



**REQUEST TO EMERGENCY COMMISSION**

STATE OF NORTH DAKOTA

SFN 02580 (9-2007)

**RECEIVED**

Original Copies to Secretary of State

MAR 25 2014 1838 #1

For reference, see North Dakota Century Code, Chapter 54-16

**SEC. OF STATE**

Date 3/4/14	Department Number 125.00	Department Name Office of Attorney General
Authorized Department Signature <i>[Signature]</i>	Name of Contact Person Kathy Roll	Telephone Number 701-328-3622

**PART A: BACKGROUND**

1. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative) .....  Yes  No
2. Is any portion of this request a new program? (If yes, please explain in narrative) .....  Yes  No
3. Will the legislature be asked to continue this program in the next biennium? .....  Yes  No

**PART B: FTE**

4. Will this program require an increase in authorized FTE? .....  Yes  No  
If yes, how many? .....

**PART C: INCREASE IN APPROPRIATION LINE ITEM**

7. Will this program require state general fund money for a match in this blennium? .....  Yes  No  
If yes, estimate the amount of general fund money needed and explain its source in the narrative .....
8. Will this program require state general fund money in the next blennium? .....  Yes  No  
If yes, estimate the amount of general fund money needed in the next blennium. ....
9. Source of Funds for increased spending authority (check applicable box)  
 Federal  State Contingency Funds  Other .....
10. Is this a pass-through from another agency?  Yes  No If yes, from which agency? Department of Transportation
11. If this program is federally funded, will the legislature be asked to continue it if federal funds are no longer available? .....  Yes  No  
If yes, estimate the amount of general fund money needed in the next blennium. ....
12. Specify below the line item to be increased and the amount of the increase.

Line Item	Amount
Operating Expenses	\$ 46,744
Capital Assets	299,620

**PART D: INTRA-AGENCY LINE ITEM TRANSFER**

FROM - Line Item	TO - Line Item	Amount
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**PART E: NARRATIVE (attach separate sheets if necessary)**

The Office of Attorney General received additional federal funding from the Department of Transportation grant and the National Institute of Justice DNA Backlog Reduction Grant. The amount projected for each grant was much less than what was actually received. The laboratory is requesting additional equipment and operating authority to purchase a Gas Chromatograph/Mass spectrophotometer, solid phase extraction unit, and a 3500 Genetic Analyzer.

A Gas Chromatograph/Mass spectrophotometer is used to detect drugs and drug metabolites. A solid phase extraction unit is used to standardize extracting drugs from urine and blood samples. A 3500 Genetic Analyzer is used to separate DNA fragments into genetic profiles.



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MAY 30 2014

1839 #2

For reference, see North Dakota Century Code, Chapter 54-16

Date May 30, 2014	Department Number 602	Department Name OFFICE OF STATE North Dakota Department of Agriculture
Authorized Department Signature 	Name of Contact Person Kenneth S. Junkert	Telephone Number 328-4756

**PART A: BACKGROUND**

1. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative) .....  Yes  No
2. Is any portion of this request a new program? (If yes, please explain in narrative) .....  Yes  No
3. Will the legislature be asked to continue this program in the next biennium? .....  Yes  No

**PART B: FTE**

4. Will this program require an increase in authorized FTE? .....  Yes  No  
 If yes, how many? .....

**PART C: INCREASE IN APPROPRIATION LINE ITEM**

7. Will this program require state general fund money for a match in this biennium? .....  Yes  No  
 If yes, estimate the amount of general fund money needed and explain its source in the narrative .....
8. Will this program require state general fund money in the next biennium? .....  Yes  No  
 If yes, estimate the amount of general fund money needed in the next biennium. ....
9. Source of Funds for increased spending authority (check applicable box)  
 Federal  State Contingency Funds  Other .....
10. Is this a pass-through from another agency?  Yes  No If yes, from which agency? .....
11. If this program is federally funded, will the legislature be asked to continue it if federal funds are no longer available? .....  Yes  No  
 If yes, estimate the amount of general fund money needed in the next biennium. ....
12. Specify below the line item to be increased and the amount of the increase.

