

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 adjutant
2 general; to provide for transfers; to provide exemptions; ~~to amend and reenact section~~
3 ~~37-17.1-27 of the North Dakota Century Code, relating to expenditure from the state disaster~~
4 ~~relief fund~~; 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, 2013, and ending June 30, 2015, as follows:

Subdivision 1.

NATIONAL GUARD

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|--|------------------------|--|------------------------|
| 14 Salaries and wages | \$5,153,886 | \$2,690,230 | \$7,844,116 |
| 15 Operating expenses | 4,062,891 | 0 | 4,062,891 |
| 16 Capital assets | 229,371 | 1,141,261 | 1,370,632 |
| 17 Grants | 449,514 | 660,000 | 1,109,514 |
| 18 Civil air patrol | 243,353 | 47,418 | 290,771 |
| 19 Tuition, recruiting, and retention | 2,407,500 | 110,000 | 2,517,500 |
| 20 Air guard contract | 10,989,323 | 758,804 | 11,748,127 |
| 21 Army guard contract | 56,110,755 | 2,423,237 | 58,533,992 |
| 22 Veterans' cemetery | 576,916 | 85,908 | 662,824 |
| 23 Reintegration program | 1,477,449 | 24,144 | 1,501,593 |

Sixty-third
Legislative Assembly

| | | | | |
|----|------------------------------------|--------------|-------------|--------------|
| 1 | Total all funds | \$81,700,958 | \$7,941,002 | \$89,641,960 |
| 2 | Less estimated income | 65,721,902 | 4,825,927 | 70,547,829 |
| 3 | Total general fund | \$15,979,056 | \$3,115,075 | \$19,094,131 |
| 4 | Salaries and wages | \$5,153,886 | \$1,523,125 | \$6,677,011 |
| 5 | Operating expenses | 4,062,891 | 0 | 4,062,891 |
| 6 | Capital assets | 229,371 | 1,141,261 | 1,370,632 |
| 7 | Grants | 449,514 | 660,000 | 1,109,514 |
| 8 | Civil air patrol | 243,353 | 44,098 | 287,451 |
| 9 | Tuition, recruiting, and retention | 2,407,500 | 110,000 | 2,517,500 |
| 10 | Air guard contract | 10,989,323 | 493,835 | 11,483,158 |
| 11 | Army guard contract | 56,110,755 | 2,071,916 | 58,182,671 |
| 12 | Veterans' cemetery | 576,916 | 70,089 | 647,005 |
| 13 | Reintegration program | 1,477,449 | 9,531 | 1,486,980 |
| 14 | Accrued leave payments | 0 | 812,098 | 812,098 |
| 15 | Total all funds | \$81,700,958 | \$6,935,953 | \$88,636,911 |
| 16 | Less estimated income | 65,721,902 | 4,163,777 | 69,885,679 |
| 17 | Total general fund | \$15,979,056 | \$2,772,176 | \$18,751,232 |

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

| | | Adjustments or | | |
|----|-----------------------|----------------|----------------|---------------|
| | Base Level | Enhancements | Appropriation | |
| 22 | Salaries and wages | \$11,363,744 | (\$792,716) | \$10,571,028 |
| 23 | Operating expenses | 9,930,022 | (10,534) | 9,919,488 |
| 24 | Capital assets | 802,000 | 121,240 | 923,240 |
| 25 | Grants | 71,419,771 | (52,046,524) | 19,373,247 |
| 26 | Disaster costs | 109,923,008 | 37,807,346 | 147,730,354 |
| 27 | Radio communications | 0 | 3,710,000 | 3,710,000 |
| 28 | Total all funds | \$203,438,545 | (\$11,211,188) | \$192,227,357 |
| 29 | Less estimated income | 195,382,476 | (15,856,622) | 179,525,854 |
| 30 | Total general fund | \$8,056,069 | \$4,645,434 | \$12,701,503 |
| 31 | Salaries and wages | \$11,363,744 | (\$1,064,824) | \$10,298,920 |

Sixty-third
Legislative Assembly

| | | | | |
|---|------------------------|---------------|----------------|---------------|
| 1 | Operating expenses | 9,930,022 | (210,534) | 9,719,488 |
| 2 | Capital assets | 802,000 | 121,240 | 923,240 |
| 3 | Grants | 71,419,771 | (52,046,524) | 19,373,247 |
| 4 | Disaster costs | 109,923,008 | 37,795,559 | 147,718,567 |
| 5 | Radio communications | 0 | 2,460,000 | 2,460,000 |
| 6 | Accrued leave payments | 0 | 283,895 | 283,895 |
| 7 | Total all funds | \$203,438,545 | (\$12,661,188) | \$190,777,357 |
| 8 | Less estimated income | 195,382,476 | (16,056,622) | 179,325,854 |
| 9 | Total general fund | \$8,056,069 | \$3,395,434 | \$11,451,503 |

10 Subdivision 3.

| | | | | |
|----|--------------------------------------|--------------------------|--------------------------|--------------------------|
| 11 | BILL TOTAL | | | |
| 12 | | | Adjustments or | |
| 13 | | Base Level | Enhancements | Appropriation |
| 14 | Grand total general fund | \$24,035,125 | \$7,760,509 | \$31,795,634 |
| 15 | Grand total special funds | 261,104,378 | (11,030,695) | 250,073,683 |
| 16 | Grand total all funds | \$285,139,503 | (\$3,270,186) | \$281,869,317 |
| 17 | Grand total general fund | \$24,035,125 | \$6,167,610 | \$30,202,735 |
| 18 | Grand total special funds | 261,104,378 | (11,892,845) | 249,211,533 |
| 19 | Grand total all funds | \$285,139,503 | (\$5,725,235) | \$279,414,268 |
| 20 | Full-time equivalent positions | 242.00 | 4.00 | 246.00 |

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

22 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
 23 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
 24 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

| 25 | <u>One-Time Funding Description</u> | <u>2011-13</u> | <u>2013-15</u> |
|----|--|----------------------|----------------------|
| 26 | Motorola lease purchase payment | \$1,525,347 | \$0 |
| 27 | Message switch upgrades | 235,000 | 0 |
| 28 | Central electronics bank dispatch system | 1,100,000 | 0 |
| 29 | Technology projects | 100,000 | 0 |
| 30 | State radio tower package | 1,500,000 | 1,500,000 |
| 31 | Statewide seamless base map | 900,000 | 1,800,000 |

| | | | |
|----|---|-------------------------|------------------------|
| 1 | State radio tower package | 1,500,000 | 900,000 |
| 2 | Statewide seamless base map | 900,000 | 1,150,000 |
| 3 | Military service center east | 72,700 | 0 |
| 4 | Extraordinary repairs | 385,381 | 0 |
| 5 | State radio communications center | 0 | 1,201,240 |
| 6 | Computer-aided dispatch upgrade | 0 | 340,000 |
| 7 | Voice incident recorder | 0 | 150,000 |
| 8 | State radio suppression project | 0 | 210,000 |
| 9 | Disaster coordination contract | 0 | 1,500,000 |
| 10 | Veterans' bonus program | 0 | 600,000 |
| 11 | Flood disaster expenditures (special session) | 39,500,000 | 0 |
| 12 | Flood-damaged school grant | 500,000 | 0 |
| 13 | Total all funds | \$45,818,428 | \$7,301,240 |
| 14 | Total all funds | \$45,818,428 | \$6,051,240 |
| 15 | Less estimated income | 40,000,000 | 2,000,000 |
| 16 | Total general fund | \$5,818,428 | \$5,301,240 |
| 17 | Total general fund | \$5,818,428 | \$4,051,240 |

18 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
 19 2015-17 biennium. The adjutant general shall report to the appropriations committees of the
 20 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning
 21 July 1, 2013, and ending June 30, 2015.

22 **SECTION 3. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
 23 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
 24 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are
 25 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
 26 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
 27 biennium beginning July 1, 2013, and ending June 30, 2015.

28 **SECTION 4. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may
 29 transfer to the operating expenses and capital assets line items contained in section 1 of this
 30 Act up to the sum of \$500,000 from the various other line items contained in section 1 of this
 31 Act, as determined necessary by the adjutant general to provide for the maintenance and repair

1 of state-owned armories in this state during the biennium beginning July 1, 2013, and ending
2 June 30, 2015. Any amounts transferred pursuant to this section must be reported to the
3 director of the office of management and budget.

