

**FIRST ENGROSSMENT
with House Amendments**

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2012

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 transportation; to provide for alternative and delayed distributions from the highway tax
3 distribution fund to cities and counties and development of a roadway plan; to create and enact
4 section 24-02-40.1, a new section to chapter 24-08, and a new section to chapter 57-40.3 of
5 the North Dakota Century Code, relating to grant or revenue anticipation financing by the
6 department of transportation, naming of the liberty memorial bridge, and a separate and
7 additional motor vehicle excise tax; to amend and reenact sections 24-01-03, 24-01-51,
8 39-04-19, 57-40.3-02, 57-40.3-10, 57-43.1-02, and 57-43.2-02 of the North Dakota Century
9 Code, relating to highway and bridge maintenance, haying of no-mow areas, motor vehicle
10 registration fees, allocation of the separate and additional motor vehicle excise tax revenue,
11 and motor vehicle fuels and special fuels tax rates; to repeal section 39-04-39.5 of the North
12 Dakota Century Code, relating to allocation of motor vehicle registration fees; to provide an
13 effective date; to provide an expiration date; and to declare an emergency.

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

15 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
16 section represent the base level funding component appropriated to the department of
17 transportation in section 3 of this Act as follows:

18 Salaries and wages	\$105,222,404
19 Operating expenses	122,902,369
20 Capital assets	512,175,642
21 Grants	<u>44,085,503</u>
22 Total special funds - Base level	\$784,385,918

23 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
24 amounts identified in this section represent the funding adjustments or enhancements to the

1 base funding level for the department of transportation which are included in the appropriation
2 in section 3 of this Act as follows:

3 Salaries and wages	(\$105,222,404)
4 Operating expenses	(122,902,369)
5 Capital assets	(512,175,642)
6 Grants	(44,085,503)
7 Administration	27,174,242
8 Driver's and vehicle services	20,035,352
9 Highways	863,094,411
10 Fleet services	<u>43,268,038</u>
11 Total special funds - Adjustments/enhancements	\$169,186,125

12 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
13 funds as may be necessary, are appropriated from special funds derived from federal funds
14 and other income, to the department of transportation for the purpose of defraying the
15 expenses of its various divisions, for the biennium beginning July 1, 2005, and ending June 30,
16 2007, as follows:

17 Administration	\$27,174,242
18 Driver's and vehicle services	20,035,352
19 Highways	863,094,411
20 Fleet services	<u>43,268,038</u>
21 Total special funds appropriation	\$953,572,043

22 **SECTION 4. FULL-TIME EQUIVALENT EMPLOYEES.** The department of
23 transportation is authorized to hire additional full-time equivalent positions for highway
24 construction in addition to those authorized by the legislative assembly when it is cost-effective
25 to hire additional positions for construction and maintenance of highways in lieu of entering into
26 contracts for these purposes. The department of transportation shall notify the office of
27 management and budget and report to the legislative council the additional full-time equivalent
28 positions hired.

29 **SECTION 5. ALTERNATIVE AND DELAYED DISTRIBUTIONS FROM HIGHWAY**
30 **TAX DISTRIBUTION FUND - CITY AND COUNTY ROADWAY PLAN.** Notwithstanding section
31 54-27-19, the state treasurer shall transfer \$1,000,000 to the highway fund during the fiscal

1 year beginning July 1, 2005, and ending June 30, 2006, from the cities' and counties' share of
2 the additional funds deposited in the highway tax distribution fund resulting from provisions of
3 this Act. The state treasurer may not distribute any additional funds deposited into the highway
4 tax distribution fund resulting from provisions of this Act to cities or counties before July 1,
5 2006, and until the department of transportation certifies to the state treasurer that the cities
6 and counties have developed a roadway plan that is acceptable to the department and that the
7 plan:

- 8 1. Identifies a prioritized roadway system that designates tiered levels of roadways
9 and corresponding levels of service;
- 10 2. Focuses on high-priority corridors;
- 11 3. Is consistent with the department's highway performance classification system and
12 other criteria developed by the department; and
- 13 4. Is the result of a cooperative effort of the department, cities, and counties.

