

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1024

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 various state
2 departments and institutions; to provide a contingent appropriation; to provide for borrowing
3 authority; to provide for transfers; to provide a statement of legislative intent; and to declare an
4 emergency.

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

6 **SECTION 1. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS**

7 **FUND - 2015-17 BIENNIUM**. There is appropriated out of any moneys in the strategic
8 investment and improvements fund, the sums as hereinafter provided or so much of the sums
9 as may be necessary. These sums increase the special fund authority enacted by the sixty-
10 fourth legislative assembly to the stated departments and institutions of the state of North
11 Dakota for the purpose of defraying their expenses, for the period beginning with the effective
12 date of this Act, and ending June 30, 2017, as follows:

13 Subdivision 1.

14 **COMMISSION ON LEGAL COUNSEL FOR INDIGENTS**

15 Commission on legal counsel for indigents \$189,000

16 Total special funds \$189,000

17 Subdivision 2.

18 STATE DEPARTMENT OF HEALTH

19 Operating expenses \$250,000

20 Total special funds \$250,000

21 Subdivision ~~2,3.~~

22 DEPARTMENT OF HUMAN SERVICES

23 ~~Grants – Medical assistance~~ ~~\$5,000,000~~

24 ~~Total special funds~~ ~~\$5,000,000~~

1 Grants - medical assistance \$9,000,000

2 Total special funds \$9,000,000

3 Subdivision ~~3.~~4.

4 ADJUTANT GENERAL

5 Disaster costs \$79,500

6 Total special funds \$79,500

7 SECTION 1 TOTAL

8 ~~Grand total special funds~~ ~~\$5,329,500~~

9 Grand total special funds \$9,518,500

10 **SECTION 2. APPROPRIATION - SPECIAL FUNDS FROM ADJUTANT GENERAL LOAN**

11 **PROCEEDS - THROUGH JUNE 30, 2019.** There is appropriated from special funds received
12 from the adjutant general, the sums as hereinafter provided, or so much of the sums as may be
13 necessary, to the agencies listed below for the purpose of defraying expenses of law
14 enforcement support which were incurred after June 30, 2015, related to unlawful activity
15 associated with the construction of the Dakota access pipeline, for the period beginning with the
16 effective date of this Act, and ending June 30, 2019.

17 Subdivision 1.

18 ATTORNEY GENERAL

19 Salaries and wages \$200,000

20 Total special funds \$200,000

21 Subdivision 2.

22 STATE DEPARTMENT OF HEALTH

23 Operating expenses \$1,420,000

24 Total special funds \$1,420,000

25 Subdivision 3.

26 HIGHWAY PATROL

27 Field operations \$3,234,000

28 Total special funds \$3,234,000

29 Subdivision 4.

30 DEPARTMENT OF CORRECTIONS AND REHABILITATION

| | | |
|----|---------------------------------|------------------|
| 1 | Adult services | <u>\$500,000</u> |
| 2 | Total special funds | \$500,000 |
| 3 | Subdivision 5. | |
| 4 | GAME AND FISH DEPARTMENT | |
| 5 | Salaries and wages | \$221,795 |
| 6 | Operating expenses | <u>201,929</u> |
| 7 | Total special funds | \$423,724 |
| 8 | Subdivision 6. | |
| 9 | PARKS AND RECREATION DEPARTMENT | |
| 10 | Natural resources | <u>\$200,000</u> |
| 11 | Total special funds | \$200,000 |
| 12 | Subdivision 7. | |
| 13 | DEPARTMENT OF TRANSPORTATION | |
| 14 | Salaries and wages | \$287,000 |
| 15 | Operating expenses | <u>422,000</u> |
| 16 | Total special funds | \$709,000 |
| 17 | SECTION 2 TOTAL | |
| 18 | Grand total special funds | \$6,686,724 |

SECTION 3. BORROWING AUTHORITY - APPROPRIATION - THROUGH JUNE 30, 2019
- ADJUTANT GENERAL - DEPARTMENT OF EMERGENCY SERVICES FUNDING

REQUEST. The office of the adjutant general may borrow the sum of \$15,000,000, or so much of the sum as may be necessary, from the Bank of North Dakota, for law enforcement support costs that were incurred after June 30, 2015, related to unlawful activity associated with the construction of the Dakota access pipeline, for the period beginning with the effective date of this Act, and ending June 30, 2019. The proceeds of the loan authorized in this section are appropriated to the office of the adjutant general for the purpose of defraying expenses of law enforcement support which were incurred after June 30, 2015, related to unlawful activity associated with the construction of the Dakota access pipeline, for the period beginning with the effective date of this Act, and ending June 30, 2019. The department of emergency services shall include any amounts borrowed under this section in the request for reimbursement from

1 federal or other nonstate sources related to the state's expenses incurred due to unlawful
2 activity associated with the construction of the Dakota access pipeline.

