

Sixty-fourth  
Legislative Assembly  
of North Dakota

## 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

	Base Level	Adjustments or Enhancements	Appropriation
13			
14			
15	<del>Salaries and wages</del>	<del>\$6,063,904</del>	<del>\$661,721</del>
16	<u>Salaries and wages</u>	<u>\$6,063,904</u>	<u>\$636,876</u>
17	Operating expenses	4,112,891	210,000
18	Capital assets	200,632	187,414
19	Grants	509,514	500,000
20	<del>Civil air patrol</del>	<del>287,451</del>	<del>25,075</del>
21	<u>Civil air patrol</u>	<u>287,451</u>	<u>24,322</u>
22	Tuition, recruiting, and retention	2,517,500	0
23	<del>Air guard contract</del>	<del>11,483,158</del>	<del>(3,404,511)</del>
24	<del>Army guard contract</del>	<del>59,192,835</del>	<del>803,871</del>
			<del>59,996,706</del>

Sixty-fourth  
Legislative Assembly

1	<del>Veterans' cemetery</del>	<del>647,005</del>	<del>168,246</del>	<del>815,251</del>
2	<del>Reintegration program</del>	<del>1,491,980</del>	<del>417,786</del>	<del>1,909,766</del>
3	<u>Air guard contract</u>	<u>11,483,158</u>	<u>(3,428,604)</u>	<u>8,054,554</u>
4	<u>Army guard contract</u>	<u>59,192,835</u>	<u>750,414</u>	<u>59,943,249</u>
5	<u>Veterans' cemetery</u>	<u>647,005</u>	<u>164,481</u>	<u>811,486</u>
6	<u>Reintegration program</u>	<u>1,491,980</u>	<u>411,763</u>	<u>1,903,743</u>
7	Accrued leave payments	<u>812,098</u>	<u>(812,098)</u>	<u>0</u>
8	<del>Total all funds</del>	<del>\$87,318,968</del>	<del>(\$1,242,496)</del>	<del>\$86,076,472</del>
9	<del>Less estimated income</del>	<del>70,164,642</del>	<del>(3,164,667)</del>	<del>66,999,975</del>
10	<del>Total general fund</del>	<del>\$17,154,326</del>	<del>\$1,922,171</del>	<del>\$19,076,497</del>
11	<u>Total all funds</u>	<u>\$87,318,968</u>	<u>(\$1,355,432)</u>	<u>\$85,963,536</u>
12	<u>Less estimated income</u>	<u>70,164,642</u>	<u>(3,230,290)</u>	<u>66,934,352</u>
13	<u>Total general fund</u>	<u>\$17,154,326</u>	<u>\$1,874,858</u>	<u>\$19,029,184</u>

14 Subdivision 2.

15 DEPARTMENT OF EMERGENCY SERVICES

16		Adjustments or		
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	<del>Salaries and wages</del>	<del>\$10,553,021</del>	<del>\$1,678,199</del>	<del>\$12,231,220</del>
19	<del>Operating expenses</del>	<del>8,364,488</del>	<del>7,582,981</del>	<del>15,947,469</del>
20	<u>Salaries and wages</u>	<u>\$10,553,021</u>	<u>\$1,816,888</u>	<u>\$12,369,909</u>
21	<u>Operating expenses</u>	<u>8,364,488</u>	<u>2,882,981</u>	<u>11,247,469</u>
22	Capital assets	682,000	58,000	740,000
23	<del>Grants</del>	<del>19,373,247</del>	<del>2,300,000</del>	<del>21,673,247</del>
24	<del>Disaster costs</del>	<del>147,718,567</del>	<del>(39,549,040)</del>	<del>108,169,527</del>
25	<u>Grants</u>	<u>19,373,247</u>	<u>500,000</u>	<u>19,873,247</u>
26	<u>Disaster costs</u>	<u>147,718,567</u>	<u>(39,553,083)</u>	<u>108,165,484</u>
27	Radio communications	0	626,000	626,000
28	Accrued leave payments	<u>283,895</u>	<u>(283,895)</u>	<u>0</u>
29	<del>Total all funds</del>	<del>\$186,975,218</del>	<del>(\$27,587,755)</del>	<del>\$159,387,463</del>
30	<del>Less estimated income</del>	<del>177,679,955</del>	<del>(38,738,058)</del>	<del>138,941,897</del>
31	<del>Total general fund</del>	<del>\$9,295,263</del>	<del>\$11,150,303</del>	<del>\$20,445,566</del>

Sixty-fourth  
Legislative Assembly

1	<u>Total all funds</u>	<u>\$186,975,218</u>	<u>(\$33,953,109)</u>	<u>\$153,022,109</u>
2	<u>Less estimated income</u>	<u>177,679,955</u>	<u>(38,461,780)</u>	<u>139,218,175</u>
3	<u>Total general fund</u>	<u>\$9,295,263</u>	<u>\$4,508,671</u>	<u>\$13,803,934</u>
4	Subdivision 3.			
5	BILL TOTAL			
6			Adjustments or	
7		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8	<del>Grand total general fund</del>	<del>\$26,449,589</del>	<del>\$13,072,474</del>	<del>\$39,522,063</del>
9	<del>Grand total special funds</del>	<del>247,844,597</del>	<del>(34,902,725)</del>	<del>212,941,872</del>
10	<del>Grand total all funds</del>	<del>\$274,294,186</del>	<del>(\$21,830,251)</del>	<del>\$252,463,935</del>
11	<u>Grand total general fund</u>	<u>\$26,449,589</u>	<u>\$7,883,529</u>	<u>\$34,333,118</u>
12	<u>Grand total special funds</u>	<u>247,844,597</u>	<u>(39,692,070)</u>	<u>208,152,527</u>
13	<u>Grand total all funds</u>	<u>\$274,294,186</u>	<u>(\$31,808,541)</u>	<u>\$242,485,645</u>
14	Full-time equivalent positions	246.00	(12.00)	234.00

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

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

19	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
20	State radio tower package	\$1,175,000	0
21	Statewide seamless base map	1,150,000	0
22	State radio communications center	1,201,240	0
23	Computer-aided dispatch upgrade	340,000	0
24	Voice incident recorder	150,000	0
25	State radio suppression project	210,000	0
26	<del>Disaster coordination contract</del>	<del>1,500,000</del>	<del>400,000</del>
27	<u>Disaster coordination contract</u>	<u>1,500,000</u>	<u>200,000</u>
28	Veterans' bonus program	600,000	500,000
29	Veterans' book	50,000	0
30	Veterans' tuition assistance	375,000	0
31	Next generation 911	0	386,000

Sixty-fourth  
Legislative Assembly

1	Microsoft SQL enterprise for CAD	0	90,000
2	Message switch test server	0	70,000
3	Radio tower redundancy	0	80,000
4	Disaster recovery assistance contract	0	1,000,000
5	Emergency response supplies	0	550,000
6	Veterans' cemetery land purchase	0	139,000
7	<del>Grants to fire departments</del>	<del>0</del>	<del>3,000,000</del>
8	<del>Statewide radio communications project</del>	<del>0</del>	<del>5,000,000</del>
9	<del>Total all funds</del>	<del>6,751,240</del>	<del>11,215,000</del>
10	<del>Less estimated income</del>	<del>2,000,000</del>	<del>1,469,500</del>
11	<del>Total general fund</del>	<del>\$4,751,240</del>	<del>\$9,745,500</del>
12	Firefighter stipends	0	500,000
13	Firefighter training	0	1,200,000
14	Total all funds	\$6,751,240	\$4,715,000
15	Less estimated income	2,000,000	1,769,500
16	Total general fund	\$4,751,240	\$2,945,500

17 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the  
 18 2017-19 biennium. The adjutant general shall report to the appropriations committees of the  
 19 sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning  
 20 July 1, 2015, and ending June 30, 2017.

21 ~~SECTION 3. APPROPRIATION - STATE DISASTER RELIEF FUND. Notwithstanding~~  
 22 ~~section 37-17.1-27, there is appropriated out of any moneys in the state disaster relief fund in~~  
 23 ~~the state treasury, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as~~  
 24 ~~may be necessary, subject to emergency commission approval, to the adjutant general for the~~  
 25 ~~purposes of providing the required state share of funding for defraying the expenses associated~~  
 26 ~~with presidentially declared disasters, for the period beginning with the effective date of this Act~~  
 27 ~~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  
2 ~~organized~~recreation service districts that are experiencing chronic flooding, for the period  
3 beginning with the effective date of this Act, and ending June 30, 2017. The adjutant general  
4 shall consult with the environmental division of the state department of health regarding the  
5 process of environmental 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 ~~these purposes~~the collecting of information on North  
17 Dakotans who served in a theatre or area of armed conflict since the Vietnam conflict during the  
18 biennium beginning 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



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