

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2016**

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 the
2 adjutant general; to provide an appropriation to the information technology department; to
3 provide for transfers; to provide exemptions; to provide a statement of legislative intent; and to
4 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, 2015, and ending June 30, 2017 as follows:

11 Subdivision 1.

12 NATIONAL GUARD

13			Adjustments or	
14		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15	Salaries and wages	\$6,063,904	\$636,876	\$6,700,780
16	Operating expenses	4,112,891	210,000	4,322,891
17	Capital assets	200,632	187,414	388,046
18	Grants	509,514	500,000	1,009,514
19	Civil air patrol	287,451	24,322	311,773
20	Tuition, recruiting, and retention	2,517,500	0	2,517,500
21	Air guard contract	11,483,158	(3,428,604)	8,054,554
22	Army guard contract	59,192,835	750,414	59,943,249
23	Veterans' cemetery	647,005	164,481	811,486
24	Reintegration program	1,491,980	411,763	1,903,743

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1	Accrued leave payments	<u>812,098</u>	<u>(812,098)</u>	<u>0</u>
2	Total all funds	\$87,318,968	(\$1,355,432)	\$85,963,536
3	Less estimated income	<u>70,164,642</u>	<u>(3,230,290)</u>	<u>66,934,352</u>
4	Total general fund	\$17,154,326	\$1,874,858	\$19,029,184

5 Subdivision 2.

6 DEPARTMENT OF EMERGENCY SERVICES

7			Adjustments or	
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	Salaries and wages	\$10,553,021	\$1,816,888	\$12,369,909
10	Operating expenses	8,364,488	2,882,981	11,247,469
11	Capital assets	682,000	58,000	740,000
12	Grants	19,373,247	500,000	19,873,247
13	Disaster costs	147,718,567	(39,553,083)	108,165,484
14	Radio communications	0	626,000	626,000
15	Accrued leave payments	<u>283,895</u>	<u>(283,895)</u>	<u>0</u>
16	Total all funds	\$186,975,218	(\$33,953,109)	\$153,022,109
17	Less estimated income	<u>177,679,955</u>	<u>(38,461,780)</u>	<u>139,218,175</u>
18	Total general fund	\$9,295,263	\$4,508,671	\$13,803,934

19 Subdivision 3.

20 BILL TOTAL

21			Adjustments or	
22		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
23	Grand total general fund	\$26,449,589	\$7,883,529	\$34,333,118
24	Grand total special funds	<u>247,844,597</u>	<u>(39,692,070)</u>	<u>208,152,527</u>
25	Grand total all funds	\$274,294,186	(\$31,808,541)	\$242,485,645
26	Full-time equivalent positions	246.00	(12.00)	234.00

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

28 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
 29 items approved by the sixty-third legislative assembly for the 2013-15 biennium and the
 30 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

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	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
1			
2	State radio tower package	\$1,175,000	0
3	Statewide seamless base map	1,150,000	0
4	State radio communications center	1,201,240	0
5	Computer-aided dispatch upgrade	340,000	0
6	Voice incident recorder	150,000	0
7	State radio suppression project	210,000	0
8	Disaster coordination contract	1,500,000	200,000
9	Veterans' bonus program	600,000	500,000
10	Veterans' book	50,000	0
11	Veterans' tuition assistance	375,000	0
12	Next generation 911	0	386,000
13	Microsoft SQL enterprise for CAD	0	90,000
14	Message switch test server	0	70,000
15	Radio tower redundancy	0	80,000
16	Disaster recovery assistance contract	0	1,000,000
17	Emergency response supplies	0	550,000
18	Veterans' cemetery land purchase	0	139,000
19	Firefighter stipends	0	500,000
20	Firefighter training	<u>0</u>	<u>1,200,000</u>
21	Total all funds	\$6,751,240	\$4,715,000
22	Less estimated income	<u>2,000,000</u>	<u>1,769,500</u>
23	Total general fund	\$4,751,240	\$2,945,500

24 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
 25 2017-19 biennium. The adjutant general shall report to the appropriations committees of the
 26 sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning
 27 July 1, 2015, and ending June 30, 2017.

28 **SECTION 3. APPROPRIATION - STATE DISASTER RELIEF FUND.** Notwithstanding
 29 section 37-17.1-27, there is appropriated out of any moneys in the state disaster relief fund in
 30 the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as
 31 may be necessary, to the adjutant general for the purpose of providing for repair and

1 replacement of infrastructure and for removal of debris and other health hazards in recreation
2 service districts that are experiencing chronic flooding, for the period beginning with the
3 effective date of this Act, and ending June 30, 2017. The adjutant general shall consult with the
4 environmental division of the state department of health regarding the process of environmental
5 cleanup.

