

Sixty-third  
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 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

	Base Level	Adjustments or Enhancements	Appropriation
13			
14			
15	\$5,153,886	\$1,523,125	\$6,677,011
16	4,062,891	0	4,062,891
17	229,371	1,141,261	1,370,632
18	449,514	660,000	1,109,514
19	243,353	44,098	287,451
20	2,407,500	110,000	2,517,500
21	10,989,323	493,835	11,483,158
22	56,110,755	2,071,916	58,182,671
23	576,916	70,089	647,005
24	1,477,449	9,531	1,486,980

Sixty-third  
Legislative Assembly

1	<del>Accrued leave payments</del>	<del>0</del>	<del>812,098</del>	<del>812,098</del>
2	<del>Total all funds</del>	<del>\$81,700,958</del>	<del>\$6,935,953</del>	<del>\$88,636,911</del>
3	<del>Less estimated income</del>	<del>65,721,902</del>	<del>4,163,777</del>	<del>69,885,679</del>
4	<del>Total general fund</del>	<del>\$15,979,056</del>	<del>\$2,772,176</del>	<del>\$18,751,232</del>
5	<u>Salaries and wages</u>	<u>\$5,153,886</u>	<u>\$2,179,283</u>	<u>\$7,333,169</u>
6	<u>Operating expenses</u>	<u>4,062,891</u>	<u>50,000</u>	<u>4,112,891</u>
7	<u>Capital assets</u>	<u>229,371</u>	<u>1,141,261</u>	<u>1,370,632</u>
8	<u>Grants</u>	<u>449,514</u>	<u>660,000</u>	<u>1,109,514</u>
9	<u>Civil air patrol</u>	<u>243,353</u>	<u>44,098</u>	<u>287,451</u>
10	<u>Tuition, recruiting, and retention</u>	<u>2,407,500</u>	<u>110,000</u>	<u>2,517,500</u>
11	<u>Air guard contract</u>	<u>10,989,323</u>	<u>493,835</u>	<u>11,483,158</u>
12	<u>Army guard contract</u>	<u>56,110,755</u>	<u>2,071,916</u>	<u>58,182,671</u>
13	<u>Veterans' cemetery</u>	<u>576,916</u>	<u>70,089</u>	<u>647,005</u>
14	<u>Reintegration program</u>	<u>1,477,449</u>	<u>9,531</u>	<u>1,486,980</u>
15	<u>Accrued leave payments</u>	<u>0</u>	<u>812,098</u>	<u>812,098</u>
16	<u>Total all funds</u>	<u>\$81,700,958</u>	<u>\$7,642,111</u>	<u>\$89,343,069</u>
17	<u>Less estimated income</u>	<u>65,721,902</u>	<u>4,596,841</u>	<u>70,318,743</u>
18	<u>Total general fund</u>	<u>\$15,979,056</u>	<u>\$3,045,270</u>	<u>\$19,024,326</u>

19 Subdivision 2.

20 DEPARTMENT OF EMERGENCY SERVICES

21		Adjustments or		
22		Base Level	Enhancements	Appropriation
23	<del>Salaries and wages</del>	<del>\$11,363,744</del>	<del>(\$1,064,824)</del>	<del>\$10,298,920</del>
24	<del>Operating expenses</del>	<del>9,930,022</del>	<del>(210,534)</del>	<del>9,719,488</del>
25	<del>Capital assets</del>	<del>802,000</del>	<del>121,240</del>	<del>923,240</del>
26	<del>Grants</del>	<del>71,419,771</del>	<del>(52,046,524)</del>	<del>19,373,247</del>
27	<del>Disaster costs</del>	<del>109,923,008</del>	<del>37,795,559</del>	<del>147,718,567</del>
28	<del>Radio communications</del>	<del>0</del>	<del>2,460,000</del>	<del>2,460,000</del>
29	<del>Accrued leave payments</del>	<del>0</del>	<del>283,895</del>	<del>283,895</del>
30	<del>Total all funds</del>	<del>\$203,438,545</del>	<del>(\$12,661,188)</del>	<del>\$190,777,357</del>
31	<del>Less estimated income</del>	<del>195,382,476</del>	<del>(16,056,622)</del>	<del>179,325,854</del>

