

**FIRST ENGROSSMENT  
with House Amendments**

Sixty-first  
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 an appropriation to the state treasurer; to provide for budget section  
3 reports; to provide for a state disaster relief fund; to create and enact a new section to chapter  
4 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the  
5 name of United States Highway 85 and transportation funding reports; to amend and reenact  
6 sections 24-02-44, 39-04-19, 39-06-17, 54-27-19, 54-27-19.1, 57-40.3-10, 57-43.1-06, and  
7 57-43.2-04.2 of the North Dakota Century Code, relating to authority to borrow for disasters,  
8 restricted operators' licenses, and the collection and distribution of highway funds; to repeal  
9 section 39-04.2-03 of the North Dakota Century Code, relating to the registration fee for the  
10 public transportation fund; to provide for transfers; to provide for legislative council studies; to  
11 provide legislative intent; to provide an effective date; to provide an expiration date; and to  
12 declare an emergency.

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

14 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
15 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
16 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
17 other income, to the department of transportation for the purpose of defraying the expenses of  
18 the department of transportation, for the biennium beginning July 1, 2009, and ending June 30,  
19 2011, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>	
20				
21				
22	Salaries and wages	\$127,326,239	\$20,047,015	\$147,373,254
23	Operating expenses	174,697,663	18,107,351	192,805,014
24	Capital assets	548,721,098	122,267,450	670,988,548

1	Grants	<u>52,412,500</u>	<u>14,853,601</u>	<u>67,266,101</u>
2	Total special funds	\$903,157,500	\$175,275,417	\$1,078,432,917
3	Full-time equivalent positions	1,052.50	2.00	1,054.50

4           **SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS -**

5   **ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the  
6 funds as may be necessary, are appropriated from federal funds made available to the state  
7 under the federal American Recovery and Reinvestment Act of 2009, not otherwise  
8 appropriated, to the department of transportation, for the period beginning with the effective  
9 date of this Act and ending June 30, 2011, as follows:

10	Highway infrastructure		\$170,126,497	
11	Grants to rural transit programs		<u>5,956,174</u>	
12	Total federal funds		\$176,082,671	

13           The department of transportation may seek emergency commission and budget section  
14 approval under chapter 54-16 for authority to spend any additional federal funds received under  
15 the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts  
16 appropriated under this section, for the period beginning with the effective date of this Act and  
17 ending June 30, 2011.

18           Any federal funds appropriated under this section are not a part of the agency's 2011-13  
19 base budget. Any program expenditures made with these funds will not be replaced with state  
20 funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer  
21 available.

22           **SECTION 3. APPROPRIATION - STATE TREASURER - WEATHER-RELATED**

23   **COST-SHARING PROGRAM.** There is appropriated out of any moneys in the general fund in  
24 the state treasury, not otherwise appropriated, the sum of \$71,500,000, or so much of the sum  
25 as may be necessary, to the state treasurer for the purpose of providing weather-related  
26 cost-sharing funds, for the period beginning with the effective date of this Act and ending  
27 June 30, 2009. The state treasurer shall distribute the funds appropriated under this section  
28 before June 30, 2009, as follows:

- 29           1. Ten million to townships in accordance with the formula used to distribute funds to  
30           townships under section 54-27-19.1, except that organized townships are not  
31           required to provide matching funds to receive distributions under this section.

- 1           2.   Fifty-four million to counties and cities in accordance with the formula used to
- 2                    distribute funds to counties and cities under subsection 2 of section 54-27-19.
- 3           3.   Seven million five hundred thousand to the state highway fund.

4           **SECTION 4. State disaster relief fund - Creation - Uses.** There is created in the  
5 state treasury a state disaster relief fund. Moneys in the fund are to be used subject to  
6 legislative appropriations for providing funding for defraying the expenses of state disasters,  
7 including providing funds required to match federal funds for expenses associated with  
8 presidential-declared disasters in the state. Any interest or other fund earnings must be  
9 deposited in the fund.

10           **SECTION 5. APPROPRIATION - TRANSFER.** There is appropriated out of any  
11 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of  
12 \$43,000,000, which the office of management and budget shall transfer to the state disaster  
13 relief fund during the period beginning with the effective date of this Act and ending June 30,  
14 2009.

