

**HOUSE BILL NO. 1024**

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of  
2 environmental quality; and to amend and reenact sections 23.1-10-02 and 23.1-10-05 of the  
3 North Dakota Century Code, relating to the environmental quality restoration fund and revenue  
4 to the fund.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
7 as may be necessary, are appropriated out of any moneys in the general fund in the state  
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
9 other income, to the department of environmental quality for the purpose of defraying the  
10 expenses of the department of environmental quality, for the biennium beginning July 1, 2023,  
11 and ending June 30, 2025, as follows:

<u>Governor's</u>			
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
Salaries and wages	\$32,551,817	\$38,126,784	\$32,551,817
Operating expenses	10,771,898	16,208,026	10,771,898
Capital assets	1,247,172	1,168,500	1,247,172
Grants	15,060,118	36,838,118	15,060,118
Total all funds	\$59,631,005	\$92,341,428	\$59,631,005
Less estimated income	46,969,930	77,653,826	46,969,930
Total general fund	\$12,661,075	\$14,687,602	\$12,661,075
Full-time equivalent positions	166.00	173.00	166.00
<u>Adjustments or</u>			
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$32,551,817	\$4,381,840	\$36,933,657

1	<u>Operating expenses</u>	10,771,898	5,405,796	16,177,694
2	<u>Capital assets</u>	1,247,172	(78,672)	1,168,500
3	<u>Grants</u>	15,060,118	21,778,000	36,838,118
4	<u>Total all funds</u>	\$59,631,005	\$31,486,964	\$91,117,969
5	<u>Less estimated income</u>	46,969,930	29,858,605	76,828,535
6	<u>Total general fund</u>	\$12,661,075	\$1,628,359	\$14,289,434
7	<u>Full-time equivalent positions</u>	166.00	5.00	171.00

8       **SECTION 2. ONE-TIME FUNDING.** The following amounts reflect the one-time funding  
9 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the  
10 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

11	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
12	<del>Laboratory information management system</del>	<del>\$1,000,000</del>	<del>\$0</del>
13	<del>Total general fund</del>	<del>\$1,000,000</del>	<del>\$0</del>
14	<u>Laboratory information management system</u>	<u>\$1,000,000</u>	<u>\$0</u>
15	<u>Chemistry laboratory inflation</u>	<u>0</u>	<u>116,800</u>
16	<u>Loan fund administration</u>	<u>0</u>	<u>177,350</u>
17	<u>Drinking water program portal</u>	<u>0</u>	<u>325,000</u>
18	<u>Environmental data systems upgrade</u>	<u>0</u>	<u>1,365,444</u>
19	<u>Total all funds</u>	<u>\$1,000,000</u>	<u>\$1,984,594</u>
20	<u>Less estimated income</u>	<u>0</u>	<u>1,796,794</u>
21	<u>Total general fund</u>	<u>\$1,000,000</u>	<u>\$187,800</u>

22       The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget  
23 for the 2025-27 biennium. The department of environmental quality shall report to the  
24 appropriations committees of the sixty-ninth legislative assembly on the use of this one-time  
25 funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

26       **SECTION 3. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION**  
27 **FUND.** The estimated income line item in section 1 of this Act includes the sum of \$250,000  
28 from the environment and rangeland protection fund. This amount includes \$50,000 for a grant  
29 to the North Dakota stockmen's association environmental services program.

30       **SECTION 4. ESTIMATED INCOME - PETROLEUM TANK RELEASE COMPENSATION**  
31 **FUND.** The estimated income line item in section 1 of this Act includes the sum of

1 ~~\$773,983~~\$742,080 from the petroleum tank release compensation fund for expenses related to  
2 the petroleum tank release program.

3 **SECTION 5. AMENDMENT.** Section 23.1-10-02 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **23.1-10-02. Environmental quality restoration fund - Continuing appropriation.**

6 There is established an environmental quality restoration fund into which the funds  
7 recovered in this chapter may be deposited. The fund is to be administered by the department  
8 of environmental quality and may be used by the department for costs of environmental  
9 assessment, removal, corrective action, or monitoring as determined on a case-by-case basis.  
10 All moneys placed in the fund under this section and section 23.1-10-05 are appropriated to the  
11 department on a continuing basis. If, on the first day of July in any year, the amount of  
12 uncommitted or unrestricted money in the environmental quality restoration fund is more than  
13 five million dollars, the amount in excess of five million dollars must be transferred to the  
14 general fund.

15 **SECTION 6. AMENDMENT.** Section 23.1-10-05 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **23.1-10-05. Revenue to the fund.**

18 Revenue from the following sources must be deposited in the state treasury and credited to  
19 the fund:

- 20 1. ~~If the balance of the fund is less than five million dollars, moneys~~Moneys recovered by  
21 the department in an action or administrative proceeding based on violation of the  
22 state's environmental statutes, including actions for administrative expense recoveries,  
23 civil penalties, compensatory damages; and money paid pursuant to any agreement,  
24 stipulation, or settlement. This section does not limit the department's ability to agree  
25 to a supplemental environmental project as part of a settlement.
- 26 2. Moneys donated to the department for the purposes of this chapter.
- 27 3. Transfers from the abandoned oil and gas well plugging and site reclamation fund  
28 under subdivision f of subsection 2 of section 38-08-04.5.
- 29 4. Moneys received from a federal agency for the purpose of this section.
- 30 5. Any other moneys as may be deposited in the fund for use in carrying out the  
31 purposes of this chapter.