

HOUSE BILL NO. 1147

Introduced by

Representatives Thomas, D. Anderson, Hagert, Lefor, Mitskog, Monson, Pyle, Stemen

Senators Myrdal, Sorvaag, Vedaa

1 A BILL for an Act to create and enact a new section to chapter 54-27 of the North Dakota
2 Century Code, relating to a county and township bridge fund; to amend and reenact section
3 21-10-13 of the North Dakota Century Code, relating to the legacy earnings fund; to provide a
4 statement of legislative intent; to provide an appropriation; and to provide an expiration date.

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

6 **SECTION 1. AMENDMENT.** Section 21-10-13 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **21-10-13. Legacy earnings fund - State treasurer - Transfers.**

- 9 1. There is created in the state treasury the legacy earnings fund. The fund consists of all
10 moneys transferred to the fund under subsection 2 and all interest and earnings upon
11 moneys in the fund.
- 12 2. Any legacy fund earnings transferred to the general fund at the end of each biennium
13 in accordance with section 26 of article X of the Constitution of North Dakota must be
14 immediately transferred by the state treasurer to the legacy earnings fund.
- 15 3. For each biennium subsequent to the biennium in which the legacy fund earnings are
16 transferred under subsection 2, the amount available for appropriation from the legacy
17 earnings fund is seven percent of the five-year average value of the legacy fund
18 assets as reported by the state investment board. The average value of the legacy
19 fund assets must be calculated using the value of the assets at the end of each fiscal
20 year for the five-year period ending with the most recently completed even-numbered
21 fiscal year.
- 22 4. On July first of each odd-numbered year, from the amount available for appropriation
23 or transfer from the legacy earnings fund for the biennium, the state treasurer shall
24 transfer funding in the following order:

- 1 a. The first one hundred fifty million dollars to the legacy sinking and interest fund
2 under section 6-09.4-10.1.
- 3 b. The next sixty million dollars to the highway tax distribution fund for allocations
4 under section 54-27-19.
- 5 c. The next one hundred million dollars to the county and township bridge fund
6 under section 2 of this Act.
- 7 d. Any remaining funds for other purposes as designated by the legislative
8 assembly, including:
- 9 (1) Up to fifty million dollars for tax relief pursuant to appropriations or transfers
10 authorized by the legislative assembly;
- 11 (2) Up to thirty million dollars to the clean sustainable energy fund pursuant to
12 appropriations or transfers authorized by the legislative assembly; and
- 13 (3) Up to thirty million dollars for university research programs, the innovation
14 loan fund to support technology advancement, and workforce enrichment
15 initiatives pursuant to appropriations or transfers authorized by the
16 legislative assembly.
- 17 5. If the amounts transferred under subsection 2 exceed the amount available for
18 appropriation under subsection 3, an amount equal to any appropriations from the
19 legacy sinking and interest fund for bond payments under section 6-09.4-10.1 must be
20 retained in the legacy earnings fund through June 30, 2025, after which an amount
21 equal to twice any appropriations from the legacy sinking and interest fund under
22 section 6-09.4-10.1 for bond payments, but not more than one hundred fifty million
23 dollars, must be retained in the legacy earnings fund. After deducting any amounts to
24 be retained in the legacy earnings fund, the state treasurer shall transfer, within thirty
25 days, any remaining amounts under this subsection in the following order:
- 26 a. The first one hundred million dollars to the legacy fund to become part of the
27 principal.
- 28 b. Any remaining amount to the strategic investment and improvements fund to be
29 used in accordance with the provisions of section 15-08.1-08.

30 **SECTION 2.** A new section to chapter 54-27 of the North Dakota Century Code is created
31 and enacted as follows:

1 **County and township bridge fund.**

2 1. There is created in the state treasury the county and township bridge fund. The fund
3 consists of all moneys deposited in the fund under section 21-10-13.

4 2. Moneys in the fund may be spent pursuant to legislative appropriations for providing
5 grants to counties for the repair or replacement of county and township bridges within
6 the county.

7 **SECTION 3. APPROPRIATION - COUNTY AND TOWNSHIP BRIDGE FUND - STATE**

8 **TREASURER - GRANTS TO COUNTIES.** There is appropriated out of any moneys in the
9 county and township bridge fund in the state treasury, not otherwise appropriated, the sum of
10 \$80,000,000, or so much of the sum as may be necessary, to the state treasurer for the
11 purpose of providing grants to eligible counties for county and township bridge repairs or
12 replacement within the county, for the biennium beginning July 1, 2023, and ending June 30,
13 2025. The state treasurer shall distribute the grant funds based on each eligible county's
14 percentage share of eligible county and township needs for bridge repair or replacement
15 identified in the most recent North Dakota state university upper great plains transportation
16 institute's report on county and township road and bridge needs. A county with organized
17 townships shall allocate the share of its grant applicable to township bridges to the appropriate
18 organized townships within the county. For purposes of this section, an "eligible county" means
19 a county that would receive an allocation of \$500,000 or more based on \$100,000,000 being
20 available to distribute to all counties using a formula based on each county's percentage share
21 of county and township needs for bridge repair or replacement identified in the upper great
22 plains transportation institute's report.

23 **SECTION 4. APPROPRIATION - COUNTY AND TOWNSHIP BRIDGE FUND -**

24 **DEPARTMENT OF TRANSPORTATION.** There is appropriated out of any moneys in the county
25 and township bridge fund in the state treasury, not otherwise appropriated, the sum of
26 \$20,000,000, or so much of the sum as may be necessary, to the department of transportation
27 for the purpose of county and township bridge repairs or replacements, for the biennium
28 beginning July 1, 2023, and ending June 30, 2025. The department of transportation shall
29 develop an application process to provide funding for projects in eligible counties under this
30 section. For purposes of this section, an "eligible county" is a county that would receive an
31 allocation of less than \$500,000 based on \$100,000,000 being available to distribute to all

1 counties using a formula based on each county's percentage share of county and township
2 needs for bridge repair or replacement identified in the most recent North Dakota state
3 university upper great plains transportation institute's report on county and township road and
4 bridge needs.

5 **SECTION 5. LEGISLATIVE INTENT - FUTURE FUNDING FOR COUNTY AND**
6 **TOWNSHIP BRIDGES.** It is the intent of the sixty-eighth legislative assembly that funding
7 continue to be appropriated from the county and township bridge fund for county and township
8 bridge projects each biennium through June 30, 2033.

9 **SECTION 6. EXPIRATION DATE.** Section 1 of this Act is effective through June 30, 2033,
10 and after that date is ineffective.