

April 2, 2009

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 4, after the semicolon insert "to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to the name of United States highway 85;"

Page 1, line 6, remove "and" and after "transfer" insert "; and to provide legislative intent"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "16,729,914" and replace "203,805,014" with "191,427,577"

Page 1, line 18, replace "96,855,896" with "39,167,450" and replace "645,576,994" with "587,888,548"

Page 1, line 20, replace "166,810,878" with "92,597,980" and replace "1,069,968,378" with "995,755,480"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

**"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

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

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

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

**SECTION 3. APPROPRIATION - CONTINGENCY FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, and from federal funds the sum of \$80,000,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of highway construction projects, for the biennium beginning July 1, 2009, and ending June 30, 2011. Moneys appropriated under this section from the general fund may only be spent subject to budget section approval to match federal highway construction funds or federal

emergency relief funds if amounts appropriated in section 1 of this Act are not sufficient. The funds provided in this section are considered one-time funding.

**SECTION 4. TRANSFER - TOWNSHIP HIGHWAY AID FUND.** The state treasurer shall transfer the sum of \$1,000,000 from the public transportation fund to the township highway aid fund, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 29

Page 3, replace lines 4 through 10 with:

**"SECTION 6.** A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

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

Page 13, after line 13, insert:

**"SECTION 13. FARGO DISTRICT OFFICE SITE EVALUATION.** The department of transportation shall review its Fargo district office location for the biennium beginning July 1, 2009, and ending June 30, 2011. The department shall obtain the services of an appraiser to determine the highest and best use of the property at the Fargo location and the estimated market value of the property if all or a portion of the property is sold.

**SECTION 14. LEGISLATIVE INTENT - COLLOCATION OF FARGO DISTRICT OFFICE EQUIPMENT AND STORAGE.** It is the intent of the sixty-first legislative assembly that the department of transportation consider collocating storage of highway district equipment, salt, sand, and other items in the Fargo area with storage space of political subdivisions in the area used for highway-related equipment and supplies, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 15. MOTOR VEHICLE REGISTRATION FEES STUDY.** During the 2009-10 interim, the department of transportation shall conduct a study of the feasibility and desirability of basing motor vehicle registration fees on the value of motor vehicles to generate the same level of revenue currently being received. The department of transportation shall report its findings and recommendations, along with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

**SECTION 16. LEGISLATIVE INTENT - FEDERAL FISCAL STIMULUS FUNDS - USE.** It is the intent of the sixty-first legislative assembly that the department of transportation allocate the highway infrastructure funds received under the federal American Recovery and Reinvestment Act of 2009 to highway-related projects of cities, counties, and the state to the extent possible in a proportion similar to the anticipated state highway tax distribution fund allocation to these entities, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 13, after line 15, insert:

**"SECTION 18. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0209 FN 1**

**A copy of the statement of purpose of amendment is attached.**