

**FIRST ENGROSSMENT
with Senate Amendments
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	<u>\$189,000</u>
16 Total special funds	\$189,000

17 Subdivision 2.

18 STATE DEPARTMENT OF HEALTH

19 Operating expenses	<u>\$250,000</u>
20 Total special funds	\$250,000

21 Subdivision 3.

22 DEPARTMENT OF HUMAN SERVICES

23 Grants - medical assistance	<u>\$9,000,000</u>
24 Total special funds	\$9,000,000

1 Subdivision 4.

2 ADJUTANT GENERAL

3 Disaster costs \$79,500

4 Total special funds \$79,500

5 SECTION 1 TOTAL

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

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

8 **PROCEEDS - THROUGH JUNE 30, 2019.** There is appropriated from special funds received
9 from the adjutant general, the sums as hereinafter provided, or so much of the sums as may be
10 necessary, to the agencies listed below for the purpose of defraying expenses of law
11 enforcement support which were incurred after June 30, 2015, related to unlawful activity
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.

14 Subdivision 1.

15 ATTORNEY GENERAL

16 Salaries and wages \$200,000

17 Total special funds \$200,000

18 Subdivision 2.

19 STATE DEPARTMENT OF HEALTH

20 Operating expenses \$1,420,000

21 Total special funds \$1,420,000

22 Subdivision 3.

23 HIGHWAY PATROL

24 Field operations \$3,234,000

25 Total special funds \$3,234,000

26 Subdivision 4.

27 DEPARTMENT OF CORRECTIONS AND REHABILITATION

28 Adult services \$500,000

29 Total special funds \$500,000

30 Subdivision 5.

31 GAME AND FISH DEPARTMENT

Sixty-fifth
Legislative Assembly

1	Salaries and wages	\$221,795
2	Operating expenses	<u>201,929</u>
3	Total special funds	\$423,724
4	Subdivision 6.	
5	PARKS AND RECREATION DEPARTMENT	
6	Natural resources	<u>\$200,000</u>
7	Total special funds	\$200,000
8	Subdivision 7.	
9	DEPARTMENT OF TRANSPORTATION	
10	Salaries and wages	\$287,000
11	Operating expenses	<u>422,000</u>
12	Total special funds	\$709,000
13	SECTION 2 TOTAL	
14	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 federal or other nonstate sources related to the state's expenses incurred due to unlawful activity associated with the construction of the Dakota access pipeline.

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

The judicial branch may borrow the sum of \$1,500,000, or so much of the sum as may be

1 necessary, from the Bank of North Dakota, for court costs that were incurred after June 30,
2 2015, related to criminal and infraction charges associated with the construction of the Dakota
3 access pipeline, for the period beginning with the effective date of this Act and ending June 30,
4 2019. The proceeds of the loan authorized in this section are appropriated to the judicial branch
5 for the purpose of defraying expenses of the judicial branch which were incurred after June 30,
6 2015, related to criminal and infraction charges associated with the construction of the Dakota
7 access pipeline, for the period beginning with the effective date of this Act and ending June 30,
8 2019. The department of emergency services shall include any amounts borrowed under this
9 section in the request for reimbursement from federal or other nonstate sources related to the
10 state's expenses incurred due to unlawful activity associated with the construction of the Dakota
11 access pipeline.

12 **SECTION 5. BORROWING AUTHORITY - APPROPRIATION - THROUGH JUNE 30, 2019**
13 **- COMMISSION ON LEGAL COUNSEL FOR INDIGENTS - DEPARTMENT OF EMERGENCY**
14 **SERVICES FUNDING REQUEST.** The commission on legal counsel for indigents may borrow
15 the sum of \$1,027,000, or so much of the sum as may be necessary, from the Bank of North
16 Dakota, for legal costs that were incurred after June 30, 2015, related to criminal and infraction
17 charges associated with the construction of the Dakota access pipeline, for the period beginning
18 with the effective date of this Act and ending June 30, 2019. The proceeds of the loan
19 authorized in this section are appropriated to the commission on legal counsel for indigents for
20 the purpose of defraying expenses of the commission on legal counsel for indigents which were
21 incurred after June 30, 2015, related to criminal and infraction charges associated with the
22 construction of the Dakota access pipeline, for the period beginning with the effective date of
23 this Act and ending June 30, 2019. The department of emergency services shall include any
24 amounts borrowed under this section in the request for reimbursement from federal or other
25 nonstate sources related to the state's expenses incurred due to unlawful activity associated
26 with the construction of the Dakota access pipeline.

27 **SECTION 6. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS**
28 **FUND - STATE HISTORICAL SOCIETY - THROUGH JUNE 30, 2019.** There is appropriated
29 out of any moneys in the strategic investment and improvements fund in the state treasury, not
30 otherwise appropriated, the sum of \$294,500, or so much of the sum as may be necessary, to
31 the state historical society for the purpose of defraying litigation expenses, for the period

1 beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in
2 this section is considered a one-time funding item and is not a part of the entity's base budget
3 for the 2019-21 biennium.

4 **SECTION 7. CONTINGENT APPROPRIATION - STRATEGIC INVESTMENT AND**

5 **IMPROVEMENTS FUND - STATE TREASURER - THROUGH JUNE 30, 2019.** There is

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

14 **SECTION 8. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO**

15 **GENERAL FUND - 2015-17 BIENNIUM.** The office of management and budget shall transfer

16 the sum of \$155,000,000 from the strategic investment and improvements fund to the general
17 fund during the period beginning with the effective date of this Act, and ending June 30, 2017.

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

19 1. The attorney general may transfer \$75,000 from the amount appropriated for the
20 continuation of contracted higher education legal services in section 6 of chapter 3 of
21 the 2015 Session Laws to the litigation fees line item in section 1 of chapter 37 of the
22 2015 Session Laws, for the period beginning with the effective date of this Act, and
23 ending June 30, 2017.

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

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

30 **REPAYMENTS.** It is the intent of the sixty-fifth legislative assembly that the department of
31 emergency services seek reimbursement from the federal government or other nonstate

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

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