

SENATE BILL NO. 2151

Introduced by

Senators Thomas, Myrdal, Wanzek, Weber

Representatives Brandenburg, Monson

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

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

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

9 **21-10-13. Legacy earnings fund - State treasurer - Transfers.**

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

- 1 4. On July first of each odd-numbered year, from the amount available for appropriation
2 or transfer from the legacy earnings fund for the biennium, the state treasurer shall
3 transfer funding in the following order:
- 4 a. The first one hundred two million six hundred twenty-four thousand dollars or an
5 amount equal to the amount appropriated from the legacy sinking and interest
6 fund for debt service payments for a biennium, whichever is less, to the legacy
7 sinking and interest fund under section 6-09.4-10.1.
- 8 b. ~~The next two hundred twenty-five million dollars to the general fund to provide-~~
9 ~~support for tax relief initiatives approved by the legislative assembly.~~
- 10 e. The next one hundred million dollars to the legacy earnings highway distribution
11 fund for allocations under section 54-27-19.3.
- 12 ~~d.c.~~ The next one hundred million dollars to the county and township bridge fund
13 under section 2 of this Act.
- 14 d. Any remaining amounts under this subsection ~~as follows:~~
- 15 (1) ~~Fifty percent to the general fund.~~
- 16 (2) ~~The remaining fifty percent to the strategic investment and improvements-~~
17 ~~fund to be used in accordance with the provisions of section 15-08.1-08 to~~
18 the legacy earnings tax relief fund under section 3 of this Act.
- 19 5. If the amounts transferred under subsection 2 exceed the amount available for
20 appropriation under subsection 3, the state treasurer shall transfer the excess and any
21 remaining amounts after the transfers and appropriations under subsection 4, ~~as-~~
22 follows:
- 23 a. ~~Fifty percent to the general fund.~~
- 24 b. ~~The remaining fifty percent to the strategic investment and improvements fund to-~~
25 ~~be used in accordance with the provisions of section 15-08.1-08 to the legacy~~
26 earnings tax relief fund under section 3 of this Act.

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

29 **County and township bridge fund.**

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

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

4 **SECTION 3.** A new section to chapter 54-27 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Legacy earnings tax relief fund.**

- 7 1. There is created in the state treasury the legacy earnings tax relief fund. The fund
8 consists of all moneys deposited in the fund under section 21-10-13.
9 2. Moneys in the fund may be spent pursuant to legislative appropriations for tax relief
10 programs.

11 **SECTION 4. APPROPRIATION - STATE TREASURER - COUNTY AND TOWNSHIP**

12 **BRIDGE FUND.** There is appropriated out of any moneys in the county and township bridge
13 fund in the state treasury, not otherwise appropriated, the sum of \$80,000,000, or so much of
14 the sum as may be necessary, to the state treasurer for the purpose of providing grants to
15 eligible counties for county and township bridge repairs or replacement within the county, for the
16 biennium beginning July 1, 2025, and ending June 30, 2027. The state treasurer shall distribute
17 the grant funds based on each eligible county's percentage share of eligible county and
18 township bridge repair and replacement needs identified in the most recent North Dakota state
19 university upper great plains transportation institute's report on county and township road and
20 bridge needs. A county with organized townships shall allocate the share of its grant applicable
21 to township bridges to the appropriate organized townships within the county. For purposes of
22 this section, an "eligible county" means a county that would receive an allocation of \$500,000 or
23 more based on \$100,000,000 being available to distribute to all counties using a formula based
24 on each county's percentage share of county and township bridge repair and replacement
25 needs identified in the upper great plains transportation institute's report.

26 **SECTION 5. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - COUNTY AND**
27 **TOWNSHIP BRIDGE FUND.** There is appropriated out of any moneys in the county and
28 township bridge fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000,
29 or so much of the sum as may be necessary, to the department of transportation for the purpose
30 of county and township bridge repairs or replacements, for the biennium beginning July 1, 2025,
31 and ending June 30, 2027. The department of transportation shall develop an application

1 process to provide funding for projects in eligible counties under this section. For purposes of
2 this section, an "eligible county" is a county that would receive an allocation of less than
3 \$500,000 based on \$100,000,000 being available to distribute to all counties using a formula
4 based on each county's percentage share of county and township bridge repair and
5 replacement needs identified in the most recent North Dakota state university upper great plains
6 transportation institute's report on county and township road and bridge needs.

7 **SECTION 6. LEGISLATIVE INTENT - FUTURE FUNDING FOR COUNTY AND**

8 **TOWNSHIP BRIDGES.** It is the intent of the sixty-ninth legislative assembly that funding
9 continue to be appropriated from the county and township bridge fund for county and township
10 bridge projects each biennium through June 30, 2035.

11 **SECTION 7. EXPIRATION DATE.** Section 1 of this Act is effective through June 30, 2035,
12 and after that date is ineffective.