<u>Line Item</u>	<u>Amount</u>
Grant Line	\$400,000

**PART D: INTRA-AGENCY LINE ITEM TRANSFER**

<u>FROM - Line Item</u>	<u>TO - Line Item</u>	<u>Amount</u>
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**PART E: NARRATIVE (attach separate sheets if necessary)**

The North Dakota Department of Agriculture administers the USDA Speciality Crop Block Grant Program. This program promotes speciality crops in the state. Specialty crops are defined as "fruits and vegetables, tree nuts, dried fruits, horticulture, and nursery crops (including floriculture)." Specialty crops grown in North Dakota include dry beans, dry peas, lentils, potatoes, confection sunflowers, grapes, honey, and various vegetables. The Department of Agriculture anticipated an increase in federal funds for the program and the Legislature increased the Department's grant line federal fund authority for the 2013-15 Biennium. USDA recently announced that the Farm Bill further increased funding for the program, necessitating a request for additional federal fund spending authority in the grant line.



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1840 # 3

For reference, see North Dakota Century Code, Chapter 54-16

**SEC. OF STATE**

Date 6/2/14	Department Number 125.00	Department Name Office of Attorney General	
Authorized Department Signature <i>[Signature]</i>		Name of Contact Person Kathy Roll	Telephone Number 701-328-3622

**PART A: BACKGROUND**

1. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative) .....  Yes  No
2. Is any portion of this request a new program? (If yes, please explain in narrative) .....  Yes  No
3. Will the legislature be asked to continue this program in the next biennium? .....  Yes  No

**PART B: FTE**

4. Will this program require an increase in authorized FTE? .....  Yes  No  
 If yes, how many? .....

**PART C: INCREASE IN APPROPRIATION LINE ITEM**

7. Will this program require state general fund money for a match in this biennium? .....  Yes  No  
 If yes, estimate the amount of general fund money needed and explain its source in the narrative .....
8. Will this program require state general fund money in the next biennium? .....  Yes  No  
 If yes, estimate the amount of general fund money needed in the next biennium. ....
9. Source of Funds for Increased spending authority (check applicable box)  
 Federal  State Contingency Funds  Other .....
10. Is this a pass-through from another agency?  Yes  No If yes, from which agency? .....
11. If this program is federally funded, will the legislature be asked to continue it if federal funds are no longer available? .....  Yes  No  
 If yes, estimate the amount of general fund money needed in the next biennium. ....
12. Specify below the line item to be increased and the amount of the increase.

<u>Line Item</u>	<u>Amount</u>
Litigation fees	\$84,000

**PART D: INTRA-AGENCY LINE ITEM TRANSFER**

<u>FROM - Line Item</u>	<u>TO - Line Item</u>	<u>Amount</u>
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**PART E: NARRATIVE (attach separate sheets if necessary)**

In 2012 the State of North Dakota filed suit against the United States and, in particular, against the United States Department of Agriculture and U.S.D.A.'s Forest Service. The state's suit seeks to quiet title to section line right-of-ways in the Dakota Prairie Grasslands, which includes the Little Missouri National Grassland, the Sheyenne National Grassland, and the Cedar River National Grassland. The United States has asserted it has full title to section lines in the Grasslands and that it does not and never has recognized North Dakota section line law. The parties are currently engaged in preliminary "jurisdictional" discovery which has led to nearly 20 depositions and an expectation of at least 10 more. In addition, various environmental groups have appealed the federal district court's decision rejecting their attempt to intervene in this lawsuit. The request for this litigation is \$35,000.

On September 11, 2013, a Tobacco diligent enforcement arbitration panel unanimously determined that during 2003 North Dakota diligently enforced N.D.C.C. ch. 51-25 (Tobacco Sales Act), and thus was not subject to the 2003 Non Participating Manufacturer Adjustment (a potential loss of up to \$23 million). The State is not defending tobacco companies' allegations North Dakota did not diligently enforce N.D.C.C. ch. 51-25 during 2004. A number of states anticipate entering into a litigation cost-share agreement to pay for common costs of the litigation. North Dakota's assessment of the first \$1,000,000 of the cost share is \$49,000.



