

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 provide exemptions; and to declare an emergency.

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

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

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
11 Grants local cost-share	\$0	\$500,000	\$500,000
12 Beaver bay feasibility study	342,000	(342,000)	0
13 Administrative and support services	2,977,674	252,199	3,229,873
14 Water and atmospheric resources	307,768,034	140,145,740	447,913,774
15 Federal stimulus funds	<u>0</u>	<u>7,271,773</u>	<u>7,271,773</u>
16 Total all funds	\$311,087,708	\$147,827,712	\$458,915,420
17 Less estimated income	<u>297,263,809</u>	<u>146,424,513</u>	<u>443,688,322</u>
18 Total general fund	\$13,823,899	\$1,403,199	\$15,227,098
19 Full-time equivalent positions	86.00	1.00	87.00

20 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
21 **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
22 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13
23 one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
--	-------------------------------------	----------------	----------------

1	Federal stimulus funds	\$12,000,000	\$7,271,773
2	Ray/Tioga, Burke/Divide/Williams, Wildrose	<u>2,792,000</u>	<u>500,000</u>
3	and Stanley water projects		
4	Total special funds	\$14,792,000	\$7,771,773

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

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

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

19 **SECTION 5. GRANTS - WATER-RELATED PROJECTS - CARRYOVER AUTHORITY.**
20 Section 54-44.1-11 does not apply to funding for grants or water-related projects included in the
21 water and atmospheric resources line item in section 1 of this Act. However, this exclusion is
22 only in effect for two years after June 30, 2013. Any unexpended funds appropriated from the
23 resources trust fund after that period has expired must be transferred to the resources trust fund
24 and any unexpended funds appropriated from the water development trust fund after that period
25 has expired must be transferred to the water development trust fund.

26 **SECTION 6. FARGO FLOOD CONTROL PROJECT FUNDING - EXEMPTION.** Of the
27 funds appropriated in the water and atmospheric resources line item in section 1 of this Act,
28 \$30,000,000 is for Fargo flood control projects, for the biennium beginning July 1, 2011, and
29 ending June 30, 2013. Any funds not spent by June 30, 2013, are not subject to section
30 54-44.1-11 and must be continued into the next or subsequent bienniums and may be
31 expended only for Fargo flood control projects. These funds may be used only for land

1 purchases and construction, and may not be used for administration, legal, planning, or other
2 similar purposes.

3 **SECTION 7. EMERGENCY.** The water and atmospheric resources line item in section 1 of
4 this Act is declared to be an emergency measure.