

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 appropriations to the state treasurer for transportation funding  
3 distributions; to provide for transfers; to provide exemptions; and to declare an emergency.

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

5 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
6 as may be necessary, are appropriated out of any moneys in the general fund in the state  
7 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
8 other income, to the department of transportation for the purpose of defraying the expenses of  
9 the department of transportation, for the biennium beginning July 1, 2013, and ending June 30,  
10 2015, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
11			
12			
13	Salaries and wages	\$165,966,396	\$32,856,230
14	Operating expenses	204,090,250	252,731,465
15	Capital assets	709,079,831	1,101,431,376
16	County and township road	0	142,000,000
17	reconstruction program		142,000,000
18	Grants	<u>67,767,407</u>	<u>29,780,623</u>
19	Total all funds	\$1,146,903,884	\$1,558,799,694
20	Less estimated income	<u>1,146,903,884</u>	<u>1,548,799,694</u>
21	Total general fund	\$0	\$10,000,000
22	Full-time equivalent positions	1,063.50	16.00
			1,079.50

23 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
24 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time

1 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and  
2 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

3	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
4	Federal stimulus funds	\$24,119,575	\$0
5	Devils Lake area highway project	5,850,000	0
6	Extraordinary state highway maintenance	228,600,000	0
7	County and township road reconstruction	142,000,000	142,000,000
8	Emergency relief program borrowing authority	200,000,000	0
9	Road grade raising grants	6,000,000	0
10	Highway-rail grade crossing safety grants	1,431,000	0
11	Enhanced state highway investments	0	1,161,600,000
12	Federal TIGER III grant match	<u>0</u>	<u>10,000,000</u>
13	Total all funds	\$608,000,575	\$1,313,600,000
14	Total special funds	<u>602,150,575</u>	<u>1,303,600,000</u>
15	Total general fund	\$5,850,000	\$10,000,000

16 The 2013-15 one-time funding amounts are not part of the entity's base budget for the 2015-17  
17 biennium. The department of transportation shall report to the appropriations committees of the  
18 sixty-fourth legislative assembly on the use of the one-time funding for the biennium beginning  
19 July 1, 2013, and ending June 30, 2015.

20 **SECTION 3. LINE ITEM TRANSFERS.** The director of the department of transportation  
21 may transfer between the salaries and wages, operating, capital assets, and grants line items in  
22 section 1 of this Act when it is cost-effective for construction and maintenance of highways. The  
23 department of transportation shall notify the office of management and budget of any transfers  
24 made pursuant to this section.

25 **SECTION 4. COUNTY AND TOWNSHIP ROAD RECONSTRUCTION PROGRAM -**  
26 **CARRYOVER AUTHORITY.**

27 1. The sum of \$142,000,000, or so much of the sum as may be necessary, included in  
28 the county and township road reconstruction program line item in section 1 of this Act,  
29 must be used to rehabilitate or reconstruct county and township paved and unpaved  
30 roads needed to support oil and gas production and distribution in North Dakota.

- 1           a.    Funding allocations to counties are to be made by the department of  
2                    transportation based on data supplied by the upper great plains transportation  
3                    institute.
- 4           b.    Counties identified in the data supplied by the upper great plains transportation  
5                    institute are eligible for this funding.
- 6           2.    Each county requesting funding under this section for county or township roads shall  
7                    submit the request in accordance with criteria developed by the department of  
8                    transportation.
  - 9                    a.    The request shall include a proposed plan for funding projects that rehabilitate or  
10                        reconstruct paved and unpaved roads within the county.
  - 11                    b.    The plan shall be based on data supplied by the upper great plains transportation  
12                        institute, actual road conditions, and integration with state highway and other  
13                        county road projects.
  - 14                    c.    Funds shall not be used for routine maintenance.
- 15           3.    The department of transportation, in consultation with the county, may approve the  
16                    plan or approve the plan with amendments.
- 17           4.    The funding included in the county and township road reconstruction program line item  
18                    in section 1 of this Act may be used for:
  - 19                    a.    Ninety percent of the cost of the approved roadway projects not to exceed the  
20                        funding available for that county.
  - 21                    b.    Funding may be used for construction, engineering, and plan development costs.
- 22           5.    Upon approval of the plan, the department of transportation shall transfer to the county  
23                    the approved funding for engineering and plan development costs.
- 24           6.    Upon execution of a construction contract by the county, the department of  
25                    transportation shall transfer to the county the approved funding to be distributed for  
26                    county and township road rehabilitation and reconstruction projects.
- 27           7.    The recipient counties shall report to the department of transportation upon awarding  
28                    of each contract and upon completion of each project in a manner prescribed by the  
29                    department.

1           8.    The funding included in the county and township road reconstruction line item in  
2                    section 1 of this Act may be applied to engineering and design costs incurred on  
3                    related projects as of January 1, 2013.

4           9.    Section 54-44.1-11 does not apply to funding included in the county and township road  
5                    reconstruction program line item in section 1 of this Act. Any funds not spent by  
6                    June 30, 2015, must be continued into the biennium beginning July 1, 2015, and  
7                    ending June 30, 2017, and may be expended only for county and township paved and  
8                    unpaved road rehabilitation and reconstruction projects.

9           **SECTION 5. APPROPRIATION - STATE TREASURER - 2011-13 BIENNIUM**

10          **TRANSPORTATION FUNDING DISTRIBUTIONS.** There is appropriated out of any moneys in  
11          the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000,000, or  
12          so much of the sum as may be necessary, to the state treasurer for the purpose of providing  
13          transportation funding distributions, for the period beginning with the effective date of this Act  
14          and ending June 30, 2013. The funding provided in this section is considered a one-time  
15          funding item. The state treasurer shall distribute the funds provided under this section as soon  
16          as possible after the effective date of this Act and prior to June 30, 2013, as follows:

- 17           1.    Sixty-four million dollars to non-oil-producing counties and cities pursuant to  
18                    subsection 4 of section 54-27-19.
- 19           2.    Sixteen million dollars to counties and townships in non-oil-producing counties  
20                    pursuant to section 54-27-19.1. Organized townships are not required to provide  
21                    matching funds to receive distributions under this section.
- 22           3.    Twenty million dollars to counties and townships in non-oil-producing counties through  
23                    a distribution of \$15,000 to each organized township and a distribution of \$15,000 for  
24                    each unorganized township to the county in which the unorganized township is  
25                    located. If any funds remain after the distributions provided under this subsection, the  
26                    state treasurer shall distribute eighty percent of the remaining funds to counties and  
27                    cities pursuant to the method provided in subsection 1 and shall distribute twenty  
28                    percent of the remaining funds to counties and townships pursuant to the method  
29                    provided in subsection 2.

30          For purposes of this section, a "non-oil-producing county" means a county that received no  
31          allocation of funding or a total allocation under section 57-51-15 of less than \$500,000 for state

1 fiscal year 2012. Any funds received by a county under this section for an unorganized township  
2 distribution must be used for roadway purposes in those unorganized townships located in the  
3 county. All funds distributed under this section must be used for extraordinary roadway  
4 maintenance purposes.

5 **SECTION 6. APPROPRIATION - TRANSFER - GENERAL FUND TO HIGHWAY FUND -**

6 **2011-13 BIENNIUM.** There is appropriated out of any moneys in the general fund in the state  
7 treasury, not otherwise appropriated, the sum of \$620,000,000, or so much of the sum as may  
8 be necessary, which the office of management and budget shall transfer to the highway fund  
9 for the period beginning with the effective date of this Act and ending June 30, 2013. The  
10 funding provided in this section is considered a one-time funding item. The office of  
11 management and budget shall transfer the funds provided under this section as soon as  
12 possible after the effective date of this Act and prior to June 30, 2013.

13 **SECTION 7. APPROPRIATION - TRANSFER - GENERAL FUND TO HIGHWAY FUND.**

14 There is appropriated out of any moneys in the general fund in the state treasury, not otherwise  
15 appropriated, the sum of \$683,600,000, or so much of the sum as may be necessary, which the  
16 office of management and budget shall transfer to the highway fund during the biennium  
17 beginning July 1, 2013, and ending June 30, 2015. The funding provided in this section is  
18 considered a one-time funding item.

19 **SECTION 8. ENHANCED STATE HIGHWAY INVESTMENTS - CARRYOVER**

20 **AUTHORITY.** Section 54-44.1-11 does not apply to funding of \$1,161,600,000 in the capital  
21 assets line item relating to enhanced state highway investments in section 1 of this Act. Any  
22 funds not spent by June 30, 2015, must be continued into the biennium beginning July 1, 2015,  
23 and ending June 30, 2017, and may be expended only for enhanced state highway  
24 investments.

25 **SECTION 9. EMERGENCY.** Sections 5 and 6 of this Act and funding of \$1,161,600,000 in  
26 the capital assets line item relating to enhanced state highway investments and \$142,000,000  
27 in the county and township road reconstruction program line item in section 1 of this Act are  
28 declared to be an emergency measure.