

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2012
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of transportation; to create and enact section 24-02-02.5 of the North Dakota Century Code, relating to cooperative agreements for rest areas; to provide for a contingent loan authorization; to provide a contingent appropriation; to provide for transfers; to provide an exemption; to provide a statement of legislative intent; to provide for a report; 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 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, 2021, and ending June 30, 2023, as follows:

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|--------------------------------|-------------------|--|----------------------|
| Salaries and wages | \$197,827,038 | \$6,282,547 | \$204,109,585 |
| Operating expenses | 235,037,785 | 45,510,403 | 280,548,188 |
| Capital assets | 859,725,944 | 87,705,400 | 947,431,344 |
| Grants | <u>95,854,637</u> | <u>22,230,973</u> | <u>118,085,610</u> |
| Total special funds | \$1,388,445,404 | \$161,729,323 | \$1,550,174,727 |
| Full-time equivalent positions | 982.00 | 0.00 | 982.00 |

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items included in the appropriation in section 1 of this Act:

| <u>One-Time Funding Description</u> | <u>2019-21</u> | <u>2021-23</u> |
|---|-------------------|-------------------|
| Driver's license system project | \$22,500,000 | \$0 |
| Minot and Williston driver's license facility maintenance | 1,300,000 | 0 |
| Short line railroad program | 2,500,000 | 0 |
| Contingent Bank of North Dakota loan | 50,000,000 | 0 |
| Infrastructure improvements | 0 | 45,000,000 |
| Management systems replacement | <u>0</u> | <u>9,660,000</u> |
| Total all funds | \$76,300,000 | \$54,660,000 |
| Less estimated income | <u>73,800,000</u> | <u>54,660,000</u> |
| Total general fund | \$2,500,000 | \$0 |

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The department of transportation shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 3. EXEMPTION - LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority among the salaries and wages, operating expenses, capital assets, and grants line items in section 1 of this Act as requested by the director of the department of transportation when it is cost-effective for construction and maintenance of highways. The department of transportation shall notify the legislative council of any transfers made pursuant to this section.

SECTION 4. APPROPRIATION - STATE DISASTER RELIEF FUND - DEPARTMENT OF TRANSPORTATION - EMERGENCY ROAD REPAIR GRANTS. There is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$750,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of providing grants to townships for emergency township road repairs for the period beginning with the effective date of this Act, and ending June 30, 2023. To be eligible for a grant under this section, a township must certify to the department of transportation that the township does not have sufficient funds from any local source to complete emergency repairs to any of its roads. The department shall develop criteria for the application process. The funding provided in this section is considered a one-time funding item.

SECTION 5. FEDERAL FUNDS - TRAFFIC MANAGEMENT CENTER - AVAILABLE STATE FUNDS. Section 1 of this Act includes \$5,000,000 of federal funds for the creation of a traffic management center during the biennium beginning July 1, 2021, and ending June 30, 2023. If available, the department of transportation may use up to \$5,000,000 of state funds appropriated in section 1 of this Act for the creation of a traffic management center and to match the federal funds identified in this section.

SECTION 6. CONTINGENT LOAN AUTHORIZATION - CONTINGENT APPROPRIATION - HIGHWAY IMPROVEMENT PROJECTS. The department of transportation may borrow from the Bank of North Dakota, \$50,000,000, or so much of the sum as may be necessary, which is appropriated to the department of transportation for matching federal funds that may become available, for the biennium beginning July 1, 2021, and ending June 30, 2023. The funds authorized in this section may be borrowed and spent only upon certification by the director of the department of transportation to the director of the office of management and budget that the department has been awarded additional federal grants related to United States highway 85 during the biennium beginning July 1, 2021, and ending June 30, 2023, and that other state funds from bond proceeds are not available for this purpose. The department of transportation shall request from the sixty-eighth legislative assembly an appropriation to repay any outstanding loans authorized in this section. The appropriation in this section is considered a one-time funding item.

SECTION 7. EXEMPTION - ENHANCED STATE HIGHWAY INVESTMENT FUNDING. Section 54-44.1-11 does not apply to the remaining \$26,200,669 of the \$503,115,558 in the capital assets line item relating to enhanced state highway investments in section 1 of chapter 12 of the 2015 Session Laws. Any funds continued into the 2021-23 biennium but not spent by June 30, 2023, must be continued into the biennium beginning July 1, 2023, and ending June 30, 2025, and may be expended only for enhanced state highway investments.

SECTION 8. EXEMPTION - DRIVER'S LICENSE SYSTEM PROJECT. Section 54-44.1-11 does not apply to the \$22,500,000 in the operating expenses line item relating to the driver's license system project in section 1 of chapter 12 of the 2019 Session Laws and any unexpended funds must be continued into the biennium beginning July 1, 2021, and ending June 30, 2023, and may be expended only for the driver's license system project.

SECTION 9. Section 24-02-02.5 of the North Dakota Century Code is created and enacted as follows:

24-02-02.5. Rest area cooperative agreement.

Notwithstanding any other provision of law, the director may enter a cooperative agreement with the Theodore Roosevelt national park painted canyon visitor center for the joint administration and operation of a rest area facility for use by the traveling public. The director may expend moneys from the state highway fund within the limits of legislative appropriations for administration and operational support of the rest area facility.

SECTION 10. LEGISLATIVE INTENT - DEPARTMENT OF TRANSPORTATION - BIOLOGICAL AND OTHER RENEWABLE PRODUCTS. It is the intent of the sixty-seventh legislative assembly that

the department of transportation use gasoline fuel with fifteen percent ethanol and the highest compatible percentage of biodiesel or renewable diesel for all department and state fleet vehicles when these products are available and result in cost-savings. It is further the intent of the sixty-seventh legislative assembly that state fleet vehicles refueling at nonstate fuel sites use renewable fuels when available.

SECTION 11. EMERGENCY. Section 4 of this Act is declared to be an emergency measure.

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-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2012 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 81 Nays 10 Absent 3

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State