

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED HOUSE BILL NO. 1012

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 legislative council studies; to provide for transfers; to provide a
3 contingent continuation of the single state registration system; to create and enact a new
4 section to chapter 8-11.1 and a new section to chapter 24-02 of the North Dakota Century
5 Code, relating to midwest interstate passenger rail commission dues and authority of the
6 director of the department of transportation to join the multistate highway transportation
7 agreement; to amend and reenact sections 39-04.2-04 and 39-29-10, the new subsection to
8 section 57-40.3-04 of the North Dakota Century Code as created by section 4 of House Bill
9 No. 1393, as approved by the sixtieth legislative assembly, and section 57-40.3-10 of the North
10 Dakota Century Code, relating to distribution of public transportation funds, the operation of
11 off-highway vehicles, motor vehicle excise tax exemptions for tribal members, and motor
12 vehicle excise tax collections; to provide an expiration date; and to declare an emergency.

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

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

17 Salaries and wages	\$112,244,313
18 Operating expenses	143,537,016
19 Capital assets	656,868,519
20 Grants	<u>42,358,500</u>
21 Total special funds - Base level	\$955,008,348

22 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
23 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	\$15,199,882
4	Operating expenses	31,160,647
5	Capital assets	(108,147,421)
6	Grants	<u>10,054,000</u>
7	Total special funds - Adjustments/enhancements	(\$51,732,892)

8 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
9 funds as may be necessary, are appropriated from special funds derived from federal funds
10 and other income, to the department of transportation for the purpose of defraying the
11 expenses of its various divisions, for the biennium beginning July 1, 2007, and ending June 30,
12 2009, as follows:

13	Salaries and wages	\$127,444,195
14	Operating expenses	174,697,663
15	Capital improvements	548,721,098
16	Grants	<u>52,412,500</u>
17	Total special funds appropriation	\$903,275,456

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

25 **SECTION 5. LEGISLATIVE COUNCIL STUDY - TRAFFIC FINES.** The legislative
26 council shall consider studying, during the 2007-08 interim, the traffic fines imposed by state
27 and local governments. The legislative council shall report its findings and recommendations,
28 together with any legislation required to implement the recommendations, to the sixty-first
29 legislative assembly.

30 **SECTION 6. LEGISLATIVE COUNCIL STUDY - HIGHWAY FUNDING AND**
31 **INFRASTRUCTURE NEEDS.** The legislative council shall study, during the 2007-08 interim,

1 highway funding and transportation infrastructure needs, including those needs resulting from
2 energy and economic development in the state. The legislative council shall report its findings
3 and recommendations, together with any legislation required to implement the
4 recommendations, to the sixty-first legislative assembly.

5 **SECTION 7. Single state insurance registration system.** If the Congress of the
6 United States authorizes a continuation of state participation in the single state insurance
7 registration system for motor carriers, the director of the department of transportation may
8 continue to collect registration fees until the extension authorization expires.

9 **SECTION 8.** A new section to chapter 8-11.1 of the North Dakota Century Code is
10 created and enacted as follows:

11 **Amount of dues assessed by commission - Negotiation.** North Dakota's
12 commission members may negotiate a lower amount of any dues imposed by the commission
13 based upon anticipated North Dakota commission-related activities. If the commission does
14 not approve a lower amount of dues, the department of transportation may withhold the dues
15 payment until the next legislative assembly addresses the issue.

16 **SECTION 9.** A new section to chapter 24-02 of the North Dakota Century Code is
17 created and enacted as follows:

18 **Multistate highway transportation agreement.** The director may join the multistate
19 highway transportation agreement to promote uniformity among participating jurisdictions in
20 vehicle size and weight standards. The legislative council shall review the guidelines for
21 eligible voting members of the cooperating committee formed by the agreement and appoint a
22 member of the house standing transportation committee and a member of the senate standing
23 transportation committee or their designees as the legislative members representing this state
24 to the cooperating committee formed by the agreement.