14 **SECTION 6. AMENDMENT.** Section 24-01-03 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **24-01-03. Responsibility for state highway system.** The director is responsible for
17 the construction, maintenance, and operation of the state highway system and ~~is authorized to~~
18 may enter into a cooperative agreement with any municipality for the construction,
19 maintenance, or repair of any urban connecting street. The director may not divest the state
20 from responsibility for maintaining the structural integrity of any bridge over a navigable water of
21 this state which is currently maintained by the state unless an agreement is reached with the
22 municipality.

23 The jurisdiction, control, and duty of the state and municipality with respect to such
24 urban connecting streets must be as follows:

- 25 1. The director has no authority to change or establish any grade of any such street
26 without approval of the governing body of such municipality.
- 27 2. The municipality shall maintain at its own expense ~~maintain~~ all underground
28 facilities in such streets and has the right to construct such additional underground
29 facilities as may be necessary in such streets.

1 3. The municipality has the right to grant the privilege to open the surface of any such
2 street, but all damage occasioned thereby must ~~promptly~~ be repaired promptly by
3 said municipality at its direction and without cost to the department.

4 4. The municipality has exclusive right to grant franchises over, beneath, and upon
5 such streets.

6 **SECTION 7. AMENDMENT.** Section 24-01-51 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **24-01-51. (Effective January 1, ~~2006~~ 2008) Haying of no-mow areas.**

9 Notwithstanding any other provision of law, a person owning land adjacent to an area within the
10 right of way of a highway which is designated as a no-mow or managed-mow area may hay the
11 no-mow or managed-mow area after July fifteenth without any payment or penalty.

12 **SECTION 8.** Section 24-02-40.1 of the North Dakota Century Code is created and
13 enacted as follows:

14 **24-02-40.1. Grant or revenue anticipation financing.** Notwithstanding any other
15 provision of law, the department, whenever needed for the liberty memorial bridge improvement
16 project and the United States highway 2 project improvements, may arrange with any
17 state-owned or private financing agency or underwriter, including the Bank of North Dakota,
18 grant or revenue anticipation financing through the issuance of evidences of indebtedness on
19 such terms and conditions as the department determines if construction funds on hand are
20 insufficient to meet current obligations or to achieve cost-savings or efficiencies in road
21 construction. The department may refund the evidences of indebtedness as often as it is
22 advantageous to do so. Evidences of indebtedness may be sold at public or private sale and
23 must mature not more than fifteen years from their date or dates, and the proceeds of the sale
24 may be invested on such terms and conditions as the department determines. Grant or
25 revenue anticipation financing must be in amounts no larger than can be repaid from moneys
26 known or reasonably anticipated to be due and forthcoming. The grant or revenue anticipation
27 financing may not be used in anticipation of increased federal aid highway grants or increased
28 state highway user revenue funds, and the financing may not be obligated for road construction
29 that cannot be financed from known sources of grants or revenue. The department may pledge
30 any federal aid grants received or to be received for debt service and related issuance costs for
31 evidences of indebtedness issued under this section directly to a trustee in trust for payment to

1 holders of the evidences of indebtedness. The department may also pledge any biennially
2 appropriated revenues for debt service on the evidences of indebtedness directly to a trustee in
3 trust for payment to holders of the evidences of indebtedness. Any evidences of indebtedness
4 issued under this section are not general obligations or debt of the state, the department, or
5 any public officer or employee of the department or this state. The principal of and interest on
6 the evidences of indebtedness are limited obligations payable solely from grants or revenues
7 received or to be received by the department. The department may capitalize from proceeds of
8 the evidences of indebtedness all expenses incidental to issuing the evidences of
9 indebtedness, including any reserves for payment of the evidences of indebtedness.

10 **SECTION 9.** A new section to chapter 24-08 is created and enacted as follows:

11 **Liberty memorial bridge.** A bridge replacing the bridge between Mandan and
12 Bismarck presently known as the liberty memorial bridge is designated the liberty memorial
13 bridge upon the completion of the replacement bridge.

14 **SECTION 10. AMENDMENT.** Section 39-04-19 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **39-04-19. Motor vehicle registration fees and mile tax.** Motor vehicles required to
17 pay registration fees or a mile tax shall pay the following fees:

18 1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do
19 so by the department, shall pay a fee of twenty dollars for a trip permit which is
20 valid for a period of seventy-two hours. All fees collected under the provisions of
21 this subsection must be credited to the highway construction fund.

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

27 a. Passenger motor vehicles:

	YEARS REGISTERED				
	1st, 2nd,	7th, 8th,	10th, 11th,	13th and	
Gross	3rd, 4th, 5th,	and 9th	and 12th	Subsequent	
Weights	and 6th Years	Years	Years	Years	

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1	Less than 3,200	\$60 <u>\$70</u>	\$52 <u>\$62</u>	\$44 <u>\$54</u>	\$36 <u>\$46</u>
2	3,200 - 4,499	80 <u>90</u>	68 <u>78</u>	56 <u>66</u>	44 <u>54</u>
3	4,500 - 4,999	98 <u>108</u>	84 <u>91</u>	66 <u>76</u>	50 <u>60</u>
4	5,000 - 5,999	129 <u>139</u>	107 <u>117</u>	85 <u>95</u>	63 <u>73</u>
5	6,000 - 6,999	162 <u>172</u>	133 <u>143</u>	104 <u>114</u>	76 <u>86</u>
6	7,000 - 7,999	195 <u>205</u>	159 <u>169</u>	124 <u>134</u>	89 <u>99</u>
7	8,000 - 8,999	228 <u>238</u>	186 <u>196</u>	144 <u>154</u>	102 <u>112</u>
8	9,000 and over	264 <u>271</u>	212 <u>222</u>	164 <u>174</u>	115 <u>125</u>

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

13 b. Schoolbuses, buses for hire, buses owned and operated by religious,
 14 charitable, or nonprofit organizations and used exclusively for religious,
 15 charitable, or other public nonprofit purposes, and trucks or combination
 16 trucks and trailers, including commercial and noncommercial trucks, except
 17 those trucks or combinations of trucks and trailers which qualify for
 18 registration under subsection 5:

		YEARS REGISTERED				
		1st	7th	10th	13th	20th and
Gross		Through	Through	Through	Through	Subsequent
Weights		6th Years	9th Years	12th Years	19th Years	Years
23	Not over 4,000	\$58 <u>\$68</u>	\$45 <u>\$55</u>	\$40 <u>\$50</u>	\$37 <u>\$47</u>	\$36 <u>\$46</u>
24	4,001 - 6,000	63 <u>73</u>	50 <u>60</u>	44 <u>54</u>	38 <u>48</u>	37 <u>47</u>
25	6,001 - 8,000	68 <u>78</u>	55 <u>65</u>	48 <u>58</u>	39 <u>49</u>	38 <u>48</u>
26	8,001 - 10,000	73 <u>83</u>	60 <u>70</u>	52 <u>62</u>	44 <u>51</u>	40 <u>50</u>
27	10,001 - 12,000	78 <u>88</u>	65 <u>75</u>	56 <u>66</u>	43 <u>53</u>	42 <u>52</u>
28	12,001 - 14,000	83 <u>93</u>	70 <u>80</u>	60 <u>70</u>	46 <u>56</u>	45 <u>55</u>
29	14,001 - 16,000	88 <u>98</u>	75 <u>85</u>	64 <u>74</u>	49 <u>59</u>	48 <u>58</u>
30	16,001 - 18,000	93 <u>103</u>	80 <u>90</u>	68 <u>78</u>	54 <u>61</u>	50 <u>60</u>
31	18,001 - 20,000	96 <u>106</u>	83 <u>93</u>	70 <u>80</u>	52 <u>62</u>	51 <u>61</u>

