

**FIRST ENGROSSMENT  
with House Amendments  
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 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; and to declare an emergency.

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

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$197,827,038	\$6,282,547	\$204,109,585
15 Operating expenses	235,037,785	45,510,403	280,548,188
16 Capital assets	859,725,944	87,705,400	947,431,344
17 Grants	<u>95,854,637</u>	<u>22,230,973</u>	<u>118,085,610</u>
18 Total special funds	\$1,388,445,404	\$161,729,323	\$1,550,174,727
19 Full-time equivalent positions	982.00	0.00	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>
1			
2	Driver's license system project	\$22,500,000	\$0
3	Minot and Williston driver's license facility maintenance	1,300,000	0
4	Short line railroad program	2,500,000	0
5	Contingent Bank of North Dakota loan	50,000,000	0
6	Infrastructure improvements	0	45,000,000
7	Management systems replacement	<u>0</u>	<u>9,660,000</u>
8	Total all funds	\$76,300,000	\$54,660,000
9	Less estimated income	<u>73,800,000</u>	<u>54,660,000</u>
10	Total general fund	\$2,500,000	\$0

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

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

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

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

2       **STATE FUNDS.** Section 1 of this Act includes \$5,000,000 of federal funds for the creation of a  
3 traffic management center during the biennium beginning July 1, 2021, and ending June 30,  
4 2023. If available, the department of transportation may use up to \$5,000,000 of state funds  
5 appropriated in section 1 of this Act for the creation of a traffic management center and to match  
6 the federal funds identified in this section.

7       **SECTION 6. CONTINGENT LOAN AUTHORIZATION - CONTINGENT APPROPRIATION -**

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

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

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

26       **SECTION 8. EXEMPTION - DRIVER'S LICENSE SYSTEM PROJECT.** Section 54-44.1-11

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

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

3       **24-02-02.5. Rest area cooperative agreement.**

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

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

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