

**Sixty-first Legislative Assembly of North Dakota**  
**In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1020  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the state water commission; to provide legislative intent; to provide exemptions; and to declare an emergency.

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

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state water commission for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

|                                     | <u>Base Level</u>  | <u>Adjustments or<br/>Enhancements</u> | <u>Appropriation</u> |
|-------------------------------------|--------------------|----------------------------------------|----------------------|
| Administrative and support services | \$2,454,866        | \$522,808                              | \$2,977,674          |
| Water and atmospheric resources     | <u>170,544,397</u> | <u>137,223,637</u>                     | <u>307,768,034</u>   |
| Total all funds                     | \$172,999,263      | \$137,746,445                          | \$310,745,708        |
| Less estimated income               | <u>162,122,016</u> | <u>134,799,793</u>                     | <u>296,921,809</u>   |
| Total general fund                  | \$10,877,247       | \$2,946,652                            | \$13,823,899         |
| Full-time equivalent positions      | 84.00              | 2.00                                   | 86.00                |

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 and are not a part of the entity's base budget for the 2009-11 biennium:

| <u>One-Time Funding Description</u>   | <u>2007-09</u>     | <u>2009-11</u> |
|---------------------------------------|--------------------|----------------|
| Red River Valley water supply project | <u>\$3,000,000</u> | <u>\$0</u>     |
| Total general fund                    | \$3,000,000        | \$0            |

**SECTION 3. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL.** There is appropriated out of any federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$12,000,000, or so much of the sum as may be necessary, to the state water commission for the purpose of providing funding for the southwest pipeline project, for the period beginning with the effective date of this Act and ending June 30, 2011.

The state water commission may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

**SECTION 4. SOVEREIGN LANDS ENFORCEMENT GRANT.** The administrative and support services line item in section 1 of this Act includes \$200,000 from the general fund that the state water

commission shall provide as a grant to the game and fish department for law enforcement activities on sovereign lands in the state, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 5. ADDITIONAL INCOME - APPROPRIATION.** In addition to the amounts included in the estimated income line item in section 1 of the Act, any additional amounts in the resources trust fund and water development trust fund that become available are appropriated to the state water commission for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 6. 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 water and atmospheric resources line item in section 1 of this Act. However, this exclusion is only in effect for two years after June 30, 2011. 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 7. FARGO FLOOD CONTROL PROJECT FUNDING - EXEMPTION.** Of the funds appropriated in the water and atmospheric resources line item in section 1 of this Act, \$45,000,000 is for Fargo flood control projects, for the biennium beginning July 1, 2009, and ending June 30, 2011. Any funds not spent by June 30, 2011, are not subject to section 54-44.1-11 and must be continued into the next or subsequent bienniums and may be expended only for Fargo flood control projects. These funds may be used only for land purchases and construction; may not be used for administration, engineering, legal, planning, or other similar purposes; and are not subject to the sixty-five percent funding requirement contained in Senate Bill No. 2316 (2009).

**SECTION 8. LEGISLATIVE INTENT - FARGO FLOOD CONTROL.** It is the intent of the sixty-first legislative assembly that a total of \$75,000,000 be committed by the state to match a grant of federal funds for Fargo flood control, of which \$45,000,000 is appropriated in section 1 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 9. LEGISLATIVE INTENT - STATE WATER COMMISSION PROJECTS.** It is the intent of the sixty-first legislative assembly that of the funds appropriated in the water and atmospheric resources line item in section 1 of this Act, the state water commission provide funding for the following projects, for the biennium beginning July 1, 2009, and ending June 30, 2011:

|                                                                                                                                                    |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Digital elevation mapping project                                                                                                                  | \$300,000 |
| Enhancement of the local share of funding<br>for the Renwick dam in Pembina County                                                                 | \$100,000 |
| Evaluate, in conjunction with state, local,<br>and federal officials and entities,<br>long-term flood control solutions in<br>the Red River valley | \$500,000 |
| Michigan spillway in Nelson County                                                                                                                 | \$500,000 |

**SECTION 10. LEGISLATIVE INTENT - NELSON COUNTY WATER RESOURCE DISTRICT.** It is the intent of the sixty-first legislative assembly that the state water commission assist the Nelson County water resource district by providing engineering and permitting services, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 11. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1020 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:      Yeas          94              Nays          0              Absent      0

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:      Yeas          46              Nays          0              Absent      1

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State