

Introduced by

Appropriations Committee

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 61-02-79 of the North Dakota Century Code,  
 3 relating to the authorization of a Bank of North Dakota line of credit; to provide for Red River  
 4 valley water supply requirements; to provide an exemption; to provide for a report to the  
 5 legislative management; and to provide a statement of legislative intent.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
 8 as may be necessary, are appropriated from special funds derived from federal funds and other  
 9 income, to the state water commission for the purpose of defraying the expenses of the state  
 10 water commission, for the biennium beginning July 1, 2019, and ending June 30, 2021, as  
 11 follows:

|    | <u>Governor's</u>                         |                          |                          |
|----|---|--------------------------|--------------------------|
|    | <u>Base Level</u>                         | <u>Recommendation</u>    | <u>Appropriation</u>     |
| 12 |   |                          |                          |
| 13 |   |                          |                          |
| 14 | <del>Salaries and wages</del>             | <del>\$19,659,298</del>  | <del>\$19,659,298</del>  |
| 15 | <del>Operating expenses</del>             | <del>58,044,691</del>    | <del>58,044,691</del>    |
| 16 | <del>Capital assets</del>                 | <del>124,819,442</del>   | <del>124,819,442</del>   |
| 17 | <del>Project carryover</del>              | <del>274,867,897</del>   | <del>274,867,897</del>   |
| 18 | <del>New projects</del>                   | <del>169,782,147</del>   | <del>169,782,147</del>   |
| 19 | <del>Total special funds</del>            | <del>\$647,173,475</del> | <del>\$647,173,475</del> |
| 20 | <del>Full-time equivalent positions</del> | <del>93.00</del>         | <del>93.00</del>         |
| 21 |   | <u>Adjustments or</u>    |                          |
| 22 |   | <u>Base Level</u>        | <u>Enhancements</u>      |
| 23 | <u>Salaries and wages</u>                 | <u>\$19,659,298</u>      | <u>\$173,833</u>         |
| 24 | <u>Operating expenses</u>                 | <u>58,044,691</u>        | <u>(14,188,938)</u>      |
|    |   |                          | <u>43,855,753</u>        |

|   |                                |               |               |               |
|---|--------------------------------|---------------|---------------|---------------|
| 1 | Capital assets                 | 124,819,442   | 23,119,316    | 147,938,758   |
| 2 | Project carryover              | 274,867,897   | 33,465,921    | 308,333,818   |
| 3 | New projects                   | 169,782,147   | (169,782,147) | 0             |
| 4 | Water supply - grants          | 0             | 115,000,000   | 115,000,000   |
| 5 | Rural water supply - grants    | 0             | 30,000,000    | 30,000,000    |
| 6 | Flood control - grants         | 0             | 145,000,000   | 145,000,000   |
| 7 | General water - grants         | 0             | 35,255,000    | 35,255,000    |
| 8 | Total special funds            | \$647,173,475 | \$198,042,985 | \$845,216,460 |
| 9 | Full-time equivalent positions | 93.00         | (3.00)        | 90.00         |

**SECTION 2. ONE-TIME FUNDING - REPORT TO THE SIXTY-SEVENTH LEGISLATIVE**

**ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21 biennium one-time funding items included in the appropriation in section 1 of this Act:

| <u>One-Time Funding Description</u>   | <u>2017-19</u> | <u>2019-21</u> |
|---------------------------------------|----------------|----------------|
| Line of credit - Bank of North Dakota | \$75,000,000   | \$75,000,000   |
| Total all funds                       | \$75,000,000   | \$75,000,000   |

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2019-21 biennium. The state water commission shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 3. EXEMPTION - GRANTS - WATER-RELATED PROJECTS - CARRYOVER**

**AUTHORITY.** Section 54-44.1-11 does not apply to funding for grants or water-related projects included in the project carryover and new projects line items in section 1 of this Act. However, this exclusion is only in effect for two years after June 30, 2021. Any unexpended funds appropriated from the resources trust fund after that period has expired must be transferred to the resources trust fund and any unexpended funds appropriated from the water development trust fund after that period has expired must be transferred to the water development trust fund.

**SECTION 4. ADDITIONAL INCOME - APPROPRIATION - BUDGET SECTION**

**APPROVAL.** In addition to the amounts appropriated in section 1 of this Act, any additional amounts in the resources trust fund and water development trust fund which become available are appropriated, subject to budget section approval, to the state water commission for the

1 purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2019, and  
2 ending June 30, 2021. Before approving any request, the budget section shall determine:

- 3 1. Approving additional appropriations will not negatively affect the sixty-seventh  
4 legislative assembly's ability to address water-related needs;
- 5 2. The proposed use of the additional income complies with legislative intent; and
- 6 3. The proposed use of the additional income will not result in future funding  
7 commitments.

8 **SECTION 5. LEGISLATIVE INTENT - FARGO FLOOD CONTROL PROJECT FUNDING.** It  
9 is the intent of the sixty-sixth legislative assembly that the state provide a portion of the local  
10 cost-share of Fargo flood control projects, including constructing a federally authorized Fargo  
11 flood control project, and that total Fargo flood control project funding to be provided by the  
12 state not exceed \$703,000,000, which includes \$120,000,000 originally designated for Fargo  
13 interior flood control. It is the intent of the sixty-sixth legislative assembly that the \$332,500,000  
14 yet to be designated by the state for the Fargo flood control project be made available in equal  
15 installments over the next five bienniums, beginning July 1, 2019.

16 **SECTION 6. LEGISLATIVE INTENT - RED RIVER VALLEY WATER SUPPLY PROJECT -**  
17 **REPORT TO LEGISLATIVE MANAGEMENT.** It is the intent of the sixty-sixth legislative  
18 assembly that the state water commission provide, in the form of a grant, up to \$50,000,000 to  
19 the Garrison Diversion Conservancy District for the Red River valley water supply project, for  
20 the biennium beginning July 1, 2019, and ending June 30, 2021. It is further the intent of the  
21 sixty-sixth legislative assembly that the state water commission provide state funding at an  
22 eighty percent state cost-share to the Garrison Diversion Conservancy District for the Red River  
23 valley water supply project after June 30, 2021. The Garrison Diversion Conservancy District  
24 shall report on a regular basis to the legislative management's water topics overview committee  
25 during the 2019-20 interim regarding the progress of the Red River valley water supply project.

26 **SECTION 7. RED RIVER VALLEY WATER SUPPLY PROJECT - REPORT TO**  
27 **LEGISLATIVE MANAGEMENT - BUDGET SECTION APPROVAL.** Any funding received by the  
28 Garrison Diversion Conservancy District from the state water commission for the Red River  
29 valley water supply project during the 2017-19 biennium and the biennium beginning July 1,  
30 2019, and ending June 30, 2021, is subject to the following requirements:

- 1 1. Any funding received for the completion of the planning and permitting process of the  
2 Red River valley water supply project must result in the following accomplishments:
  - 3 a. The completed Red River valley water supply plan document, which will be the  
4 basis and justification for project construction, must include alternative selection,  
5 water supply needs, projected project costs, easement acquisitions,  
6 environmental regulation compliance to include issuance of a final national  
7 pollutant discharge elimination system permit, and acquisition of all other state  
8 and federal permits required for the construction of any project features intended  
9 to be constructed with funding provided during the 2017-19 biennium and the  
10 2019-21 biennium;
  - 11 b. A signed bureau of reclamation water service contract agreeing to a minimum of  
12 one hundred sixty-five cubic feet per second over a minimum of forty years or  
13 equivalent to ensure an adequate water source for the project's needs;
  - 14 c. Prioritized project features for phase one construction; and
  - 15 d. A recommendation of funding options for all phases of the Red River valley water  
16 supply project.
- 17 2. The state water commission shall review any associated appeals or litigation before  
18 releasing any funds for the project.
- 19 3. Any funding received to initiate construction of phase one prioritized project features  
20 identified in subsection 1 may be spent and construction of phase one may begin only  
21 after the budget section receives and approves certification from the state water  
22 commission and the state engineer that all items listed in subsection 1 have been  
23 accomplished.
- 24 4. Quarterly progress reports on the Red River valley water supply project from the  
25 Garrison Diversion Conservancy District to the water topics overview committee of the  
26 legislative management, during the 2019-21 interim.

27 **SECTION 8. AMENDMENT.** Section 61-02-79 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29 **61-02-79. Bank of North Dakota - Line of credit.**

30 The Bank of North Dakota shall extend a line of credit not to exceed seventy-five million  
31 dollars at a rate of one and one-half percent over the three month London interbank offered

1 rate, but may not exceed three percent to the state water commission. The state water  
2 commission shall repay the line of credit from funds available in the resources trust fund, water  
3 development trust fund, or other funds, as appropriated by the legislative assembly. The state  
4 water commission may access the line of credit, as necessary, to provide funding as authorized  
5 by the legislative assembly for water supply projects approved before June 30, ~~2019~~2021, and  
6 flood control projects that have approval for funding before June 30, ~~2019~~2021.