

Sixty-second  
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 appropriations; to provide for transfers; to provide exemptions; to  
3 amend and reenact section 37-17.3-08 of the North Dakota Century Code, relating to state  
4 radio fees; to provide legislative intent; and to 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, 2011, and ending June 30, 2013, as follows:

11 Subdivision 1.

12 NATIONAL GUARD

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15 Salaries and wages	\$4,841,436	\$312,450	\$5,153,886
16 Operating expenses	3,676,891	386,000	4,062,891
17 <del>Capital assets</del>	<del>223,670</del>	<del>391,082</del>	<del>614,752</del>
18 <del>Grants</del>	<del>449,514</del>	<del>0</del>	<del>449,514</del>
19 <u>Capital assets</u>	<u>223,670</u>	<u>331,082</u>	<u>554,752</u>
20 <u>Grants</u>	<u>449,514</u>	<u>60,000</u>	<u>509,514</u>
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

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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	<del>Radio communications</del>	<del>0</del>	<del>4,235,000</del>	<del>4,235,000</del>
16	<del>Total all funds</del>	<del>\$58,379,929</del>	<del>\$93,918,963</del>	<del>\$152,298,892</del>
17	<u>Radio communications</u>	<u>0</u>	<u>3,735,000</u>	<u>3,735,000</u>
18	<u>Total all funds</u>	<u>\$58,379,929</u>	<u>\$93,418,963</u>	<u>\$151,798,892</u>
19	Less estimated income	<u>52,550,869</u>	<u>86,331,607</u>	<u>138,882,476</u>
20	<del>Total general fund</del>	<del>\$5,829,060</del>	<del>\$7,587,356</del>	<del>\$13,416,416</del>
21	<u>Total general fund</u>	<u>\$5,829,060</u>	<u>\$7,087,356</u>	<u>\$12,916,416</u>

22 Subdivision 3.

23 BILL TOTAL

24			Adjustments or	
25		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
26	<del>Grand total general fund</del>	<del>\$21,789,867</del>	<del>\$8,063,688</del>	<del>\$29,853,555</del>
27	<del>Grand total special funds</del>	<del>119,888,101</del>	<del>84,716,277</del>	<del>204,604,378</del>
28	<del>Grand total all funds</del>	<del>\$141,677,968</del>	<del>\$92,779,965</del>	<del>\$234,457,933</del>
29	<u>total general fund</u>	<u>\$21,789,867</u>	<u>\$7,563,688</u>	<u>\$29,353,555</u>
30	<u>Grand total special funds</u>	<u>119,888,101</u>	<u>110,716,277</u>	<u>230,604,378</u>

1 Grand total all funds \$141,677,968 \$118,279,965 \$259,957,933

2 Full-time equivalent positions 232.00 10.00 242.00

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

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

7 One-Time Funding Description 2009-11 2011-13

8 Motorola lease purchase payment \$1,525,347 \$1,525,347

9 Message switch upgrades 0 235,000

10 Central electronics bank dispatch system 0 1,100,000

11 Veterans' bonus multiple deployments 500,000 0

12 Technology projects 3,600,000 100,000

13 Technology equipment and software 160,000 0

14 purchases

15 Tornado disaster grants 250,000 0

16 Snow removal grants 20,000,000 0

17 2009 flood disaster 105,500,000 0

18 Volunteer management grants 400,000 0

19 2009 federal fiscal stimulus 3,783,770 0

20 ~~State radio tower package~~ ~~0~~ ~~2,000,000~~

21 State radio tower package 0 1,500,000

22 Statewide seamless base map 0 900,000

23 Military service center east 0 72,700

24 ~~Extraordinary repairs~~ ~~0~~ ~~385,381~~

25 ~~Total all funds~~ ~~\$135,719,117~~ ~~\$6,318,428~~

26 Armory grants 0 60,000

27 Extraordinary repairs 0 325,381

28 Total all funds \$135,719,117 \$5,818,428

29 Less estimated income 116,783,770 500,000

30 ~~Total general fund~~ ~~\$18,935,347~~ ~~\$5,818,428~~

31 Total general fund \$18,935,347 \$5,318,428

1 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the  
2 2013-15 biennium. The adjutant general shall report to the appropriations committees of the  
3 sixty-third legislative assembly on the use of this one-time funding for the biennium beginning  
4 July 1, 2011, and ending June 30, 2013.

5 **SECTION 3. APPROPRIATION - FLOOD-RELATED COSTS.** There is appropriated from  
6 special funds derived from federal funds or other income the sum of \$22,500,000, or so much of  
7 the sum as may be necessary, to the adjutant general for the purpose of defraying expenses  
8 relating to 2011 flood disasters, for the period beginning with the effective date of this Act  
9 through June 30, 2013.

10 **SECTION 4. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In  
11 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item  
12 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are  
13 received and deposited in the veterans' cemetery maintenance fund pursuant to sections  
14 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the  
15 biennium beginning July 1, 2011, and ending June 30, 2013.

16 **SECTION 5. STATE DISASTER RELIEF FUND - APPROPRIATION.** In addition to the  
17 amount appropriated to the adjutant general in subdivision 2 of section 1 of this Act, there is  
18 appropriated, ~~subject to emergency commission approval, any additional funds~~ out of any  
19 moneys in the state disaster relief fund, ~~as determined necessary by~~ not otherwise appropriated,  
20 the sum of \$3,500,000, or so much of the sum as may be necessary, to the adjutant general for  
21 the purpose of providing the required state share of funding for defraying the expenses  
22 ~~of~~ associated with presidential-declared state disasters pursuant to section 37-17.1-27.

23 **SECTION 6. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may  
24 transfer to the operating expenses and capital assets line items contained in section 1 of this  
25 Act up to the sum of \$500,000 from the various other line items contained in section 1 of this  
26 Act, as determined necessary by the adjutant general to provide for the maintenance and repair  
27 of state-owned armories in this state during the biennium beginning July 1, 2011, and ending  
28 June 30, 2013. Any amounts transferred pursuant to this section must be reported to the  
29 director of the office of management and budget.

30 **SECTION 7. EXEMPTION.** Any amounts carried over pursuant to section 3 of chapter 312  
31 of the 2009 Session Laws that is unexpended as of June 30, 2011, is not subject to section

1 54-44.1-11 and is available for payment of adjusted compensation to veterans. Any unexpended  
2 funds from this appropriation must be transferred to the veterans' cemetery trust fund during  
3 the biennium beginning July 1, 2013, and ending June 30, 2015.

4 **SECTION 8. EXEMPTION.** The amount appropriated in the capital assets line for the next  
5 generation 911 study ~~and, the state radio tower study, and for a new state radio tower site near~~  
6 Wales in section 1, subdivision 2, of chapter 16 of the 2009 Session Laws is not subject to  
7 section 54-44.1-11 and any unexpended funds from this line item are available for conducting  
8 ~~these studies~~ the next generation 911 study and the state radio tower study and for state radio  
9 tower enhancements or additions during the biennium beginning July 1, 2011, and ending  
10 June 30, 2013.

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

13 **37-17.3-08. State radio system and service fees.**

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

28 ~~1.2.~~ Mobile data terminal fees. The division shall establish and charge fees to provide  
29 mobile data terminal service to interested local law enforcement agencies except for  
30 local law enforcement agencies using private commercial access to the state message  
31 switch. The fees must be based on actual costs incurred by the division for providing

1 the service and will be levied on a per system user basis. State general fund agencies  
2 that access the system will not incur any fees for the service.

3 2.3. Each county and city law enforcement department that accesses the North Dakota  
4 teletype system shall pay a fee based upon fifty percent of the actual costs incurred by  
5 the division for providing the service. Fees will be levied on a per terminal basis. Other  
6 law enforcement affiliated organizations and federal agencies will pay one hundred  
7 percent of the actual costs incurred by the division for providing the service. Fees will  
8 be levied on a per terminal basis. State general fund agencies that access the system  
9 will not incur any fees for the service. City and county law enforcement fees will be  
10 based on the following schedule of charges per terminal:

- 11 a. County population of less than five thousand shall pay ~~thirty~~forty dollars per  
12 month.
- 13 b. County population of five thousand or more but less than ten thousand shall pay  
14 ~~sixty~~eighty dollars per month.
- 15 c. County population of ten thousand or more but less than fifteen thousand shall  
16 pay ~~ninety~~one hundred twenty dollars per month.
- 17 d. County population of fifteen thousand or more but less than twenty-five thousand  
18 shall pay one hundred ~~twenty~~sixty dollars per month.
- 19 e. County population of twenty-five thousand or more shall pay ~~one~~two hundred  
20 ~~sixty~~ dollars per month.

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

26 **SECTION 11. EMERGENCY.** ~~Section 4~~Sections 3 and 5 of this Act ~~is~~are declared to be an  
27 emergency measure.