

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 create and enact section 24-02-02.5 of the North Dakota Century Code,  
 3 relating to cooperative agreements for rest areas; to provide for a contingent loan authorization;  
 4 to provide a contingent appropriation; to provide for transfers; to provide an exemption; to  
 5 provide a statement of legislative intent; to provide for a report; ~~to provide for a legislative~~  
 6 ~~management study;~~ and to declare an emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
 9 as may be necessary, are appropriated from special funds derived from federal funds and other  
 10 income, to the department of transportation for the purpose of defraying the expenses of the  
 11 department of transportation, for the biennium beginning July 1, 2021, and ending June 30,  
 12 2023, as follows:

|                                   | Base Level                 | Adjustments or<br>Enhancements | Appropriation              |
|-----------------------------------|----------------------------|--------------------------------|----------------------------|
| 15 <del>Salaries and wages</del>  | <del>\$197,827,038</del>   | <del>\$6,375,876</del>         | <del>\$204,202,914</del>   |
| 16 <del>Operating expenses</del>  | <del>235,037,785</del>     | <del>44,470,453</del>          | <del>279,508,238</del>     |
| 17 <del>Capital assets</del>      | <del>859,725,944</del>     | <del>60,346,426</del>          | <del>920,072,370</del>     |
| 18 <del>Grants</del>              | <del>95,854,637</del>      | <del>16,954,000</del>          | <del>112,808,637</del>     |
| 19 <del>Total special funds</del> | <del>\$1,388,445,404</del> | <del>\$128,146,755</del>       | <del>\$1,516,592,159</del> |
| 20 <u>Salaries and wages</u>      | <u>\$197,827,038</u>       | <u>\$6,282,547</u>             | <u>\$204,109,585</u>       |
| 21 <u>Operating expenses</u>      | <u>235,037,785</u>         | <u>45,510,403</u>              | <u>280,548,188</u>         |
| 22 <u>Capital assets</u>          | <u>859,725,944</u>         | <u>87,705,400</u>              | <u>947,431,344</u>         |
| 23 <u>Grants</u>                  | <u>95,854,637</u>          | <u>22,230,973</u>              | <u>118,085,610</u>         |

1 Total special funds \$1,388,445,404 \$161,729,323 \$1,550,174,727

2 Full-time equivalent positions 982.00 0.00 982.00

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**  
 4 **SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding  
 5 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the  
 6 2021-23 one-time funding items included in the appropriation in section 1 of this Act:

| 7  | <u>One-Time Funding Description</u>                       | <u>2019-21</u>    | <u>2021-23</u>    |
|----|---|-------------------|-------------------|
| 8  | Driver's license system project                           | \$22,500,000      | \$0               |
| 9  | Minot and Williston driver's license facility maintenance | 1,300,000         | 0                 |
| 10 | Short line railroad program                               | 2,500,000         | 0                 |
| 11 | Contingent Bank of North Dakota loan                      | 50,000,000        | 0                 |
| 12 | Infrastructure improvements                               | 0                 | 45,000,000        |
| 13 | Management systems replacement                            | <u>0</u>          | <u>9,660,000</u>  |
| 14 | Total all funds   | \$76,300,000      | \$54,660,000      |
| 15 | Less estimated income                                     | <u>73,800,000</u> | <u>54,660,000</u> |
| 16 | Total general fund  | \$2,500,000       | \$0               |

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

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

27 **SECTION 4. APPROPRIATION - STATE DISASTER RELIEF FUND - DEPARTMENT OF**  
 28 **TRANSPORTATION - EMERGENCY ROAD REPAIR GRANTS.** There is appropriated out of  
 29 any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the  
 30 sum of ~~\$500,000~~\$750,000, or so much of the sum as may be necessary, to the department of  
 31 transportation for the purpose of providing grants to townships for emergency township road

1 repairs for the period beginning with the effective date of this Act, and ending June 30, 2023. To  
2 be eligible for a grant under this section, a township must certify to the department of  
3 transportation that the township does not have sufficient funds from any local source to  
4 complete emergency repairs to any of its roads. The department shall develop criteria for the  
5 application process. The funding provided in this section is considered a one-time funding item.

6 **SECTION 5. FEDERAL FUNDS - TRAFFIC MANAGEMENT CENTER - AVAILABLE**

7 **STATE FUNDS.** Section 1 of this Act includes \$5,000,000 of federal funds for the creation of a  
8 traffic management center during the biennium beginning July 1, 2021, and ending June 30,  
9 2023. If available, the department of transportation may use up to \$5,000,000 of state funds  
10 appropriated in section 1 of this Act for the creation of a traffic management center and to match  
11 the federal funds identified in this section.

12 **SECTION 6. CONTINGENT LOAN AUTHORIZATION - CONTINGENT APPROPRIATION -**  
13 **HIGHWAY IMPROVEMENT PROJECTS.** The department of transportation may borrow from

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

25 **SECTION 7. EXEMPTION - ENHANCED STATE HIGHWAY INVESTMENT FUNDING.**

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

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

6       ~~**SECTION 8. LEGISLATIVE MANAGEMENT STUDY - TRANSPORTATION**~~

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

- 10       ~~1. Determination of the estimated ongoing and one-time costs and benefits of a~~  
11           ~~transportation management center;~~  
12       ~~2. Identification of state and local entities affected by a transportation management~~  
13           ~~center and the potential effect on each entity;~~  
14       ~~3. Information on other states' transportation management centers and related costs and~~  
15           ~~benefits;~~  
16       ~~4. Evaluation of the use of advanced transportation systems such as variable speed~~  
17           ~~limits and connected vehicle technologies in coordination with a transportation~~  
18           ~~management center; and~~  
19       ~~5. Options for locating a transportation management center, including the ongoing and~~  
20           ~~one-time costs and benefits of each location.~~

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

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

25       **24-02-02.5. Rest area cooperative agreement.**

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

1 | **SECTION 10. LEGISLATIVE INTENT - DEPARTMENT OF TRANSPORTATION -**  
2 | **BIOLOGICAL AND OTHER RENEWABLE PRODUCTS.** It is the intent of the sixty-seventh  
3 | legislative assembly that the department of transportation use gasoline fuel with fifteen percent  
4 | ethanol and the highest compatible percentage of biodiesel or renewable diesel for all  
5 | department and state fleet vehicles when these products are available and result in  
6 | cost-savings. It is further the intent of the sixty-seventh legislative assembly that state fleet  
7 | vehicles refueling at nonstate fuel sites use renewable fuels when available.

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