

February 21, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1012

Page 1, line 2, remove "to amend and reenact section 57-40.3-10 of the North Dakota Century Code,"

Page 1, line 3, replace "relating to the distribution of highway funds" with "to provide appropriations to the state treasurer for transportation funding distributions; to repeal section 2 of chapter 573 of the 2009 Session Laws, relating to highway-rail grade safety projects"

Page 1, line 3, remove "to provide an effective date;"

Page 1, line 4, replace "an expiration date" with "for a legislative management study"

Page 1, replace line 14 with:

"Salaries and wages	\$147,373,254	\$17,711,006	\$165,084,260"
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Page 1, replace lines 21 and 22 with:

"Total all funds	\$1,067,932,917	\$478,658,406	\$1,546,591,323
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Less estimated income	<u>1,067,932,917</u>	<u>472,808,406</u>	<u>1,540,741,323"</u>
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Page 1, replace line 24 with:

"Full-time equivalent positions	1,054.50	6.00	1,060.50"
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Page 2, replace lines 17 through 23 with:

"SECTION 3. APPROPRIATION - TRANSFER - HIGHWAY-RAIL GRADE CROSSING SAFETY PROJECTS. There is appropriated out of any moneys in the highway-rail grade crossing safety fund in the state treasury, not otherwise appropriated, the sum of \$230,000, or so much of the sum as may be necessary, to the department of transportation for the funding of grants for highway-rail grade crossing safety projects, including grants for the reduction of associated special assessments, for the biennium beginning July 1, 2011, and ending June 30, 2013. On June 30, 2013, the state treasurer shall transfer any unexpended and unobligated balance in the highway-rail grade safety projects fund to the highway tax distribution fund.

Grants provided under this section by the department of transportation for highway-rail grade crossing safety projects are subject to the following requirements:

1. A political subdivision seeking a grant shall file an application with the department of transportation.
2. A political subdivision grant applicant shall provide ten percent matching funds for the project costs but no local matching funds are required for a highway-rail grade crossing on a state highway.
3. Grant funds may be allocated for development of railroad quiet zones, installation or upgrading of active warning devices, resurfacing crossings,

building of grade separations, and other costs associated with these improvements.

4. An applicant for grant approval for development of a railroad quiet zone shall provide the department of transportation a copy of the notice of intent filed with the federal railroad administration regarding establishment of a proposed quiet zone and copies of any subsequent filings with or orders from the federal railroad administration relating to the notice of intent.
5. Grants provided to a city may not exceed a cumulative amount of \$80,000.

SECTION 4. APPROPRIATION - STATE TREASURER - 2009-11 BIENNIUM TRANSPORTATION FUNDING DISTRIBUTIONS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$25,000,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing transportation funding distributions, for the period beginning with the effective date of this Act and ending June 30, 2011. The funding provided in this section is considered a one-time funding item. The state treasurer shall distribute the funds provided under this section prior to June 30, 2011, as follows:

1. Sixty percent to non-oil-producing counties based on each county's share of funding received in state fiscal year 2010 from total funding distributions made to non-oil-producing counties pursuant to subsection 4 of section 54-27-19.
2. Twenty percent to cities in non-oil-producing counties based on each city's share of funding received in state fiscal year 2010 from total funding distributions made to cities in non-oil-producing counties pursuant to subsection 4 of section 54-27-19.
3. Twenty percent to counties and townships in non-oil-producing counties based on each county's or township's share of funding received in state fiscal year 2010 from total funding distributions made to counties and townships in non-oil-producing counties under section 54-27-19.1. Organized townships are not required to provide matching funds to receive distributions under this section.

For purposes of this section, a "non-oil-producing county" means a county that did not receive an allocation of funding under section 57-51-15 during state fiscal year 2010 or a county that received a total allocation under section 57-51-15 of less than \$500,000 for state fiscal year 2010.

SECTION 5. APPROPRIATION - STATE TREASURER - 2011-13 BIENNIUM TRANSPORTATION FUNDING DISTRIBUTIONS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$25,000,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing transportation funding distributions, for the biennium beginning July 1, 2011, and ending June 30, 2013. The funding provided in this section is considered a one-time funding item. The state treasurer shall distribute the funds provided under this section on April 1, 2012, as follows:

1. Sixty percent to non-oil-producing counties based on each county's share of funding received in state fiscal year 2011 from total funding distributions

made to non-oil-producing counties pursuant to subsection 4 of section 54-27-19.

2. Twenty percent to cities in non-oil-producing counties based on each city's share of funding received in state fiscal year 2011 from total funding distributions made to cities in non-oil-producing counties pursuant to subsection 4 of section 54-27-19.
3. Twenty percent to counties and townships in non-oil-producing counties based on each county's or township's share of funding received in state fiscal year 2011 from total funding distributions made to counties and townships in non-oil-producing counties under section 54-27-19.1. Organized townships are not required to provide matching funds to receive distributions under this section.

For purposes of this section, a "non-oil-producing county" means a county that did not receive an allocation of funding under section 57-51-15 during state fiscal year 2011 or a county that received a total allocation under section 57-51-15 of less than \$500,000 for state fiscal year 2011."

Page 2, remove lines 29 and 30

Page 3, replace lines 1 through 10 with:

"SECTION 7. REPEAL. Section 2 of chapter 573 of the 2009 Session Laws is repealed."

