

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2103

Introduced by

Senators Armstrong, Rust, Poolman

Representatives Louser, Schatz, Thoreson

1 A BILL for an Act to provide an appropriation to the state treasurer for allocations to counties,
2 cities, school districts, and townships; to provide an appropriation to the department of
3 transportation for state highway projects; to provide an appropriation to the attorney general for
4 hiring full-time equivalent positions; to provide an appropriation to the state department of health
5 for hiring full-time equivalent positions; to provide for a transfer from the strategic investment
6 and improvements fund to the highway fund; to provide for a transfer from the general fund to
7 the housing incentive fund; and to declare an emergency.

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

9 **SECTION 1. APPROPRIATION - STATE TREASURER - STRATEGIC INVESTMENT AND**
10 **IMPROVEMENTS FUND.** There is appropriated out of any moneys in the strategic investment
11 and improvements fund in the state treasury, not otherwise appropriated, the sum of
12 \$836,250,000, or so much of the sum as may be necessary, to the state treasurer for the
13 purpose of distributions, as soon as possible, to counties, cities, school districts, and townships,
14 for the period beginning with the effective date of this Act, and ending June 30, 2015.

- 15 1. The state treasurer shall distribute \$300,000,000 to oil-producing counties based on
16 allocations under subsection 2 of section 57-51-15 for formula allocation year 2014 as
17 follows:
- 18 a. \$50,000,000 to the county that received the highest total allocation;
 - 19 b. \$50,000,000 to the county that received the second highest total allocation;
 - 20 c. \$50,000,000 to the county that received the third highest total allocation;
 - 21 d. \$40,000,000 to the county that received the fourth highest total allocation;
 - 22 e. \$25,000,000 to the county that received the fifth highest total allocation;
 - 23 f. \$20,000,000 to the county that received the sixth highest total allocation;
 - 24 g. \$20,000,000 to the county that received the seventh highest total allocation;

- 1 h. \$15,000,000 to the county that received the eighth highest total allocation;
- 2 i. \$15,000,000 to the county that received the ninth highest total allocation; and
- 3 j. \$15,000,000 to the county that received the tenth highest total allocation.

4 Major roadway construction or reconstruction projects provided funding under this
5 subsection must comply with the American association of state highway and
6 transportation officials pavement design procedures and the department of
7 transportation local government requirements. Upon completion of a major roadway
8 construction or reconstruction project, the roadway segment must be posted at a legal
9 load limit of 105,500 pounds [47853.995 kilograms].

- 10 2. The state treasurer shall distribute \$140,000,000 to incorporated cities in oil-producing
11 counties based on the population of each incorporated city according to the last official
12 decennial federal census. The distribution to each eligible incorporated city must be
13 proportional to the incorporated city's population relative to the combined total
14 population of all the eligible incorporated cities within the qualifying county. The
15 distribution must exclude incorporated cities with a population of fewer than fifty and
16 hub cities as defined under section 57-51-01. The distribution must be based on
17 allocations under subsection 2 of section 57-51-15 for formula allocation year 2014 as
18 follows:

- 19 a. \$5,000,000 among the eligible incorporated cities, excluding incorporated cities
20 with a population of more than one thousand, in the county that received the
21 highest total allocation;
- 22 b. \$30,000,000 among the eligible incorporated cities in the county that received the
23 second highest total allocation;
- 24 c. \$30,000,000 among the eligible incorporated cities in the county that received the
25 third highest total allocation;
- 26 d. \$20,000,000 among the eligible incorporated cities in the county that received the
27 fourth highest total allocation;
- 28 e. \$13,000,000 among the eligible incorporated cities in the county that received the
29 fifth highest total allocation;
- 30 f. \$12,000,000 among the eligible incorporated cities in the county that received the
31 sixth highest total allocation;

