

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2020

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 amend and reenact section 7 of chapter 20 of the 2009 Session Laws, relating  
3 to Fargo flood control project funding; to provide exemptions; to repeal section 5 of chapter 535  
4 of the 1999 Session Laws, relating to pledge of revenues from the Grand Forks corporate  
5 center; to provide legislative intent; to provide for retroactive application; and to declare an  
6 emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
9 as may be necessary, are appropriated out of any moneys in the general fund in the state  
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
11 other income, to the state water commission for the purpose of defraying the expenses of that  
12 agency, for the biennium beginning with the effective date of this Act, and ending June 30, 2013,  
13 as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14			
15			
16	Grants local cost-share	\$0	\$500,000
17	Beaver bay feasibility study	342,000	(342,000)
18	Administrative and support services	2,977,674	252,199
19	Water and atmospheric resources	307,768,034	140,145,740
20	Federal stimulus funds	<u>0</u>	<u>7,271,773</u>
21	Total all funds	\$311,087,708	\$147,827,712
22	Less estimated income	<u>297,263,809</u>	<u>146,656,412</u>
23	Total general fund	\$13,823,899	\$14,995,199
24	Full-time equivalent positions	86.00	1.00
			87.00

1       **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

2       **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding  
3 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13  
4 one-time funding items included in the appropriation in section 1 of this Act:

5 <u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
6 Federal stimulus funds	\$12,000,000	\$7,271,773
7 Ray/Tioga, Burke/Divide/Williams, Wildrose 8       and Stanley water projects	<u>2,792,000</u>	<u>500,000</u>
9 Total special funds	\$14,792,000	\$7,771,773

10 The 2011-13 one-time funding amounts are not part of the entity's base budget for the 2013-15  
11 biennium. The state water commission shall report to the appropriations committees of the  
12 sixty-third legislative assembly on the use of the one-time funding for the biennium beginning  
13 July 1, 2011, and ending June 30, 2013.

14       **SECTION 3. SOVEREIGN LANDS ENFORCEMENT GRANT.** The administrative and  
15 support services line item in section 1 of this Act includes \$200,000 from the general fund that  
16 the state water commission shall provide as a grant to the game and fish department for law  
17 enforcement activities on sovereign lands in the state, for the biennium beginning July 1, 2011,  
18 and ending June 30, 2013.

19       **SECTION 4. ADDITIONAL INCOME - APPROPRIATION.** In addition to the amounts  
20 included in the estimated income line item in section 1 of this Act, any additional amounts in the  
21 resources trust fund and water development trust fund that become available are appropriated  
22 to the state water commission for the purpose of defraying the expenses of that agency, for the  
23 biennium beginning July 1, 2011, and ending June 30, 2013.

24       **SECTION 5. GRANTS - WATER-RELATED PROJECTS - CARRYOVER AUTHORITY.**  
25 Section 54-44.1-11 does not apply to funding for grants or water-related projects included in the  
26 water and atmospheric resources line item in section 1 of this Act. However, this exclusion is  
27 only in effect for two years after June 30, 2013. Any unexpended funds appropriated from the  
28 resources trust fund after that period has expired must be transferred to the resources trust fund  
29 and any unexpended funds appropriated from the water development trust fund after that period  
30 has expired must be transferred to the water development trust fund.

1       **SECTION 6. AMENDMENT.** Section 7 of chapter 20 of the 2009 Session Laws is amended  
2 and reenacted as follows:

3                   **SECTION 7. FARGO FLOOD CONTROL PROJECT FUNDING - EXEMPTION.**

4           Of the funds appropriated in the water and atmospheric resources line item in  
5 section 1 of this Act, \$45,000,000 is for Fargo flood control projects, for the biennium  
6 beginning July 1, 2009, and ending June 30, 2011. Any funds not spent by June 30,  
7 2011, are not subject to section 54-44.1-11 and must be continued into the next or  
8 subsequent bienniums and may be expended only for Fargo flood control projects.  
9 ~~These~~Except as otherwise provided, these funds may be used only for ~~land purchases~~  
10 ~~and construction;~~ including right-of-way acquisition costs. No more than ten percent of  
11 these funds may ~~not~~ be used for ~~administration;~~ engineering, legal, planning, or other  
12 similar purposes; ~~and are not subject to the sixty-five percent funding requirement~~  
13 ~~contained in Senate Bill No. 2316 (2009).~~ The city of Fargo, Cass County, and the  
14 Cass County joint water resource district must approve any expenditures made under  
15 this section.

16       **SECTION 7. FARGO FLOOD CONTROL PROJECT FUNDING - EXEMPTION.** Of the  
17 funds appropriated in the water and atmospheric resources line item in section 1 of this Act,  
18 \$30,000,000 is for Fargo flood control projects, for the biennium beginning July 1, 2011, and  
19 ending June 30, 2013. Any funds not spent by June 30, 2013, are not subject to section  
20 54-44.1-11 and must be continued into the next or subsequent bienniums and may be  
21 expended only for Fargo flood control projects. Except as otherwise provided, these funds may  
22 be used only for construction, including right-of-way acquisition costs. No more than ten percent  
23 of these funds may be used for engineering, legal, planning, or other similar purposes. The city  
24 of Fargo, Cass County, and the Cass County joint water resource district must approve any  
25 expenditures made under this section.

26       **SECTION 8. LEGISLATIVE INTENT - STATE WATER COMMISSION PROJECTS AND**  
27 **GRANTS.** It is the intent of the sixty-second legislative assembly that of the funds appropriated  
28 in the water and atmospheric resources line item in section 1 of this Act, the state water  
29 commission provide funding for the following grants and projects, for the biennium beginning  
30 with the effective date of this Act, and ending June 30, 2013:

31           Grant to wildlife services for animal control                               \$250,000

1 Flood-related water projects in the \$250,000  
2 Nelson County water resource district

3 **SECTION 9. LEGISLATIVE INTENT - GARRISON DIVERSION CONSERVANCY**

4 **DISTRICT.** It is the intent of the sixty-second legislative assembly that of the funds appropriated  
5 in the water and atmospheric resources line item in section 1 of this Act, the state water  
6 commission allocate no more than \$1,000,000 to the Garrison Diversion Conservancy District.

7 **SECTION 10. REPEAL.** Section 5 of chapter 535 of the 1999 Session Laws is repealed.

8 **SECTION 11. RETROACTIVE APPLICATION.** Section 6 of this Act applies retroactively to  
9 January 1, 2011.

10 **SECTION 12. EMERGENCY.** This Act is declared to be an emergency measure.