3 **SECTION 4. BORROWING AUTHORITY - APPROPRIATION - THROUGH JUNE 30, 2019**
4 **- JUDICIAL BRANCH - DEPARTMENT OF EMERGENCY SERVICES FUNDING REQUEST.**

5 The judicial branch may borrow the sum of \$1,500,000, or so much of the sum as may be
6 necessary, from the Bank of North Dakota, for court costs that were incurred after June 30,
7 2015, related to ~~unlawful activity~~criminal and infraction charges associated with the construction
8 of the Dakota access pipeline, for the period beginning with the effective date of this Act and
9 ending June 30, 2019. The proceeds of the loan authorized in this section are appropriated to
10 the judicial branch for the purpose of defraying expenses of the judicial branch which were
11 incurred after June 30, 2015, related to ~~unlawful activity~~criminal and infraction charges
12 associated with the construction of the Dakota access pipeline, for the period beginning with the
13 effective date of this Act and ending June 30, 2019. The department of emergency services
14 shall include any amounts borrowed under this section in the request for reimbursement from
15 federal or other nonstate sources related to the state's expenses incurred due to unlawful
16 activity associated with the construction of the Dakota access pipeline.

17 **SECTION 5. BORROWING AUTHORITY - APPROPRIATION - THROUGH JUNE 30, 2019**
18 **- COMMISSION ON LEGAL COUNSEL FOR INDIGENTS - DEPARTMENT OF EMERGENCY**
19 **SERVICES FUNDING REQUEST.** The commission on legal counsel for indigents may borrow

20 the sum of ~~\$859,000~~\$1,027,000, or so much of the sum as may be necessary, from the Bank of
21 North Dakota, for legal costs that were incurred after June 30, 2015, related to ~~unlawful-~~
22 ~~activity~~criminal and infraction charges associated with the construction of the Dakota access
23 pipeline, for the period beginning with the effective date of this Act and ending June 30, 2019.
24 The proceeds of the loan authorized in this section are appropriated to the commission on legal
25 counsel for indigents for the purpose of defraying expenses of the commission on legal counsel
26 for indigents which were incurred after June 30, 2015, related to ~~unlawful activity~~criminal and
27 infraction charges associated with the construction of the Dakota access pipeline, for the period
28 beginning with the effective date of this Act and ending June 30, 2019. The department of
29 emergency services shall include any amounts borrowed under this section in the request for
30 reimbursement from federal or other nonstate sources related to the state's expenses incurred
31 due to unlawful activity associated with the construction of the Dakota access pipeline.

SECTION 6. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS

FUND - STATE HISTORICAL SOCIETY - THROUGH JUNE 30, 2019. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$294,500, or so much of the sum as may be necessary, to the state historical society for the purpose of defraying litigation expenses, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is considered a one-time funding item and is not a part of the entity's base budget for the 2019-21 biennium.

SECTION 7. CONTINGENT APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - STATE TREASURER - THROUGH JUNE 30, 2019. There is

appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$15,200,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing any court-ordered payments to a bankruptcy estate, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section may be expended only upon an order of the court pending the outcome of *PW Enterprises, Inc. v. State of North Dakota*. The funding provided in this section is considered a one-time funding item and is not a part of the entity's base budget for the 2019-21 biennium.

SECTION 8. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO GENERAL FUND - 2015-17 BIENNIUM. The office of management and budget shall transfer the sum of \$155,000,000 from the strategic investment and improvements fund to the general fund during the period beginning with the effective date of this Act, and ending June 30, 2017.

SECTION 9. LINE ITEM TRANSFERS - ATTORNEY GENERAL - 2015-17 BIENNIUM.

1. The attorney general may transfer \$75,000 from the amount appropriated for the continuation of contracted higher education legal services in section 6 of chapter 3 of the 2015 Session Laws to the litigation fees line item in section 1 of chapter 37 of the 2015 Session Laws, for the period beginning with the effective date of this Act, and ending June 30, 2017.
2. The attorney general may transfer \$5,000 from the amount appropriated for the continuation of contracted higher education legal services in section 6 of chapter 3 of the 2015 Session Laws to the arrest and return of fugitives line item in section 1 of

1 chapter 37 of the 2015 Session Laws, for the period beginning with the effective date
2 of this Act, and ending June 30, 2017.

3 **SECTION 10. LEGISLATIVE INTENT - COST REIMBURSEMENTS - LOAN**

4 **REPAYMENTS.** It is the intent of the sixty-fifth legislative assembly that the department of
5 emergency services seek reimbursement from the federal government or other nonstate
6 sources for the costs of responding to unlawful activity associated with the construction of the
7 Dakota access pipeline. It is further the intent of the sixty-fifth legislative assembly that these
8 reimbursements be used to repay the Bank of North Dakota loans authorized by the emergency
9 commission and the legislative assembly, including loans of \$17,000,000 previously authorized
10 by the emergency commission; loans in Senate Bill No. 2174, as approved by the sixty-fifth
11 legislative assembly; and loans authorized in sections 3, 4, and 5 of this Act, which were all
12 obtained to provide the funding necessary to respond to the unlawful activity associated with the
13 construction of the Dakota access pipeline. If the department of emergency services determines
14 reimbursements from federal or other nonstate sources are not forthcoming, the department of
15 emergency services and other state agencies that obtain a loan shall request a deficiency
16 appropriation from the sixty-sixth legislative assembly sufficient for the repayment of the
17 amounts borrowed plus interest.

18 **SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.