4 **SECTION 5. FUNDING TRANSFERS - STATE EMPLOYEE COMPENSATION**

5 **ADJUSTMENTS - EXCEPTION.** Notwithstanding section 54-16-04, the adjutant general may
6 transfer appropriation authority between line items within each subdivision of section 1 of this
7 Act and between subdivisions within section 1 of this Act, as it relates to state employee
8 compensation increases authorized by the sixty-third legislative assembly, for the biennium
9 beginning July 1, 2013, and ending June 30, 2015. The adjutant general shall notify the office of
10 management and budget of any transfer made under this section.

11 **SECTION 6. EXEMPTION.** The sum of \$1,000,000 from the general fund appropriated for
12 the computer-aided dispatch phase 2 project, as contained in section 1 of chapter 16 of the
13 2009 Session Laws, is not subject to section 54-44.1-11 and any unexpended funds are
14 available for project costs during the biennium beginning July 1, 2013, and ending June 30,
15 2015.

16 **SECTION 7. EXEMPTION.** Any amounts carried over pursuant to section 7 of chapter 42 of
17 the 2011 Session Laws that is unexpended as of June 30, 2013, is not subject to section
18 54-44.1-11 and is available for payment of adjusted compensation to veterans. Any unexpended
19 funds from this appropriation must be transferred to the veterans' cemetery trust fund during the
20 biennium beginning July 1, 2015, and ending June 30, 2017.

21 **SECTION 8. EXEMPTION.** The amount appropriated in the capital assets line for the state
22 radio tower package and statewide seamless base map in section 1, subdivision 2, of
23 chapter 42 of the 2011 Session Laws is not subject to section 54-44.1-11 and any unexpended
24 funds from this line item are available for completing these projects during the biennium
25 beginning July 1, 2013, and ending June 30, 2015.

26 **SECTION 9. EXEMPTION.** The amount appropriated for flood relief or disaster mitigation
27 projects in incorporated cities, and grants to political subdivisions for amounts required to match
28 federal dollars on road grade raising projects and federal emergency relief funding in section 4,
29 subdivisions 2, 3, and 4, of chapter 261 of the 2011 Session Laws is not subject to section
30 54-44.1-11 and any unexpended funds from this appropriation are available for these purposes
31 during the biennium beginning July 1, 2013, and ending June 30, 2015.

1 **SECTION 10. EXEMPTION.** The amount appropriated for grants to cities and counties for
2 flood-impacted housing rehabilitation in section 9 of chapter 579 of the 2011 Session Laws is
3 not subject to section 54-44.1-11 and any unexpended funds from this appropriation are
4 available for these purposes during the biennium beginning July 1, 2013, and ending June 30,
5 2015.

6 ~~**SECTION 11. AMENDMENT.** Section 37-17.1-27 of the North Dakota Century Code is~~
7 ~~amended and reenacted as follows:~~

8 ~~**37-17.1-27. State disaster relief fund - Creation - Uses.**~~

9 ~~There is created in the state treasury a state disaster relief fund. Moneys in the fund are to~~
10 ~~be used subject to legislative appropriations and emergency commission and budget section~~
11 ~~approval for providing the required state share of funding for expenses associated with state~~
12 ~~disasters, including providing funds required to match federal funds for expenses associated~~
13 ~~with presidential-declared disasters in the state, and to defray expenses of the adjutant general~~
14 ~~in contracting for disaster recovery and mitigation planning and program coordination services.~~
15 ~~Any interest or other fund earnings must be deposited in the fund. Upon request, the office of~~
16 ~~the adjutant general shall report to the budget section on expenditures from the fund.~~

17 **SECTION 11. EMERGENCY.** Of the amount appropriated from the general fund in this Act,
18 funding of \$600,000 in the grants line in subdivision 1 of section 1 of this Act, relating to the
19 veterans' bonus program, \$241,240 in the capital assets line in subdivision 1 of section 1 of this
20 Act, and \$960,000 in the capital assets line in subdivision 2 of section 1 of this Act, relating to
21 the state radio communications center project, is declared to be an emergency measure.