Page 3, line 11, remove the boldfaced dash

Page 3, line 12, remove "**CARRYOVER AUTHORITY**"

Page 4, line 5, replace "One-hundred" with "Ninety"

Page 4, line 7, replace "Twenty" with "Twenty-five"

Page 4, replace lines 18 through 28 with:

"SECTION 9. LEGISLATIVE MANAGEMENT STUDY - STATE AGENCY AIRPLANES. During the 2011-12 interim, the legislative management shall consider studying the use of state-owned airplanes. The study, if conducted, must include a review of airplanes owned by state agencies, the justification for each airplane, the frequency of use of each airplane, options for purchasing or leasing new airplanes, and the feasibility and desirability of requiring state airplanes to be managed by state fleet services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Page 4, line 31, after "Act" insert "and section 4 of this Act"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1012 - Summary of House Action

	Executive Budget	House Changes	House Version
State Treasurer Total all funds	\$0	\$25,000,000	\$25,000,000

Less estimated income	0	0	0
General fund	\$0	\$25,000,000	\$25,000,000
Department of Transportation			
Total all funds	\$1,548,283,665	(\$1,462,342)	\$1,546,821,323
Less estimated income	1,542,433,665	(1,462,342)	1,540,971,323
General fund	\$5,850,000	\$0	\$5,850,000
Bill total			
Total all funds	\$1,548,283,665	\$23,537,658	\$1,571,821,323
Less estimated income	1,542,433,665	(1,462,342)	1,540,971,323
General fund	\$5,850,000	\$25,000,000	\$30,850,000

House Bill No. 1012 - State Treasurer - House Action

	Executive Budget	House Changes	House Version
Transportation funding distributions		\$25,000,000	\$25,000,000
Total all funds	\$0	\$25,000,000	\$25,000,000
Less estimated income	0	0	0
General fund	\$0	\$25,000,000	\$25,000,000
FTE	0.00	0.00	0.00

Department No. 120 - State Treasurer - Detail of House Changes

	Adds Transportation Distribution Funding ¹	Total House Changes
Transportation funding distributions	\$25,000,000	\$25,000,000
Total all funds	\$25,000,000	\$25,000,000
Less estimated income	0	0
General fund	\$25,000,000	\$25,000,000
FTE	0.00	0.00

¹ This amendment appropriates \$25 million from the general fund to the State Treasurer to provide 2011-13 biennium transportation funding distributions to counties, cities, and townships in non-oil-producing areas. Guidelines are also provided for the distribution of funds.

This amendment also adds a section to provide a \$25 million appropriation to the State Treasurer for 2009-11 biennium transportation funding distributions to counties, cities, and townships in non-oil-producing areas. Guidelines are provided for the distribution of these funds. The section is an emergency measure.

House Bill No. 1012 - Department of Transportation - House Action

	Executive Budget	House Changes	House Version
Salaries and wages	\$166,776,602	(\$1,692,342)	\$165,084,260
Operating expenses	204,090,250		204,090,250
Capital assets	943,529,831		943,529,831
Grants	67,767,407		67,767,407
County and township road	142,000,000		142,000,000

program			
Federal stimulus funds	24,119,575		24,119,575
Highway-rail grade crossing projects		230,000	230,000
Total all funds	\$1,548,283,665	(\$1,462,342)	\$1,546,821,323
Less estimated income	1,542,433,665	(1,462,342)	1,540,971,323
General fund	\$5,850,000	\$0	\$5,850,000
FTE	1066.50	(6.00)	1060.50

Department No. 801 - Department of Transportation - Detail of House Changes

	Removes Transportation Technician Positions ¹	Removes Driver's License Examiner Positions ²	Removes Motor Vehicle Licensing Specialist Position ³	Removes Salary Equity Funding ⁴	Adds Funding for Highway-Rail Grade Crossing Projects ⁵	Total House Changes
Salaries and wages	(\$310,206)	(\$180,586)	(\$101,550)	(\$1,100,000)		(\$1,692,342)
Operating expenses						
Capital assets						
Grants						
County and township road program						
Federal stimulus funds						
Highway-rail grade crossing projects					230,000	230,000
Total all funds	(\$310,206)	(\$180,586)	(\$101,550)	(\$1,100,000)	\$230,000	(\$1,462,342)
Less estimated income	(310,206)	(180,586)	(101,550)	(1,100,000)	230,000	(1,462,342)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	(3.00)	(2.00)	(1.00)	0.00	0.00	(6.00)

¹ Three FTE transportation technician positions added in the executive recommendation are removed. The executive recommendation added a total of 6 FTE transportation technician positions.

² Two FTE driver's license examiner positions added in the executive recommendation are removed. The executive recommendation added a total of 4 FTE driver's license examiner positions.

³ One FTE motor vehicle licensing specialist position added in the executive recommendation is removed. The executive recommendation added a total of 2 FTE motor vehicle licensing specialist positions.

⁴ Funding included in the executive budget for salary equity adjustments for heavy equipment operators is removed.

⁵ Funding of \$230,000 from the highway-rail grade crossing safety fund is added for highway-rail grade crossing safety project grants. This amount represents the estimated funding in the highway-rail grade crossing safety projects fund on July 1, 2011. Guidelines are also provided for distribution of the highway-rail grade project grants.

This amendment also:

- Adds a section to repeal Section 2 of Chapter 573 of the 2009 Session Laws regarding highway-rail grade crossing safety project grants.
- Removes Section 3 relating to the appropriation of additional funding in the state highway fund.
- Removes Section 5 relating to deposits of 25 percent of motor vehicle excise tax collections in the highway tax distribution fund rather than 100 percent in the general fund.
- Adjusts Section 6 relating to the county and township road reconstruction program.

- Removes Section 7 that provides carryover authority for \$228.6 million of funding designated for extraordinary state roadway maintenance in areas affected by oil and gas development.
- Adds a section to provide for a Legislative Management study of airplanes owned by state agencies.