

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2012

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 transportation; to provide for a contingent loan authorization; to provide a contingent
3 appropriation; to provide for transfers; to provide an exemption; to provide for a report; to
4 provide for a legislative management study; and to declare an emergency.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated from special funds derived from federal funds and other
8 income, to the department of transportation for the purpose of defraying the expenses of the
9 department of transportation, for the biennium beginning July 1, 2021, and ending June 30,
10 2023, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
11			
12			
13	Salaries and wages	\$197,827,038	\$6,375,876
14	Operating expenses	235,037,785	44,470,453
15	Capital assets	859,725,944	60,346,426
16	Grants	<u>95,854,637</u>	<u>16,954,000</u>
17	Total special funds	\$1,388,445,404	\$128,146,755
18	Full-time equivalent positions	982.00	0.00
19			982.00

20 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**
21 **SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
22 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the
23 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>
24	Driver's license system project	\$22,500,000	\$0

Sixty-seventh
Legislative Assembly

1	Minot and Williston driver's license facility maintenance	1,300,000	0
2	Short line railroad program	2,500,000	0
3	Contingent Bank of North Dakota loan	50,000,000	0
4	Infrastructure improvements	0	45,000,000
5	Management systems replacement	<u>0</u>	<u>9,660,000</u>
6	Total all funds	\$76,300,000	\$54,660,000
7	Less estimated income	<u>73,800,000</u>	<u>54,660,000</u>
8	Total general fund	\$2,500,000	\$0

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

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

19 **SECTION 4. APPROPRIATION - STATE DISASTER RELIEF FUND - DEPARTMENT OF**
20 **TRANSPORTATION - EMERGENCY ROAD REPAIR GRANTS.** There is appropriated out of
21 any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the
22 sum of \$500,000, or so much of the sum as may be necessary, to the department of
23 transportation for the purpose of providing grants to townships for emergency township road
24 repairs for the period beginning with the effective date of this Act, and ending June 30, 2023. To
25 be eligible for a grant under this section, a township must certify to the department of
26 transportation that the township does not have sufficient funds from any source to complete
27 emergency repairs to any of its roads. The department shall develop criteria for the application
28 process. The funding provided in this section is considered a one-time funding item.

29 **SECTION 5. CONTINGENT LOAN AUTHORIZATION - CONTINGENT APPROPRIATION -**
30 **HIGHWAY IMPROVEMENT PROJECTS.** The department of transportation may borrow from
31 the Bank of North Dakota, \$50,000,000, or so much of the sum as may be necessary, which is

1 appropriated to the department of transportation for matching federal funds that may become
2 available, for the biennium beginning July 1, 2021, and ending June 30, 2023. The funds
3 authorized in this section may be borrowed and spent only upon certification by the director of
4 the department of transportation to the director of the office of management and budget that the
5 department has been awarded additional federal grants related to United States highway 85
6 during the biennium beginning July 1, 2021, and ending June 30, 2023, and that other state
7 funds from bond proceeds are not available for this purpose. The department of transportation
8 shall request from the sixty-eighth legislative assembly an appropriation to repay any
9 outstanding loans authorized in this section. The appropriation in this section is considered a
10 one-time funding item.

11 **SECTION 6. EXEMPTION - ENHANCED STATE HIGHWAY INVESTMENT FUNDING.**

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

17 **SECTION 7. EXEMPTION - DRIVER'S LICENSE SYSTEM PROJECT.** Section 54-44.1-11

18 does not apply to the \$22,500,000 in the operating expenses line item relating to the driver's
19 license system project in section 1 of chapter 12 of the 2019 Session Laws and any
20 unexpended funds must be continued into the biennium beginning July 1, 2021, and ending
21 June 30, 2023, and may be expended only for the driver's license system project.

22 **SECTION 8. LEGISLATIVE MANAGEMENT STUDY - TRANSPORTATION**

23 **MANAGEMENT CENTER.** During the 2021-22 interim, the legislative management shall
24 consider studying, with input from the department of transportation, the feasibility and
25 desirability of creating a transportation management center in the state. The study must include:

- 26 1. Determination of the estimated ongoing and one-time costs and benefits of a
27 transportation management center;
- 28 2. Identification of state and local entities affected by a transportation management
29 center and the potential effect on each entity;
- 30 3. Information on other states' transportation management centers and related costs and
31 benefits;

1 4. Evaluation of the use of advanced transportation systems such as variable speed
2 limits and connected vehicle technologies in coordination with a transportation
3 management center; and

4 5. Options for locating a transportation management center, including the ongoing and
5 one-time costs and benefits of each location.

6 The legislative management shall report its findings and recommendations, together with any
7 legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

8 **SECTION 9. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure.