

Introduced by

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 for a transfer; to provide an effective date; and to  
5 declare an emergency.

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 \$70,000,000, or so  
14 much of the sum as may be necessary, to the department of career and technical  
15 education for the purpose of a statewide area career center initiative grant  
16 program for the period beginning with the effective date of this Act, and ending  
17 June 30, 2023. The department of career and technical education shall establish  
18 the application process and develop eligibility requirements for the grant program  
19 that must include:
- 20 a. Funding may be used only for career and technical education projects  
21 involving construction, addition, maintenance, and equipment for new and  
22 existing area career centers;
  - 23 b. Grants awarded to each recipient must be at least \$500,000, but may not  
24 exceed \$10,000,000;

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

1 university for the purpose of a Pulver hall project, a meat processing laboratory  
2 remodel, and other projects for the period beginning with the effective date of this  
3 Act, and ending June 30, 2023.

4 5. There is appropriated from federal funds derived from the federal ~~coronavirus-~~  
5 ~~capital projects~~ state fiscal recovery fund, not otherwise appropriated, the sum of  
6 \$3,000,000, or so much of the sum as may be necessary, to the highway patrol  
7 for the purpose of a law enforcement training center remodel project for the  
8 period beginning with the effective date of this Act, and ending June 30, 2023.

9 6. There is appropriated from federal funds derived from the federal ~~coronavirus-~~  
10 ~~capital projects~~ state fiscal recovery fund, not otherwise appropriated, the sum of  
11 \$500,000, or so much of the sum as may be necessary, to the office of  
12 management and budget for the purpose of providing a grant for the construction  
13 of a new medical center located in the county seat of Griggs County for the  
14 period beginning with the effective date of this Act, and ending June 30, 2023.

15 7. There is appropriated from federal funds derived from the federal ~~coronavirus-~~  
16 ~~capital projects~~ state fiscal recovery fund, not otherwise appropriated, the sum of  
17 \$157,600, or so much of the sum as may be necessary, to the judicial branch for  
18 the purpose of purchasing information technology equipment for the period  
19 beginning with the effective date of this Act, and ending June 30, 2023.

20 8. ~~If the federal government distributes funding derived from the federal coronavirus-~~  
21 ~~capital projects fund to the state in more than one funding round, the office of~~  
22 ~~management and budget shall prioritize the amounts received in the first funding~~  
23 ~~round as follows:~~

24 a. ~~\$19,763,000 to the department of career and technical education;~~

25 b. ~~\$11,716,400 to the parks and recreation department;~~

26 c. ~~\$5,900,000 to the department of public instruction;~~

27 d. ~~\$5,000,000 to the university of North Dakota;~~

28 e. ~~\$4,200,000 to the state historical society;~~

29 f. ~~\$4,000,000 to Dickinson state university;~~

30 g. ~~\$3,000,000 to the highway patrol;~~

31 h. ~~\$2,000,000 to the agriculture commissioner;~~

1 i. \$500,000 to the office of management and budget; and

2 j. \$157,600 to the judicial branch.

3 9. ~~The funding provided under this section may be spent only to the extent the~~  
4 ~~director of the office of management and budget, in consultation with the budget~~  
5 ~~section, determines the use of the funding complies with federal guidance for the~~  
6 ~~federal coronavirus capital projects fund. The funding provided under this section~~  
7 ~~is considered a one-time funding item.~~

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

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

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

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

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

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

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

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

19                   **SECTION 8. INTERNATIONAL PEACE GARDEN - FEDERAL ~~CORONAVIRUS~~**  
20 **~~CAPITAL PROJECTS~~STATE FISCAL RECOVERY FUND.** The International Peace  
21 Garden line item in subdivision 2 of section 1 of this Act includes the sum of  
22 \$3,000,000, from federal funds derived from the federal ~~coronavirus capital~~  
23 ~~projects~~state fiscal recovery fund for International Peace Garden capital projects or the  
24 repayment of any outstanding loan from the Bank of North Dakota authorized in  
25 section 12 of chapter 44 of the 2019 Session Laws, for the period beginning with the  
26 effective date of this Act, and ending June 30, 2023. Expenditure of the funds  
27 appropriated for this purpose is subject to the province of Manitoba providing funding  
28 equal to fifty percent of the total cost of any project paid with the funding referenced in  
29 this section. ~~The funding provided under this section may be spent only to the extent~~  
30 ~~the director of the office of management and budget, in consultation with the budget~~  
31 ~~section, determines the use of the funding complies with federal guidance for the~~

1 federal coronavirus capital projects fund. The funding provided under this section is  
2 considered a one-time funding item.

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

5 **SECTION 1. APPROPRIATION - FEDERAL CORONAVIRUS CAPITAL**  
6 **PROJECTS STATE FISCAL RECOVERY FUND - INTERMODAL FACILITY**

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

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

27 **SECTION 7. DEPARTMENT OF TRANSPORTATION - FEDERAL STATE FISCAL**  
28 **RECOVERY FUND - TRANSFER - STATE TREASURER.** Subdivision 10 of section 2 of House  
29 Bill No. 1395, as approved by the sixty-seventh legislative assembly, includes the sum of  
30 \$317,000,000 from federal funds derived from the federal state fiscal recovery fund. Of the  
31 \$317,000,000, at least \$200,000,000 must be used for state road and bridge projects and up to

1 \$100,000,000 may be used for local matching requirements for county bridge projects. The  
2 department of transportation shall allocate, to the extent possible, the county bridge funding to  
3 all areas of the state. The office of management and budget shall transfer \$17,000,000 of the  
4 appropriation authority identified in this section to the state treasurer for distribution to  
5 townships for road and bridge projects as follows:

- 6 1. In January 2022, the state treasurer shall distribute \$8,500,000, or so much of the sum  
7 as may be necessary, to non-oil-producing counties for the benefit of the organized  
8 and unorganized townships within each non-oil-producing county. The distribution to  
9 each non-oil-producing county must provide for an allocation to each organized and  
10 unorganized township that is proportional to the number of township road miles in  
11 each organized and unorganized township relative to the combined total township  
12 road miles in all the organized and unorganized townships in all the non-oil-producing  
13 counties. The township road miles must be based on certifications provided to the  
14 state treasurer using roadway mileage criteria from the department of transportation.
- 15 2. In January 2022, the state treasurer shall distribute \$8,500,000, or so much of the sum  
16 as may be necessary, to non-oil-producing counties for the benefit of the organized  
17 and unorganized townships within each non-oil-producing county. The distribution to  
18 each non-oil-producing county must provide for an equal allocation to each organized  
19 and unorganized township within the county.
- 20 3. The amount allocated to organized townships under this subsection must be paid by  
21 the county treasurer to each organized township. The amount allocated to  
22 unorganized townships under this subsection must be credited by the county treasurer  
23 to a special fund for unorganized township roads.
- 24 4. The distributions under this subsection must be used for the maintenance and  
25 improvement of township paved and unpaved roads and bridges. A township is not  
26 eligible for an allocation of funds under this subsection if the township does not  
27 maintain any township roads.
- 28 5. For the purposes of this section, a "non-oil-producing county" means a county that has  
29 received no allocation of funding or a total allocation of funding under subsection 2 of  
30 section 57-51-15 of less than \$5,000,000 for the period beginning September 1, 2019,  
31 and ending August 31, 2020.

- 1       **SECTION 8. EFFECTIVE DATE.** This Act becomes effective December 1, 2021.
- 2       **SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure.