

Introduced by

Legislative Management

(Appropriations Committee)

1 A BILL for an Act to amend section 6 of chapter 15, section 5 of chapter 18, sections 6, 7, and 8
2 of chapter 19, and section 1 of chapter 55 of the 2021 Session Laws, relating to the federal
3 coronavirus capital projects fund and federal state fiscal recovery fund; to identify department of
4 transportation funding sources; to provide an appropriation; to provide for a transfer; to provide
5 for a report; and to provide an effective date.

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

7 **SECTION 1. AMENDMENT.** Section 6 of chapter 15 of the 2021 Session Laws is amended
8 and reenacted as follows:

9 **SECTION 6. APPROPRIATION - FEDERAL CORONAVIRUS CAPITAL**
10 **PROJECTS FUND - FEDERAL STATE FISCAL RECOVERY FUND - MATCHING**
11 **FUNDS - ONE-TIME FUNDING.**

12 1. There is appropriated from federal funds derived from the federal coronavirus
13 capital projects fund, not otherwise appropriated, the sum of
14 ~~\$70,000,000~~\$53,276,228, or so much of the sum as may be necessary, and from
15 the federal state fiscal recovery fund, not otherwise appropriated, the sum of
16 \$30,000,000, or so much of the sum as may be necessary, to the department of
17 career and technical education for the purpose of a statewide area career center
18 initiative grant program for the period beginning with the effective date of this Act,
19 and ending June 30, 2023. The department of career and technical education
20 shall establish the application process and develop eligibility requirements for the
21 grant program that must include:

- 22 a. Funding may be used only for career and technical education projects
23 involving construction, addition, maintenance, and equipment for new and
24 existing area career centers;

- 1 b. Grants awarded to each recipient must be at least \$500,000, but may not
2 exceed \$10,000,000;
- 3 c. Grants may be awarded only to the extent a school district has secured
4 matching funds from nonstate sources on a dollar-for-dollar basis;
- 5 d. An applicant identifying sufficient future nonstate sources of funding for
6 ongoing operating and maintenance costs associated with a new or
7 expanded area career center;
- 8 e. The application period for the grant program begins with the effective date
9 of this Act and ends on June 30, 2022. Any funding not committed by
10 December 31, 2022, may not be spent and must be canceled at the end of
11 the 2021-23 biennium in accordance with section 54-44.1-11;
- 12 f. Preference must be given to school districts that collaborate with other
13 school districts for a regional area career center facility or to school districts
14 to create a new area career center or use an existing area career center to
15 positively affect that region of the state; and
- 16 g. Preference must be given to school districts that will promote postsecondary
17 education and workforce training education in conjunction with secondary
18 education.
- 19 2. There is appropriated from federal funds derived from the federal ~~coronavirus-~~
20 ~~capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of
21 \$5,900,000, or so much of the sum as may be necessary, to the department of
22 public instruction for the purpose of providing a grant to an entity for the
23 development of a children's science center for the period beginning with the
24 effective date of this Act, and ending June 30, 2023.
- 25 3. There is appropriated from federal funds derived from the federal ~~coronavirus-~~
26 ~~capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of
27 \$5,000,000, or so much of the sum as may be necessary, to the university of
28 North Dakota for the purpose of reconstruction of the university's apron at the
29 Grand Forks airport for the period beginning with the effective date of this Act,
30 and ending June 30, 2023.

