



REQUEST TO EMERGENCY COMMISSION
STATE OF NORTH DAKOTA
 SFN 02580 (9-2007)

RECEIVED

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FEB 14 2012

1782 #1

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

SEC. OF STATE

Date 02/10/2012	Department Number 125.00	Department Name Office of Attorney General	
Authorized Department Signature 		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>
Operating expenses	\$80,000

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)

The tobacco companies withheld over \$700 million due under the Master Settlement Agreement (MSA) alleging the states did not diligently enforce their statutes. Over \$2,600,000 of that amount was due North Dakota. The North Dakota Supreme Court held the issue whether North Dakota diligently enforced its statute must be resolved in a multi-state arbitration.

Preliminary hearings have been held in the multi-state arbitration. A two-week common case hearing (a hearing presenting evidence on behalf of all of the states) will be held in April, 2012. Two-week hearings will be held almost every month thereafter through June 2013. The hearing involving North Dakota will be held in October. The hearings will be held in various locations, including Chicago, Illinois, Fort Myers, Florida, and others yet to be decided. The location for the October hearing has not been decided. It is unknown at this time whether funding will be needed in the 2013-15 biennium budget.

In addition to the costs of counsel attending the various hearings, there will be costs associated with the common case hearing and the North Dakota state specific hearing, including facility costs, costs for court reporters, and the fees of the arbitration panel, which consists of three retired federal judges. There will also be costs associated with preparing for and presenting evidence at the hearings, including costs associated with witness and expert witness travel, expert witness fees, etc.

The states have a cost sharing agreement to share costs incurred for the benefit of all states. North Dakota will need to pay a portion of the shared costs and its own costs. This is the first request for funding needed to address tobacco diligent enforcement and the associated revenues due to the state.



REQUEST TO EMERGENCY COMMISSION
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SFN 02580 (9-2007)

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SEC. OF STATE

1783 #2

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

Date February 23, 2012	Department Number 406	Department Name Labor
Authorized Department Signature <i>[Signature]</i>	Name of Contact Person Tony J. Weiler	Telephone Number 328-2660

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 Housing and Urban Development (HUD)
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
Operating Expense	\$165,400

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 North Dakota Department of Labor (DOL) received a federal grant from HUD to provide education, awareness, and information on fair housing laws in the state. The DOL will use Public Service Announcements, paid advertising, and public speaking engagements to disseminate and discuss the state's housing laws.



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1784 #3

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

SEC. OF STATE

Date February 24, 2012	Department Number 25200	Department Name North Dakota School for the Deaf/RCDHH
Authorized Department Signature <i>Carmen Hernandez</i>	Name of Contact Person Michael Loff	Telephone Number 701-665-4405

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) NDSD/RCDHH Special Fund # 353
☐ 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.

Line Item

25250

Amount

\$ 200,000

PART D: INTRA-AGENCY LINE ITEM TRANSFER

FROM - Line Item

TO - Line Item

Amount

PART E: NARRATIVE (attach separate sheets if necessary)

Additional spending authority, funded primarily from increases in special fund revenue generated by the Head Start Program utilization of the North Dakota School for the Deaf/Resource Center for Deaf and Hard of Hearing campus and services is requested.

Funding is required to meet recent bid requirements for Master Facility Plan Projects approved during the 2011-2013 legislative session.

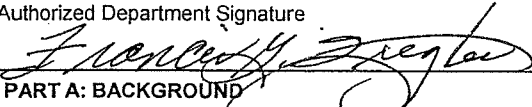


REQUEST TO EMERGENCY COMMISSION
STATE OF NORTH DAKOTA
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1786 #5

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

Date 2/20/2012	Department Number 801	Department Name Department of Transportation
Authorized Department Signature 		Name of Contact Person Shannon Sauer
		Telephone Number 328-4375

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>
60 - Grants	\$1,000,000

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)
ND has been awarded a \$1,000,000 "State of Good Repair" grant from the Federal Transit Administration. The grant will be used to replace buses for local transit providers. This grant has a matching requirement of 20% of total funds expended. The local transit providers will provide the local match (\$250,000) for this grant.

NDDOT requests additional grants appropriation line authority totaling \$1,000,000 to enable us to accept and expend this grant.