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JUN 06 2014

1841 #4

For reference, see North Dakota Century Code, Chapter 54-16

SEC. OF STATE

Date 6/4/2014	Department Number 41200	Department Name North Dakota Aeronautics Commission
Authorized Department Signature <i>Kyle Wanner</i>	Name of Contact Person Kyle C. Wanner, Director	Telephone Number 701-328-9651

**PART A: BACKGROUND**

1. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative) .....  Yes  No

2. Is any portion of this request a new program? (If yes, please explain in narrative) .....  Yes  No

3. Will the legislature be asked to continue this program in the next biennium? .....  Yes  No

**PART B: FTE**

4. Will this program require an increase in authorized FTE? .....  Yes  No  
 If yes, how many? .....

**PART C: INCREASE IN APPROPRIATION LINE ITEM**

7. Will this program require state general fund money for a match in this biennium? .....  Yes  No  
 If yes, estimate the amount of general fund money needed and explain its source in the narrative .....

8. Will this program require state general fund money in the next biennium? .....  Yes  No  
 If yes, estimate the amount of general fund money needed in the next biennium. ....

9. Source of Funds for increased spending authority (check applicable box)  
 Federal     State Contingency Funds     Other    North Dakota Aeronautics Commission Special Fund

10. Is this a pass-through from another agency?  Yes  No If yes, from which agency? .....

11. If this program is federally funded, will the legislature be asked to continue it if federal funds are no longer available? .....  Yes  No  
 If yes, estimate the amount of general fund money needed in the next biennium. ....

12. Specify below the line item to be increased and the amount of the increase.

Line Item

Amount

**PART D: INTRA-AGENCY LINE ITEM TRANSFER**

<u>FROM - Line Item</u>	<u>TO - Line Item</u>	<u>Amount</u>
Grants	Operating	\$300,000

**PART E: NARRATIVE (attach separate sheets if necessary)**

The North Dakota Aeronautics Commission is planning to update the Economic Impact of Aviation study that was last updated in 2009. Due to the tremendous growth and changes to the North Dakota aviation industry, an update to this study is currently justified. The Aeronautics Commission is in need of additional funding authority for the Aviation Impact Study within the Operating line item to properly fund this update. The Statewide Wildlife Hazard Assessment in the Grants line item is no longer planned to be utilized this biennium as individual airports have decided to conduct each wildlife hazard assessment individually as needed. Due to the funding authority no longer needed for the Wildlife Hazard Assessment in the Grants line item and additional authority needed for the Aviation Impact Study within the Operating line item, this funding authority transfer is being requested.



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1845 #8

For reference, see North Dakota Century Code, Chapter 54-16

Date 6/9/2014	Department Number 770	Department Name ND State Water Commission
Authorized Department Signature <i>[Signature]</i>	Name of Contact Person Jon Patch	Telephone Number 701 328-3440

**PART A: BACKGROUND**

1. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative) . . . . .  Yes  No

2. Is any portion of this request a new program? (If yes, please explain in narrative) . . . . .  Yes  No

3. Will the legislature be asked to continue this program in the next biennium? . . . . .  Yes  No

**PART B: FTE**

4. Will this program require an increase in authorized FTE? . . . . .  Yes  No  
 If yes, how many? . . . . .

**PART C: INCREASE IN APPROPRIATION LINE ITEM**

7. Will this program require state general fund money for a match in this biennium? . . . . .  Yes  No  
 If yes, estimate the amount of general fund money needed and explain its source in the narrative . . . . .

8. Will this program require state general fund money in the next biennium? . . . . .  Yes  No  
 If yes, estimate the amount of general fund money needed in the next biennium. . . . .

9. Source of Funds for increased spending authority (check applicable box)  
 Federal  State Contingency Funds  Other Resources Trust Fund

10. Is this a pass-through from another agency?  Yes  No If yes, from which agency? \_\_\_\_\_

11. If this program is federally funded, will the legislature be asked to continue it if federal funds are no longer available? . . . . .  Yes  No  
 If yes, estimate the amount of general fund money needed in the next biennium. . . . .