- 1 4. There is appropriated from federal funds derived from the federal ~~coronavirus-~~
2 ~~capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of
3 \$4,000,000, or so much of the sum as may be necessary, to Dickinson state
4 university for the purpose of a Pulver hall project, a meat processing laboratory
5 remodel, and other projects for the period beginning with the effective date of this
6 Act, and ending June 30, 2023.
- 7 5. There is appropriated from federal funds derived from the federal ~~coronavirus-~~
8 ~~capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of
9 \$3,000,000, or so much of the sum as may be necessary, to the highway patrol
10 for the purpose of a law enforcement training center remodel project for the
11 period beginning with the effective date of this Act, and ending June 30, 2023.
- 12 6. There is appropriated from federal funds derived from the federal ~~coronavirus-~~
13 ~~capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of
14 \$500,000, or so much of the sum as may be necessary, to the office of
15 management and budget for the purpose of providing a grant for the construction
16 of a new medical center located in the county seat of Griggs County for the
17 period beginning with the effective date of this Act, and ending June 30, 2023.
- 18 7. There is appropriated from federal funds derived from the federal ~~coronavirus-~~
19 ~~capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of
20 \$157,600, or so much of the sum as may be necessary, to the judicial branch for
21 the purpose of purchasing information technology equipment for the period
22 beginning with the effective date of this Act, and ending June 30, 2023.
- 23 8. ~~If the federal government distributes funding derived from the federal coronavirus-~~
24 ~~capital projects fund to the state in more than one funding round, the office of~~
25 ~~management and budget shall prioritize the amounts received in the first funding~~
26 ~~round as follows:~~
- 27 a. ~~\$19,763,000 to the department of career and technical education;~~
28 b. ~~\$11,716,400 to the parks and recreation department;~~
29 c. ~~\$5,900,000 to the department of public instruction;~~
30 d. ~~\$5,000,000 to the university of North Dakota;~~
31 e. ~~\$4,200,000 to the state historical society;~~

- 1 f. ~~\$4,000,000 to Dickinson state university;~~
2 g. ~~\$3,000,000 to the highway patrol;~~
3 h. ~~\$2,000,000 to the agriculture commissioner;~~
4 i. ~~\$500,000 to the office of management and budget; and~~
5 j. ~~\$157,600 to the judicial branch.~~
6 9. ~~The funding provided under this section may be spent only to the extent the~~
7 ~~director of the office of management and budget, in consultation with the budget~~
8 ~~section, determines the use of the funding complies with federal guidance for the~~
9 ~~federal coronavirus capital projects fund. The funding provided under this section~~
10 ~~is considered a one-time funding item.~~

11 **SECTION 2. AMENDMENT.** Section 5 of chapter 18 of the 2021 Session Laws is amended
12 and reenacted as follows:

13 **SECTION 5. ESTIMATED INCOME - FEDERAL CORONAVIRUS CAPITAL**
14 **PROJECTSSTATE FISCAL RECOVERY FUND - ONE-TIME FUNDING.** The
15 estimated income line item in section 1 of this Act includes the sum of \$4,200,000 from
16 federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery
17 fund for the purpose of providing funding for capital project planning and historic site
18 and extraordinary repairs. ~~The federal funding provided under this section may be~~
19 ~~spent only to the extent the director of the office of management and budget, in~~
20 ~~consultation with the budget section, determines the use of the funding complies with~~
21 ~~federal guidance for the federal coronavirus capital projects fund.~~The funding provided
22 under this section is considered a one-time funding item.

23 **SECTION 3. AMENDMENT.** Section 6 of chapter 19 of the 2021 Session Laws is amended
24 and reenacted as follows:

25 **SECTION 6. DEFERRED MAINTENANCE AND CAPITAL PROJECTS -**
26 **FEDERAL CORONAVIRUS CAPITAL PROJECTSSTATE FISCAL RECOVERY**
27 **FUND.** The park operations and maintenance line item in subdivision 1 of section 1 of
28 this Act includes \$7,900,000 from federal funds derived from the federal ~~coronavirus~~
29 ~~capital projects~~state fiscal recovery fund for deferred maintenance and capital projects
30 for the biennium beginning July 1, 2021, and ending June 30, 2023. ~~The funding~~
31 ~~provided under this section may be spent only to the extent the director of the office of~~

1 management and budget, in consultation with the budget section, determines the use
2 of the funding complies with federal guidance for the federal coronavirus capital
3 projects fund. The funding provided under this section is considered a one-time
4 funding item.

5 **SECTION 4. AMENDMENT.** Section 7 of chapter 19 of the 2021 Session Laws is amended
6 and reenacted as follows:

7 **SECTION 7. PARKS MATCHING GRANT PROGRAM - FEDERAL**

8 **CORONAVIRUS CAPITAL PROJECTS**STATE FISCAL RECOVERY FUND. The
9 recreation line item in subdivision 1 of section 1 of this Act includes \$1,632,800, of
10 which \$816,400 is from federal funds derived from the federal coronavirus capital
11 projectsstate fiscal recovery fund and \$816,400 is matching funds from nonstate
12 sources for a matching grant program for the biennium beginning July 1, 2021, and
13 ending June 30, 2023. The parks and recreation department may spend these funds
14 for capital project improvements at state parks, subject to the department obtaining
15 matching funds from nonstate sources for each project on a dollar-for-dollar basis. The
16 federal funding provided under this section may be spent only to the extent the director
17 of the office of management and budget, in consultation with the budget section,
18 determines the use of the funding complies with federal guidance for the federal
19 coronavirus capital projects fund. The funding provided under this section is
20 considered a one-time funding item.