- 1 g. \$12,000,000 among the eligible incorporated cities in the county that received the
2 seventh highest total allocation;
- 3 h. \$10,000,000 among the eligible incorporated cities in the county that received the
4 eighth highest total allocation;
- 5 i. \$1,000,000 among the eligible incorporated cities in the county that received the
6 ninth highest total allocation; and
- 7 j. \$7,000,000 among the eligible incorporated cities in the county that received the
8 tenth highest total allocation.
- 9 3. The state treasurer shall distribute \$140,800,000 to non-oil-producing counties based
10 on the most recent data compiled by the upper great plains transportation institute
11 regarding North Dakota's county, township, and tribal road and bridge infrastructure
12 needs. The distribution to each non-oil-producing county must be proportional to each
13 non-oil-producing county's total estimated road and bridge investment needs for the
14 years 2015 to 2034 identified by the upper great plains transportation institute relative
15 to the combined total estimated road and bridge investment needs for the years 2015
16 to 2034 identified by the upper great plains transportation institute of all the eligible
17 non-oil-producing counties under this subsection. Each county's total estimated road
18 and bridge investment needs includes unpaved and paved road and bridge needs. For
19 purposes of this subsection, a "non-oil-producing county" means a county that
20 received no allocation of funding or a total allocation under subsection 2 of section
21 57-51-15 of less than \$5,000,000 for formula allocation year 2014. Major roadway
22 construction or reconstruction projects provided funding under this subsection must
23 comply with the American association of state highway and transportation officials
24 pavement design procedures and the department of transportation local government
25 requirements. Upon completion of a major roadway construction or reconstruction
26 project, the roadway segment must be posted at a legal load limit of 105,500 pounds
27 [47853.995 kilograms].
- 28 4. The state treasurer shall distribute \$19,200,000 to non-oil-producing counties for the
29 benefit of the organized and unorganized townships within each non-oil-producing
30 county based on the most recent data compiled by the upper great plains
31 transportation institute regarding North Dakota's county, township, and tribal road and

1 bridge infrastructure needs. The distribution to each non-oil-producing county must be
2 proportional to each non-oil-producing county's total estimated road and bridge
3 investment needs for the years 2015 to 2034 identified by the upper great plains
4 transportation institute relative to the combined total estimated road and bridge
5 investment needs for the years 2015 to 2034 identified by the upper great plains
6 transportation institute of all the eligible non-oil-producing counties under this
7 subsection. Each county's total estimated road and bridge investment needs includes
8 unpaved and paved road and bridge needs. Of the amount distributed to each
9 non-oil-producing county under this subsection, the state treasurer shall allocate the
10 funds among townships within each county in proportion to each township's road miles
11 relative to the total township road miles in the county. The amount allocated to
12 organized townships under this subsection must be paid by the county treasurer to
13 each organized township. The amount allocated to unorganized townships under this
14 subsection must be credited by the county treasurer to a special fund for unorganized
15 township roads. The distributions under this subsection must be used for the
16 maintenance and improvement of township paved and unpaved roads and bridges.
17 For purposes of this subsection, a "non-oil-producing county" means a county that
18 received no allocation of funding or a total allocation under subsection 2 of section
19 57-51-15 of less than \$5,000,000 for formula allocation year 2014.

20 5. The state treasurer shall distribute \$21,250,000 to eligible incorporated cities in eligible
21 counties based on the population of each eligible incorporated city according to the
22 last official decennial federal census. The distribution to each eligible incorporated city
23 in an eligible county must be proportional to each eligible incorporated city's
24 population relative to the combined total population for all the eligible incorporated
25 cities under this subsection. The distributions must exclude the following:

- 26 a. Incorporated cities with a population of fewer than fifty and hub cities as defined
27 under section 57-51-01.
- 28 b. Incorporated cities in a county that received the thirteenth highest amount of
29 allocations under subsection 2 of section 57-51-15 for formula allocation year
30 2014 with populations as follows:

- 31 (1) Fewer than seventy;

- 1 (2) Between eighty-five and one hundred eighty-five; or
2 (3) Between five hundred and six hundred.
3 c. Incorporated cities in a county that received the fifth highest total payments under
4 section 57-39.2-26.1 for distributions in state fiscal year 2014 with populations as
5 follows:
6 (1) Fewer than three hundred; or
7 (2) More than nine hundred.