15           **SECTION 6. APPROPRIATION - ADJUTANT GENERAL - BUDGET SECTION**  
16 **APPROVAL.** There is appropriated out of any moneys in the state disaster relief fund in the  
17 state treasury, not otherwise appropriated, the sum of \$43,000,000, or so much of the sum as  
18 may be necessary, to the adjutant general for the purpose of providing emergency relief  
19 funding, for the period beginning with the effective date of this Act and ending June 30, 2011.  
20 The adjutant general may use up to \$20,000,000 of the funds appropriated in this section for  
21 the purpose of providing emergency snow removal grants to counties, cities, and townships in  
22 accordance with section 7 of this Act. The adjutant general may use up to \$23,000,000 of the  
23 funds appropriated in this section for paying costs relating to the 2009 flood disaster in  
24 accordance with section 8 of this Act.

25           **SECTION 7. EMERGENCY SNOW REMOVAL GRANTS - GUIDELINES - BUDGET**

26 **SECTION REPORT.** A political subdivision may apply to the department of emergency  
27 services for an emergency snow removal grant for reimbursement of a portion of the costs  
28 incurred by the political subdivision for the period January 2009 through March 2009 that  
29 exceed two hundred percent of the average costs incurred for these months in 2004 through  
30 2008, as follows:

- 31           1.   For counties and townships, fifty percent of the excess costs.

- 1           2.    For cities with a population of five thousand or less, fifty percent of the excess  
2                    costs.
- 3           3.    For cities with a population of more than five thousand, twenty-five percent of the  
4                    excess costs.

5 Each political subdivision requesting reimbursement under this section must submit the request  
6 in accordance with rules developed by the department of emergency services. The department  
7 of emergency services shall distribute these grants prior to June 30, 2009, and shall report to  
8 the budget section regarding the grants awarded under this section.

9           **SECTION 8. EMERGENCY FLOOD RELIEF GRANTS - GUIDELINES - BUDGET**

10 **SECTION REPORT - BUDGET SECTION APPROVAL.** A political subdivision receiving  
11 federal emergency relief funding for road repairs or improvements relating to the 2009 flood  
12 disaster may apply to the department of emergency services for an emergency flood relief grant  
13 of up to fifty percent of the local match required to receive the federal emergency relief funding.  
14 Each political subdivision requesting reimbursement under this section must submit the request  
15 in accordance with rules developed by the department of emergency services. The department  
16 of emergency services may distribute up to \$13,000,000 of grants under this section. Any  
17 additional grant expenditures require budget section approval. The department of emergency  
18 services shall report to the budget section on grants awarded under this section in the fourth  
19 quarter of calendar year 2009 and the third quarter of calendar year 2010.

20           **SECTION 9. APPROPRIATION - TRANSFER - STATE HIGHWAY FUND.** There is  
21 appropriated out of any moneys in the general fund in the state treasury, not otherwise  
22 appropriated, the sum of \$4,600,000, which the office of management and budget shall transfer  
23 to the state highway fund for the purpose of defraying the expenses of highway projects in the  
24 Devils Lake area, for the biennium beginning July 1, 2009, and ending June 30, 2011.

25           **SECTION 10. USE OF HIGHWAY FUNDING - REPORT TO THE BUDGET SECTION.**

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

1           **SECTION 11. HIGHWAY FUNDING - ONE-TIME FUNDING.** Any highway funding  
2 received by the state, counties, cities, and townships in excess of the amounts received  
3 through distributions from the highway tax distribution fund under section 54-27-19 or existing  
4 federal highway aid programs is considered one-time funding for the biennium beginning July 1,  
5 2009, and ending June 30, 2011.

6           **SECTION 12. LINE ITEM TRANSFERS.** The director of the department of  
7 transportation may transfer between the operating and capital assets line items in section 1 of  
8 this Act when it is cost-effective for construction and maintenance of highways. The  
9 department of transportation shall notify the office of management and budget and report to the  
10 legislative council any transfers made pursuant to this section.

11           **SECTION 13.** A new section to chapter 24-01 of the North Dakota Century Code is  
12 created and enacted as follows:

13           **Theodore Roosevelt expressway - United States highway 85.** Notwithstanding any  
14 previous designation, the department shall designate United States highway 85 as the  
15 Theodore Roosevelt expressway and at a minimum shall place signs along the highway  
16 designating that name and may use any appropriate signs donated to the department.

17           **SECTION 14. AMENDMENT.** Section 24-02-44 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19           **24-02-44. Authority to borrow funds for a disaster - Appropriation.** The  
20 department of transportation, subject to the approval of the emergency commission, may  
21 borrow moneys from the Bank of North Dakota to advance and match federal emergency relief  
22 funds. Any moneys borrowed from the Bank of North Dakota pursuant to this section are  
23 appropriated. ~~If it appears to the department of transportation that at the end of the biennium~~  
24 ~~the amount available to repay the amount borrowed plus interest is insufficient to totally repay~~  
25 ~~the Bank of North Dakota, the department of transportation shall request from the legislative~~  
26 ~~assembly a deficiency appropriation from the state highway fund sufficient for the repayment of~~  
27 ~~the amount borrowed plus interest.~~

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

30           **39-04-19. Motor vehicle registration fees and mile tax.** Motor vehicles required to  
31 pay registration fees or a mile tax shall pay the following fees:

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

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

10          a. Passenger motor vehicles:

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

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

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

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

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

15 YEARS REGISTERED

16		1st	7th	10th	13th	20th and
17	Gross	Through	Through	Through	Through	Subsequent
18	Weights	6th Years	9th Years	12th Years	19th Years	Years
19	Not over 4,000	<del>\$68</del> <u>\$71</u>	<del>\$55</del> <u>\$58</u>	<del>\$50</del> <u>\$53</u>	<del>\$47</del> <u>\$50</u>	<del>\$46</del> <u>\$49</u>
20	4,001 - 6,000	<del>73</del> <u>76</u>	<del>60</del> <u>63</u>	<del>54</del> <u>57</u>	<del>48</del> <u>51</u>	<del>47</del> <u>50</u>
21	6,001 - 8,000	<del>78</del> <u>81</u>	<del>65</del> <u>68</u>	<del>58</del> <u>61</u>	<del>49</del> <u>52</u>	<del>48</del> <u>51</u>
22	8,001 - 10,000	<del>83</del> <u>86</u>	<del>70</del> <u>73</u>	<del>62</del> <u>65</u>	<del>54</del> <u>54</u>	<del>50</del> <u>53</u>
23	10,001 - 12,000	<del>88</del> <u>91</u>	<del>75</del> <u>78</u>	<del>66</del> <u>69</u>	<del>53</del> <u>56</u>	<del>52</del> <u>55</u>
24	12,001 - 14,000	<del>93</del> <u>96</u>	<del>80</del> <u>83</u>	<del>70</del> <u>73</u>	<del>56</del> <u>59</u>	<del>55</del> <u>58</u>
25	14,001 - 16,000	<del>98</del> <u>101</u>	<del>85</del> <u>88</u>	<del>74</del> <u>77</u>	<del>59</del> <u>62</u>	<del>58</del> <u>61</u>
26	16,001 - 18,000	<del>103</del> <u>106</u>	<del>90</del> <u>93</u>	<del>78</del> <u>81</u>	<del>64</del> <u>64</u>	<del>60</del> <u>63</u>
27	18,001 - 20,000	<del>106</del> <u>109</u>	<del>93</del> <u>96</u>	<del>80</del> <u>83</u>	<del>62</del> <u>65</u>	<del>64</del> <u>64</u>

28 YEARS REGISTERED

29		1st, 2nd, 3rd,	8th, 9th, 10th,	13th and
30	Gross	4th, 5th, 6th,	11th, and	Subsequent
31	Weights	and 7th Years	12th Years	Years