21 **SECTION 5. AMENDMENT.** Section 8 of chapter 19 of the 2021 Session Laws is amended
22 and reenacted as follows:

23 **SECTION 8. INTERNATIONAL PEACE GARDEN - FEDERAL CORONAVIRUS**

24 **CAPITAL PROJECTS**STATE FISCAL RECOVERY FUND. The International Peace
25 Garden line item in subdivision 2 of section 1 of this Act includes the sum of
26 \$3,000,000, from federal funds derived from the federal coronavirus capital
27 projectsstate fiscal recovery fund for International Peace Garden capital projects or the
28 repayment of any outstanding loan from the Bank of North Dakota authorized in
29 section 12 of chapter 44 of the 2019 Session Laws, for the period beginning with the
30 effective date of this Act, and ending June 30, 2023. Expenditure of the funds
31 appropriated for this purpose is subject to the province of Manitoba providing funding

1 equal to fifty percent of the total cost of any project paid with the funding referenced in
2 this section. ~~The funding provided under this section may be spent only to the extent~~
3 ~~the director of the office of management and budget, in consultation with the budget~~
4 ~~section, determines the use of the funding complies with federal guidance for the~~
5 ~~federal coronavirus capital projects fund.~~ The funding provided under this section is
6 considered a one-time funding item.

7 **SECTION 6. AMENDMENT.** Section 1 of chapter 55 of the 2021 Session Laws is amended
8 and reenacted as follows:

9 **~~SECTION 1. APPROPRIATION - FEDERAL CORONAVIRUS CAPITAL~~**
10 **~~PROJECTS~~ STATE FISCAL RECOVERY FUND - INTERMODAL FACILITY**

11 **CONSTRUCTION GRANT PROGRAM - ONE-TIME FUNDING.** There is appropriated
12 from federal funds derived from the federal coronavirus capital projects state fiscal
13 recovery fund, not otherwise appropriated, the sum of \$2,000,000, or so much of the
14 sum as may be necessary, to the agriculture commissioner for the purpose of an
15 intermodal facility grant program for capital construction projects that will expand rail
16 capacity to support economic and workforce development and growth and enhance
17 the value of agriculture and commercial products exported through an intermodal
18 facility in North Dakota for the period beginning with the effective date of this Act and
19 ending June 30, 2023. This funding is considered a one-time funding item.

- 20 1. The agriculture commissioner shall establish guidelines for awarding grants
21 under the program.
- 22 2. Grants may be awarded only to an organization dedicated to the expansion of rail
23 capacity at an existing intermodal facility in the state connected to and served by
24 a class I railroad. Grant funds may be used only to pay for capital costs
25 associated with engineering, labor, equipment, and materials related to rail track
26 expansion.
- 27 ~~3. The funding provided under this section may be spent only to the extent the~~
28 ~~director of the office of management and budget certifies to the legislative~~
29 ~~management that the use of this funding complies with federal guidelines for the~~
30 ~~federal coronavirus capital projects fund.~~

1 **SECTION 7. DEPARTMENT OF TRANSPORTATION - FEDERAL STATE FISCAL**

2 **RECOVERY FUND - TRANSFER - STATE TREASURER.** Subdivision 10 of section 2 of House
3 Bill No. 1395, as approved by the sixty-seventh legislative assembly, includes the sum of
4 \$317,000,000 from federal funds derived from the federal state fiscal recovery fund. Of the
5 \$317,000,000, at least \$200,000,000 must be used for state road and bridge projects. The office
6 of management and budget shall transfer \$100,000,000 of the appropriation authority identified
7 in this section to the state treasurer for distribution to counties based on the county highway tax
8 distribution fund formula in subsection 4 of section 54-27-19. The office of management and
9 budget shall transfer \$17,000,000 of the appropriation authority identified in this section to the
10 state treasurer for distribution to townships for road and bridge projects as follows:

- 11 1. In January 2022, the state treasurer shall distribute \$8,500,000, or so much of the sum
12 as may be necessary, to non-oil-producing counties for the benefit of the organized
13 and unorganized townships within each non-oil-producing county. The distribution to
14 each non-oil-producing county must provide for an allocation to each organized and
15 unorganized township that is proportional to the number of township road miles in
16 each organized and unorganized township relative to the combined total township
17 road miles in all the organized and unorganized townships in all the non-oil-producing
18 counties. The township road miles must be based on certifications provided to the
19 state treasurer using roadway mileage criteria from the department of transportation.
- 20 2. In January 2022, the state treasurer shall distribute \$8,500,000, or so much of the sum
21 as may be necessary, to non-oil-producing counties for the benefit of the organized
22 and unorganized townships within each non-oil-producing county. The distribution to
23 each non-oil-producing county must provide for an equal allocation to each organized
24 and unorganized township within the county.
- 25 3. The amount allocated to organized townships under this section must be paid by the
26 county treasurer to each organized township. The amount allocated to unorganized
27 townships under this section must be credited by the county treasurer to a special fund
28 for unorganized township roads.
- 29 4. The distributions under this section must be used for the maintenance and
30 improvement of township paved and unpaved roads and bridges. A township is not

1 eligible for an allocation of funds under this section if the township does not maintain
2 any township roads.

3 5. For the purposes of this section, a "non-oil-producing county" means a county that has
4 received no allocation of funding or a total allocation of funding under subsection 2 of
5 section 57-51-15 of less than \$5,000,000 for the period beginning September 1, 2019,
6 and ending August 31, 2020.

7 **SECTION 8. APPROPRIATION - FEDERAL FUNDS - DEPARTMENT OF**

8 **TRANSPORTATION - ONE-TIME FUNDING.** There is appropriated out of any moneys derived
9 from federal funds in excess of the regular federal funding amounts included in the department
10 of transportation's 2021-23 biennium budget, not otherwise appropriated, the sum of
11 \$135,000,000, or so much of the sum as may be necessary, to the department of transportation
12 for the purpose of defraying the expenses of road and bridge construction projects, for the
13 period beginning with the effective date of this Act, and ending June 30, 2023. The funds
14 appropriated in this section are not considered part of the department's 2021-23 biennium
15 budget for purposes of section 13 of House Bill No. 1015 and section 10 of House Bill No. 1431,
16 as approved by the sixty-seventh legislative assembly, relating to excess federal funding
17 requirements. The funding provided under this section is considered a one-time funding item.

18 **SECTION 9. APPROPRIATION - FEDERAL CORONAVIRUS CAPITAL PROJECTS**

19 **FUND - ONE-TIME FUNDING - INFORMATION TECHNOLOGY DEPARTMENT -**
20 **BROADBAND INFRASTRUCTURE GRANTS.** There is appropriated from federal funds
21 derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum
22 of \$60,000,000, or so much of the sum as may be necessary, to the information technology
23 department for the purpose of providing broadband infrastructure grants, for the period
24 beginning with the effective date of this Act and ending June 30, 2023. The funding provided
25 under this section is considered a one-time funding item.

26 **SECTION 10. APPROPRIATION - FEDERAL CORONAVIRUS RELIEF FUND -**

27 **LIMITATION - BUDGET SECTION REPORT.** The funds provided in this section, or so much of
28 the sum as may be necessary, are appropriated from federal funds derived from the federal
29 coronavirus relief fund, to the state departments and agencies listed below for the purpose of
30 defraying payroll expenses incurred from July through December 2021, for the period beginning
31 with the effective date of this Act and ending June 30, 2023, as follows:

Sixty-seventh
Legislative Assembly

| | | |
|---|--|------------------|
| 1 | Department of human services | \$4,400,000 |
| 2 | Department of corrections and rehabilitation | 7,000,000 |
| 3 | Adjutant general | <u>1,000,000</u> |
| 4 | Total | \$12,400,000 |

5 The funds appropriated in this section may be spent only to the extent the director of the
6 office of management and budget determines the funding is available. An agency may not
7 spend any general fund dollars appropriated for payroll expenses that are being replaced with
8 federal funding under this section. The director of the office of management and budget shall
9 report to the budget section on the amounts spent under this section.

10 **SECTION 11. EFFECTIVE DATE.** This Act becomes effective on December 1, 2021.