12. Specify below the line item to be increased and the amount of the increase.

	<u>Line Item</u>	<u>Amount</u>
	76	\$546,106

**PART D: INTRA-AGENCY LINE ITEM TRANSFER**

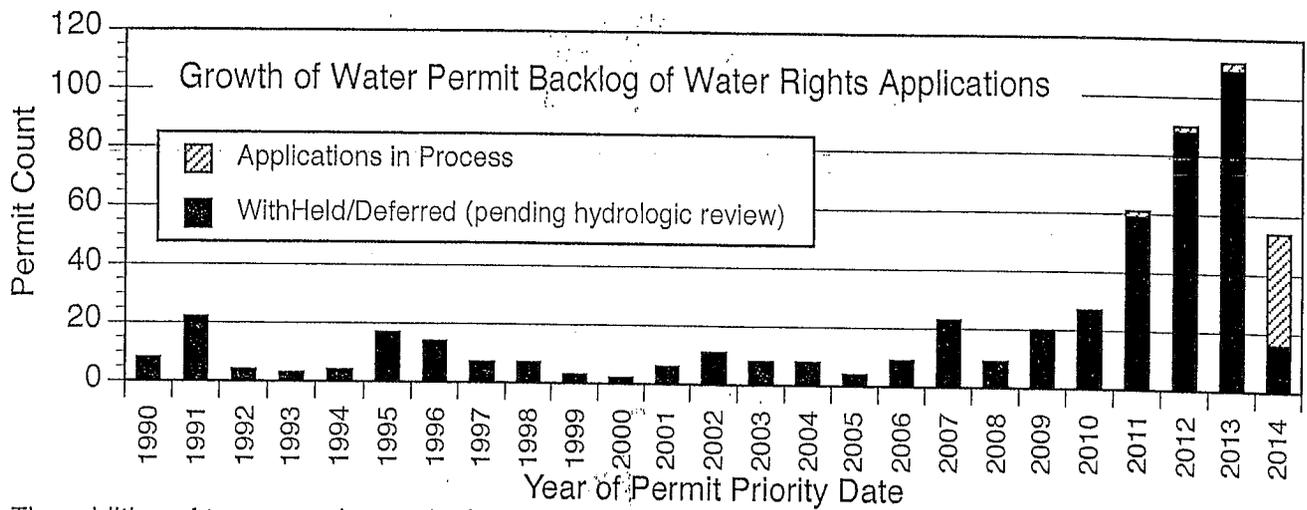
<u>FROM - Line Item</u>	<u>TO - Line Item</u>	<u>Amount</u>

**PART E: NARRATIVE (attach separate sheets if necessary)**

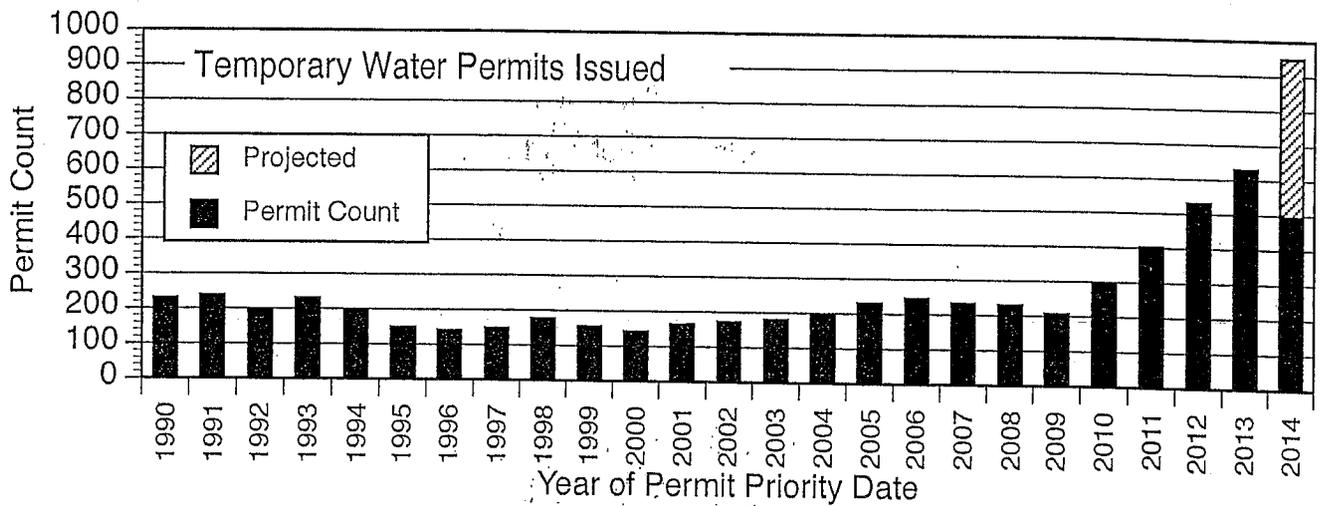
This request is to authorize hiring and funding 5 Full Time Equivalent (FTE) positions within the Water Appropriation Division of the State Water Commission to meet the emergency demands of water permits and required permit inspections. Due to an increased backlog of hydrological reviews for conditional water permits, dramatic increases in the number of temporary permits, a large and growing backlog of permit inspections and increased emphasis on compliance we request the following positions.

- 1) Hydrologist Manager I (grade O) – Groundwater Management Section
- 2) Hydrologist II (grade M) - Groundwater Management Section
- 3) Hydrologist III (grade N) – Surface Water management Section
- 4) Hydrologist III (grade N) – Surface Water management Section
- 5) Water Resource Program Administrator II (grade M) – Water Permit Administration Section

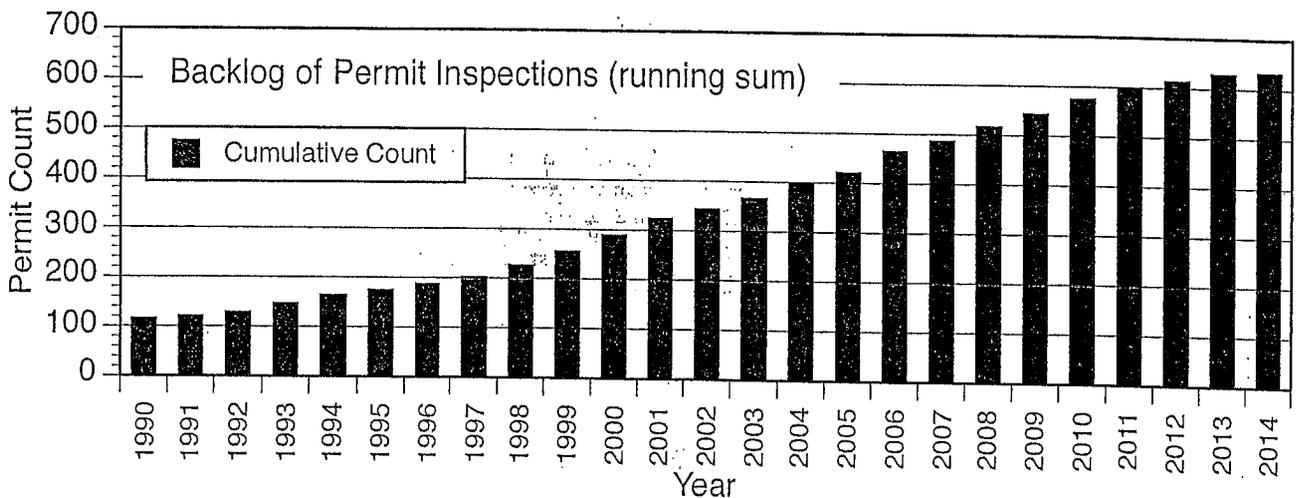
The attached page shows the growth in water permit applications and required inspections.



The addition of two ground water hydrogeologists and one surface water hydrologist will reduce the backlog of pending applications and time associated with workload delays. Each hydrologist or hydrogeologist is able to complete one to two permit reviews per month.



The addition of one surface water hydrologist will allow for the increase demand in temporary water permits to be reviewed in a timely manner. A trained hydrologist can review and process about 2 temporary applications per day.



The addition of a full-time water permit inspector will allow for required field inspections of water permits to be done in a timely manner and for the backlog to be reduced.