

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; and to declare an emergency.

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

4 **SECTION 1. APPROPRIATION - STATE TREASURER - STRATEGIC INVESTMENT AND**
5 **IMPROVEMENTS FUND.** There is appropriated out of any moneys in the strategic investment
6 and improvements fund in the state treasury, not otherwise appropriated, the sum of
7 \$845,000,000, or so much of the sum as may be necessary, to the state treasurer for the
8 purpose of distributions, as soon as possible, to counties, cities, school districts, and townships,
9 for the period beginning with the effective date of this Act, and ending June 30, 2015.

- 10 1. The state treasurer shall distribute \$300,000,000 to oil-producing counties based on
11 allocations under subsection 2 of section 57-51-15 for formula allocation year 2014 as
12 follows:
- 13 a. \$50,000,000 to the county that received the highest total allocation;
 - 14 b. \$50,000,000 to the county that received the second highest total allocation;
 - 15 c. \$50,000,000 to the county that received the third highest total allocation;
 - 16 d. \$40,000,000 to the county that received the fourth highest total allocation;
 - 17 e. \$25,000,000 to the county that received the fifth highest total allocation;
 - 18 f. \$20,000,000 to the county that received the sixth highest total allocation;
 - 19 g. \$20,000,000 to the county that received the seventh highest total allocation;
 - 20 h. \$15,000,000 to the county that received the eighth highest total allocation;
 - 21 i. \$15,000,000 to the county that received the ninth highest total allocation; and
 - 22 j. \$15,000,000 to the county that received the tenth highest total allocation.
- 23 2. The state treasurer shall distribute \$140,000,000 to incorporated cities in oil-producing
24 counties based on the population of each incorporated city according to the last official

1 decennial federal census. The distribution to each eligible incorporated city must be
2 proportional to the incorporated city's population relative to the combined total
3 population of all the eligible incorporated cities within the qualifying county. The
4 distribution must exclude incorporated cities with a population of fewer than fifty and
5 hub cities as defined under section 57-51-01. The distribution must be based on
6 allocations under subsection 2 of section 57-51-15 for formula allocation year 2014 as
7 follows:

- 8 a. \$5,000,000 among the eligible incorporated cities, excluding incorporated cities
9 with a population of more than one thousand, in the county that received the
10 highest total allocation;
- 11 b. \$30,000,000 among the eligible incorporated cities in the county that received the
12 second highest total allocation;
- 13 c. \$30,000,000 among the eligible incorporated cities in the county that received the
14 third highest total allocation;
- 15 d. \$20,000,000 among the eligible incorporated cities in the county that received the
16 fourth highest total allocation;
- 17 e. \$13,000,000 among the eligible incorporated cities in the county that received the
18 fifth highest total allocation;
- 19 f. \$12,000,000 among the eligible incorporated cities in the county that received the
20 sixth highest total allocation;
- 21 g. \$12,000,000 among the eligible incorporated cities in the county that received the
22 seventh highest total allocation;
- 23 h. \$10,000,000 among the eligible incorporated cities in the county that received the
24 eighth highest total allocation;
- 25 i. \$1,000,000 among the eligible incorporated cities in the county that received the
26 ninth highest total allocation; and
- 27 j. \$7,000,000 among the eligible incorporated cities in the county that received the
28 tenth highest total allocation.

- 29 3. The state treasurer shall distribute \$8,750,000 to school districts in oil-producing
30 counties based on the average daily attendance in effect for distributions to school
31 districts under section 57-51-15 for the period September 1, 2014, to August 31, 2015.

1 The distribution must provide \$875,000 to each of the ten counties that received the
2 highest total allocations under subsection 2 of section 57-51-15 for formula allocation
3 year 2014. Of the \$875,000 provided to each county, the state treasurer shall
4 distribute to each school district an amount proportional to the school district's average
5 daily attendance relative to the combined total average daily attendance of all the
6 eligible school districts within the qualifying county. The distribution must exclude hub
7 city school districts as defined under section 57-51-01.

