

SENATE BILL NO. 2016

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the office of the
2 adjutant general; ~~and~~ to amend and reenact sections 37-07.1-03 and 37-07.2-01 of the North
3 Dakota Century Code, relating to the national guard tuition waiver and national guard tuition
4 grants; to provide for a transfer; to provide for a report; to provide a statement of legislative
5 intent; to provide an exemption; and to declare an emergency.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the office of the adjutant general for the purpose of defraying the expenses of
11 the office of the adjutant general, for the biennium beginning July 1, 2019, and ending June 30,
12 2021, as follows:

13 Subdivision 1.

14 NATIONAL GUARD

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
17 Salaries and wages	\$6,666,525	\$6,897,187	\$6,666,525
18 Operating expenses	3,525,934	2,767,321	3,525,934
19 Capital assets	224,046	15,224,046	224,046
20 Grants	318,553	210,916	318,553
21 Civil air patrol	299,580	305,319	299,580
22 Tuition, recruiting, and retention	2,617,500	4,617,500	2,617,500
23 Air guard contract	8,098,582	8,593,083	8,098,582
24 Army guard contract	57,717,944	47,048,074	57,717,944

Sixty-sixth
Legislative Assembly

1	Veterans' cemetery	881,284	981,850	881,284
2	Reintegration program	1,261,384	1,061,027	1,261,384
3	Total all funds	\$81,611,332	\$87,706,323	\$81,611,332
4	Less estimated income	65,174,778	54,341,204	65,174,778
5	Total general fund	\$16,436,554	\$33,365,119	\$16,436,554
6		Adjustments or		
7		Base Level	Enhancements	Appropriation
8	Salaries and wages	\$6,666,525	\$147,083	\$6,813,608
9	Operating expenses	3,525,934	(758,613)	2,767,321
10	Capital assets	224,046	0	224,046
11	Grants	318,553	(107,637)	210,916
12	Civil air patrol	299,580	4,295	303,875
13	Tuition, recruiting, and retention	2,617,500	2,164,572	4,782,072
14	Air guard contract	8,098,582	443,544	8,542,126
15	Army guard contract	57,717,944	(10,818,059)	46,899,885
16	Veterans' cemetery	881,284	91,388	972,672
17	Reintegration program	1,261,384	(213,635)	1,047,749
18	Camp Grafton expansion	0	600,000	600,000
19	Total all funds	\$81,611,332	(\$8,447,062)	\$73,164,270
20	Less estimated income	65,174,778	(10,426,348)	54,748,430
21	Total general fund	\$16,436,554	\$1,979,286	\$18,415,840

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

24		Governor's		
25		Base Level	Recommendation	Appropriation
26	Salaries and wages	\$12,551,119	\$11,427,985	\$12,551,119
27	Operating expenses	6,988,451	9,400,060	6,988,451
28	Capital assets	0	660,000	0
29	Grants	16,889,159	16,273,425	16,889,159
30	Disaster costs	51,445,841	32,467,562	51,445,841
31	Radio communications	0	785,000	0

Sixty-sixth
Legislative Assembly

1	Total all funds	\$87,874,570	\$71,014,032	\$87,874,570
2	Less estimated income	78,424,702	61,740,664	78,424,702
3	Total general fund	\$9,449,868	\$9,273,368	\$9,449,868
4		<u>Adjustments or</u>		
5		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
6	Salaries and wages	\$12,551,119	(\$1,226,414)	\$11,324,705
7	Operating expenses	6,988,451	2,379,149	9,367,600
8	Capital assets	0	660,000	660,000
9	Grants	16,889,159	(615,734)	16,273,425
10	Disaster costs	51,445,841	(18,992,521)	32,453,320
11	Radio communications	0	785,000	785,000
12	Total all funds	\$87,874,570	(\$17,010,520)	\$70,864,050
13	Less estimated income	78,424,702	(16,757,646)	61,667,056
14	Total general fund	\$9,449,868	(\$252,874)	\$9,196,994

Subdivision 3.

BILL TOTAL

17		Governor's		
18		Base Level	Recommendation	Appropriation
19	Grand total general fund	\$25,886,422	\$42,638,487	\$25,886,422
20	Grand total special funds	143,599,480	116,081,868	143,599,480
21	Grand total all funds	\$169,485,902	\$158,720,355	\$169,485,902
22	Full-time equivalent positions	234.00	224.00	234.00
23		<u>Adjustments or</u>		
24		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
25	Grand total general fund	\$25,886,422	\$1,726,412	\$27,612,834
26	Grand total special funds	143,599,480	(27,183,994)	116,415,486
27	Grand total all funds	\$169,485,902	(\$25,457,582)	\$144,028,320
28	Full-time equivalent positions	234.00	(10.00)	224.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding items

approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21 biennium one-time funding items included in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
National guard readiness center	33,000,000	\$0
Emergency response equipment	569,000	0
Dakota access pipeline law enforcement	21,000,000	0
Mobile repeaters and programming radios	300,000	0
Total all funds	\$54,869,000	\$0
Total other funds	54,869,000	0
Total general fund	\$0	\$0
<u>Emergency response equipment</u>	<u>569,000</u>	<u>660,000</u>
<u>Camp Grafton expansion</u>	<u>0</u>	<u>600,000</u>
<u>Uninterruptible power supply battery replacement</u>	<u>0</u>	<u>20,000</u>
<u>Computer-aided dispatch equipment</u>	<u>0</u>	<u>516,000</u>
<u>Message switch system upgrade</u>	<u>0</u>	<u>335,000</u>
<u>Dispatching service fee shortfall</u>	<u>0</u>	<u>1,212,253</u>
<u>Dakota access pipeline law enforcement</u>	<u>21,000,000</u>	<u>0</u>
<u>Mobile repeaters and programming radios</u>	<u>300,000</u>	<u>0</u>
<u>Total all funds</u>	<u>\$54,869,000</u>	<u>\$3,343,253</u>
<u>Total other funds</u>	<u>54,869,000</u>	<u>3,162,253</u>
<u>Total general fund</u>	<u>\$0</u>	<u>\$181,000</u>

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The adjutant general shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION. In addition to the amount appropriated to the adjutant general in the veterans' cemetery line item in subdivision 1 of section 1 of this Act, there is appropriated any additional funds that are received and deposited in the veterans' cemetery maintenance fund pursuant to sections 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS

FUND. The estimated income line item in subdivision 1 of section 1 of this Act includes \$600,000 of one-time funding from the strategic investment and improvements fund for the camp Grafton expansion. The estimated income line item in subdivision 2 of section 1 of this Act includes \$1,902,253 of one-time funding from the strategic investment and improvements fund for computer-aided dispatch equipment, message switch system upgrades, and 911 dispatching service operations due to a revenue shortfall.

SECTION 5. CAMP GRAFTON EXPANSION - LEGISLATIVE INTENT. It is the intent of the sixty-sixth legislative assembly that:

1. The adjutant general purchase options during the period beginning with the effective date of this Act and ending June 30, 2021, for the purchase or long-term lease of land for the camp Grafton expansion, including the purchase of no more than one thousand six hundred acres and the long-term lease of the remainder, not to exceed six thousand acres in total.
2. If the adjutant general secures options to purchase or lease all necessary land for the camp Grafton expansion, the sixty-seventh legislative assembly provide funding and authority for the purchase or long-term lease of land for the camp Grafton expansion during the biennium beginning July 1, 2021, and ending June 30, 2023.
3. The adjutant general not use eminent domain for the expansion of camp Grafton.

SECTION 6. AMENDMENT. Section 37-07.1-03 of the North Dakota Century Code is amended and reenacted as follows:

37-07.1-03. Tuition waiver - Terms.

A qualifying member of the national guard who enrolls in any state-controlled school, subject to rules adopted by the adjutant general, is entitled to receive a ~~twenty-five~~thirty-five percent waiver of the tuition from the state-controlled school, conditioned on the adjutant general having sufficient appropriations for tuition reimbursement under section 37-07.1-06.2. The tuition waiver is valid only so long as the member of the national guard maintains satisfactory performance with the guard, meets the qualification requirements of rules adopted by the adjutant general, and pursues a course of study in a manner that satisfies the normal requirements of the school.

1 **SECTION 7. AMENDMENT.** Section 37-07.2-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **37-07.2-01. National guard ~~tuition~~member grants and tuition waivers - Terms of**
4 **~~grants.~~**

5 ~~Any~~

6 1. Subject to legislative appropriation and rules adopted by the adjutant general, a
7 qualifying member of the national guard who enrolls in an accredited postsecondary
8 institution in North Dakota which is not controlled by the state may, ~~subject to the~~
9 ~~limitations of available appropriated funds and subject to national guard rules adopted~~
10 ~~by the adjutant general,~~ receive a grant in an amount not to exceed the cost of tuition
11 and fees for similar courses and credit hours for ~~each~~a qualifying member of the
12 national guard who is enrolled ~~at~~in the North Dakota university system
13 ~~school~~institution with the highest tuition and fee rate.

14 2. Any accredited postsecondary institution that ~~agrees to participate in such a~~is not
15 controlled by the state and which participates in the national guard member grant
16 program ~~must~~shall waive twenty-five percent of the tuition ~~for~~that otherwise would be
17 charged to each enrolled, qualifying member of the national ~~guardsmen~~guard. ~~These~~
18 ~~grants must be distributed according to rules promulgated by the adjutant general and~~
19 ~~are available only so-~~

20 3. The adjutant general shall adopt rules for distributing grants under this section and
21 establishing qualification requirements for grant recipients.

22 4. A member of the national guard may receive a grant under this section only as long as
23 the member maintains satisfactory performance with the national guard, meets the
24 qualification requirements of the rules adopted under this section, and pursues a
25 course of study ~~which satisfies~~satisfying the normal requirements of the
26 ~~school~~postsecondary institution in which the member is enrolled.

27 5. For purposes of calculating the grant amount under subsection 1, the "cost of tuition
28 and fees for similar courses and credit hours for a qualifying member of the national
29 guard who is enrolled in the North Dakota university system institution with the highest
30 tuition and fee rate" may not be reduced by more than twenty-five percent pursuant to
31 section 37-07.1-03.

1 **SECTION 8. MAINTENANCE AND REPAIRS - TRANSFERS.** The director of the office of
2 management and budget may transfer up to \$500,000 of appropriation authority to the
3 operating expenses and capital assets line items contained in section 1 of this Act from the
4 various other line items contained in section 1 of this Act, as requested by the adjutant general
5 to provide for the maintenance and repair of state-owned armories in this state during the
6 biennium beginning July 1, 2019, and ending June 30, 2021. The adjutant general shall notify
7 the legislative council of any transfers made pursuant to this section.

8 **SECTION 9. EXEMPTION.** Any amounts carried over in the radio communications line item
9 for the state radio tower package, in section 7 of chapter 15 of the 2017 Session Laws is not
10 subject to section 54-44.1-11 and any unexpended funds are available for completing these
11 projects or for technology upgrade costs required to implement the statewide interoperable
12 radio network during the biennium beginning July 1, 2019, and ending June 30, 2021.

13 **SECTION 10. EXEMPTION.** The amount appropriated in the tuition, recruiting, and
14 retention line item in subdivision 1 of section 1 of chapter 15 of the 2017 Session Laws is not
15 subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used
16 to provide tuition assistance, recruiting, and retention incentives to eligible members of the
17 North Dakota national guard during the biennium beginning July 1, 2019, and ending June 30,
18 2021.

19 **SECTION 11. EXEMPTION.** Any amounts carried over pursuant to section 11 of chapter 15
20 of the 2017 Session Laws which are unexpended as of June 30, 2019, are not subject to
21 section 54-44.1-11 and are available for payment of adjusted compensation to veterans. Any
22 unexpended funds from this appropriation must be transferred to the veterans' cemetery trust
23 fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

24 **SECTION 12. EXEMPTION.** The amount of \$300,000 from the strategic investment and
25 improvements fund appropriated in the operating expenses line item in subdivision 2 of
26 section 1 of chapter 15 of the 2017 Session Laws for mobile repeaters and programming radios
27 is not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be
28 used to complete this project during the biennium beginning July 1, 2019, and ending June 30,
29 2021.

30 **SECTION 13. EXEMPTION.** Any amounts carried over in the disaster costs line item for
31 grants to political subdivisions for amounts required to match federal dollars on road grade

1 raising projects and federal emergency relief funding pursuant to section 13 of chapter 15 of the
2 2017 Session Laws which are unexpended as of June 30, 2019, are not subject to section
3 54-44.1-11. Any unexpended funds from this appropriation are available for these purposes
4 during the biennium beginning July 1, 2019, and ending June 30, 2021.

5 **SECTION 14. EXEMPTION.** The amount of \$8,530,116 from the state disaster relief trust
6 fund appropriated in the disaster costs line item in subdivision 2 of section 1 of chapter 15 of the
7 2017 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this
8 appropriation may be used to provide the required state share for the purposes of reimbursing
9 costs under section 37-17.1-27 during the biennium beginning July 1, 2019, and ending
10 June 30, 2021.

11 **SECTION 15. EMERGENCY.** Sections 4 and 5 and the camp Grafton expansion and
12 tuition, recruiting, and retention line items in subdivision 1 of section 1 of this Act are declared to
13 be an emergency measure.