	YEARS REGISTERED					
	1st, 2nd, 3rd,		8th, 9th, 10th,		13th and	
	4th, 5th, 6th,		11th, and		Subsequent	
	and 7th Years		12th Years		Years	
5	Gross					
4	Weights					
5	20,001 - 22,000	\$126 <u>\$136</u>		\$400 <u>\$110</u>		\$87 <u>\$97</u>
6	22,001 - 26,000	478 <u>188</u>		448 <u>158</u>		432 <u>142</u>
7	26,001 - 30,000	239 <u>249</u>		497 <u>207</u>		475 <u>185</u>
8	30,001 - 34,000	305 <u>315</u>		250 <u>260</u>		222 <u>232</u>
9	34,001 - 38,000	366 <u>376</u>		299 <u>309</u>		265 <u>275</u>
10	38,001 - 42,000	427 <u>437</u>		348 <u>358</u>		307 <u>317</u>
11	42,001 - 46,000	488 <u>498</u>		396 <u>406</u>		350 <u>360</u>
12	46,001 - 50,000	549 <u>559</u>		445 <u>455</u>		393 <u>403</u>
13	50,001 - 54,000	619 <u>629</u>		503 <u>513</u>		444 <u>454</u>
14	54,001 - 58,000	680 <u>690</u>		552 <u>562</u>		487 <u>497</u>
15	58,001 - 62,000	742 <u>752</u>		604 <u>611</u>		530 <u>540</u>
16	62,001 - 66,000	802 <u>812</u>		649 <u>659</u>		573 <u>583</u>
17	66,001 - 70,000	863 <u>873</u>		698 <u>708</u>		645 <u>625</u>
18	70,001 - 74,000	924 <u>934</u>		747 <u>757</u>		658 <u>668</u>
19	74,001 - 78,000	985 <u>995</u>		796 <u>806</u>		704 <u>711</u>
20	78,001 - 82,000	1,046 <u>1,056</u>		845 <u>855</u>		744 <u>754</u>
21	82,001 - 86,000	1,169 <u>1,179</u>		950 <u>960</u>		834 <u>841</u>
22	86,001 - 90,000	1,294 <u>1,301</u>		1,054 <u>1,064</u>		918 <u>928</u>
23	90,001 - 94,000	1,413 <u>1,423</u>		1,159 <u>1,169</u>		1,005 <u>1,015</u>
24	94,001 - 98,000	1,535 <u>1,545</u>		1,264 <u>1,274</u>		1,093 <u>1,103</u>
25	98,001 - 102,000	1,657 <u>1,667</u>		1,368 <u>1,378</u>		1,180 <u>1,190</u>
26	102,001 - 105,500	1,779 <u>1,789</u>		1,473 <u>1,483</u>		1,267 <u>1,277</u>

27 c. Motorcycles, fifteen dollars.

28 3. Motor vehicles acquired by disabled veterans under the provisions of Public Law

29 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax

30 and, if paid, such veterans are entitled to a refund. This exemption also applies to

31 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				

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1	Weights	and 6th Years	Years	Years	Years
2	20,001 - 22,000	\$98 <u>\$108</u>	\$84 <u>\$94</u>	\$70 <u>\$80</u>	\$52 <u>\$62</u>
3	22,001 - 24,000	403 <u>113</u>	88 <u>98</u>	73 <u>83</u>	54 <u>64</u>
4	24,001 - 26,000	414 <u>121</u>	94 <u>104</u>	77 <u>87</u>	56 <u>66</u>
5	26,001 - 28,000	422 <u>132</u>	402 <u>112</u>	83 <u>93</u>	60 <u>70</u>
6	28,001 - 30,000	434 <u>141</u>	440 <u>120</u>	89 <u>99</u>	64 <u>74</u>
7	30,001 - 32,000	446 <u>156</u>	423 <u>133</u>	400 <u>110</u>	73 <u>83</u>
8	32,001 - 34,000	456 <u>166</u>	434 <u>141</u>	406 <u>116</u>	77 <u>87</u>
9	34,001 - 36,000	466 <u>176</u>	439 <u>149</u>	442 <u>122</u>	84 <u>91</u>
10	36,001 - 38,000	476 <u>186</u>	447 <u>157</u>	448 <u>128</u>	85 <u>95</u>
11	38,001 - 40,000	486 <u>196</u>	455 <u>165</u>	424 <u>134</u>	89 <u>99</u>
12	40,001 - 42,000	496 <u>206</u>	463 <u>173</u>	430 <u>140</u>	93 <u>103</u>
13	42,001 - 44,000	206 <u>216</u>	474 <u>181</u>	436 <u>146</u>	97 <u>107</u>
14	44,001 - 46,000	246 <u>226</u>	479 <u>189</u>	442 <u>152</u>	404 <u>111</u>
15	46,001 - 48,000	226 <u>236</u>	487 <u>197</u>	448 <u>158</u>	405 <u>115</u>
16	48,001 - 50,000	236 <u>246</u>	495 <u>205</u>	454 <u>164</u>	409 <u>119</u>
17	50,001 - 52,000	256 <u>266</u>	243 <u>223</u>	470 <u>180</u>	423 <u>133</u>
18	52,001 - 54,000	266 <u>276</u>	224 <u>231</u>	476 <u>186</u>	427 <u>137</u>
19	54,001 - 56,000	276 <u>286</u>	229 <u>239</u>	482 <u>192</u>	434 <u>141</u>
20	56,001 - 58,000	286 <u>296</u>	237 <u>247</u>	488 <u>198</u>	435 <u>145</u>
21	58,001 - 60,000	296 <u>306</u>	245 <u>255</u>	494 <u>204</u>	439 <u>149</u>
22	60,001 - 62,000	306 <u>316</u>	253 <u>263</u>	200 <u>210</u>	443 <u>153</u>
23	62,001 - 64,000	316 <u>326</u>	264 <u>271</u>	206 <u>216</u>	447 <u>157</u>
24	64,001 - 66,000	326 <u>336</u>	269 <u>279</u>	242 <u>222</u>	454 <u>161</u>
25	66,001 - 68,000	336 <u>346</u>	277 <u>287</u>	248 <u>228</u>	455 <u>165</u>
26	68,001 - 70,000	346 <u>356</u>	285 <u>295</u>	224 <u>234</u>	459 <u>169</u>
27	70,001 - 72,000	356 <u>366</u>	293 <u>303</u>	230 <u>240</u>	463 <u>173</u>
28	72,001 - 74,000	366 <u>376</u>	304 <u>311</u>	236 <u>246</u>	467 <u>177</u>
29	74,001 - 76,000	376 <u>386</u>	309 <u>319</u>	242 <u>252</u>	474 <u>181</u>
30	76,001 - 78,000	386 <u>396</u>	317 <u>327</u>	248 <u>258</u>	475 <u>185</u>
31	78,001 - 80,000	396 <u>406</u>	325 <u>335</u>	254 <u>264</u>	479 <u>189</u>

