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Sixty-first
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with House Amendments

ENGROSSED SENATE BILL NO. 2012

Introduced by

Appropriations Committee

(At the request of the Governor)

A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to provide an appropriation to the state treasurer; to provide for budget section reports; to provide for a state disaster relief fund; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports; to amend and reenact 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 57-43.2-04.2 of the North Dakota Century Code, relating to authority to borrow for disasters, restricted operators' licenses, and the collection and distribution of highway funds; to repeal section 39-04.2-03 of the North Dakota Century Code, relating to the registration fee for the public transportation fund; to provide for transfers; to provide for legislative council studies; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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	5,956,174
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 - STATE TREASURER - WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $71,500,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section before June 30, 2009, as follows:

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

2. Fifty-four million to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.

3. Seven million five hundred thousand to the state highway fund.

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

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

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

SECTION 7. EMERGENCY SNOW REMOVAL GRANTS - GUIDELINES - BUDGET SECTION REPORT. A political subdivision may apply to the department of emergency services for an emergency snow removal grant for reimbursement of a portion of the costs incurred by the political subdivision for the period January 2009 through March 2009 that exceed two hundred percent of the average costs incurred for these months in 2004 through 2008, as follows:

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

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

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

SECTION 8. EMERGENCY FLOOD RELIEF GRANTS - GUIDELINES - BUDGET SECTION REPORT - BUDGET SECTION APPROVAL. A political subdivision receiving federal emergency relief funding for road repairs or improvements relating to the 2009 flood disaster may apply to the department of emergency services for an emergency flood relief grant of up to fifty percent of the local match required to receive the federal emergency relief funding. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services may distribute up to $13,000,000 of grants under this section. Any additional grant expenditures require budget section approval. The department of emergency services shall report to the budget section on grants awarded under this section in the fourth quarter of calendar year 2009 and the third quarter of calendar year 2010.

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

SECTION 10. USE OF HIGHWAY FUNDING - REPORT TO THE BUDGET SECTION. The department of transportation shall coordinate with the department of emergency services to compile information regarding the use of state, federal, emergency, and other highway funding by the department of transportation, counties, cities, and townships during the biennium beginning July 1, 2009, and ending June 30, 2011. The department of transportation shall provide periodic reports to the budget section regarding the use of funds during the 2009-10 interim.

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

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

SECTION 13. 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.

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

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

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

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

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

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

a. Passenger motor vehicles:

	YEARS REGISTERED			
Gross Weights	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	~~$70~~ $73	~~$62~~ $65	~~$54~~ $57	~~$46~~ $49
3,200 - 4,499	~~90~~ 93	~~78~~ 81	~~66~~ 69	~~54~~ 57
4,500 - 4,999	~~108~~ 111	~~91~~ 94	~~76~~ 79	~~60~~ 63
5,000 - 5,999	~~139~~ 142	~~117~~ 120	~~95~~ 98	~~73~~ 76
6,000 - 6,999	~~172~~ 175	~~143~~ 146	~~114~~ 117	~~86~~ 89
7,000 - 7,999	~~205~~ 208	~~169~~ 172	~~134~~ 137	~~99~~ 102
8,000 - 8,999	~~238~~ 241	~~196~~ 199	~~154~~ 157	~~112~~ 115
9,000 and over	~~271~~ 274	~~222~~ 225	~~174~~ 177	~~125~~ 128

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

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

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

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

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

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

20,001 - 22,000	~~$136~~ $139	~~$110~~ $113	~~$97~~ $100
22,001 - 26,000	~~188~~ 191	~~158~~ 161	~~142~~ 145
26,001 - 30,000	~~249~~ 252	~~207~~ 210	~~185~~ 188
30,001 - 34,000	~~315~~ 318	~~260~~ 263	~~232~~ 235
34,001 - 38,000	~~376~~ 379	~~309~~ 312	~~275~~ 278
38,001 - 42,000	~~437~~ 440	~~358~~ 361	~~317~~ 320
42,001 - 46,000	~~498~~ 501	~~406~~ 409	~~360~~ 363
46,001 - 50,000	~~559~~ 562	~~455~~ 458	~~403~~ 406
50,001 - 54,000	~~629~~ 632	~~513~~ 516	~~454~~ 457
54,001 - 58,000	~~690~~ 693	~~562~~ 565	~~497~~ 500
58,001 - 62,000	~~752~~ 755	~~611~~ 614	~~540~~ 543
62,001 - 66,000	~~812~~ 815	~~659~~ 662	~~583~~ 586
66,001 - 70,000	~~873~~ 876	~~708~~ 711	~~625~~ 628
70,001 - 74,000	~~934~~ 937	~~757~~ 760	~~668~~ 671
74,001 - 78,000	~~995~~ 998	~~806~~ 809	~~711~~ 714
78,001 - 82,000	~~1,056~~ 1,059	~~855~~ 858	~~754~~ 757
82,001 - 86,000	~~1,179~~ 1,182	~~960~~ 963	~~841~~ 844
86,001 - 90,000	~~1,301~~ 1,304	~~1,064~~ 1,067	~~928~~ 931
90,001 - 94,000	~~1,423~~ 1,426	~~1,169~~ 1,172	~~1,015~~ 1,018
94,001 - 98,000	~~1,545~~ 1,548	~~1,274~~ 1,277	~~1,103~~ 1,106
98,001 - 102,000	~~1,667~~ 1,670	~~1,378~~ 1,381	~~1,190~~ 1,193
102,001 - 105,500	~~1,789~~ 1,792	~~1,483~~ 1,486	~~1,277~~ 1,280

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

~~d.~~ Motorcycles, fifteen dollars.

