

February 20, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1020

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 water resources; to provide an appropriation to the parks and recreation department; to create
3 and enact a new section to chapter 61-24.6 of the North Dakota Century Code, relating to the
4 northwest area water supply biota water treatment plant operating fund; to amend and reenact
5 section 61-02-79 of the North Dakota Century Code, relating to a Bank of North Dakota line of
6 credit; to authorize the state water commission to issue and sell bonds for water projects; to
7 provide legislative intent; to provide for a report; to provide for a study; to provide a continuing
8 appropriation; to provide for a transfer; to provide an exemption; and to declare an emergency.

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

10 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
11 as may be necessary, are appropriated from other funds, derived from special funds and federal
12 funds, to the department of water resources for the purpose of defraying the expenses of the
13 department of water resources, for the ~~biennium beginning July 1, 2025~~period beginning with
14 the effective date of this Act, and ending June 30, 2027, as follows:

| | Base Level | Adjustments or Enhancements | Appropriation |
|-------------------------------------|-------------------------|--------------------------------|-------------------------|
| 17 Salaries and wages | \$22,998,148 | \$0 | \$22,998,148 |
| 18 Operating expenses | 56,625,923 | 0 | 56,625,923 |
| 19 Capital assets | 124,136,712 | 0 | 124,136,712 |
| 20 Water supply – grants | 316,200,000 | 0 | 316,200,000 |

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| | | | | |
|----|---|--------------------------|-----------------|--------------------------|
| 1 | Rural water supply - grants | 52,000,000 | 0 | 52,000,000 |
| 2 | Flood control grants | 115,700,000 | 0 | 115,700,000 |
| 3 | General water - grants | 12,000,000 | 0 | 12,000,000 |
| 4 | Total other funds | \$699,660,783 | \$0 | \$699,660,783 |
| 5 | Full-time equivalent positions | 93.00 | 0.00 | 93.00 |
| 6 | Salaries and wages | \$22,998,148 | \$2,358,350 | \$25,356,498 |
| 7 | New and vacant FTE pool | 0 | 2,428,615 | 2,428,615 |
| 8 | Operating expenses | 56,625,923 | (22,686,142) | 33,939,781 |
| 9 | Capital assets | 124,136,712 | (120,932,762) | 3,203,950 |
| 10 | Southwest pipeline project | 0 | 131,713,336 | 131,713,336 |
| 11 | Northwest area water supply | 0 | 106,857,325 | 106,857,325 |
| 12 | Water supply - grants | 316,200,000 | (316,200,000) | 0 |
| 13 | Rural water supply - grants | 52,000,000 | (52,000,000) | 0 |
| 14 | Water supply | 0 | 105,000,000 | 105,000,000 |
| 15 | Regional water supply | 0 | 306,500,000 | 306,500,000 |
| 16 | General water - grants | 12,000,000 | (12,000,000) | 0 |
| 17 | General water | 0 | 29,000,000 | 29,000,000 |
| 18 | Flood control grants | 115,700,000 | (115,700,000) | 0 |
| 19 | Flood control | 0 | 168,500,000 | 168,500,000 |
| 20 | Discretionary funding | 0 | 10,000,000 | 10,000,000 |
| 21 | Total other funds | \$699,660,783 | \$222,838,722 | \$922,499,505 |
| 22 | Full-time equivalent positions | 93.00 | 6.00 | 99.00 |

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

| One-Time Funding Description | Other Funds |
|------------------------------|-------------|
| New FTE costs | \$42,500 |
| Emergency pumps replacement | 480,000 |
| Excavator replacement | 400,000 |

| | | |
|---|---|--------------------|
| 1 | Data logger replacement | 60,000 |
| 2 | Missouri River intake sites field investigation | 600,000 |
| 3 | Bank of North Dakota line of credit | <u>200,000,000</u> |
| 4 | Total other funds | \$201,582,500 |

5 **SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The
6 department of water resources may not spend funds appropriated in the new and vacant FTE
7 pool line item in section 1 of this Act, but may request the office of management and budget to
8 transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in
9 accordance with the guidelines and reporting provisions included in House Bill No. 1015, as
10 approved by the sixty-ninth legislative assembly.

11 **SECTION 4. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the
12 amounts appropriated in section 1 of this Act, any additional amounts in the resources trust fund
13 and water commission fund which become available are appropriated to the department of
14 water resources for the purpose of providing funding for water projects and grants, for the
15 period beginning with the effective date of this Act, and ending June 30, 2027. Any additional
16 amounts in the resources trust fund must be allocated equally between municipal water supply
17 grants and rural water supply grants. Any additional amounts in the water commission fund
18 must be allocated to the project for which the funding was intended. The director of the
19 department of water resources shall report to the legislative management on the use of any
20 additional appropriation authority pursuant to this section.

21 **SECTION 5. APPROPRIATION - 2023-25 BIENNIUM - DEPARTMENT OF WATER**
22 **RESOURCES - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** There is
23 appropriated out of any moneys in the strategic investment and improvements fund in the state
24 treasury, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be
25 necessary, to the department of water resources for the purpose of repaying a Bank of North
26 Dakota line of credit for the water infrastructure revolving loan fund, for the period beginning
27 with the effective date of this Act, and ending June 30, 2025.

28 **SECTION 6. APPROPRIATION - PARKS AND RECREATION DEPARTMENT -**
29 **SOVEREIGN LANDS RECREATION USE GRANTS - ONE-TIME FUNDING.** There is
30 appropriated from special funds derived from a grant from the state water commission, not
31 otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be necessary, to

1 the parks and recreation department for the purpose of providing grants for developing
2 recreation opportunities on sovereign lands in the state, for the period beginning with the
3 effective date of this Act, and ending June 30, 2027. An eligible grant recipient must identify \$1
4 of matching funds for each \$1 awarded pursuant to this section. This funding is considered to
5 be a one-time funding item.

6 **SECTION 7. SOVEREIGN LANDS RECREATION USE GRANT.** The general water line
7 item in section 1 of this Act includes \$2,500,000 from the resources trust fund which the state
8 water commission shall provide as a grant to the parks and recreation department for
9 developing recreation opportunities on sovereign lands in the state, for the period beginning
10 with the effective date of this Act, and ending June 30, 2027.

11 **SECTION 8. OTHER FUNDS - WATER PROJECTS STABILIZATION FUND.** The total
12 other funds line item in section 1 of this Act includes \$42,500,000 from the water projects
13 stabilization fund for water supply grants for the period beginning with the effective date of this
14 Act, and ending June 30, 2027.

15 **SECTION 9. DEPARTMENT OF WATER RESOURCES DISCRETIONARY FUNDING.** The
16 discretionary funding appropriated to the department of water resources in section 1 of this Act
17 or continued in section 22 of this Act may be used as necessary, except for salaries and wages,
18 for the period beginning with the effective date of this Act, and ending June 30, 2027.

19 **SECTION 10. BOND ISSUANCE AUTHORIZATION - SOUTHWEST PIPELINE PROJECT.**
20 The state water commission, in accordance with chapter 61-02, may arrange for up to
21 one hundred million dollars for southwest pipeline projects, declared to be in the public interest,
22 through the issuance of evidences of indebtedness under chapter 61-02, beginning with the
23 effective date of this Act, and ending June 30, 2027.

24 **SECTION 11. TRANSFER - RESOURCES TRUST FUND - WATER INFRASTRUCTURE**
25 **REVOLVING LOAN FUND.** The state treasurer shall transfer \$45,000,000 from the resources
26 trust fund to the water infrastructure revolving loan fund at the Bank of North Dakota for
27 providing loans for water projects, as requested by the director of the department of water
28 resources.

29 **SECTION 12. BANK OF NORTH DAKOTA LINE OF CREDIT - WATER**
30 **INFRASTRUCTURE REVOLVING LOAN FUND - TRANSFER.** The Bank of North Dakota shall
31 extend a line of credit not to exceed \$100,000,000 to the department of water resources to be

1 transferred to the water infrastructure revolving loan fund as requested by the director of the
2 department of water resources to provide local cost-share loans for projects approved by the
3 state water commission pursuant to section 6-09-49.2. The interest rate associated with the line
4 of credit must be the prevailing interest rate charged to North Dakota government entities. The
5 department of water resources shall request a deficiency appropriation from the seventieth
6 legislative assembly to repay the line of credit.

