

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1016**

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 office of adjutant
2 general; to provide for a contingent appropriation; to amend and reenact section 37-17.1-27 of
3 the North Dakota Century Code, relating to the payment of expenditures from the state disaster
4 relief fund; to provide for transfers; to provide exemptions; and to declare an emergency.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the office of the adjutant general for the purpose of defraying the expenses of
10 that agency, for the biennium beginning July 1, 2013, and ending June 30, 2015, as follows:

11 Subdivision 1.

12 NATIONAL GUARD

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Salaries and wages	\$5,153,886	\$2,874,975	\$8,028,861
16	Operating expenses	4,062,891	50,000	4,112,891
17	Capital assets	229,371	1,141,261	1,370,632
18	Grants	449,514	660,000	1,109,514
19	Civil air patrol	243,353	47,418	290,771
20	Tuition, recruiting, and retention	2,407,500	110,000	2,517,500
21	Air guard contract	10,989,323	758,804	11,748,127
22	Army guard contract	56,110,755	2,423,237	58,533,992
23	Veterans' cemetery	576,916	85,908	662,824
24	Reintegration program	<u>1,477,449</u>	<u>24,144</u>	<u>1,501,593</u>

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1	Total all funds	\$81,700,958	\$8,175,747	\$89,876,705
2	Less estimated income	<u>65,721,902</u>	<u>4,947,858</u>	<u>70,669,760</u>
3	Total general fund	\$15,979,056	\$3,227,889	\$19,206,945

4 Subdivision 2.

5 DEPARTMENT OF EMERGENCY SERVICES

6			Adjustments or	
7		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8	Salaries and wages	\$11,363,744	(\$792,716)	\$10,571,028
9	Operating expenses	9,930,022	(10,534)	9,919,488
10	Capital assets	802,000	121,240	923,240
11	Grants	71,419,771	(52,046,524)	19,373,247
12	Disaster costs	109,923,008	39,307,346	149,230,354
13	Radio communications	<u>0</u>	<u>2,735,000</u>	<u>2,735,000</u>
14	Total all funds	\$203,438,545	(\$10,686,188)	\$192,752,357
15	Less estimated income	<u>195,382,476</u>	<u>(14,356,622)</u>	<u>181,025,854</u>
16	Total general fund	\$8,056,069	\$3,670,434	\$11,726,503

17 Subdivision 3.

18 BILL TOTAL

19			Adjustments or	
20		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21	Grand total general fund	\$24,035,125	\$7,273,323	\$31,308,448
22	Grand total special funds	<u>261,104,378</u>	<u>(9,408,764)</u>	<u>251,695,614</u>
23	Grand total all funds	\$285,139,503	(\$2,135,441)	\$283,004,062
24	Full-time equivalent positions	242.00	4.00	246.00

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

26 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
 27 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
 28 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

29	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
30	Motorola lease purchase payment	\$1,525,347	\$0

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1	Message switch upgrades	235,000	0
2	Central electronics bank dispatch system	1,100,000	0
3	Technology projects	100,000	0
4	State radio tower package	1,500,000	1,175,000
5	Statewide seamless base map	900,000	1,150,000
6	Flood-impacted housing rehabilitation	0	1,500,000
7	Military service center east	72,700	0
8	Extraordinary repairs	385,381	0
9	State radio communications center	0	1,201,240
10	Computer-aided dispatch upgrade	0	340,000
11	Voice incident recorder	0	150,000
12	State radio suppression project	0	210,000
13	Disaster coordination contract	0	1,500,000
14	Veterans' bonus program	0	600,000
15	Flood disaster expenditures (special session)	39,500,000	0
16	Flood-damaged school grant	<u>500,000</u>	<u>0</u>
17	Total all funds	\$45,818,428	\$7,826,240
18	Less estimated income	<u>40,000,000</u>	<u>3,500,000</u>
19	Total general fund	\$5,818,428	\$4,326,240

20 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
21 2015-17 biennium. The adjutant general shall report to the appropriations committees of the
22 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning
23 July 1, 2013, and ending June 30, 2015.

24 **SECTION 3. CONTINGENT APPROPRIATION - NATIONAL GUARD TUITION**

25 **ASSISTANCE.** There is appropriated out of any moneys in the general fund in the state
26 treasury, not otherwise appropriated, the sum of \$375,000, or so much of the sum as may be
27 necessary, to the adjutant general for the purpose of providing tuition assistance to eligible
28 members of the North Dakota national guard, for the biennium beginning July 1, 2013, and
29 ending June 30, 2015. The funding appropriated under this section is contingent upon the
30 adjutant general certifying to the office of management and budget that the national guard has
31 received a new assignment in association with the Grand Forks air force base.

1 **SECTION 4. FLOOD-IMPACTED HOUSING REHABILITATION - STATE DISASTER**

2 **RELIEF FUND.** The disaster costs line item in subdivision 2 of section 1 of this Act includes the
3 sum of \$1,500,000 from the state disaster relief fund for the purpose of providing funds to
4 counties and cities for flood-impacted housing rehabilitation. The funds must be used by
5 counties and cities to assist homeowners and residents in the rehabilitation or replacement of
6 flood-damaged homes, to retain homeowners and other residents in the community, and for
7 transitional expenses to facilitate housing availability for flood-impacted residents.