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1	20,001 - 22,000	<del>\$136</del> <u>\$139</u>	<del>\$140</del> <u>\$113</u>	<del>\$97</del> <u>\$100</u>
2	22,001 - 26,000	<del>488</del> <u>191</u>	<del>458</del> <u>161</u>	<del>442</del> <u>145</u>
3	26,001 - 30,000	<del>249</del> <u>252</u>	<del>207</del> <u>210</u>	<del>185</del> <u>188</u>
4	30,001 - 34,000	<del>315</del> <u>318</u>	<del>260</del> <u>263</u>	<del>232</del> <u>235</u>
5	34,001 - 38,000	<del>376</del> <u>379</u>	<del>309</del> <u>312</u>	<del>275</del> <u>278</u>
6	38,001 - 42,000	<del>437</del> <u>440</u>	<del>358</del> <u>361</u>	<del>317</del> <u>320</u>
7	42,001 - 46,000	<del>498</del> <u>501</u>	<del>406</del> <u>409</u>	<del>360</del> <u>363</u>
8	46,001 - 50,000	<del>559</del> <u>562</u>	<del>455</del> <u>458</u>	<del>403</del> <u>406</u>
9	50,001 - 54,000	<del>629</del> <u>632</u>	<del>513</del> <u>516</u>	<del>454</del> <u>457</u>
10	54,001 - 58,000	<del>690</del> <u>693</u>	<del>562</del> <u>565</u>	<del>497</del> <u>500</u>
11	58,001 - 62,000	<del>752</del> <u>755</u>	<del>611</del> <u>614</u>	<del>540</del> <u>543</u>
12	62,001 - 66,000	<del>812</del> <u>815</u>	<del>659</del> <u>662</u>	<del>583</del> <u>586</u>
13	66,001 - 70,000	<del>873</del> <u>876</u>	<del>708</del> <u>711</u>	<del>625</del> <u>628</u>
14	70,001 - 74,000	<del>934</del> <u>937</u>	<del>757</del> <u>760</u>	<del>668</del> <u>671</u>
15	74,001 - 78,000	<del>995</del> <u>998</u>	<del>806</del> <u>809</u>	<del>711</del> <u>714</u>
16	78,001 - 82,000	<del>1,056</del> <u>1,059</u>	<del>855</del> <u>858</u>	<del>754</del> <u>757</u>
17	82,001 - 86,000	<del>1,179</del> <u>1,182</u>	<del>960</del> <u>963</u>	<del>841</del> <u>844</u>
18	86,001 - 90,000	<del>1,301</del> <u>1,304</u>	<del>1,064</del> <u>1,067</u>	<del>928</del> <u>931</u>
19	90,001 - 94,000	<del>1,423</del> <u>1,426</u>	<del>1,169</del> <u>1,172</u>	<del>1,015</del> <u>1,018</u>
20	94,001 - 98,000	<del>1,545</del> <u>1,548</u>	<del>1,274</del> <u>1,277</u>	<del>1,103</del> <u>1,106</u>
21	98,001 - 102,000	<del>1,667</del> <u>1,670</u>	<del>1,378</del> <u>1,381</u>	<del>1,190</del> <u>1,193</u>
22	102,001 - 105,500	<del>1,789</del> <u>1,792</u>	<del>1,483</del> <u>1,486</u>	<del>1,277</del> <u>1,280</u>

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

28           e. Motorcycles, fifteen dollars.

29           3. Motor vehicles acquired by disabled veterans under the provisions of Public Law  
 30                           79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax  
 31                           and, if paid, such veterans are entitled to a refund. This exemption also applies to

1 any passenger motor vehicle or pickup truck not exceeding ten thousand pounds  
2 [4535.92 kilograms] gross weight but shall apply to no more than two such motor  
3 vehicles owned by a disabled veteran at any one time.