8 For purposes of this subsection, an "eligible county" means:

- 9 a. A county that received an allocation under subsection 2 of section 57-51-15 of
10 more than \$100,000 but less than \$5,000,000 for formula allocation year 2014;
11 b. A county that received an allocation under subsection 2 of section 57-51-15 of
12 less than \$50,000 for formula allocation year 2014;
13 c. A county that received the fifth highest total payments under section 57-39.2-26.1
14 for distributions in state fiscal year 2014;
15 d. A county that received the thirty-seventh highest total payments under section
16 57-39.2-26.1 for distributions in state fiscal year 2014; or
17 e. A county that received the forty-third highest total payments under section
18 57-39.2-26.1 for distributions in state fiscal year 2014.
19 6. The state treasurer shall distribute \$215,000,000 to the hub cities as defined under
20 section 57-51-01 based on allocations under subsection 1 of section 57-51-15 for
21 formula allocation year 2014 and to other eligible cities as follows:
22 a. \$80,000,000 to the hub city that received the highest total allocation;
23 b. \$55,000,000 to the hub city that received the second highest total allocation;
24 c. \$40,000,000 to the hub city that received the third highest total allocation; and
25 d. \$40,000,000 to incorporated cities with a population of more than one thousand
26 in the county that received the highest total allocation under subsection 2 of
27 section 57-51-15 for formula allocation year 2014.

28 For purposes of this section, "formula allocation year 2014" means allocations to counties under
29 subsection 2 of section 57-51-15 for the period September 1, 2013, to August 31, 2014. For
30 purposes of this section, "distributions in state fiscal year 2014" means payments to counties
31 under section 57-39.2-26.1 for the period August 1, 2013, to July 31, 2014. The funding

1 provided to school districts in this section must be excluded from the calculation of state aid
2 payments to school districts and school district ending fund balances, under chapters 15.1-07
3 and 15.1-27 for the 2015-17 biennium. The funding provided to counties, cities, and townships
4 in this section must be excluded from the calculation of oil and gas gross production tax
5 allocations under chapter 57-51. The funding provided in this section is considered a one-time
6 funding item.

7 **SECTION 2. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO**
8 **HIGHWAY FUND.** The director of the office of management and budget shall transfer the sum
9 of \$300,000,000 from the strategic investment and improvements fund to the highway fund
10 during the period beginning with the effective date of this Act, and ending June 30, 2015.

11 **SECTION 3. APPROPRIATION - DEPARTMENT OF TRANSPORTATION.** There is
12 appropriated out of any moneys in the highway fund in the state treasury, not otherwise
13 appropriated, the sum of \$300,000,000, or so much of the sum as may be necessary, to the
14 department of transportation for the purpose of construction and maintenance of state
15 transportation infrastructure, for the period beginning with the effective date of this Act, and
16 ending June 30, 2017. The funding provided in this section may be applied to engineering,
17 design, and construction costs incurred on related projects as of January 1, 2015. The funding
18 provided in this section is considered a one-time funding item.

19 **SECTION 4. APPROPRIATION - TRANSFER - GENERAL FUND TO HOUSING**
20 **INCENTIVE FUND.** There is appropriated out of any moneys in the general fund in the state
21 treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be
22 necessary, which the office of management and budget shall transfer to the housing incentive
23 fund, for the period beginning with the effective date of this Act, and ending June 30, 2015. The
24 funding provided in this section is considered a one-time funding item.

25 **SECTION 5. APPROPRIATION - ATTORNEY GENERAL.** There is appropriated out of any
26 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
27 \$1,000,000, or so much of the sum as may be necessary, to the attorney general for up to ten
28 full-time equivalent positions to assist with law enforcement activities in areas impacted by oil
29 development, for the period beginning with the effective date of this Act, and ending June 30,
30 2015. The funding provided in this section is considered a one-time funding item.

1 **SECTION 6. APPROPRIATION - STATE DEPARTMENT OF HEALTH.** There is
2 appropriated out of any moneys in the general fund in the state treasury, not otherwise
3 appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the state
4 department of health for the purpose of hiring up to fifteen additional environmental scientist
5 full-time equivalent positions for the period beginning with the effective date of this Act, and
6 ending June 30, 2015. The funding provided in this section is considered a one-time funding
7 item.

8 **SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure.