

**FIRST ENGROSSMENT
with House Amendments
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 appropriations; to provide for transfers; to provide exemptions; to
3 create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating
4 to written confirmation of federal disaster funding; to amend and reenact section 37-17.3-08 of
5 the North Dakota Century Code, relating to state radio fees; to provide legislative intent; and to
6 declare an emergency.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
9 as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and
11 other income, to the office of the adjutant general for the purpose of defraying the expenses of
12 that agency, for the biennium beginning July 1, 2011, and ending June 30, 2013, as follows:

Subdivision 1.

NATIONAL GUARD

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$4,841,436	\$312,450	\$5,153,886
18 Operating expenses	3,676,891	386,000	4,062,891
19 Capital assets	223,670	331,082	554,752
20 Grants	449,514	60,000	509,514
21 Civil air patrol	222,836	20,517	243,353
22 Tuition, recruiting, and retention	2,407,500	0	2,407,500
23 Air guard contract	9,551,543	1,437,780	10,989,323
24 Army guard contract	60,058,099	(3,947,342)	56,110,757

Sixty-second
Legislative Assembly

1	Reintegration program	1,377,409	172,740	1,550,149
2	Veterans' cemetery	<u>489,141</u>	<u>87,775</u>	<u>576,916</u>
3	Total all funds	\$83,298,039	(\$1,138,998)	\$82,159,041
4	Less estimated income	<u>67,337,232</u>	<u>(1,615,330)</u>	<u>65,721,902</u>
5	Total general fund	\$15,960,807	\$476,332	\$16,437,139

6 Subdivision 2.

7 DEPARTMENT OF EMERGENCY SERVICES

8			Adjustments or	
9		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
10	Salaries and wages	\$9,383,605	\$1,980,139	\$11,363,744
11	Operating expenses	4,102,057	5,827,965	9,930,022
12	Capital assets	492,000	1,935,347	2,427,347
13	Grants	44,402,267	27,017,504	71,419,771
14	2009 flood disaster	0	52,923,008	52,923,008
15	Radio communications	<u>0</u>	<u>3,735,000</u>	<u>3,735,000</u>
16	Total all funds	\$58,379,929	\$93,418,963	\$151,798,892
17	Less estimated income	<u>52,550,869</u>	<u>86,331,607</u>	<u>138,882,476</u>
18	Total general fund	\$5,829,060	\$7,087,356	\$12,916,416

19 Subdivision 3.

20 BILL TOTAL

21			Adjustments or	
22		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
23	Grand total general fund	\$21,789,867	\$7,563,688	\$29,353,555
24	Grand total special funds	<u>119,888,101</u>	<u>84,716,277</u>	<u>204,604,378</u>
25	Grand total all funds	\$141,677,968	\$92,279,965	\$233,957,933
26	Full-time equivalent positions	232.00	10.00	242.00

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

28 **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
 29 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13
 30 one-time funding items included in the appropriation in section 1 of this Act:

31	<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
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Sixty-second
Legislative Assembly

1	Motorola lease purchase payment	\$1,525,347	\$1,525,347
2	Message switch upgrades	0	235,000
3	Central electronics bank dispatch system	0	1,100,000
4	Veterans' bonus multiple deployments	500,000	0
5	Technology projects	3,600,000	100,000
6	Technology equipment and software	160,000	0
7	purchases		
8	Tornado disaster grants	250,000	0
9	Snow removal grants	20,000,000	0
10	2009 flood disaster	105,500,000	0
11	Volunteer management grants	400,000	0
12	2009 federal fiscal stimulus	3,783,770	0
13	State radio tower package	0	1,500,000
14	Statewide seamless base map	0	900,000
15	Military service center east	0	72,700
16	Armory grants	0	60,000
17	Extraordinary repairs	<u>0</u>	<u>325,381</u>
18	Total all funds	\$135,719,117	\$5,818,428
19	Less estimated income	<u>116,783,770</u>	<u>500,000</u>
20	Total general fund	\$18,935,347	\$5,318,428

21 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the
 22 2013-15 biennium. The adjutant general shall report to the appropriations committees of the
 23 sixty-third legislative assembly on the use of this one-time funding for the biennium beginning
 24 July 1, 2011, and ending June 30, 2013.

25 **SECTION 3. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
 26 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
 27 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are
 28 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
 29 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
 30 biennium beginning July 1, 2011, and ending June 30, 2013.

1 **SECTION 4. STATE DISASTER RELIEF FUND - APPROPRIATION.** In addition to the
2 amount appropriated to the adjutant general in subdivision 2 of section 1 of this Act, there is
3 appropriated out of any moneys in the state disaster relief fund, not otherwise appropriated, the
4 sum of \$3,500,000, or so much of the sum as may be necessary, to the adjutant general for the
5 purpose of providing the required state share of funding to match federal funds for defraying the
6 expenses associated with presidential-declared state disasters pursuant to section 37-17.1-27.