25 **SECTION 10. AMENDMENT.** Section 39-04.2-04 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **39-04.2-04. Distribution of funds.**

28 1. Moneys appropriated by the legislative assembly to the public transportation fund
29 must be disbursed under guidelines issued by the director. The funds must be
30 used by transportation providers to establish and maintain public transportation,
31 especially for the elderly and handicapped, and may be used to contract to provide

- 1 public transportation, as matching funds to procure money from other sources for
2 public transportation and for other expenditures authorized by the director.
- 3 2. ~~Following authorization of the director, the state treasurer shall pay the public~~
4 ~~transportation funds to transportation providers in each county.~~ Each county shall
5 receive ~~eighteen thousand three hundred dollars~~ a base amount of four-tenths of
6 one percent of the appropriation for the program plus one dollar and fifty cents per
7 capita of population in the county, based upon the latest regular or special official
8 federal census. Each year the director shall increase or decrease the one dollar
9 and fifty cents per capita amount in order to distribute all funds appropriated for the
10 biennium. If there are multiple transportation providers in one county, then the
11 base amount ~~of eighteen thousand three hundred dollars~~ must be divided equally
12 among the providers and the additional per capita amount must be based upon the
13 percentage of elderly and handicapped ridership provided by each transportation
14 provider within the county.
- 15 3. ~~Unless otherwise provided by law, any moneys remaining in the fund at the end of~~
16 ~~each biennium must be retained in the public transportation fund for redistribution.~~

17 **SECTION 11. AMENDMENT.** Section 39-29-10 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **39-29-10. Operation by persons under age sixteen.** Except as otherwise provided in
20 this section, ~~a person~~ an individual under sixteen years of age who is not in possession of a
21 valid operator's license or permit to operate an ~~all-terrain off-highway~~ vehicle may not, except
22 upon the lands of the ~~person's~~ individual's parent or guardian or as a participant in an
23 organized sporting event that involves the use of off-highway vehicles, operate an ~~all-terrain~~
24 off-highway vehicle. ~~A person~~ An individual at least twelve years of age may operate an
25 ~~all-terrain off-highway~~ vehicle if the ~~person~~ individual has completed an ~~all-terrain off-highway~~
26 vehicle safety training course prescribed by the director of the parks and recreation department
27 ~~and~~, has received the appropriate ~~all-terrain off-highway~~ vehicle safety certificate issued by the
28 director of the department of transportation. The failure of an operator to exhibit an ~~all-terrain~~
29 off-highway vehicle safety certificate on demand to any official authorized to enforce this
30 chapter is presumptive evidence that that person does not hold ~~such~~ a certificate. Fees
31 collected from each ~~person~~ individual receiving certification must be deposited in the ~~all-terrain~~

1 ~~off-highway~~ vehicle trail tax fund for ~~all-terrain~~ off-highway vehicle safety education and training
2 programs.

3 **SECTION 12.** The new subsection to section 57-40.3-04 of the North Dakota Century
4 Code, as created by section 4 of House Bill No. 1393, as approved by the sixtieth legislative
5 assembly, is amended and reenacted as follows:

6 A motor vehicle acquired at any location within this state by an individual who
7 ~~resides within the boundaries of any reservation in this state and who~~ is an
8 enrolled member of a federally recognized Indian tribe.

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

11 **57-40.3-10. Transfer of revenue.** All moneys collected and received under this
12 chapter ~~after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1~~
13 must be transmitted monthly by the director of the department of transportation to the state
14 treasurer to be transferred and credited ~~to the general fund.~~ as follows:

- 15 1. Ten percent to the highway fund.
- 16 2. Ninety percent to the state general fund.

17 **SECTION 14. TRANSFER.** The director of the department of transportation shall
18 transfer the sum of \$1,000,000 from the highway fund to the public transportation fund for the
19 biennium beginning July 1, 2007, and ending June 30, 2009.

20 **SECTION 15. EXPIRATION DATE.** Section 13 of this Act is effective through June 30,
21 2009, and after that date is ineffective.

22 **SECTION 16. EMERGENCY.** Of the funds appropriated in the capital improvements
23 line item in section 3 of this Act, \$25,098,000 relating to fleet services motor vehicle purchases
24 is declared to be an emergency measure.