

**FIRST ENGROSSMENT
with Senate Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1016

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 statements of legislative intent; to provide an appropriation; to
3 provide for transfers; to provide an exemption; and to declare an emergency.

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

5 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
6 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
7 treasury, not otherwise appropriated, and from special funds derived from federal funds and
8 other income, to the office of the adjutant general for the purpose of defraying the expenses of
9 that agency, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

10 Subdivision 1.

11 **NATIONAL GUARD**

12			Adjustments or
13		<u>Base Level</u>	<u>Enhancements</u> <u>Appropriation</u>
14	Salaries and wages	\$4,216,409	\$830,769 \$5,047,178
15	Operating expenses	3,848,828	(171,937) 3,676,891
16	Capital assets	213,667	460,003 673,670
17	Grants	449,514	500,000 949,514
18	Deferred maintenance	0	500,000 500,000
19	Civil air patrol	160,091	62,745 222,836
20	Tuition, recruiting, and retention	2,407,500	0 2,407,500
21	Air guard contract	9,474,114	77,429 9,551,543
22	Army guard contract	66,423,926	(6,365,827) 60,058,099
23	Reintegration program	295,218	1,082,191 1,377,409
24	Veterans' cemetery	<u>354,635</u>	<u>134,506</u> <u>489,141</u>

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1	Total all funds	\$87,843,902	(\$2,890,121)	\$84,953,781
2	Less estimated income	<u>74,786,605</u>	<u>(6,361,526)</u>	<u>68,425,079</u>
3	Total general fund	\$13,057,297	\$3,471,405	\$16,528,702

4 Subdivision 2.

5 DEPARTMENT OF EMERGENCY SERVICES

6			Adjustments or	
7		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8	Salaries and wages	\$7,788,202	\$1,595,403	\$9,383,605
9	Operating expenses	3,829,400	734,157	4,563,557
10	Capital assets	440,377	1,576,970	2,017,347
11	Grants	40,794,635	3,607,632	44,402,267
12	Radio communications	<u>0</u>	<u>4,030,000</u>	<u>4,030,000</u>
13	Total all funds	\$52,852,614	\$11,544,162	\$64,396,776
14	Less estimated income	<u>46,889,068</u>	<u>4,711,801</u>	<u>51,600,869</u>
15	Total general fund	\$5,963,546	\$6,832,361	\$12,795,907

16 Subdivision 3.

17 BILL TOTAL

18			Adjustments or	
19		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
20	Grand total general fund	\$19,020,843	\$10,303,766	\$29,324,609
21	Grand total special funds	<u>121,675,673</u>	<u>872,545</u>	<u>122,548,218</u>
22	Grand total all funds	\$140,696,516	\$11,176,311	\$151,872,827
23	Full-time equivalent	232.00	0.00	232.00

24 positions

25 **SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS -**

26 **ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the
27 fund as may be necessary, are appropriated from federal funds made available to the state
28 under the federal American Recovery and Reinvestment Act of 2009, not otherwise
29 appropriated, to the adjutant general, for the period beginning with the effective date of this Act
30 and ending June 30, 2011, as follows:

31	Military energy-related maintenance and repairs	\$2,522,270
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The adjutant general may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Computer-aided dispatch project	\$980,000	\$0
Motorola lease purchase payment (general fund portion)	1,084,970	1,525,347
Special assessments	92,000	0
Deferred maintenance	625,000	500,000
Veterans' bonus multiple deployments	0	500,000
East operations center construction project	0	476,000
Technology projects	0	3,600,000
Technology equipment and software purchases	<u>0</u>	<u>471,500</u>
Total general fund	\$2,781,970	\$7,072,847

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The adjutant general shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 4. 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 which 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, 2009, and ending June 30, 2011.

SECTION 5. MAINTENANCE AND REPAIRS - TRANSFERS. The adjutant general may transfer to the operating expenses and capital assets line items contained in section 1 of this Act up to the sum of \$500,000 from the various other line items contained in section 1 of this Act, as determined necessary by the adjutant general to provide for the maintenance and repair of state-owned armories in this state during the biennium beginning July 1, 2009, and ending June 30, 2011. Any amounts transferred pursuant to this section must be reported to the director of the office of management and budget.

SECTION 6. EXEMPTION. Funding of \$980,000 from the general fund appropriated for the computer-aided dispatch project, as contained in subdivision 2 of section 3 of chapter 42 of the 2007 Session Laws, is not subject to the provisions of section 54-44.1-11, and any unexpended funds from these appropriations or related revenues are available and may be expended during the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 7. LEGISLATIVE INTENT - REINTEGRATION PROGRAM. It is the intent of the sixty-first legislative assembly that the adjutant general use all federal funds available for the reintegration program before using the \$1,377,409 appropriated for the program in subdivision 1 of section 1 of this Act. The funding for the program is to be used for providing support for all service members and their families for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 8. LEGISLATIVE INTENT - STATE RADIO COMMUNICATIONS COVERAGE. It is the intent of the sixty-first legislative assembly that the funding of \$500,000 appropriated in the radio communications line item in subdivision 2 of section 1 of this Act is for improving state radio communications coverage in the state. Of the \$500,000, \$100,000 is for conducting a study of the effects of next generation 911, \$75,000 is for alternatives to constructing new state radio towers, and \$325,000 is for implementing a new state radio tower site near Wales.

SECTION 9. DEFERRED MAINTENANCE - TRANSFERS. The adjutant general may transfer from the deferred maintenance line item to the capital assets line item, contained in subdivision 1 of section 1 of this Act, amounts necessary to address extraordinary repair needs.

1 Any amounts transferred must be reported to the director of the office of management and
2 budget.

3 **SECTION 10. EMERGENCY.** The funding of \$450,000 appropriated in subdivision 1 of
4 section 1 of this Act for the construction of an operations center facility and section 2 of this Act
5 are declared to be an emergency measure.