6 **SECTION 4. APPROPRIATION - INFORMATION TECHNOLOGY DEPARTMENT.** There is
7 appropriated out of any moneys in the general fund in the state treasury, not otherwise
8 appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the
9 information technology department for the purpose of planning and coordinating the
10 implementation of the statewide radio interoperability network as provided in section 6 of this
11 Act, for the biennium beginning July 1, 2015, and ending June 30, 2017. The funding provided
12 in this section is considered a one-time funding item.

13 **SECTION 5. STATEWIDE RADIO INTEROPERABILITY NETWORK - LEGISLATIVE**
14 **INTENT - REPORT TO THE SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The information
15 technology department, under the direction of the statewide interoperability executive
16 committee, shall determine the feasibility and desirability of implementing a statewide radio
17 interoperability network. The department shall consult with representatives of political
18 subdivisions and private entities affected by the implementation of the network to determine
19 participation in the project. If the department determines it is feasible and desirable to proceed
20 with the project, the department shall enter into agreements, including joint powers agreements,
21 with affected entities to delineate the roles and responsibilities of each entity to implement the
22 project. The agreements must detail estimated future project costs to be paid by each entity.

23 The information technology department shall report to the appropriations committees of the
24 sixty-fifth legislative assembly regarding the department's evaluation of the project, participation
25 by affected entities, and recommendations for proceeding with the project or discontinuing
26 future participation. It is the intent of the sixty-fourth legislative assembly that future legislative
27 appropriations be provided for the state's share of the core project if the information technology
28 department determines it is feasible and desirable to proceed with the project.

29 **SECTION 6. STATE RADIO POSITIONS - REALIGNMENT.** The salaries and wages line
30 item in subdivision 2 of section 1 of this Act includes \$192,621 from the general fund to realign
31 state radio dispatch positions within the employee classification system.

1 **SECTION 7. INSURANCE TAX DISTRIBUTION FUND - FIRE DEPARTMENT**

2 **PAYMENTS - FIREFIGHTER TRAINING STIPENDS.** Notwithstanding chapter 18-04, the
3 insurance commissioner, as requested by the director of the department of emergency services,
4 shall provide up to \$500,000 of funding appropriated from the insurance tax distribution fund in
5 section 2 of Senate Bill No. 2010 as approved by the sixty-fourth legislative assembly, to the
6 department of emergency services for the purpose of providing stipends to firefighters
7 participating in approved training activities, for the biennium beginning July 1, 2015, and ending
8 June 30, 2017. Any funds not used pursuant to this section by June 30, 2017, must be retained
9 in the insurance tax distribution fund for disbursement to fire districts during the 2017-19
10 biennium.

11 **SECTION 8. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
12 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
13 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are
14 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
15 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
16 biennium beginning July 1, 2015, and ending June 30, 2017.

17 **SECTION 9. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may
18 transfer to the operating expenses and capital assets line items contained in section 1 of this
19 Act up to the sum of \$500,000 from the various other line items contained in section 1 of this
20 Act, as determined necessary by the adjutant general to provide for the maintenance and repair
21 of state-owned armories in this state during the biennium beginning July 1, 2015, and ending
22 June 30, 2017. Any amounts transferred pursuant to this section must be reported to the
23 director of the office of management and budget.

24 **SECTION 10. FUNDING TRANSFERS - STATE EMPLOYEE COMPENSATION**

25 **ADJUSTMENTS - EXCEPTION.** Notwithstanding section 54-16-04, the adjutant general may
26 transfer appropriation authority between line items within each subdivision of section 1 of this
27 Act and between subdivisions within section 1 of this Act, as it relates to state employee
28 compensation increases authorized by the sixty-fourth legislative assembly, for the biennium
29 beginning July 1, 2015, and ending June 30, 2017. The adjutant general shall notify the office of
30 management and budget of any transfer made under this section.

1 **SECTION 11. EXEMPTION.** The amount appropriated in the radio communications line for
2 statewide seamless base map, state radio tower package, computer-aided dispatch upgrade,
3 and the voice incident recorder, in subdivision 2 of section 1 of chapter 16 of the 2013 Session
4 Laws is not subject to section 54-44.1-11 and any unexpended funds are available for
5 completing these projects during the biennium beginning July 1, 2015, and ending June 30,
6 2017.

