

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED HOUSE BILL NO. 1020

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 legislative intent; 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
5 funds 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, 2009, and ending June 30, 2011, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
9			
10			
11 Administrative and support services	\$2,454,866	\$522,808	\$2,977,674
12 Water and atmospheric resources	<u>170,544,397</u>	<u>137,223,637</u>	<u>307,768,034</u>
13 Total all funds	\$172,999,263	\$137,746,445	\$310,745,708
14 Less estimated income	<u>162,122,016</u>	<u>134,799,793</u>	<u>296,921,809</u>
15 Total general fund	\$10,877,247	\$2,946,652	\$13,823,899
16 Full-time equivalent positions	84.00	2.00	86.00

17 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
18 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
19 funding items approved by the sixtieth legislative assembly for the 2007-09 and are not a part
20 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>
21		
22 Red River Valley water supply project	<u>\$3,000,000</u>	<u>\$0</u>
23 Total general fund	<u>\$3,000,000</u>	<u>\$0</u>

1 **SECTION 3. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS -**

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

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

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

16 **SECTION 4. 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, 2009,
20 and ending June 30, 2011.

21 **SECTION 5. ADDITIONAL INCOME - APPROPRIATION.** In addition to the amounts
22 included in the estimated income line item in section 1 of the 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, 2009, and ending June 30, 2011.

26 **SECTION 6. GRANTS - WATER-RELATED PROJECTS - CARRYOVER**

27 **AUTHORITY.** Section 54-44.1-11 does not apply to funding for grants or water-related projects
28 included in the water and atmospheric resources line item in section 1 of this Act. However,
29 this exclusion is only in effect for two years after June 30, 2011. Any unexpended funds
30 appropriated from the resources trust fund after that period has expired must be transferred to

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

3 **SECTION 7. FARGO FLOOD CONTROL PROJECT FUNDING - EXEMPTION.** Of the
4 funds appropriated in the water and atmospheric resources line item in section 1 of this Act,
5 \$45,000,000 is for Fargo flood control projects, for the biennium beginning July 1, 2009, and
6 ending June 30, 2011. Any funds not spent by June 30, 2011, are not subject to section
7 54-44.1-11 and must be continued into the next or subsequent bienniums and may be
8 expended only for Fargo flood control projects. These funds may be used only for land
9 purchases and construction; may not be used for administration, engineering, legal, planning,
10 or other similar purposes; and are not subject to the sixty-five percent funding requirement
11 contained in Senate Bill No. 2316 (2009).

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

16 **SECTION 9. LEGISLATIVE INTENT - STATE WATER COMMISSION PROJECTS.** It
17 is the intent of the sixty-first legislative assembly that of the funds appropriated in the water and
18 atmospheric resources line item in section 1 of this Act, the state water commission provide
19 funding for the following projects, for the biennium beginning July 1, 2009, and ending June 30,
20 2011:

21 Digital elevation mapping project	\$300,000
22 Enhancement of the local share of funding	\$100,000
23 for the Renwick dam in Pembina County	
24 Evaluate, in conjunction with state, local,	\$500,000
25 and federal officials and entities,	
26 long-term flood control solutions in	
27 the Red River valley	
28 Michigan spillway in Nelson County	\$500,000

29 **SECTION 10. LEGISLATIVE INTENT - NELSON COUNTY WATER RESOURCE**
30 **DISTRICT.** It is the intent of the sixty-first legislative assembly that the state water commission

1 assist the Nelson County water resource district by providing engineering and permitting
2 services, for the biennium beginning July 1, 2009, and ending June 30, 2011.

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