8 4. The state treasurer shall distribute \$140,800,000 to non-oil-producing counties based
9 on the most recent data compiled by the upper great plains transportation institute
10 regarding North Dakota's county, township, and tribal road and bridge infrastructure
11 needs. The distribution to each non-oil-producing county must be proportional to each
12 non-oil-producing county's total estimated road and bridge investment needs for the
13 years 2015 to 2034 identified by the upper great plains transportation institute relative
14 to the combined total estimated road and bridge investment needs for the years 2015
15 to 2034 identified by the upper great plains transportation institute of all the eligible
16 non-oil-producing counties under this subsection. Each county's total estimated road
17 and bridge investment needs includes unpaved and paved road and bridge needs. For
18 purposes of this subsection, a "non-oil-producing county" means a county that
19 received no allocation of funding or a total allocation under subsection 2 of section
20 57-51-15 of less than \$5,000,000 for formula allocation year 2014.

21 5. The state treasurer shall distribute \$19,200,000 to non-oil-producing counties for the
22 benefit of the organized and unorganized townships within each non-oil-producing
23 county based on the most recent data compiled by the upper great plains
24 transportation institute regarding North Dakota's county, township, and tribal road and
25 bridge infrastructure needs. The distribution to each non-oil-producing county must be
26 proportional to each non-oil-producing county's total estimated road and bridge
27 investment needs for the years 2015 to 2034 identified by the upper great plains
28 transportation institute relative to the combined total estimated road and bridge
29 investment needs for the years 2015 to 2034 identified by the upper great plains
30 transportation institute of all the eligible non-oil-producing counties under this
31 subsection. Each county's total estimated road and bridge investment needs includes

1 unpaved and paved road and bridge needs. Of the amount distributed to each
2 non-oil-producing county under this subsection, the state treasurer shall allocate the
3 funds among townships within each county in proportion to each township's road miles
4 relative to the total township road miles in the county. The amount allocated to
5 organized townships under this subsection must be paid by the county treasurer to
6 each organized township. The amount allocated to unorganized townships under this
7 subsection must be credited by the county treasurer to a special fund for unorganized
8 township roads. The distributions under this subsection must be used for the
9 maintenance and improvement of township paved and unpaved roads and bridges.
10 For purposes of this subsection, a "non-oil-producing county" means a county that
11 received no allocation of funding or a total allocation under subsection 2 of section
12 57-51-15 of less than \$5,000,000 for formula allocation year 2014.

- 13 6. The state treasurer shall distribute \$21,250,000 to eligible incorporated cities in eligible
14 counties based on the population of each eligible incorporated city according to the
15 last official decennial federal census. The distribution to each eligible incorporated city
16 in an eligible county must be proportional to each eligible incorporated city's
17 population relative to the combined total population for all the eligible incorporated
18 cities under this subsection. The distributions must exclude the following:
- 19 a. Incorporated cities with a population of fewer than fifty and hub cities as defined
20 under section 57-51-01.
 - 21 b. Incorporated cities in a county that received the thirteenth highest amount of
22 allocations under subsection 2 of section 57-51-15 for formula allocation year
23 2014 with populations as follows:
 - 24 (1) Fewer than seventy;
 - 25 (2) Between eighty-five and one hundred eighty-five; or
 - 26 (3) Between five hundred and six hundred.
 - 27 c. Incorporated cities in a county that received the fifth highest total payments under
28 section 57-39.2-26.1 for distributions in state fiscal year 2014 with populations as
29 follows:
 - 30 (1) Fewer than three hundred; or
 - 31 (2) More than nine hundred.

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

21 For purposes of this section, "formula allocation year 2014" means allocations to counties under

22 subsection 2 of section 57-51-15 for the period September 1, 2013, to August 31, 2014. For

23 purposes of this section, "distributions in state fiscal year 2014" means payments to counties

24 under section 57-39.2-26.1 for the period August 1, 2013, to July 31, 2014. The funding

25 provided to school districts in this section must be excluded from the calculation of state aid

26 payments to school districts and school district ending fund balances, under chapters 15.1-07

27 and 15.1-27 for the 2015-17 biennium. The funding provided to counties, cities, and townships

28 in this section must be excluded from the calculation of oil and gas gross production tax

29 allocations under chapter 57-51. The funding provided in this section is considered a one-time

30 funding item.

31 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.