7 **SECTION 13. AMENDMENT.** Section 61-02-79 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **61-02-79. Bank of North Dakota - Line of credit.**

10 The Bank of North Dakota shall extend a line of credit not to exceed ~~one hundred~~
11 ~~million~~two hundred million dollars at the prevailing interest rate charged to North Dakota
12 government entities. The department of water resources shall repay the line of credit from funds
13 available in the resources trust fund or other funds, as appropriated by the legislative assembly.
14 If the moneys available at the end of each biennium are not sufficient to repay the line of credit,
15 the department of water resources shall request from the legislative assembly a deficiency
16 appropriation to repay the line of credit. The department of water resources may access the line
17 of credit, as necessary, to provide up to ~~fifty million dollars for the northwest area water supply~~
18 ~~project and up to fifty million dollars for the southwest pipeline project~~two hundred million dollars
19 for water projects during the biennium beginning July 1, ~~2023~~2025, and ending June 30,
20 ~~2025~~2027.

21 **SECTION 14.** A new section to chapter 61-24.6 of the North Dakota Century Code is
22 created and enacted as follows:

23 **Biota water treatment plant operating fund - Continuing appropriation.**

24 The biota water treatment plant operating fund is a special fund in the state treasury into
25 which all federal funds received for the operation of the northwest area water supply's biota
26 water treatment plant must be deposited. All moneys in the fund are appropriated to the
27 department of water resources on a continuing basis for operations of the biota water treatment
28 plant.

29 **SECTION 15. STATE WATER COMMISSION - RED RIVER VALLEY WATER SUPPLY**
30 **PROJECT FUNDING - LEGISLATIVE INTENT.** Excluding the funding provided for Red River
31 valley water supply projects prior to the 2023-25 biennium, the state water commission may not

1 approve state funding for the Red River valley water supply project in excess of a total of
2 \$953,000,000 without legislative approval. It is the intent of the sixty-ninth legislative assembly
3 that of the \$773,000,000 yet to be designated, \$260,000,000 is provided from funds
4 appropriated to the department of water resources for regional water supply in section 1 of this
5 Act.

6 **SECTION 16. STATE WATER COMMISSION - MOUSE RIVER FLOOD CONTROL**

7 **PROJECT FUNDING - LEGISLATIVE INTENT.** Excluding the funding provided for Mouse River
8 flood control projects prior to the 2023-25 biennium, the state water commission may not
9 approve state funding for the Mouse River flood control project in excess of a total of
10 \$380,500,000 without legislative approval. It is the intent of the sixty-ninth legislative assembly
11 that of the \$304,400,000 yet to be designated, \$125,000,000 is provided from funds
12 appropriated to the department of water resources for flood control in section 1 of this Act.

13 **SECTION 17. STATE WATER COMMISSION - SOUTH BISMARCK STORM WATER AND**
14 **FLOOD CONTROL PROJECT FUNDING - LEGISLATIVE INTENT.** The state water

15 commission may not approve state funding for the south Bismarck storm water and flood control
16 project in excess of a total of \$73,000,000 without legislative approval. It is the intent of the
17 sixty-ninth legislative assembly that the state water commission provide funding for a storm
18 water and flood control project in south Bismarck that is largely ineligible for its cost-share
19 program and that of the \$73,000,000, \$20,000,000 is provided from funds appropriated to the
20 department of water resources for flood control in section 1 of this Act.

21 **SECTION 18. STATE WATER COMMISSION - GRANTS AND WATER PROJECTS -**
22 **2025-27 BIENNIUM - LEGISLATIVE INTENT.** It is the intent of the sixty-ninth legislative

23 assembly that the funds appropriated in the water supply, regional water supply, flood control,
24 and general water line items in section 1 of this Act be designated as follows, although funding
25 may be reallocated between designations in each line item:

- 26 1. \$105,000,000 for water supply, including:
 - 27 a. \$25,000,000 for municipal water supply; and
 - 28 b. \$80,000,000 for rural water supply.
- 29 2. \$306,500,000 for regional water supply, including:
 - 30 a. \$260,000,000 for Red River valley water supply project; and
 - 31 b. \$46,500,000 for western area water supply project.

- 1 3. \$168,500,000 for flood control, including:
 - 2 a. \$125,000,000 for Mouse River flood control;
 - 3 b. \$16,000,000 for Valley City flood control;
 - 4 c. \$20,000,000 for south Bismarck storm water and flood control; and
 - 5 d. \$7,500,000 for other flood control projects.
- 6 4. \$29,000,000 for general water, including:
 - 7 a. \$15,000,000 for water conveyance;
 - 8 b. \$2,500,000 for sovereign lands; and
 - 9 c. \$11,500,000 for other general water projects.

10 **SECTION 19. MISSOURI RIVER AND OTHER WATER SYSTEMS - LEGISLATIVE**

11 **INTENT.** It is the intent of the sixty-ninth legislative assembly that the department of water
12 resources continue to support efforts that protect and develop beneficial use of Missouri River
13 system water and other available water supply sources.

14 **SECTION 20. EXEMPTION - STATE WATER COMMISSION STUDY - REGIONAL WATER**

15 **SYSTEMS GOVERNANCE AND FINANCE - REPORT.** During the 2025-26 interim, the state
16 water commission shall study the long-term governance and finance models of select regional
17 water systems in the state. The study must include the operational and organizational aspects
18 of the southwest pipeline project, northwest area water supply project, and Red River valley
19 water supply project. The state water commission is not subject to procurement requirements
20 under chapter 54-44 for the purpose of contracting with a consultant for this study and may
21 contract for the study only with an entity that does not receive direct or indirect benefits from
22 any regional, municipal, or rural water system within the state. Funding for the study is included
23 in the appropriation in the discretionary funding line item in section 1 of this Act. The state water
24 commission shall report to the legislative management during the 2025-26 interim and to the
25 appropriations committees of the seventieth legislative assembly regarding the status of and
26 any recommendations from the regional water systems governance and finance study.

27 **SECTION 21. EXEMPTION - STATE WATER COMMISSION STUDY - COST-SHARE**

28 **POLICY - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2025-26 interim, the state
29 water commission shall study its cost-share policy, including an evaluation of whether projected
30 funding for water projects, in conjunction with the existing cost-share policy, will adequately
31 address anticipated funding needs for water projects through July 1, 2039. The study must also

1 evaluate the state's financial roll in deferred maintenance or replacement projects and must
2 recommend strategies to address any funding shortfalls identified. The state water commission
3 is not subject to procurement requirements under chapter 54-44 for the purpose of contracting
4 for this study and may contract for the study only with an entity that does not receive direct or
5 indirect benefits from the cost-share program. Funding for the study is included in the
6 appropriation in the discretionary funding line item in section 1 of this Act. The state water
7 commission shall report annually to the legislative management during the 2025-26 interim
8 regarding the status of and any recommendations from the cost-share policy study.

9 **SECTION 22. EXEMPTION - LINE ITEM TRANSFERS - REPORT.** Notwithstanding section
10 54-16-04, the office of management and budget shall transfer up to \$10,000,000 between the
11 line items, excluding the salaries and wages line item and the new and vacant FTE pool line
12 item, in section 1 of this Act, during the period beginning with the effective date of this Act, and
13 ending June 30, 2027, as requested by the director of the department of water resources. The
14 director of the department of water resources shall report to the legislative management any
15 transfers made pursuant to this section.

16 **SECTION 23. EXEMPTION - GRANTS - WATER-RELATED PROJECTS - UNEXPENDED**
17 **FUNDS - REPORT.** Section 54-44.1-11 does not apply to funding appropriated or continued for
18 grants or water-related projects included in the capital assets, water supply - grants, rural water
19 supply - grants, flood control projects, discretionary funding, and general water - grants line
20 items in sections 1, 3, and 21 of chapter 52 of the 2023 Session Laws. Any unexpended
21 obligated and unobligated funds from these appropriations may be continued into the 2025-27
22 biennium. Any funds continued, estimated by the department of water resources to be
23 \$522,500,000, may be expended only for the purpose for which it was originally appropriated.
24 The director of the department of water resources shall report to the legislative management
25 any funding continued pursuant to this section.

26 **SECTION 24. EMERGENCY.** This Act is declared to be an emergency measure.