

Introduced by

Appropriations Committee

(At the request of the Governor)

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 7 of chapter 20 of the 2009 Session Laws, relating
3 to Fargo flood control project funding; to provide exemptions; to repeal section 5 of chapter 535
4 of the 1999 Session Laws, relating to pledge of revenues from the Grand Forks corporate
5 center; to provide legislative intent; to provide for retroactive application; and to declare an
6 emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
9 as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and
11 other income, to the state water commission for the purpose of defraying the expenses of that
12 agency, for the biennium beginning ~~July 1, 2011~~ with the effective date of this Act, and ending
13 June 30, 2013, as follows:

| | Base Level | Adjustments or Enhancements | Appropriation |
|--|--------------------------------|--------------------------------|--------------------------------|
| 16 Grants local cost-share | \$0 | \$500,000 | \$500,000 |
| 17 Beaver bay feasibility study | 342,000 | (342,000) | 0 |
| 18 Administrative and support services | 2,977,674 | 252,199 | 3,229,873 |
| 19 Water and atmospheric resources | 307,768,034 | 140,145,740 | 447,913,774 |
| 20 Federal stimulus funds | <u>0</u> | <u>7,271,773</u> | <u>7,271,773</u> |
| 21 Total all funds | \$311,087,708 | \$147,827,712 | \$458,915,420 |
| 22 Less estimated income | <u>297,263,809</u> | <u>146,424,513</u> | <u>443,688,322</u> |
| 23 <u>Less estimated income</u> | <u>297,263,809</u> | <u>146,656,412</u> | <u>443,920,221</u> |
| 24 Total general fund | <u>\$13,823,899</u> | <u>\$1,403,199</u> | <u>\$15,227,098</u> |

1 Total general fund \$13,823,899 \$1,171,300 \$14,995,199

2 Full-time equivalent positions 86.00 1.00 87.00

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

4 **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
5 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13
6 one-time funding items included in the appropriation in section 1 of this Act:

7 One-Time Funding Description 2009-11 2011-13

8 Federal stimulus funds \$12,000,000 \$7,271,773

9 Ray/Tioga, Burke/Divide/Williams, Wildrose 2,792,000 500,000

10 and Stanley water projects

11 Total special funds \$14,792,000 \$7,771,773

12 The 2011-13 one-time funding amounts are not part of the entity's base budget for the 2013-15
13 biennium. The state water commission shall report to the appropriations committees of the
14 sixty-third legislative assembly on the use of the one-time funding for the biennium beginning
15 July 1, 2011, and ending June 30, 2013.

16 **SECTION 3. SOVEREIGN LANDS ENFORCEMENT GRANT.** The administrative and
17 support services line item in section 1 of this Act includes \$200,000 from the general fund that
18 the state water commission shall provide as a grant to the game and fish department for law
19 enforcement activities on sovereign lands in the state, for the biennium beginning July 1, 2011,
20 and ending June 30, 2013.

21 **SECTION 4. ADDITIONAL INCOME - APPROPRIATION.** In addition to the amounts
22 included in the estimated income line item in section 1 of this Act, any additional amounts in the
23 resources trust fund and water development trust fund that become available are appropriated
24 to the state water commission for the purpose of defraying the expenses of that agency, for the
25 biennium beginning July 1, 2011, and ending June 30, 2013.

26 **SECTION 5. GRANTS - WATER-RELATED PROJECTS - CARRYOVER AUTHORITY.**

27 Section 54-44.1-11 does not apply to funding for grants or water-related projects included in the
28 water and atmospheric resources line item in section 1 of this Act. However, this exclusion is
29 only in effect for two years after June 30, 2013. Any unexpended funds appropriated from the
30 resources trust fund after that period has expired must be transferred to the resources trust fund

1 and any unexpended funds appropriated from the water development trust fund after that period
2 has expired must be transferred to the water development trust fund.

3 **SECTION 6. AMENDMENT.** Section 7 of chapter 20 of the 2009 Session Laws is amended
4 and reenacted as follows:

5 **SECTION 7. FARGO FLOOD CONTROL PROJECT FUNDING - EXEMPTION.**

6 Of the funds appropriated in the water and atmospheric resources line item in
7 section 1 of this Act, \$45,000,000 is for Fargo flood control projects, for the biennium
8 beginning July 1, 2009, and ending June 30, 2011. Any funds not spent by June 30,
9 2011, are not subject to section 54-44.1-11 and must be continued into the next or
10 subsequent bienniums and may be expended only for Fargo flood control projects.

11 ~~These~~Except as otherwise provided, these funds may be used only for ~~land purchases~~
12 ~~and construction;~~ including right-of-way acquisition costs. No more than ten percent of
13 these funds may ~~not~~ be used for ~~administration,~~ engineering, legal, planning, or other
14 similar purposes; ~~and are not subject to the sixty-five percent funding requirement~~
15 ~~contained in Senate Bill No. 2316 (2009).~~ The city of Fargo, Cass County, and the
16 Cass County joint water resource district must approve any expenditures made under
17 this section.

18 **SECTION 7. FARGO FLOOD CONTROL PROJECT FUNDING - EXEMPTION.** Of the

19 funds appropriated in the water and atmospheric resources line item in section 1 of this Act,
20 \$30,000,000 is for Fargo flood control projects, for the biennium beginning July 1, 2011, and
21 ending June 30, 2013. Any funds not spent by June 30, 2013, are not subject to section
22 54-44.1-11 and must be continued into the next or subsequent bienniums and may be
23 expended only for Fargo flood control projects. ~~These~~Except as otherwise provided, these funds
24 may be used only for ~~land purchases and~~ construction, ~~and~~including right-of-way acquisition
25 costs. No more than ten percent of these funds may ~~not~~ be used for ~~administration~~engineering,
26 legal, planning, or other similar purposes. The city of Fargo, Cass County, and the Cass County
27 joint water resource district must approve any expenditures made under this section.

28 **SECTION 8. LEGISLATIVE INTENT - STATE WATER COMMISSION PROJECTS AND**

29 **GRANTS.** It is the intent of the sixty-second legislative assembly that of the funds appropriated
30 in the water and atmospheric resources line item in section 1 of this Act, the state water

1 commission provide funding for the following grants and projects, for the biennium beginning
2 with the effective date of this Act, and ending June 30, 2013:

3 Grant to wildlife services for animal control \$250,000

4 Flood-related water projects in the \$250,000

5 Nelson County water resource district

6 **SECTION 9. LEGISLATIVE INTENT - GARRISON DIVERSION CONSERVANCY**

7 **DISTRICT.** It is the intent of the sixty-second legislative assembly that of the funds appropriated
8 in the water and atmospheric resources line item in section 1 of this Act, the state water
9 commission allocate no more than \$1,000,000 to the Garrison Diversion Conservancy District.

10 **SECTION 10. REPEAL.** Section 5 of chapter 535 of the 1999 Session Laws is repealed.

11 **SECTION 11. RETROACTIVE APPLICATION.** Section 6 of this Act applies retroactively to
12 January 1, 2011.

13 **SECTION 12. EMERGENCY.** ~~The water and atmospheric resources line item in section 1 of~~
14 ~~this~~This Act is declared to be an emergency measure.