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FEB 23 2012

1787 #6

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

SEC. OF STATE

Date 2/20/2012	Department Number 801	Department Name Department of Transportation
Authorized Department Signature <i>Shannon Sauer</i>	Name of Contact Person Shannon Sauer	Telephone Number 328-4375

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.

Line Item	Amount
60 - Grants	\$906,614

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)

ND has been awarded two grants totaling \$906,614 from the Federal Rail Administration for railroad disaster recovery for the Northern Plains Railroad (\$601,375) and the Red River Valley and Western Railroad (\$305,239). These grant are to be passed through to the railroads as reimbursement for disaster repair costs incurred 2009.

NDDOT requests additional grant appropriation line budget authority in the amount of \$906,614 to accept and expend these funds. This request is 100% federally funded.



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1788 #7

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

Date 2/20/2012	Department Number 801	Department Name Department of Transportation
Authorized Department Signature 	Name of Contact Person Shannon Sauer	Telephone Number 328-4375

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.

Line Item	Amount
30 - Operating Expenses	216,271
40 - Capital Assets	132,860

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 NDDOT has been approved to receive a Commercial Driver's License Program Improvement (CDLPI) Grant from the Federal Motor Carrier Safety Administration. This grant was submitted in November 2010 and has received a waiver from large project oversight and approval for an alternate procurement contract. The \$349,131 grant will provide RoadTest hardware and software and related training. This will improve the speed and accuracy of the road test process by logging all test data and electronically storing skills testing information as well as reduce errors and fraud during the testing process.

NDDOT requests an addition to the operating expense appropriation line (\$216,271) and the capital asset appropriation line (\$132,860) to enable the department to accept and expend the CDLPI Grant. This request is 100% federally funded.

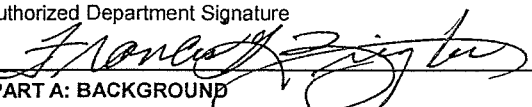


REQUEST TO EMERGENCY COMMISSION
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1789 #8

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

Date 2/20/2012		Department Number 801		Department Name Department of Transportation	
Authorized Department Signature 		Name of Contact Person Shannon Sauer		Telephone Number 328-4375	
PART A: BACKGROUND					
1. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative)				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is any portion of this request a new program? (If yes, please explain in narrative)				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Will the legislature be asked to continue this program in the next biennium?				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
PART B: FTE					
4. Will this program require an increase in authorized FTE?				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, how many?				<input type="text"/>	
PART C: INCREASE IN APPROPRIATION LINE ITEM					
7. Will this program require state general fund money for a match in this biennium?				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, estimate the amount of general fund money needed and explain its source in the narrative				<input type="text"/>	
8. Will this program require state general fund money in the next biennium?				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, estimate the amount of general fund money needed in the next biennium.				<input type="text"/>	
9. Source of Funds for increased spending authority (check applicable box)					
<input type="checkbox"/> Federal <input type="checkbox"/> State Contingency Funds <input checked="" type="checkbox"/> Other <u>ND Public Transportation Fund</u>					
10. Is this a pass-through from another agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, estimate the amount of general fund money needed in the next biennium.				<input type="text"/>	
12. Specify below the line item to be increased and the amount of the increase.					
		<u>Line Item</u>		<u>Amount</u>	
		60 - Grants		\$2,000,000	
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)					
The State's Public Transportation Fund has accumulated a balance of approximately \$2 million dollars due to revenues received in prior bienniums in excess of appropriation limitations. In accordance with NDCC 39-04.2, these funds are to be distributed to local transit providers.					
NDDOT requests an addition to the grants appropriation line in the amount of \$2 million dollars to enable NDDOT to distribute the Public Transportation Fund revenues received pursuant to NDCC 39-04.2.					



