receipts, and use,~~and~~
5 ~~motor vehicle excise tax collections~~, equal to forty percent of an amount determined by
6 multiplying the quotient of one percent divided by the general sales tax rate, that was in effect
7 when the taxes were collected, times the net sales, gross receipts, and use,~~and motor vehicle~~
8 ~~excise tax collections~~ under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2,~~and 57-40.3~~ must
9 be deposited by the state treasurer in the state aid distribution fund. The state tax
10 commissioner shall certify to the state treasurer the portion of sales, gross receipts, use, and
11 motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund
12 as determined under this section. Revenues deposited in the state aid distribution fund are
13 provided as a standing and continuing appropriation and must be allocated as follows:

- 14 1. Fifty-three and seven-tenths percent of the revenues must be allocated to counties
15 in the first month after each quarterly period as provided in this subsection.
- 16 a. Sixty-four percent of the amount must be allocated among the seventeen
17 counties with the greatest population, in the following manner:
- 18 (1) Thirty-two percent of the amount must be allocated equally among the
19 counties; and
- 20 (2) The remaining amount must be allocated based upon the proportion
21 each such county's population bears to the total population of all such
22 counties.
- 23 b. Thirty-six percent of the amount must be allocated among all counties,
24 excluding the seventeen counties with the greatest population, in the following
25 manner:
- 26 (1) Forty percent of the amount must be allocated equally among the
27 counties; and
- 28 (2) The remaining amount must be allocated based upon the proportion
29 each such county's population bears to the total population of all such
30 counties.

- 1 A county shall deposit all revenues received under this subsection in the county
2 general fund. Each county shall reserve a portion of its allocation under this
3 subsection for further distribution to, or expenditure on behalf of, townships, rural
4 fire protection districts, rural ambulance districts, soil conservation districts, county
5 recreation service districts, county hospital districts, the Garrison Diversion
6 Conservancy District, the southwest water authority, and other taxing districts
7 within the county, excluding school districts, cities, and taxing districts within cities.
8 The share of the county allocation under this subsection to be distributed to a
9 township must be equal to the percentage of the county share of state aid
10 distribution fund allocations that township received during calendar year 1996.
11 The governing boards of the county and township may agree to a different
12 distribution.
- 13 2. Forty-six and three-tenths percent of the revenues must be allocated to cities in the
14 first month after each quarterly period as provided in this subsection.
- 15 a. Nineteen and four-tenths percent of the amount must be allocated among
16 cities with a population of eighty thousand or more, based upon the proportion
17 each city's population bears to the total population of all such cities.
- 18 b. Thirty-four and five-tenths percent of the amount must be allocated among
19 cities with a population of twenty thousand or more but fewer than eighty
20 thousand, based upon the proportion each such city's population bears to the
21 total population of all such cities.
- 22 c. Sixteen percent of the amount must be allocated among cities with a
23 population of ten thousand or more but fewer than twenty thousand, based
24 upon the proportion each such city's population bears to the total population
25 of all such cities.
- 26 d. Four and nine-tenths percent of the amount must be allocated among cities
27 with a population of five thousand or more but fewer than ten thousand,
28 based upon the proportion each such city's population bears to the total
29 population of all such cities.
- 30 e. Thirteen and one-tenth percent of the amount must be allocated among cities
31 with a population of one thousand or more but fewer than five thousand,

1 based upon the proportion each such city's population bears to the total
2 population of all such cities.

3 f. Six and one-tenth percent of the amount must be allocated among cities with
4 a population of five hundred or more but fewer than one thousand, based
5 upon the proportion each such city's population bears to the total population
6 of all such cities.

7 g. Three and four-tenths percent of the amount must be allocated among cities
8 with a population of two hundred or more but fewer than five hundred, based
9 upon the proportion each such city's population bears to the total population
10 of all such cities.

11 h. Two and six-tenths percent of the amount must be allocated among cities with
12 a population of fewer than two hundred, based upon the proportion each such
13 city's population bears to the total population of all such cities.

14 A city shall deposit all revenues received under this subsection in the city general
15 fund. Each city shall reserve a portion of its allocation under this subsection for
16 further distribution to, or expenditure on behalf of, park districts and other taxing
17 districts within the city, excluding school districts. The share of the city allocation
18 under this subsection to be distributed to a park district must be equal to the
19 percentage of the city share of state aid distribution fund allocations that park
20 district received during calendar year 1996, up to a maximum of thirty percent.
21 The governing boards of the city and park district may agree to a different
22 distribution.

23 **SECTION 7. AMENDMENT.** Section 57-40.3-10 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **57-40.3-10. (Effective through June 30, 2009) Transfer of revenue.** All moneys
26 collected and received under this chapter after moneys are deposited in the state aid
27 distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the
28 department of transportation to the state treasurer to be transferred and credited as follows:

- 29 1. Ten percent to the highway fund.
- 30 2. Ninety percent to the state general fund.

1 **(Effective after June 30, 2009) Transfer of revenue.** All moneys collected and
2 received under this chapter after moneys are deposited in the state aid distribution fund under
3 section 57-39.2-26.1 must be transmitted monthly by the director of the department of
4 transportation to the state treasurer for fifty percent to be transferred and credited to the
5 general fund and fifty percent to the highway tax distribution fund.

6 **SECTION 8. REPEAL.** Section 39-04.2-03 of the North Dakota Century Code is
7 repealed.

8 **SECTION 9. APPROPRIATION - TRANSFER.** There is appropriated out of any
9 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
10 \$70,000,000, of which the office of management and budget shall transfer \$50,000,000 to the
11 highway tax distribution fund to be allocated under section 54-27-19 as amended by the
12 sixty-first legislative assembly and \$20,000,000 to the economic development transportation
13 fund for the biennium beginning July 1, 2009, and ending June 30, 2011.