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

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

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

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

YEARS REGISTERED

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

Gross Weights	3rd, 4th, 5th, and 6th Years	8th Years	10th Years	Subsequent Years
20,001 - 22,000	~~$108~~ $111	~~$94~~ $97	~~$80~~ $83	~~$62~~ $65
22,001 - 24,000	~~113~~ 116	~~98~~ 101	~~83~~ 86	~~64~~ 67
24,001 - 26,000	~~121~~ 124	~~104~~ 107	~~87~~ 90	~~66~~ 69
26,001 - 28,000	~~132~~ 135	~~112~~ 115	~~93~~ 96	~~70~~ 73
28,001 - 30,000	~~141~~ 144	~~120~~ 123	~~99~~ 102	~~74~~ 77
30,001 - 32,000	~~156~~ 159	~~133~~ 136	~~110~~ 113	~~83~~ 86
32,001 - 34,000	~~166~~ 169	~~141~~ 144	~~116~~ 119	~~87~~ 90
34,001 - 36,000	~~176~~ 179	~~149~~ 152	~~122~~ 125	~~91~~ 94
36,001 - 38,000	~~186~~ 189	~~157~~ 160	~~128~~ 131	~~95~~ 98
38,001 - 40,000	~~196~~ 199	~~165~~ 168	~~134~~ 137	~~99~~ 102
40,001 - 42,000	~~206~~ 209	~~173~~ 176	~~140~~ 143	~~103~~ 106
42,001 - 44,000	~~216~~ 219	~~181~~ 184	~~146~~ 149	~~107~~ 110
44,001 - 46,000	~~226~~ 229	~~189~~ 192	~~152~~ 155	~~111~~ 114
46,001 - 48,000	~~236~~ 239	~~197~~ 200	~~158~~ 161	~~115~~ 118
48,001 - 50,000	~~246~~ 249	~~205~~ 208	~~164~~ 167	~~119~~ 122
50,001 - 52,000	~~266~~ 269	~~223~~ 226	~~180~~ 183	~~133~~ 136
52,001 - 54,000	~~276~~ 279	~~231~~ 234	~~186~~ 189	~~137~~ 140
54,001 - 56,000	~~286~~ 289	~~239~~ 242	~~192~~ 195	~~141~~ 144
56,001 - 58,000	~~296~~ 299	~~247~~ 250	~~198~~ 201	~~145~~ 148
58,001 - 60,000	~~306~~ 309	~~255~~ 258	~~204~~ 207	~~149~~ 152
60,001 - 62,000	~~316~~ 319	~~263~~ 266	~~210~~ 213	~~153~~ 156
62,001 - 64,000	~~326~~ 329	~~271~~ 274	~~216~~ 219	~~157~~ 160
64,001 - 66,000	~~336~~ 339	~~279~~ 282	~~222~~ 225	~~161~~ 164
66,001 - 68,000	~~346~~ 349	~~287~~ 290	~~228~~ 231	~~165~~ 168
68,001 - 70,000	~~356~~ 359	~~295~~ 298	~~234~~ 237	~~169~~ 172
70,001 - 72,000	~~366~~ 369	~~303~~ 306	~~240~~ 243	~~173~~ 176
72,001 - 74,000	~~376~~ 379	~~311~~ 314	~~246~~ 249	~~177~~ 180
74,001 - 76,000	~~386~~ 389	~~319~~ 322	~~252~~ 255	~~181~~ 184
76,001 - 78,000	~~396~~ 399	~~327~~ 330	~~258~~ 261	~~185~~ 188

78,001 - 80,000	~~406~~ 409	~~335~~ 338	~~264~~ 267	~~189~~ 192
80,001 - 82,000	~~416~~ 419	~~343~~ 346	~~270~~ 273	~~193~~ 196
82,001 - 84,000	~~426~~ 429	~~365~~ 368	~~313~~ 316	~~269~~ 272
84,001 - 86,000	~~446~~ 449	~~382~~ 385	~~327~~ 330	~~281~~ 284
86,001 - 88,000	~~466~~ 469	~~399~~ 402	~~341~~ 344	~~293~~ 296
88,001 - 90,000	~~486~~ 489	~~416~~ 419	~~355~~ 358	~~305~~ 308
90,001 - 92,000	~~506~~ 509	~~433~~ 436	~~369~~ 372	~~317~~ 320
92,001 - 94,000	~~526~~ 529	~~450~~ 453	~~383~~ 386	~~329~~ 332
94,001 - 96,000	~~546~~ 549	~~467~~ 470	~~397~~ 400	~~341~~ 344
96,001 - 98,000	~~566~~ 569	~~484~~ 487	~~411~~ 414	~~353~~ 356
98,001 - 100,000	~~586~~ 589	~~501~~ 504	~~425~~ 428	~~365~~ 368
100,001 - 102,000	~~606~~ 609	~~518~~ 521	~~439~~ 442	~~377~~ 380
102,001 - 104,000	~~626~~ 629	~~535~~ 538	~~453~~ 456	~~389~~ 392
104,001 - 105,500	~~646~~ 649	~~552~~ 555	~~467~~ 470	~~401~~ 404

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

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

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

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

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

2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.

3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:

   a. The child is at least fourteen years of age.

   b. The child is qualified to operate an automobile safely.

   c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.

   d. The child has:

      (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or

      (2) Successfully completed a course at an approved commercial driver training school.

   <u>e. The child has driving experience of at least one hour at night, one hour during winter conditions, and one hour on a gravel, dirt, or loose surface highway to which the parent or guardian of the child must attest.</u>

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

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.

5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.

6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:

   a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.

   b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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