

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1012

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 amend and reenact section 24-02-45.1 of the North Dakota Century Code,
3 relating to cooperative agreements with private entities for the construction of certain items on
4 the state highway system; to provide for transfers; to provide for the operation of maintenance
5 section sites; to provide an exemption; to provide for a study; to provide for a report; and to
6 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
9 funds as may be necessary, are appropriated from special funds derived from federal funds and
10 other income, to the department of transportation for the purpose of defraying the expenses of
11 the department of transportation, for the biennium beginning July 1, 2019, and ending June 30,
12 2021, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Salaries and wages	\$201,478,341	\$460,582	\$201,938,923
16	Operating expenses	229,381,646	19,871,688	249,253,334
17	Capital assets	771,101,851	89,924,093	861,025,944
18	Grants	<u>67,528,030</u>	<u>28,326,607</u>	<u>95,854,637</u>
19	Total special funds	\$1,269,489,868	\$138,582,970	\$1,408,072,838
20	Full-time equivalent positions	1,047.00	(42.00)	1,005.00

21 **SECTION 2. ONE-TIME FUNDING.** The following amounts reflect the one-time funding
22 items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21
23 one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
1			
2	Pipeline protest law enforcement support	\$709,000	\$0
3	Electronic payment processing system	306,000	0
4	Driver's license system project	0	22,500,000
5	Minot and Williston driver's license facility maintenance	<u>0</u>	<u>1,300,000</u>
6	Total special funds	\$1,015,000	\$23,800,000

7 The 2019-21 one-time funding amounts are not a part of the entity's base budget for the
8 2021-23 biennium. The department of transportation shall report to the appropriations
9 committees of the sixty-seventh legislative assembly on the use of this one-time funding for the
10 biennium beginning July 1, 2019, and ending June 30, 2021.

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

17 **SECTION 4. EXEMPTION - ENHANCED STATE HIGHWAY INVESTMENT FUNDING.**

18 Section 54-44.1-11 does not apply to funding of \$503,115,558 in the capital assets line item
19 relating to enhanced state highway investments in section 1 of chapter 12 of the 2015 Session
20 Laws. Any funds continued into the 2017-19 biennium but not spent by June 30, 2019, must be
21 continued into the biennium beginning July 1, 2019, and ending June 30, 2021, and may be
22 expended only for enhanced state highway investments.

23 **SECTION 5. APPROPRIATION - GENERAL FUND - SHORT LINE RAILROAD**

24 **PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury,
25 not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be
26 necessary, to the department of transportation for the purpose of enhancing the department's
27 short line railroad program, for the biennium beginning July 1, 2019, and ending June 30, 2021.
28 The funding provided in this section is considered a one-time funding item.

29 **SECTION 6. APPROPRIATION - GENERAL FUND - ENHANCED STATE HIGHWAY**

30 **FUNDING - EXEMPTION.** There is appropriated out of any moneys in the general fund in the
31 state treasury, not otherwise appropriated, the sum of \$13,000,000, or so much of the sum as

1 may be necessary, to the department of transportation for the purpose of enhanced state
2 highway improvements, for the period beginning with the effective date of this Act and ending
3 June 30, 2019. The funding provided in this section is considered a one-time funding item.
4 Section 54-44.1-11 does not apply to this funding and any funds not spent by June 30, 2019,
5 must be continued into the biennium beginning July 1, 2019, and ending June 30, 2021, and
6 may be expended only for enhanced state highway improvements.

7 **SECTION 7. AMENDMENT.** Section 24-02-45.1 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **24-02-45.1. Cooperative agreements with private entities for the construction of**
10 **certain items on the state highway system.**

11 Notwithstanding any other provision of law, the director may enter a cooperative agreement
12 with a private entity for the construction of an item on the state highway system which will
13 benefit the private entity and the traveling public, as determined by the director. The private
14 entity's cost-share of the items requested to be added to the state highway system must be paid
15 for in advance of the construction by the private entity before the department can construct the
16 project. Funds received by the department pursuant to this section must be deposited in the
17 state highway fund as prescribed by section 24-02-41 and are appropriated to the department.
18 If the department requires engineering or contracting services for a project under this section, it
19 may provide the services or procure the services in accordance with section 24-02-07.3 and
20 24-02-17.

21 **SECTION 8. MAINTENANCE SECTION SITES - OPERATIONAL REQUIREMENTS.** The
22 department of transportation shall establish the Mayville section site as a satellite site of the
23 Hillsboro section. Seasonal winter services in the Courtenay, Gackle, New England, and Finley
24 sections must be established if the department has an employee whose home residence is
25 located within the vicinity of the maintenance section site or the department hires an employee
26 whose home residence is located within the vicinity of the maintenance section site. The
27 department shall staff these sections no later than November first of each year through at least
28 March thirty-first of the subsequent year when seasonal winter services are established. The
29 department shall hold public hearings when the department proposes changes to highway
30 maintenance section sites that affect snow and ice control operations.

1 **SECTION 9. DEPARTMENT OF TRANSPORTATION STUDY - PUBLIC**

2 **TRANSPORTATION SERVICES - REPORT TO LEGISLATIVE MANAGEMENT.** During the
3 2019-20 interim, the department of transportation shall study public transportation services
4 within the state. The study must include the number of users of public transportation services,
5 demographics of the users, other transportation options available to users of public
6 transportation services, and the identification of areas of the state which have no public or
7 private transportation services available.

8 **SECTION 10. DEPARTMENT OF TRANSPORTATION FLEET SERVICES - REPORT TO**

9 **SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The department of transportation shall report to
10 the sixty-seventh legislative assembly regarding the department's state fleet expenditures
11 compared to its 2019-21 biennium budgeted amounts.

12 **SECTION 11. EMERGENCY.** Sections 6 and 7 of this Act are declared to be an emergency
13 measure.