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1	80,001 - 82,000	406 <u>416</u>	333 <u>343</u>	260 <u>270</u>	483 <u>193</u>
2	82,001 - 84,000	416 <u>426</u>	355 <u>365</u>	303 <u>313</u>	259 <u>269</u>
3	84,001 - 86,000	436 <u>446</u>	372 <u>382</u>	347 <u>327</u>	274 <u>281</u>
4	86,001 - 88,000	456 <u>466</u>	389 <u>399</u>	334 <u>341</u>	283 <u>293</u>
5	88,001 - 90,000	476 <u>486</u>	406 <u>416</u>	345 <u>355</u>	295 <u>305</u>
6	90,001 - 92,000	496 <u>506</u>	423 <u>433</u>	359 <u>369</u>	307 <u>317</u>
7	92,001 - 94,000	516 <u>526</u>	440 <u>450</u>	373 <u>383</u>	319 <u>329</u>
8	94,001 - 96,000	536 <u>546</u>	457 <u>467</u>	387 <u>397</u>	334 <u>341</u>
9	96,001 - 98,000	556 <u>566</u>	474 <u>484</u>	404 <u>411</u>	343 <u>353</u>
10	98,001 - 100,000	576 <u>586</u>	494 <u>501</u>	415 <u>425</u>	355 <u>365</u>
11	100,001 - 102,000	596 <u>606</u>	508 <u>518</u>	429 <u>439</u>	367 <u>377</u>
12	102,001 - 104,000	616 <u>626</u>	525 <u>535</u>	443 <u>453</u>	379 <u>389</u>
13	104,001 - 105,500	636 <u>646</u>	542 <u>552</u>	457 <u>467</u>	394 <u>401</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 11. AMENDMENT.** Section 57-40.3-02 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **57-40.3-02. Tax imposed.** There is hereby imposed an excise tax at the rate of ~~five~~
22 four percent on the purchase price of any motor vehicle purchased or acquired either in or
23 outside of the state of North Dakota for use on the streets and highways of this state and
24 required to be registered under the laws of this state.

25 **SECTION 12.** A new section to chapter 57-40.3 of the North Dakota Century Code is
26 created and enacted as follows:

27 **Separate and additional motor vehicle excise tax - Transfer of revenue.** In addition
28 to the tax otherwise imposed under section 57-40.3-02, there is imposed an excise tax at the
29 rate of one percent on the purchase price of any motor vehicle purchased or acquired in or
30 outside this state for use on the streets and highways of this state and required to be registered
31 under the laws of this state. The entire revenue from tax imposed under this section must be

1 transmitted monthly by the director of the department of transportation to the state treasurer
2 and deposited in the state highway fund and is not considered part of net collections under
3 section 57-39.2-26.1.

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

6 **57-40.3-10. Transfer of revenue.** A# Except as otherwise provided in section 12 of
7 this Act, all moneys collected and received under this chapter must be transmitted monthly by
8 the director of the department of transportation to the state treasurer to be transferred and
9 credited to the general fund.

10 **SECTION 14. AMENDMENT.** Section 57-43.1-02 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **57-43.1-02. Tax imposed on motor vehicle fuels.**

- 13 1. Except as otherwise provided in this section, a tax of ~~twenty-one~~ twenty-three
14 cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this
15 state, except the tax imposed is twenty-five cents per gallon [3.79 liters] on all
16 motor vehicle fuel sold or used in this state during the period from May first through
17 October thirty-first of each year.
- 18 2. A supplier or distributor shall remit the tax imposed by this section on motor vehicle
19 fuel used, on the wholesale distribution of motor vehicle fuel to a retailer, and on
20 direct sales of motor vehicle fuel to a consumer.
- 21 3. The tax imposed by this section does not apply on a sale by a supplier to another
22 supplier, on a sale by a supplier to a distributor, on a sale by a distributor to
23 another distributor, on an export, or on a sale to an exempt consumer.
- 24 4. The person required to remit the tax imposed by this section shall pass the tax on
25 to the retailer and to the consumer. A retailer who paid the tax to the supplier or
26 distributor shall pass the tax on to the consumer.
- 27 5. The person required to remit the tax imposed by this section shall pay the tax to
28 the commissioner by the twenty-fifth day of the calendar month after the month
29 during which the motor vehicle fuel was sold or used by the person. When the
30 twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal
31 holiday, the due date is the first working day after the Saturday, Sunday, or legal

1 holiday. When payment is made by mail, the payment is timely if the envelope
2 containing the payment is postmarked by the United States postal service or other
3 postal carrier service before midnight of the due date.

