

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2142

Introduced by

Senators Wanzek, Thomas, Weber

Representatives Brandenburg, Headland, Schreiber-Beck

1 A BILL for an Act ~~to create and enact a new section to chapter 54-27 of the North Dakota~~
2 ~~Century Code, relating to a township road and bridge sustainability fund;~~ to amend and reenact
3 section 57-40.3-10 of the North Dakota Century Code, relating to motor vehicle excise tax
4 allocations; ~~to provide a continuing appropriation;~~ and to provide an effective date.

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

6 ~~SECTION 1. A new section to chapter 54-27 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Township road and bridge sustainability fund - State treasurer - Continuing~~
9 ~~appropriation:~~

10 ~~1. There is created a township road and bridge sustainability fund in the state treasury.~~

11 ~~The fund consists of all revenue deposited in the fund under section 57-40.3-10. All~~
12 ~~moneys in the fund are appropriated to the state treasurer on a continuing basis for~~
13 ~~allocations to townships located in non-oil-producing counties for road and bridge~~
14 ~~infrastructure projects under this section.~~

15 ~~2. To be eligible for an allocation under this section:~~

16 ~~a. An organized township located in a non-oil-producing county shall submit an~~

17 ~~annual certification to the state treasurer in the form and manner prescribed by~~

18 ~~the state treasurer regarding the number of township road miles in the township~~

19 ~~as of December thirty-first of the prior year, the balance of the township's general~~

1 ~~fund as of December thirty-first of the prior year, and the total number of mills-~~
2 ~~levied by the township under section 57-15-20 in the prior taxable year.~~

3 ~~b. A non-oil-producing county with unorganized townships shall submit an annual~~
4 ~~certification to the state treasurer in the form and manner prescribed by the state~~
5 ~~treasurer regarding the number of township road miles in all the unorganized~~
6 ~~townships within the county as of December thirty-first of the prior year.~~

7 ~~3. At least quarterly, the state treasurer shall distribute the moneys in the fund to~~
8 ~~non-oil-producing counties for the benefit of eligible organized and unorganized~~
9 ~~townships located within each non-oil-producing county for road and bridge~~
10 ~~infrastructure projects.~~

11 ~~a. The distribution to each non-oil-producing county is the sum of the allocations for~~
12 ~~each eligible organized or unorganized township within the county.~~

13 ~~b. The allocation to each eligible organized or unorganized township located in a~~
14 ~~non-oil-producing county must be proportional to the township's road miles~~
15 ~~relative to the total township road miles of all the eligible townships. When~~
16 ~~processing the allocations during each fiscal year, the state treasurer shall~~
17 ~~exclude the following from the allocation:~~

18 ~~(1) An organized township that did not maintain any township roads as of~~
19 ~~December thirty-first of the prior year, had a general fund balance exceeding~~
20 ~~one hundred thousand dollars as of December thirty-first of the prior year,~~
21 ~~was not levying at least eighteen mills under section 57-15-20 in the prior~~
22 ~~taxable year, or did not properly submit the annual certification required~~
23 ~~under subsection 2.~~

24 ~~(2) An unorganized township for which a non-oil-producing county did not~~
25 ~~maintain any township roads as of December thirty-first of the prior year or~~
26 ~~did not properly submit the annual certification required under subsection 2.~~

27 ~~c. The amount allocated to organized townships under this subsection must be paid~~
28 ~~by the county treasurer to each organized township, and the amount allocated to~~
29 ~~unorganized townships under this subsection must be credited by the county~~
30 ~~treasurer to a special fund for unorganized township roads.~~

1 ~~_____ d. The allocations under this section must be used for road and bridge infrastructure~~
2 ~~projects.~~

3 ~~_____ 4. For purposes of this section:~~

4 ~~_____ a. "Non-oil-producing county" means a county that received no allocation of funding~~
5 ~~or a total allocation of less than five million dollars under subsection 2 of section~~
6 ~~57-51-15 in the most recently completed even-numbered fiscal year before the~~
7 ~~start of each biennium.~~

8 ~~_____ b. "Road and bridge infrastructure projects" means projects associated with the~~
9 ~~construction of new unpaved and paved road and bridge infrastructure or~~
10 ~~associated with the maintenance, repair, or replacement of existing unpaved and~~
11 ~~paved road and bridge infrastructure.~~

12 **SECTION 1. AMENDMENT.** Section 57-40.3-10 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **57-40.3-10. Transfer of revenue.**

15 After the deposits under sections 57-39.2-26.1, 57-39.2-26.2, and 57-39.2-26.3, moneys
16 collected and received under this chapter must be deposited monthly in the state treasury and
17 allocated ~~as follows:~~

18 ~~_____ 1. FiftyTwenty-five percent to the generaltownship road and bridge sustainability fund~~
19 ~~under section 2 of this Act; and~~

20 ~~_____ 2. The remaining fiftyseventy-five percent~~ to the flexible transportation fund under section
21 24-02-37.3.

22 **SECTION 2. EFFECTIVE DATE.** Section ~~2~~1 of this Act is effective for motor vehicle excise
23 tax collections transmitted to the state treasurer after July 31, 2025.