

**FIRST ENGROSSMENT
with Senate Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1020

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state water
2 commission; to provide legislative intent; to provide exemptions; to provide a line of credit; and
3 to declare an emergency.

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

5 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
6 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
7 treasury, not otherwise appropriated, and from special funds derived from federal funds and
8 other income, to the state water commission for the purpose of defraying the expenses of that
9 agency, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
12 Administrative and support services	\$2,454,866	\$522,808	\$2,977,674
13 Water and atmospheric resources	<u>170,544,397</u>	<u>137,223,637</u>	<u>307,768,034</u>
14 Total all funds	\$172,999,263	\$137,746,445	\$310,745,208
15 Less estimated income	<u>162,122,016</u>	<u>134,799,793</u>	<u>296,921,809</u>
16 Total general fund	\$10,877,247	\$2,946,652	\$13,823,899
17 Full-time equivalent positions	84.00	2.00	86.00

18 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
19 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
20 funding items approved by the sixtieth legislative assembly for the 2007-09 and are not a part
21 of the entity's base budget for the 2009-11 biennium:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
23 Red River Valley water supply project	<u>\$3,000,000</u>	<u>\$0</u>
24 Total general fund	\$3,000,000	\$0

1 **SECTION 3. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS -**

2 **ADDITIONAL FUNDING APPROVAL.** There is appropriated out of any federal funds made
3 available to the state under the federal American Recovery and Reinvestment Act of 2009, not
4 otherwise appropriated, the sum of \$12,000,000, or so much of the sum as may be necessary,
5 to the state water commission for the purpose of providing funding for the southwest pipeline
6 project, for the period beginning with the effective date of this Act and ending June 30, 2011.

7 The state water commission may seek emergency commission and budget section
8 approval under chapter 54-16 for authority to spend any additional federal funds received under
9 the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts
10 appropriated in this section, for the period beginning with the effective date of this Act and
11 ending June 30, 2011.

12 Any federal funds appropriated under this section are not a part of the agency's 2011-13
13 base budget. Any program expenditures made with these funds will not be replaced with state
14 funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer
15 available.

16 **SECTION 4. SOVEREIGN LANDS ENFORCEMENT GRANT.** The administrative and
17 support services line item in section 1 of this Act includes \$200,000 from the general fund that
18 the state water commission shall provide as a grant to the game and fish department for law
19 enforcement activities on sovereign lands in the state, for the biennium beginning July 1, 2009,
20 and ending June 30, 2011.

21 **SECTION 5. ADDITIONAL INCOME - APPROPRIATION.** In addition to the amounts
22 included in the estimated income line item in section 1 of the Act, any additional amounts in the
23 resources trust fund and water development trust fund that become available are appropriated
24 to the state water commission for the purpose of defraying the expenses of that agency, for the
25 biennium beginning July 1, 2009, and ending June 30, 2011.

26 **SECTION 6. GRANTS - WATER-RELATED PROJECTS - CARRYOVER**

27 **AUTHORITY.** Section 54-44.1-11 does not apply to funding for grants or water-related projects
28 included in the water and atmospheric resources line item in section 1 of this Act. However,
29 this exclusion is only in effect for two years after June 30, 2011. Any unexpended funds
30 appropriated from the resources trust fund after that period has expired must be transferred to

1 the resources trust fund and any unexpended funds appropriated from the water development
2 trust fund after that period has expired must be transferred to the water development trust fund.

3 **SECTION 7. LEGISLATIVE INTENT - FARGO FLOOD CONTROL.** It is the intent of
4 the sixty-first legislative assembly that a total of \$75,000,000 be committed by the state as the
5 state cost-share for Fargo flood control, of which \$45,000,000 is provided for the biennium
6 beginning July 1, 2009, and ending June 30, 2011, in the water and atmospheric resources line
7 item in section 1 of this Act.

8 **SECTION 8. FARGO FLOOD CONTROL EXPENDITURES - EXEMPTION.** Funds
9 spent by the state water commission for Fargo flood control during the 2009-11 biennium may
10 be used only for land purchases and construction and may not be used for administration,
11 engineering, legal, planning, or other similar purposes. Any funds allocated by the state water
12 commission for Fargo flood control of up to \$45,000,000 for the 2009-11 biennium which are
13 not spent by June 30, 2011, are not subject to section 54-44.1-11 and must be continued into
14 the next or subsequent bienniums and may be expended only for Fargo flood control projects.

15 **SECTION 9. LEGISLATIVE INTENT - STATE WATER COMMISSION PROJECTS.** It
16 is the intent of the sixty-first legislative assembly that of the funds appropriated in the water and
17 atmospheric resources line item in section 1 of this Act, the state water commission provide
18 funding for the following projects, for the biennium beginning July 1, 2009, and ending June 30,
19 2011:

20 Digital elevation mapping project	\$300,000
21 Enhancement of the local share of funding	\$100,000
22 for the Renwick dam in Pembina County	
23 Evaluate, in conjunction with state, local,	\$500,000
24 and federal officials and entities,	
25 long-term flood control solutions in	
26 the Red River valley	
27 Michigan spillway in Nelson County	\$500,000

28 **SECTION 10. LEGISLATIVE INTENT - NELSON COUNTY WATER RESOURCE**
29 **DISTRICT.** It is the intent of the sixty-first legislative assembly that the state water commission
30 assist the Nelson County water resource district by providing engineering and permitting
31 services, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1 **SECTION 11. BANK OF NORTH DAKOTA LOAN AUTHORIZATION -**

2 **APPROPRIATION.** The state water commission may borrow the sum of \$22,000,000, or so
3 much of the sum as may be necessary, from the Bank of North Dakota, which is appropriated
4 for the purpose of emergency flood control and other critical water needs, for the biennium
5 beginning July 1, 2009, and ending June 30, 2011.

6 **SECTION 12. EMERGENCY.** Section 3 of this Act is declared to be an emergency
7 measure.