4 6. The commissioner shall pay over all of the money received during each calendar
5 month to the state treasurer.

6 **SECTION 15. AMENDMENT.** Section 57-43.2-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **57-43.2-02. (Contingent effective date - See note - Effective through June 30,**
9 **2005) Tax imposed.**

- 10 1. Except as otherwise provided in this chapter, an excise tax of twenty-one cents per
11 gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used
12 in this state. For the purpose of determining the tax upon compressed natural gas
13 under this section, one hundred twenty cubic feet [3.40 cubic meters] of
14 compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.
15 The tax under this subsection is reduced by one and five-hundredths cents per
16 gallon [3.79 liters] on the sale or delivery of diesel fuel that contains at least two
17 percent biodiesel fuel by weight.
- 18 2. A supplier, distributor, or retailer shall remit the tax imposed by this section on
19 special fuel used and on direct sales of special fuel to a customer.
- 20 3. The tax imposed by this section does not apply on sales by a supplier to another
21 supplier, on a sale by a supplier to a distributor, on a sale by a distributor to
22 another distributor, on a sale by a distributor to a retailer, on an export, or on a sale
23 to an exempt consumer.
- 24 4. The person required to remit the tax imposed by this section shall pass the tax on
25 to the customer.
- 26 5. The person required to remit the tax imposed by this section shall pay the tax to
27 the commissioner by the twenty-fifth day of the calendar month after the month
28 during which the special fuel was sold or used by the person. When the
29 twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal
30 holiday, the due date is the first working day after the Saturday, Sunday, or legal
31 holiday. When payment is made by mail, the payment is timely if the envelope

1 containing the payment is postmarked by the United States postal service or other
2 postal carrier service before midnight of the due date.

3 6. The commissioner shall pay over all of the money received during each calendar
4 month to the state treasurer.

5 **(Effective after June 30, 2005) Tax imposed.**

6 1. Except as otherwise provided in this chapter, an excise tax of ~~twenty-one~~
7 twenty-three cents per gallon [3.79 liters] is imposed on the sale or delivery of all
8 special fuel sold or used in this state. For the purpose of determining the tax upon
9 compressed natural gas under this section, one hundred twenty cubic feet [3.40
10 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other
11 special fuel.

12 2. A supplier, distributor, or retailer shall remit the tax imposed by this section on
13 special fuel used and on direct sales of special fuel to a customer.

14 3. The tax imposed by this section does not apply on sales by a supplier to another
15 supplier, on a sale by a supplier to a distributor, on a sale by a distributor to
16 another distributor, on a sale by a distributor to a retailer, on an export, or on a sale
17 to an exempt consumer.

18 4. The person required to remit the tax imposed by this section shall pass the tax on
19 to the customer.

20 5. The person required to remit the tax imposed by this section shall pay the tax to
21 the commissioner by the twenty-fifth day of the calendar month after the month
22 during which the special fuel was sold or used by the person. When the
23 twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal
24 holiday, the due date is the first working day after the Saturday, Sunday, or legal
25 holiday. When payment is made by mail, the payment is timely if the envelope
26 containing the payment is postmarked by the United States postal service or other
27 postal carrier service before midnight of the due date.

28 6. The commissioner shall pay over all of the money received during each calendar
29 month to the state treasurer.

30 **SECTION 16. REPEAL.** Section 39-04-39.5 of the North Dakota Century Code is
31 repealed.

1 **SECTION 17. EFFECTIVE DATE.** Sections 10, 14, and 15 of this Act are effective for
2 registrations and taxable events occurring after June 30, 2005. Sections 11, 12, and 13 of this
3 Act are effective for taxable events occurring after June 30, 2009. Section 16 of this Act is
4 effective for registrations occurring after June 30, 2005.

5 **SECTION 18. EMERGENCY.** Section 8 of this Act is declared to be an emergency
6 measure.