REQUEST TO EMERGENCY COMMISSION
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SFN 02580 (9-2007)

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1790 #9

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

Date 2/20/2012		Department Number 801		Department Name Department of Transportation	
Authorized Department Signature <i>Francis J. Ziegler</i>		Name of Contact Person Shannon Sauer		Telephone Number 328-4375	
PART A: BACKGROUND					
1. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative)				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is any portion of this request a new program? (If yes, please explain in narrative)				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Will the legislature be asked to continue this program in the next biennium?				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
PART B: FTE					
4. Will this program require an increase in authorized FTE? If yes, how many?				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
PART C: INCREASE IN APPROPRIATION LINE ITEM					
7. Will this program require state general fund money for a match in this biennium? If yes, estimate the amount of general fund money needed and explain its source in the narrative				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
8. Will this program require state general fund money in the next biennium? If yes, estimate the amount of general fund money needed in the next biennium.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. Source of Funds for increased spending authority (check applicable box)					
<input checked="" type="checkbox"/> Federal <input type="checkbox"/> State Contingency Funds <input type="checkbox"/> Other _____					
10. Is this a pass-through from another agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? If yes, estimate the amount of general fund money needed in the next biennium.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
12. Specify below the line item to be increased and the amount of the increase.					
		<u>Line Item</u>		<u>Amount</u>	
		60 - Grants		\$251,840	
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)					
NDDOT has been notified by the National Highway Traffic Safety Administration (NHTSA) of an additional distribution of fiscal year 2010 funds to be received in fiscal year 2011. These funds resulted from correction of an error by NHTSA in the award allocations for states receiving high fatality rate grants. As a result, NDDOT will receive an additional \$251,840. These funds will be used for educational and enforcement campaigns.					
NDDOT requests an increase to the grant appropriation line (\$251,840) to enable acceptance and expenditure of these additional federal funds.					



REQUEST TO EMERGENCY COMMISSION
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1791 #10

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

Date 2/20/2012	Department Number 801	Department Name Department of Transportation
Authorized Department Signature 		Name of Contact Person Shannon Sauer
		Telephone Number 328-4375

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>
30 - Operating Expenses	\$1,200,000

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)

NDDOT has been awarded federal funding of \$1.2 million to provide snow removal and maintenance services on U.S. Air Force missile roads. The funding requires no state match.

NDDOT requests additional operating expense appropriation authority of \$1,200,000 to enable acceptance and expenditure of the federal missile road funding.



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1792 #11

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

Date 2/20/2012	Department Number 801	Department Name Department of Transportation
Authorized Department Signature 	Name of Contact Person Shannon Sauer	Telephone Number 328-4375

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>
	60 - Grants	\$10,000,000

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)

NDDOT has been awarded a TIGER III grant of \$10 million from the U.S. Dept. of Transportation. The grant will be used in conjunction with funding provided by Amtrak and the Burlington Northern Santa Fe railroad to rebuild a 20-mile segment of track and two bridges near Churchs Ferry, N.D. The track, which was closed several times last spring because of flooding, is used by BNSF and Amtrak Empire Builder trains.

NDDOT requests the grants appropriation line be increased \$10 million to allow the NDDOT to accept and expend the \$10 million federal grant.



REQUEST TO EMERGENCY COMMISSION

STATE OF NORTH DAKOTA

SFN 02580 (9-2007)

Submit original and 7 copies to Secretary of State

1793 #12

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

Date 2/20/2012	Department Number 801	Department Name Department of Transportation
Authorized Department Signature 	Name of Contact Person Shannon Sauer	Telephone Number 328-4375

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 Federal funds and local match
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
30 - Operating Expenses	\$64,670,000
40 - Capital Assets	\$269,730,000
60 - Grants	\$42,700,000

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)

NDDOT has been awarded \$344,700,000 by the Federal Highway Administration for emergency repairs to state and local highways throughout the state. The \$344.7 million consists of \$316.79 million of 2011 Federal Emergency Relief (ER) Funding and \$27.91 million of 2010 Federal ER funding.

The federal funds will require state matching funds of \$45.6 million. The matching funds will be borrowed from the Bank of ND pursuant to Section 4 of HB1012 (2011 legislative session) and Section 5 of SB2371 (2011 special legislative session). The appropriation authority for the state matching funds has already been provided in those legislative bills, therefore it is not included in this emergency commission request. The federal funding will also require \$32.4 million of local match, which is included in this request.

NDDOT requests an increase of \$377,100,000 (\$344.7 million federal funds+\$32.4 million local match) to the operating expenditure (\$64,670,000), capital asset (\$269,730,000) and grants (\$42,700,000 million) appropriation lines to enable the department to accept and expend the federal emergency relief funds and the related local match.