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

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

30 YEARS REGISTERED

31 1st, 2nd, 7th and 9th and 11th and

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1	Gross	3rd, 4th, 5th,	8th	10th	Subsequent
2	Weights	and 6th Years	Years	Years	Years
3	20,001 - 22,000	<del>\$108</del> <u>\$111</u>	<del>\$94</del> <u>\$97</u>	<del>\$80</del> <u>\$83</u>	<del>\$62</del> <u>\$65</u>
4	22,001 - 24,000	<del>113</del> <u>116</u>	<del>98</del> <u>101</u>	<del>83</del> <u>86</u>	<del>64</del> <u>67</u>
5	24,001 - 26,000	<del>124</del> <u>124</u>	<del>104</del> <u>107</u>	<del>87</del> <u>90</u>	<del>66</del> <u>69</u>
6	26,001 - 28,000	<del>132</del> <u>135</u>	<del>112</del> <u>115</u>	<del>93</del> <u>96</u>	<del>70</del> <u>73</u>
7	28,001 - 30,000	<del>144</del> <u>144</u>	<del>120</del> <u>123</u>	<del>99</del> <u>102</u>	<del>74</del> <u>77</u>
8	30,001 - 32,000	<del>156</del> <u>159</u>	<del>133</del> <u>136</u>	<del>110</del> <u>113</u>	<del>83</del> <u>86</u>
9	32,001 - 34,000	<del>166</del> <u>169</u>	<del>144</del> <u>144</u>	<del>116</del> <u>119</u>	<del>87</del> <u>90</u>
10	34,001 - 36,000	<del>176</del> <u>179</u>	<del>149</del> <u>152</u>	<del>122</del> <u>125</u>	<del>94</del> <u>94</u>
11	36,001 - 38,000	<del>186</del> <u>189</u>	<del>157</del> <u>160</u>	<del>128</del> <u>131</u>	<del>95</del> <u>98</u>
12	38,001 - 40,000	<del>196</del> <u>199</u>	<del>165</del> <u>168</u>	<del>134</del> <u>137</u>	<del>99</del> <u>102</u>
13	40,001 - 42,000	<del>206</del> <u>209</u>	<del>173</del> <u>176</u>	<del>140</del> <u>143</u>	<del>103</del> <u>106</u>
14	42,001 - 44,000	<del>216</del> <u>219</u>	<del>181</del> <u>184</u>	<del>146</del> <u>149</u>	<del>107</del> <u>110</u>
15	44,001 - 46,000	<del>226</del> <u>229</u>	<del>189</del> <u>192</u>	<del>152</del> <u>155</u>	<del>111</del> <u>114</u>
16	46,001 - 48,000	<del>236</del> <u>239</u>	<del>197</del> <u>200</u>	<del>158</del> <u>161</u>	<del>115</del> <u>118</u>
17	48,001 - 50,000	<del>246</del> <u>249</u>	<del>205</del> <u>208</u>	<del>164</del> <u>167</u>	<del>119</del> <u>122</u>
18	50,001 - 52,000	<del>266</del> <u>269</u>	<del>223</del> <u>226</u>	<del>180</del> <u>183</u>	<del>133</del> <u>136</u>
19	52,001 - 54,000	<del>276</del> <u>279</u>	<del>234</del> <u>234</u>	<del>186</del> <u>189</u>	<del>137</del> <u>140</u>
20	54,001 - 56,000	<del>286</del> <u>289</u>	<del>239</del> <u>242</u>	<del>192</del> <u>195</u>	<del>141</del> <u>144</u>
21	56,001 - 58,000	<del>296</del> <u>299</u>	<del>247</del> <u>250</u>	<del>198</del> <u>201</u>	<del>145</del> <u>148</u>
22	58,001 - 60,000	<del>306</del> <u>309</u>	<del>255</del> <u>258</u>	<del>204</del> <u>207</u>	<del>149</del> <u>152</u>
23	60,001 - 62,000	<del>316</del> <u>319</u>	<del>263</del> <u>266</u>	<del>210</del> <u>213</u>	<del>153</del> <u>156</u>
24	62,001 - 64,000	<del>326</del> <u>329</u>	<del>271</del> <u>274</u>	<del>216</del> <u>219</u>	<del>157</del> <u>160</u>
25	64,001 - 66,000	<del>336</del> <u>339</u>	<del>279</del> <u>282</u>	<del>222</del> <u>225</u>	<del>161</del> <u>164</u>
26	66,001 - 68,000	<del>346</del> <u>349</u>	<del>287</del> <u>290</u>	<del>228</del> <u>231</u>	<del>165</del> <u>168</u>
27	68,001 - 70,000	<del>356</del> <u>359</u>	<del>295</del> <u>298</u>	<del>234</del> <u>237</u>	<del>169</del> <u>172</u>
28	70,001 - 72,000	<del>366</del> <u>369</u>	<del>303</del> <u>306</u>	<del>240</del> <u>243</u>	<del>173</del> <u>176</u>
29	72,001 - 74,000	<del>376</del> <u>379</u>	<del>311</del> <u>314</u>	<del>246</del> <u>249</u>	<del>177</del> <u>180</u>
30	74,001 - 76,000	<del>386</del> <u>389</u>	<del>319</del> <u>322</u>	<del>252</del> <u>255</u>	<del>181</del> <u>184</u>
31	76,001 - 78,000	<del>396</del> <u>399</u>	<del>327</del> <u>330</u>	<del>258</del> <u>261</u>	<del>185</del> <u>188</u>

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1	78,001 - 80,000	<del>406</del> <u>409</u>	<del>335</del> <u>338</u>	<del>264</del> <u>267</u>	<del>489</del> <u>192</u>
2	80,001 - 82,000	<del>416</del> <u>419</u>	<del>343</del> <u>346</u>	<del>270</del> <u>273</u>	<del>493</del> <u>196</u>
3	82,001 - 84,000	<del>426</del> <u>429</u>	<del>365</del> <u>368</u>	<del>343</del> <u>316</u>	<del>269</del> <u>272</u>
4	84,001 - 86,000	<del>446</del> <u>449</u>	<del>382</del> <u>385</u>	<del>327</del> <u>330</u>	<del>284</del> <u>284</u>
5	86,001 - 88,000	<del>466</del> <u>469</u>	<del>399</del> <u>402</u>	<del>344</del> <u>344</u>	<del>293</del> <u>296</u>
6	88,001 - 90,000	<del>486</del> <u>489</u>	<del>416</del> <u>419</u>	<del>355</del> <u>358</u>	<del>305</del> <u>308</u>
7	90,001 - 92,000	<del>506</del> <u>509</u>	<del>433</del> <u>436</u>	<del>369</del> <u>372</u>	<del>317</del> <u>320</u>
8	92,001 - 94,000	<del>526</del> <u>529</u>	<del>450</del> <u>453</u>	<del>383</del> <u>386</u>	<del>329</del> <u>332</u>
9	94,001 - 96,000	<del>546</del> <u>549</u>	<del>467</del> <u>470</u>	<del>397</del> <u>400</u>	<del>344</del> <u>344</u>
10	96,001 - 98,000	<del>566</del> <u>569</u>	<del>484</del> <u>487</u>	<del>414</del> <u>414</u>	<del>353</del> <u>356</u>
11	98,001 - 100,000	<del>586</del> <u>589</u>	<del>504</del> <u>504</u>	<del>425</del> <u>428</u>	<del>365</del> <u>368</u>
12	100,001 - 102,000	<del>606</del> <u>609</u>	<del>518</del> <u>521</u>	<del>439</del> <u>442</u>	<del>377</del> <u>380</u>
13	102,001 - 104,000	<del>626</del> <u>629</u>	<del>535</del> <u>538</u>	<del>453</del> <u>456</u>	<del>389</del> <u>392</u>
14	104,001 - 105,500	<del>646</del> <u>649</u>	<del>552</del> <u>555</u>	<del>467</del> <u>470</u>	<del>404</del> <u>404</u>

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

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

20           **SECTION 16. AMENDMENT.** Section 39-06-17 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **39-06-17. Restricted licenses - Penalty for violation.**

23           1.    The director, upon issuing an operator's license or a temporary restricted  
24                    operator's license pursuant to section 39-06.1-11, has authority to impose  
25                    restrictions suitable to the licensee's driving ability with respect to the type of or  
26                    special mechanical control devices required on a motor vehicle which the licensee  
27                    may operate or such other restrictions applicable to the licensee as the director  
28                    may determine to be appropriate to assure the safe operation of a motor vehicle by  
29                    the licensee.

- 1           2. The director may either issue a special restricted license or may set forth such  
2           restrictions upon the usual license form. The director shall likewise restrict  
3           licenses pursuant to the requirements of section 39-16.1-09.
- 4           3. A restricted operator's license or permit to operate the parent's or guardian's  
5           automobile, or an automobile which is equipped with dual controls and while  
6           accompanied by a qualified instructor, may be issued to any child, who is at least  
7           fourteen years of age, and otherwise qualified, upon the written recommendation  
8           of the parent or guardian. A child may operate an automobile that is not the  
9           parent's or guardian's to take the road test. No operator's license may be issued  
10          until the child, accompanied by the parent or guardian, appears in person and  
11          satisfies the director that:
- 12          a. The child is at least fourteen years of age.
- 13          b. The child is qualified to operate an automobile safely.
- 14          c. It is necessary for the child to drive the parent's or guardian's automobile  
15          without being accompanied by an adult.
- 16          d. The child has:
- 17             (1) Completed a course of classroom instruction and a course of  
18             behind-the-wheel instruction acceptable to the director; or
- 19             (2) Successfully completed a course at an approved commercial driver  
20             training school.
- 21          e. The child has driving experience of at least one hour at night, one hour during  
22          winter conditions, and one hour on a gravel, dirt, or loose surface highway to  
23          which the parent or guardian of the child must attest.

24          The parent or guardian at all times is responsible for any and all damages growing  
25          out of the negligent operation of a motor vehicle by any such child. The provisions  
26          of this subsection do not authorize the child to drive a commercial truck, motorbus,  
27          or taxicab except the holder of a class D license, fourteen or fifteen years of age,  
28          may drive a farm motor vehicle having a gross weight of fifty thousand pounds  
29          [22679.62 kilograms] when used to transport agricultural products, farm  
30          machinery, or farm supplies to or from a farm when so operated within one  
31          hundred fifty miles [241.40 kilometers] of the driver's farm.

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

27           **SECTION 17. AMENDMENT.** Section 54-27-19 of the North Dakota Century Code is  
28          amended and reenacted as follows:

29           **54-27-19. Highway tax distribution fund - State treasurer to make allocation to**  
30          **state, counties, and cities.** A highway tax distribution fund is created as a special fund in the  
31          state treasury into which must be deposited the moneys available by law from collections of

1 motor vehicle registration and related fees, fuels taxes, special fuels taxes, use taxes, and  
2 special fuels excise taxes. ~~Any~~ The state treasurer shall transfer the first five million five  
3 hundred thousand dollars per biennium from the highway tax distribution fund to the state  
4 highway fund for the purpose of providing administrative assistance to other transferees. After  
5 the transfer of the first five million five hundred thousand dollars, any moneys in the highway  
6 tax distribution fund must be allocated and transferred monthly by the state treasurer, as  
7 follows:

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

1 tax distribution fund must be the difference between the amount allocated to that  
2 county pursuant to this subsection and the total amount allocated and distributed  
3 to the incorporated cities in that county as computed according to the following  
4 formula:

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

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

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

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

25 The moneys allocated to the incorporated cities must be distributed to them monthly by the  
26 state treasurer and must be deposited by the cities in a separate fund and may only be used in  
27 accordance with section 11 of article X of the Constitution of North Dakota; ~~provided, that any~~  
28 and an incorporated city may use ~~such the~~ the fund for the construction, reconstruction, repair, and  
29 maintenance of public highways within or outside ~~such the~~ the city pursuant to an agreement  
30 entered into between the city and any other political subdivision as authorized by section  
31 54-40-08.

1           **SECTION 18. AMENDMENT.** Section 54-27-19.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **54-27-19.1. Township highway aid fund - Distribution.** ~~Notwithstanding any other~~  
4 ~~provision of law, one cent per gallon [3.79 liters] of the tax imposed by sections 57-43.1-02 and~~  
5 ~~57-43.2-02 may not be refunded and the proceeds must be distributed as provided in this~~  
6 ~~section. The tax commissioner shall transfer the proceeds of one cent per gallon [3.79 liters] of~~  
7 ~~the tax imposed by sections 57-43.1-02 and 57-43.2-02 to the state treasurer who shall deposit~~  
8 ~~the proceeds in a township highway aid fund in the state treasury. The state treasurer shall no~~  
9 ~~less than quarterly allocate and distribute all moneys in the township highway aid fund to the~~  
10 ~~counties of the state based on the length of township roads in each county compared to the~~  
11 ~~length of all township roads in the state. To receive any funds under this section, organized~~  
12 ~~townships shall~~ must provide fifty percent matching funds. The county treasurer shall allocate  
13 the funds received to the organized townships in the county which provide fifty percent  
14 matching funds based on the length of township roads in each ~~such~~ of those organized  
15 ~~township~~ townships compared to the length of all township roads in the county. The funds  
16 received must be deposited in the township road and bridge fund and used for highway and  
17 bridge purposes. If a county ~~has no~~ does not have organized townships, or has some  
18 organized and some unorganized townships, the county shall retain a pro rata portion of the  
19 funds received based on the length of roads in unorganized townships compared to the length  
20 of township roads in organized townships in the county. Moneys retained by a county for the  
21 benefit of unorganized townships under this section must be deposited in the county road and  
22 bridge fund. Moneys retained by the county treasurer due to the failure of organized townships  
23 to provide required matching funds must be returned to the state treasurer who shall deposit  
24 the funds in the highway tax distribution fund. The board of county commissioners shall certify  
25 to the state treasurer any change in township road mileage when a change occurs and shall, by  
26 July first of each even-numbered year, certify the total number of township road mileage in  
27 each of the county's organized and unorganized townships. The state treasurer shall prescribe  
28 the form and manner by which the certification is made.

29           **SECTION 19.** A new section to chapter 54-27 of the North Dakota Century Code is  
30 created and enacted as follows:

1           **Report on transportation funding and expenditures.** Each county, city, and  
2 township shall provide to the tax commissioner an annual report on funding and expenditures  
3 relating to transportation projects and programs. The report must be provided within thirty-one  
4 days after the close of a calendar year. The report must contain by fund the beginning balance,  
5 revenues by major source, expenditures by major category, the ending balance, and any other  
6 information requested by the tax commissioner.

7           **SECTION 20. AMENDMENT.** Section 57-40.3-10 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9           **57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue.** All  
10 moneys collected and received under this chapter after moneys are deposited in the state aid  
11 distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the  
12 department of transportation to the state treasurer to be transferred and credited as follows:

- 13           1. ~~For~~ Twenty-five percent to the highway fund.
- 14           2. ~~Ninety~~ Seventy-five percent to the state general fund.

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

18           **SECTION 21. AMENDMENT.** Section 57-43.1-06 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **57-43.1-06. Refund to prevent taxation by multiple jurisdictions.** Any person to  
21 whom motor vehicle fuel is sold on which the tax imposed by this chapter has been paid, who  
22 thereafter removes the fuel from this state for sale or resale in another state or to a state which  
23 requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the  
24 tax that was paid pursuant to this chapter. The refund may be granted only upon application to  
25 the commissioner in the manner prescribed by the commissioner and must include proof that  
26 fuel for sale or resale in another state was reported to the taxing agency of that state, or in the  
27 case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may~~  
28 ~~not be reduced by the one-cent per gallon [3.79 liters] tax designated for the township highway~~  
29 ~~aid fund.~~ A claim for refund under this section must be made within one year from the date the  
30 fuel was removed to another state for sale, resale, or use in another state.

1           **SECTION 22. AMENDMENT.** Section 57-43.2-04.2 of the North Dakota Century Code  
2 is amended and reenacted as follows:

3           **57-43.2-04.2. Refund to prevent taxation by multiple jurisdictions.** Any person to  
4 whom special fuel is sold on which the tax imposed by this chapter has been paid, who  
5 thereafter removes the fuel from this state for sale or resale in another state or to a state that  
6 requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the  
7 tax that was paid pursuant to this chapter. The refund may be granted only upon application to  
8 the commissioner in the manner prescribed by the commissioner and must include proof that  
9 fuel for sale or resale in another state was reported to the taxing agency of that state, or in the  
10 case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may~~  
11 ~~not be reduced by the one cent per gallon [3.79 liters] tax designated for the township highway~~  
12 ~~aid fund.~~ A claim for refund under this section must be made within one year from the date the  
13 fuel was removed to another state for sale, resale, or use in another state.

14           **SECTION 23. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE.**  
15 During the 2009-10 interim, the legislative council shall consider studying the feasibility and  
16 desirability of relocating the Fargo district office facility. The study, if conducted, must include a  
17 review of the estimated value of the current site property, the best use of the current property,  
18 and potential locations for a new district office facility. The legislative council shall report its  
19 findings and recommendations, together with any legislation required to implement the  
20 recommendations, to the sixty-second legislative assembly.

21           **SECTION 24. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION**  
22 **MATCHING FUNDS.** During the 2009-10 interim, the legislative council shall consider studying  
23 the potential options for matching federal highway construction funding. The legislative council  
24 shall report its findings and recommendations, together with any legislation required to  
25 implement the recommendations, to the sixty-second legislative assembly.

26           **SECTION 25. LEGISLATIVE INTENT - HIGHWAY-RELATED FUNDING**  
27 **ALLOCATIONS.** It is the intent of the sixty-first legislative assembly that the department of  
28 transportation allocate highway-related funding to township, city, county, and state road  
29 projects to the extent possible in a proportion similar to distribution proportions of state highway  
30 tax distribution fund allocations to these entities for the biennium beginning July 1, 2009, and  
31 ending June 30, 2011.

1           **SECTION 26. REPEAL.** Section 39-04.2-03 of the North Dakota Century Code is  
2 repealed.

3           **SECTION 27. EMERGENCY.** Sections 2, 3, 4, 5, 6, 7, and 8 of this Act are declared to  
4 be an emergency measure.