8 **SECTION 5. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
9 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
10 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are
11 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
12 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
13 biennium beginning July 1, 2013, and ending June 30, 2015.

14 **SECTION 6. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may
15 transfer to the operating expenses and capital assets line items contained in section 1 of this
16 Act up to the sum of \$500,000 from the various other line items contained in section 1 of this
17 Act, as determined necessary by the adjutant general to provide for the maintenance and repair
18 of state-owned armories in this state during the biennium beginning July 1, 2013, and ending
19 June 30, 2015. Any amounts transferred pursuant to this section must be reported to the
20 director of the office of management and budget.

21 **SECTION 7. FUNDING TRANSFERS - STATE EMPLOYEE COMPENSATION**

22 **ADJUSTMENTS - EXCEPTION.** Notwithstanding section 54-16-04, the adjutant general may
23 transfer appropriation authority between line items within each subdivision of section 1 of this
24 Act and between subdivisions within section 1 of this Act, as it relates to state employee
25 compensation increases authorized by the sixty-third legislative assembly, for the biennium
26 beginning July 1, 2013, and ending June 30, 2015. The adjutant general shall notify the office of
27 management and budget of any transfer made under this section.

28 **SECTION 8. EXEMPTION.** The sum of \$1,000,000 from the general fund appropriated for
29 the computer-aided dispatch phase 2 project, as contained in section 1 of chapter 16 of the
30 2009 Session Laws, is not subject to section 54-44.1-11 and any unexpended funds are

1 available for project costs during the biennium beginning July 1, 2013, and ending June 30,
2 2015.

3 **SECTION 9. EXEMPTION.** Any amounts carried over pursuant to section 7 of chapter 42 of
4 the 2011 Session Laws that is unexpended as of June 30, 2013, is not subject to section
5 54-44.1-11 and is available for payment of adjusted compensation to veterans. Any unexpended
6 funds from this appropriation must be transferred to the veterans' cemetery trust fund during the
7 biennium beginning July 1, 2015, and ending June 30, 2017.

8 **SECTION 10. EXEMPTION.** The amount appropriated in the capital assets line for the state
9 radio tower package and statewide seamless base map in section 1, subdivision 2, of
10 chapter 42 of the 2011 Session Laws is not subject to section 54-44.1-11 and any unexpended
11 funds from this line item are available for completing these projects during the biennium
12 beginning July 1, 2013, and ending June 30, 2015.

13 **SECTION 11. EXEMPTION.** The amount appropriated for flood relief or disaster mitigation
14 projects in incorporated cities, and grants to political subdivisions for amounts required to match
15 federal dollars on road grade raising projects and federal emergency relief funding in section 4,
16 subdivisions 2, 3, and 4, of chapter 261 of the 2011 Session Laws is not subject to section
17 54-44.1-11 and any unexpended funds from this appropriation are available for these purposes
18 during the biennium beginning July 1, 2013, and ending June 30, 2015.

19 **SECTION 12. EXEMPTION.** The amount appropriated for grants to cities and counties for
20 flood-impacted housing rehabilitation in section 9 of chapter 579 of the 2011 Session Laws is
21 not subject to section 54-44.1-11 and any unexpended funds from this appropriation are
22 available for these purposes during the biennium beginning July 1, 2013, and ending June 30,
23 2015.

24 **SECTION 13. EXEMPTION.** The amount appropriated in the tuition, recruiting, and
25 retention line item in subdivision 1 of section 1 of chapter 42 of the 2011 Session Laws is not
26 subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used
27 to provide tuition assistance to eligible members of the North Dakota national guard during the
28 biennium beginning July 1, 2013, and ending June 30, 2015.

29 **SECTION 14. AMENDMENT.** Section 37-17.1-27 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **37-17.1-27. State disaster relief fund - Creation - Uses.**

2 There is created in the state treasury a state disaster relief fund. Moneys in the fund are to
3 be used subject to legislative appropriations and emergency commission and ~~budget section~~
4 approval for providing the required state share of funding for expenses associated with state
5 disasters, including providing funds required to match federal funds for expenses associated
6 with presidential-declared disasters in the state, and to defray expenses of the adjutant general
7 in contracting for disaster recovery and mitigation planning and program coordination services.
8 Any interest or other fund earnings must be deposited in the fund. Upon request, the office of
9 the adjutant general shall report to the budget section on expenditures from the fund.

10 **SECTION 15. EMERGENCY.** Section 3 of this Act and funding of \$600,000 from the
11 general fund in the grants line item in subdivision 1 of section 1 of this Act, relating to the
12 veterans' bonus program, funding of \$241,240 from the general fund in the capital assets line
13 item in subdivision 2 of section 1 of this Act, relating to the state radio communications center
14 project, funding of \$960,000 from the general fund in the capital assets line item in subdivision 1
15 of section 1 of this Act, relating to the state radio communications center project, and funding of
16 \$1,500,000 from the state disaster relief fund in the disaster costs line item in subdivision 2 of
17 section 1 of this Act, relating to flood-impacted housing rehabilitation, are declared to be an
18 emergency measure.