7 **SECTION 5. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may
8 transfer to the operating expenses and capital assets line items contained in section 1 of this
9 Act up to the sum of \$500,000 from the various other line items contained in section 1 of this
10 Act, as determined necessary by the adjutant general to provide for the maintenance and repair
11 of state-owned armories in this state during the biennium beginning July 1, 2011, and ending
12 June 30, 2013. Any amounts transferred pursuant to this section must be reported to the
13 director of the office of management and budget.

14 **SECTION 6. EXEMPTION.** Any amounts carried over pursuant to section 3 of chapter 312
15 of the 2009 Session Laws that is unexpended as of June 30, 2011, is not subject to section
16 54-44.1-11 and is available for payment of adjusted compensation to veterans. Any unexpended
17 funds from this appropriation must be transferred to the veterans' cemetery trust fund during
18 the biennium beginning July 1, 2013, and ending June 30, 2015.

19 **SECTION 7. EXEMPTION.** The amount appropriated in the capital assets line for the next
20 generation 911 study and state radio tower study in section 1, subdivision 2, of chapter 16 of the
21 2009 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this
22 line item are available for conducting these studies during the biennium beginning July 1, 2011,
23 and ending June 30, 2013.

24 **SECTION 8.** A new section to chapter 37-17.1 of the North Dakota Century Code is created
25 and enacted as follows:

26 **Written confirmation of federal disaster funding required.**

27 If the expected source of funding or reimbursement for a construction or repair project is
28 from or through the approval of the federal emergency management agency, a political
29 subdivision shall request and receive written approval from the federal emergency management
30 agency before contracting for the construction or repair.

1 **SECTION 9. AMENDMENT.** Section 37-17.3-08 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **37-17.3-08. State radio system and service fees.**

4 1. The director shall establish the appropriate fees for access to the state radio system
5 and the service provided to local government users of the mobile data terminal system
6 and North Dakota law enforcement telecommunications systems and other such
7 systems that may be employed that enhance public safety. Changes to fees charged
8 by the division, including schedule of charges for counties and cities, will take effect on
9 July first. The director shall announce any fee increases a minimum of one year ~~prior-~~
10 ~~tobefore~~ the effective date. When the director considers an adjustment, as a part of
11 the process the director shall consult with representatives of state and local units of
12 government ~~prior-tobefore~~ setting fees. The director may consider economic
13 conditions and the general economy when setting fees. The director shall deposit all
14 revenue obtained under this chapter with the state treasurer for deposit in the state
15 radio broadcasting system operating account. The state radio broadcasting system
16 operating account must be expended pursuant to legislative appropriation for the
17 operation and maintenance of the system. ~~Fee structures will include:~~

18 ~~1.2. Mobile data terminal fees.~~ The division shall establish and charge fees to provide
19 mobile data terminal service to interested local law enforcement agencies except for
20 local law enforcement agencies using private commercial access to the state message
21 switch. The fees must be based on actual costs incurred by the division for providing
22 the service and will be levied on a per system user basis. State general fund agencies
23 that access the system will not incur any fees for the service.

24 ~~2.3.~~ Each county and city law enforcement department that accesses the North Dakota
25 teletype system shall pay a fee based upon fifty percent of the actual costs incurred by
26 the division for providing the service. Fees will be levied on a per terminal basis. Other
27 law enforcement affiliated organizations and federal agencies will pay one hundred
28 percent of the actual costs incurred by the division for providing the service. Fees will
29 be levied on a per terminal basis. State general fund agencies that access the system
30 will not incur any fees for the service. City and county law enforcement fees will be
31 based on the following schedule of charges per terminal:

- 1 a. County population of less than five thousand shall pay ~~thirty~~forty dollars per
2 month.
- 3 b. County population of five thousand or more but less than ten thousand shall pay
4 ~~sixty~~eighty dollars per month.
- 5 c. County population of ten thousand or more but less than fifteen thousand shall
6 pay ~~ninety~~one hundred twenty dollars per month.
- 7 d. County population of fifteen thousand or more but less than twenty-five thousand
8 shall pay one hundred ~~twenty~~sixty dollars per month.
- 9 e. County population of twenty-five thousand or more shall pay ~~one~~two hundred
10 sixty dollars per month.

11 **SECTION 10. LEGISLATIVE INTENT - STATE RADIO TOWER PACKAGE.** It is the intent
12 of the sixty-second legislative assembly that the adjutant general work with other public
13 agencies and private sector entities to maximize the number of state radio tower enhancements
14 or additions that may be implemented within the funding appropriated in subdivision 2 of
15 section 1 of this Act, for the biennium beginning July 1, 2011, and ending June 30, 2013.

16 **SECTION 11. EMERGENCY.** Section 4 of this Act is declared to be an emergency
17 measure.