RECEIVED

FEB 29 2012

1794 #13



REQUEST TO EMERGENCY COMMISSION
STATE OF NORTH DAKOTA
 SFN 02580 (9-2007)

Submit original and 7 copies to Secretary of State

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

Date 2/28/2012	Department Number 720	Department Name ND Game and Fish Dept.	
Authorized Department Signature <i>Terry Steenward</i>		Name of Contact Person Kim Molesworth	Telephone Number 328-6605

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 Aid in Sportfish Restoration Act
☒ 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.

Line Item	Amount
72060 Grants Line	\$2,500,000

PART D: INTRA-AGENCY LINE ITEM TRANSFER

FROM - Line Item	TO - Line Item	Amount

PART E: NARRATIVE (attach separate sheets if necessary)

The department is requesting a \$2.5M increase in our grants line item for boating access along the Missouri River. See attached sheets for details. These costs are attributed to damages of the 2011 flood and the extent was not known during the 2011 legislative session. The department has access to federal aid in Sportfish Restoration Act funding through the U.S. Fish and Wildlife Service and will be reimbursed for 75% of the cost. The 25% will come from existing state Game and Fish operating funds.

EMERGENCY COMMISSION REQUEST
North Dakota Game and Fish Department
2/29/12

The flood of 2011 created a multitude of damages, some of which are ongoing especially along the Missouri River in the Bismarck-Mandan area. While the reprieve from a fourth consecutive harsh winter has been welcome, the above average temperatures have created additional challenges with river flows and loss of boating access facilities. Given the proximity of spring and the good fishing that occurs in the Missouri River, boating access will be of utmost priority in the next 2-3 months.

Following is a brief recap of the work required on Missouri River boating access sites in priority order with associated costs:

1. McLean Bottoms (Rifle Range ramp)

This access area lies south of Bismarck and will require total reconstruction of the ramp and protection of the parking area using steel piling. Without this work there will be no access on this area in 2012.

Cost=\$1,500,000

2. Kimball Bottoms (Desert)

This area also lies south of Bismarck and is similar to McLean Bottoms in that total reconstruction of the ramp will be required as well as shoreline stabilization to protect the public facility. A temporary ramp was placed in the fall of 2011 but was minimal and will not be sufficient for traffic in 2012. This is tentative since we are working with Burleigh County Park Board. They are in the process of hiring an engineer to design a project.

Cost=\$500,000

3. Kneifel Landing

This access point lies north of Bismarck and will require removal of approximately 3-4 feet of sediment and re-establish the parking area/access west of the ramp. This ramp is prioritized as high as it is because of the location. Without it there is only one ramp in the area north of Bismarck. This is also tentative and we are working with the Burleigh County Park Board and are in the process of hiring an engineer to design a project.

Cost=\$400,000

4. Highway 85 ramp (south of Williston)

Reconstruction of this ramp is required due to high flows and inundation last year. It is the only boating access area in the immediate Williston area and receives high use.

Cost= \$80,000

5. Graner Bottoms

This access area lies south of Mandan on the Missouri River and, like the other ramps on the river, requires reconstruction of the ramp and removal of sand from the area.

Cost=\$200,000

6. Sanger (Cross Ranch State Park)

This access lies south of Hensler and is within the Cross Ranch State Park. And removal from the parking lot is required and re-gravelling. We are coordinate with ND Parks and Rec.

Cost=\$32,000

7. Fox Island

This is an extremely popular access site in south Bismarck. Some recovery work has already been accomplished on this area but the parking lot will require a pavement overlay due to the long period of inundation.

Cost=\$163,000

8. Grant Marsh access area

We are working with the Bismarck Parks District on this issue. Work required is chip and seal and re-striping of the parking lot. Again due to long period of inundation.

Cost=\$54,000

9. Stanton

This access area lies near the UPA power plant near Stanton. It requires asphalt and concrete turnaround repairs.

Cost=\$24,000

The total cost of the above projects is \$2,953,000. We have re-prioritized some funding, but will still require approximately **\$2,500,000** in additional spending authority to accomplish the work this biennium.

The projects qualify as 75% federal and 25% state. The state funds would originate from the Game and Fish Department, which is a special fund agency.