

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2443
(Senator Christmann)
(Approved by the Delayed Bills Committee)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to facility relocation cost recovery due to implementation of the American Recovery and Reinvestment Act of 2009; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Cost recovery for relocation of utility facilities due to implementation of the American Recovery and Reinvestment Act of 2009. Notwithstanding any other provision of state law, costs associated with changing, removing, relocating, or installing utility property as a result of or caused by a project funded through implementation of the American Recovery and Reinvestment Act of 2009 [Pub. L. 111-5] must be paid to the affected utility by the state or the political subdivision from funds provided by the Act, if allowed by federal law, as part of the costs of the project. The payment does not constitute a violation of a legal contract.

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2011, and after that date is ineffective.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2443.

Senate Vote: Yeas 44 Nays 0 Absent 3

House Vote: Yeas 83 Nays 10 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State