

**FIRST ENGROSSMENT
with Conference Committee Amendments
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 adjutant
2 general; to provide for a contingent appropriation; to provide an appropriation to the housing
3 finance agency; to provide for transfers; to provide exemptions; to provide for a budget section
4 report; 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:

11 Subdivision 1.

12 NATIONAL GUARD

13			Adjustments or	
14		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15	Salaries and wages	\$5,153,886	\$2,179,283	\$7,333,169
16	Operating expenses	4,062,891	50,000	4,112,891
17	Capital assets	229,371	1,141,261	1,370,632
18	Grants	449,514	660,000	1,109,514
19	Civil air patrol	243,353	44,098	287,451
20	Tuition, recruiting, and retention	2,407,500	110,000	2,517,500
21	Air guard contract	10,989,323	493,835	11,483,158
22	Army guard contract	56,110,755	2,071,916	58,182,671
23	Veterans' cemetery	576,916	70,089	647,005
24	Reintegration program	1,477,449	9,531	1,486,980

Sixty-third
Legislative Assembly

1	Accrued leave payments	<u>0</u>	<u>812,098</u>	<u>812,098</u>
2	Total all funds	\$81,700,958	\$7,642,111	\$89,343,069
3	Less estimated income	<u>65,721,902</u>	<u>4,596,841</u>	<u>70,318,743</u>
4	Total general fund	\$15,979,056	\$3,045,270	\$19,024,326

5 Subdivision 2.

6 DEPARTMENT OF EMERGENCY SERVICES

7			Adjustments or	
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	Salaries and wages	\$11,363,744	(\$1,064,824)	\$10,298,920
10	Operating expenses	9,930,022	(10,534)	9,919,488
11	Capital assets	802,000	121,240	923,240
12	Grants	71,419,771	(52,046,524)	19,373,247
13	Disaster costs	109,923,008	37,795,559	147,718,567
14	Radio communications	0	2,735,000	2,735,000
15	Accrued leave payments	<u>0</u>	<u>283,895</u>	<u>283,895</u>
16	Total all funds	\$203,438,545	(\$12,186,188)	\$191,252,357
17	Less estimated income	<u>195,382,476</u>	<u>(15,856,622)</u>	<u>179,525,854</u>
18	Total general fund	\$8,056,069	\$3,670,434	\$11,726,503

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	\$24,035,125	\$7,090,704	\$31,125,829
24	Grand total special funds	<u>261,104,378</u>	<u>(9,759,781)</u>	<u>251,344,597</u>
25	Grand total all funds	\$285,139,503	(\$2,669,077)	\$282,470,426
26	Full-time equivalent positions	242.00	4.00	246.00

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

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

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<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Motorola lease purchase payment	\$1,525,347	\$0
Message switch upgrades	235,000	0
Central electronics bank dispatch system	1,100,000	0
Technology projects	100,000	0
State radio tower package	1,500,000	1,175,000
Statewide seamless base map	900,000	1,150,000
Military service center east	72,700	0
Extraordinary repairs	385,381	0
State radio communications center	0	1,201,240
Computer-aided dispatch upgrade	0	340,000
Voice incident recorder	0	150,000
State radio suppression project	0	210,000
Disaster coordination contract	0	1,500,000
Veterans' bonus program	0	600,000
Flood disaster expenditures (special session)	39,500,000	0
Flood-damaged school grant	<u>500,000</u>	<u>0</u>
Total all funds	\$45,818,428	\$6,326,240
Less estimated income	<u>40,000,000</u>	<u>2,000,000</u>
Total general fund	\$5,818,428	\$4,326,240

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

SECTION 3. CONTINGENT APPROPRIATION - NATIONAL GUARD TUITION

ASSISTANCE. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$375,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing tuition assistance to eligible members of the North Dakota national guard, for the biennium beginning July 1, 2013, and ending June 30, 2015. The funding appropriated under this section is contingent upon the

1 adjutant general certifying to the office of management and budget that the national guard has
2 received a new assignment in association with the Grand Forks air force base.

3 **SECTION 4. APPROPRIATION - HOUSING FINANCE AGENCY - FLOOD-IMPACTED**
4 **HOUSING ASSISTANCE - BUDGET SECTION REPORT.** There is appropriated out of any
5 moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the
6 sum of \$1,500,000, or so much of the sum as may be necessary, to the housing finance agency
7 for the purpose of providing grants for flood-impacted housing assistance, for the period
8 beginning with the effective date of this Act and ending June 30, 2015. The funds appropriated
9 under this section must be used to provide grants to counties, cities, local housing authorities,
10 and other nonprofit entities to assist homeowners and residents in the rehabilitation or
11 replacement of flood-damaged homes, to retain homeowners and other residents in the
12 community, and for transitional expenses to facilitate housing availability for flood-impacted
13 residents. An entity requesting a grant for temporary housing for flood-impacted residents must
14 certify to the housing finance agency that housing occupants are eligible to receive housing
15 assistance under federal housing and urban development agency guidelines, that a land use
16 agreement is in place for temporary housing units, and that a plan has been developed for the
17 disposal of temporary housing units. The housing finance agency shall develop guidelines for
18 the distribution of funds including the frequency of the distribution of grant funds. During the
19 2013-14 interim the housing finance agency shall provide a report to the budget section
20 regarding the use of funds under this section.

21 **SECTION 5. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
22 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
23 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are
24 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
25 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
26 biennium beginning July 1, 2013, and ending June 30, 2015.

27 **SECTION 6. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may
28 transfer to the operating expenses and capital assets line items contained in section 1 of this
29 Act up to the sum of \$500,000 from the various other line items contained in section 1 of this
30 Act, as determined necessary by the adjutant general to provide for the maintenance and repair
31 of state-owned armories in this state during the biennium beginning July 1, 2013, and ending

1 June 30, 2015. Any amounts transferred pursuant to this section must be reported to the
2 director of the office of management and budget.

3 **SECTION 7. FUNDING TRANSFERS - STATE EMPLOYEE COMPENSATION**

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

10 **SECTION 8. EXEMPTION.** The sum of \$1,000,000 from the general fund appropriated for
11 the computer-aided dispatch phase 2 project, as contained in section 1 of chapter 16 of the
12 2009 Session Laws, is not subject to section 54-44.1-11 and any unexpended funds are
13 available for project costs during the biennium beginning July 1, 2013, and ending June 30,
14 2015.

15 **SECTION 9. EXEMPTION.** Any amounts carried over pursuant to section 7 of chapter 42 of
16 the 2011 Session Laws that is unexpended as of June 30, 2013, is not subject to section
17 54-44.1-11 and is available for payment of adjusted compensation to veterans. Any unexpended
18 funds from this appropriation must be transferred to the veterans' cemetery trust fund during the
19 biennium beginning July 1, 2015, and ending June 30, 2017.

20 **SECTION 10. EXEMPTION.** The amount appropriated in the capital assets line for the state
21 radio tower package and statewide seamless base map in section 1, subdivision 2, of
22 chapter 42 of the 2011 Session Laws is not subject to section 54-44.1-11 and any unexpended
23 funds from this line item are available for completing these projects during the biennium
24 beginning July 1, 2013, and ending June 30, 2015.

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

1 **SECTION 12. 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 13. EXEMPTION.** The amount appropriated in the tuition, recruiting, and
7 retention line item in subdivision 1 of section 1 of chapter 42 of the 2011 Session Laws is not
8 subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used
9 to provide tuition assistance to eligible members of the North Dakota national guard during the
10 biennium beginning July 1, 2013, and ending June 30, 2015.

11 **SECTION 14. EMERGENCY.** Section 4 of this Act and funding of \$600,000 from the
12 general fund in the grants line item in subdivision 1 of section 1 of this Act, relating to the
13 veterans' bonus program, funding of \$241,240 from the general fund in the capital assets line
14 item in subdivision 2 of section 1 of this Act, relating to the state radio communications center
15 project, and funding of \$960,000 from the general fund in the capital assets line item in
16 subdivision 1 of section 1 of this Act, relating to the state radio communications center project,
17 are declared to be an emergency measure.