7 **SECTION 12. EXEMPTION.** The amount appropriated in the operating expenses line for
8 the computer-aided dispatch upgrade and the disaster coordination contract in subdivision 2 of
9 section 1 of chapter 16 of the 2013 Session Laws is not subject to section 54-44.1-11 and any
10 unexpended funds are available for these purposes during the biennium beginning July 1, 2015,
11 and ending June 30, 2017.

12 **SECTION 13. EXEMPTION.** The amount appropriated in the operating expenses line for
13 the writing, publishing, and distribution of a record of all North Dakota veterans, including a
14 record of all North Dakotans killed in action and missing in action since statehood, subdivision 1
15 of section 1 of chapter 16 of the 2013 Session Laws is not subject to 54-44.1-11 and any
16 unexpended funds are available for the collecting of information on North Dakotans who served
17 in a theatre or area of armed conflict since the Vietnam conflict during the biennium beginning
18 July 1, 2015, and ending June 30, 2017.

19 **SECTION 14. EXEMPTION.** The amount appropriated in the tuition, recruiting, and
20 retention line item in subdivision 1 of section 1 of chapter 16 of the 2013 Session Laws is not
21 subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used
22 to provide tuition assistance, recruiting and retention incentives to eligible members of the North
23 Dakota national guard during the biennium beginning July 1, 2015, and ending June 30, 2017.

24 **SECTION 15. EXEMPTION.** The amount appropriated in the tuition, recruiting, and
25 retention line item in section 3 of chapter 16 of the 2013 Session Laws is not subject to section
26 54-44.1-11 and any unexpended funds from this appropriation may be used to provide tuition
27 assistance to eligible members of the North Dakota national guard, during the biennium
28 beginning July 1, 2015, and ending June 30, 2017, contingent upon the adjutant general
29 certifying to the office of management and budget that the national guard has received a new
30 assignment in association with the Grand Forks air force base.

1 **SECTION 16. EXEMPTION.** Any amounts carried over pursuant to section 9 of chapter 16
2 of the 2013 Session Laws that is unexpended as of June 30, 2015 is not subject to section
3 54-44.1-11 and is available for payment of adjusted compensation to veterans. Any unexpended
4 funds from this appropriation must be transferred to the veterans' cemetery trust fund during the
5 biennium beginning July 1, 2015, and ending June 30, 2017.

6 **SECTION 17. EXEMPTION.** Any amounts carried over in the radio communications line for
7 the state radio tower package pursuant to section 10 of chapter 16 of the 2013 Session Laws
8 that is unexpended as of June 30, 2015, is not subject to section 54-44.1-11. Any unexpended
9 funds are available for state radio tower package costs during the biennium beginning July 1,
10 2015, and ending June 30, 2017.

11 **SECTION 18. EXEMPTION.** Any amounts carried over in the disaster costs line for flood
12 relief or disaster mitigation projects in incorporated cities, and grants to political subdivisions for
13 amounts required to match federal dollars on road grade raising projects and federal
14 emergency relief funding pursuant to section 11 of chapter 16 of the 2013 Session Laws that is
15 unexpended as of June 30, 2015, is not subject to section 54-44.1-11. Any unexpended funds
16 from this appropriation are available for these purposes during the biennium beginning July 1,
17 2015, and ending June 30, 2017.

18 **SECTION 19. EXEMPTION.** Any amounts carried over in the disaster costs line for grants
19 to cities and counties for flood-impacted housing rehabilitation pursuant to section 12 of
20 chapter 16 of the 2013 Session Laws that is unexpended as of June 30, 2015, is not subject to
21 section 54-44.1-11. Any unexpended funds from this appropriation are available for these
22 purposes during the biennium beginning July 1, 2015, and ending June 30, 2017.

23 **SECTION 20. EMERGENCY.** Funding of \$500,000 from the general fund in the grants line
24 item in subdivision 1 of section 1 of this Act, relating to the veterans' bonus program, funding of
25 \$386,000 from the general fund in the radio communications line item in subdivision 2 of
26 section 1 of this Act, relating to next generation 911, funding of \$209,280 from the general fund
27 in the operating line item in subdivision 2 of section 1 of this Act, relating to next generation 911
28 maintenance, funding of \$382,000 from the general fund in the operating line item in
29 subdivision 2 of section 1 of this Act relating to statewide base map maintenance, and funding
30 of \$2,000,000 from the state disaster relief fund in section 4 of this Act relating to repair and

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- 1 replacement of infrastructure and removal of debris and other health hazards, are declared to
- 2 be an emergency measure.