Introduced by

A BILL for an Act to amend section 6 of chapter 15, section 5 of chapter 18, sections 6, 7, and 8 of chapter 19, and section 1 of chapter 55 of the 2021 Session Laws, relating to the federal coronavirus capital projects fund and federal state fiscal recovery fund; to identify department of transportation funding sources; to provide for a transfer; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6 of chapter 15 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 6. APPROPRIATION - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND - <u>FEDERAL STATE FISCAL RECOVERY FUND -</u> MATCHING FUNDS - ONE-TIME FUNDING.

1. There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of $70,000,000, or so much of the sum as may be necessary, to the department of career and technical education for the purpose of a statewide area career center initiative grant program for the period beginning with the effective date of this Act, and ending June 30, 2023. The department of career and technical education shall establish the application process and develop eligibility requirements for the grant program that must include:
   a. Funding may be used only for career and technical education projects involving construction, addition, maintenance, and equipment for new and existing area career centers;
   b. Grants awarded to each recipient must be at least $500,000, but may not exceed $10,000,000;

c. Grants may be awarded only to the extent a school district has secured matching funds from nonstate sources on a dollar-for-dollar basis;

d. An applicant identifying sufficient future nonstate sources of funding for ongoing operating and maintenance costs associated with a new or expanded area career center;

e. The application period for the grant program begins with the effective date of this Act and ends on June 30, 2022. Any funding not committed by December 31, 2022, may not be spent and must be canceled at the end of the 2021-23 biennium in accordance with section 54-44.1-11;

f. Preference must be given to school districts that collaborate with other school districts for a regional area career center facility or to school districts to create a new area career center or use an existing area career center to positively affect that region of the state; and

g. Preference must be given to school districts that will promote postsecondary education and workforce training education in conjunction with secondary education.

2. There is appropriated from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of $5,900,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing a grant to an entity for the development of a children's science center for the period beginning with the effective date of this Act, and ending June 30, 2023.

3. There is appropriated from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of $5,000,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of reconstruction of the university's apron at the Grand Forks airport for the period beginning with the effective date of this Act, and ending June 30, 2023.

4. There is appropriated from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of $4,000,000, or so much of the sum as may be necessary, to Dickinson state

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~j. $157,600 to the judicial branch.~~

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. APPROPRIATION - FEDERAL ~~CORONAVIRUS CAPITAL PROJECTS~~STATE FISCAL RECOVERY FUND - INTERMODAL FACILITY CONSTRUCTION GRANT PROGRAM - ONE-TIME FUNDING. There is appropriated from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of $2,000,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of an intermodal facility grant program for capital construction projects that will expand rail capacity to support economic and workforce development and growth and enhance the value of agriculture and commercial products exported through an intermodal facility in North Dakota for the period beginning with the effective date of this Act and ending June 30, 2023. This funding is considered a one-time funding item.

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

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

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

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