

Sixty-first  
Legislative Assembly  
of North Dakota

**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; and to provide for a transfer.

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

4 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
5 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
6 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
7 other income, to the department of transportation for the purpose of defraying the expenses of  
8 the department of transportation, for the biennium beginning July 1, 2009, and ending June 30,  
9 2011, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>	
10				
11				
12	Salaries and wages	\$127,326,239	\$24,194,030	\$151,520,269
13	Operating expenses	174,697,663	29,107,351	203,805,014
14	Capital assets	548,721,098	39,969,768	588,690,866
15	Grants	<u>52,412,500</u>	<u>13,753,601</u>	<u>66,166,101</u>
16	Total special funds	\$903,157,500	\$107,024,750	\$1,010,182,250
17	Full-time equivalent positions	1,052.50	2.00	1,054.50

18 **SECTION 2. APPROPRIATION - TRANSFER - HIGHWAY TAX DISTRIBUTION**

19 **FUND - USE.** There is appropriated out of any moneys in the general fund in the state  
20 treasury, not otherwise appropriated, the sum of \$120,000,000 which the office of management  
21 and budget shall transfer to the highway tax distribution fund for the purpose of improving the  
22 state's infrastructure for the biennium beginning July 1, 2009, and ending June 30, 2011. The  
23 \$120,000,000 shall be allocated to political subdivisions, the highway fund, the township  
24 highway aid fund, and the public transportation fund pursuant to the provisions of section

54-27-19, as amended by the sixty-first legislative assembly, and shall be used for the maintenance, repair, and improvement of roads, bridges, and other infrastructure, or for the enhancement of public transportation services. Amendments to section 54-27-19 by the sixty-first legislative assembly are anticipated to result in the allocation of moneys in the highway tax distribution fund as follows: 63.28 percent to the highway fund, 32.45 percent to counties and cities, 2.74 percent to the township highway aid fund, and 1.53 percent to the public transportation fund.

**SECTION 3. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriations in section 1 and section 2 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Infrastructure restoration transfer	\$0	\$120,000,000
Total general fund	\$0	\$120,000,000

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The department of transportation shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 4. HIGHWAY FUND APPROPRIATION.** The sum of \$361,046,109, included in the estimated income line in section 1 of this Act is from the highway fund and must be used by the department of transportation for purposes authorized by the legislative assembly, for the biennium beginning July 1, 2009, and ending June 30, 2011. Any additional amount in the highway fund that becomes available is appropriated to the department of transportation for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 5. FULL-TIME EQUIVALENT EMPLOYEES.** The department of transportation may hire additional full-time equivalent positions for highway construction in addition to those authorized by the legislative assembly when it is cost-effective to hire additional positions for construction and maintenance of highways in lieu of entering into contracts for these purposes. The department of transportation shall notify the office of

1 management and budget and report to the legislative council the additional full-time equivalent  
2 positions hired.

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