Sixty-third  
Legislative Assembly

1	<del>Total general fund</del>	<del>\$8,056,069</del>	<del>\$3,395,434</del>	<del>\$11,451,503</del>
2	Salaries and wages	\$11,363,744	(\$1,064,824)	\$10,298,920
3	Operating expenses	9,930,022	(10,534)	9,919,488
4	Capital assets	802,000	121,240	923,240
5	Grants	71,419,771	(52,046,524)	19,373,247
6	Disaster costs	109,923,008	37,795,559	147,718,567
7	Radio communications	0	2,735,000	2,735,000
8	Accrued leave payments	0	283,895	283,895
9	Total all funds	\$203,438,545	(\$12,186,188)	\$191,252,357
10	Less estimated income	195,382,476	(15,856,622)	179,525,854
11	Total general fund	\$8,056,069	\$3,670,434	\$11,726,503

Subdivision 3.

BILL TOTAL

	Base Level	Adjustments or Enhancements	Appropriation	
16	<del>Grand total general fund</del>	<del>\$24,035,125</del>	<del>\$6,167,610</del>	<del>\$30,202,735</del>
17	<del>Grand total special funds</del>	<del>261,104,378</del>	<del>(11,892,845)</del>	<del>249,211,533</del>
18	<del>Grand total all funds</del>	<del>\$285,139,503</del>	<del>(\$5,725,235)</del>	<del>\$279,414,268</del>
19	Grand total general fund	\$24,035,125	\$7,090,704	\$31,125,829
20	Grand total special funds	261,104,378	(9,759,781)	251,344,597
21	Grand total all funds	\$285,139,503	(\$2,669,077)	\$282,470,426
22	Full-time equivalent positions	242.00	4.00	246.00

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

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

One-Time Funding Description	2011-13	2013-15
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

Sixty-third  
Legislative Assembly

1	<del>State radio tower package</del>	<del>1,500,000</del>	<del>900,000</del>
2	<del>Statewide seamless base map</del>	<del>900,000</del>	<del>1,150,000</del>
3	<u>State radio tower package</u>	<u>1,500,000</u>	<u>1,175,000</u>
4	<u>Statewide seamless base map</u>	<u>900,000</u>	<u>1,150,000</u>
5	Military service center east	72,700	0
6	Extraordinary repairs	385,381	0
7	State radio communications center	0	1,201,240
8	Computer-aided dispatch upgrade	0	340,000
9	Voice incident recorder	0	150,000
10	State radio suppression project	0	210,000
11	Disaster coordination contract	0	1,500,000
12	Veterans' bonus program	0	600,000
13	Flood disaster expenditures (special session)	39,500,000	0
14	Flood-damaged school grant	<u>500,000</u>	<u>0</u>
15	<del>Total all funds</del>	<del>\$45,818,428</del>	<del>\$6,051,240</del>
16	<del>Less estimated income</del>	<del>40,000,000</del>	<del>2,000,000</del>
17	<del>Total general fund</del>	<del>\$5,818,428</del>	<del>\$4,051,240</del>
18	<u>Total all funds</u>	<u>\$45,818,428</u>	<u>\$6,326,240</u>
19	<u>Less estimated income</u>	<u>40,000,000</u>	<u>2,000,000</u>
20	<u>Total general fund</u>	<u>\$5,818,428</u>	<u>\$4,326,240</u>

21 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the  
 22 2015-17 biennium. The adjutant general shall report to the appropriations committees of the  
 23 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning  
 24 July 1, 2013, and ending June 30, 2015.

**SECTION 3. CONTINGENT APPROPRIATION - NATIONAL GUARD TUITION**

26 **ASSISTANCE.** There is appropriated out of any moneys in the general fund in the state  
 27 treasury, not otherwise appropriated, the sum of \$375,000, or so much of the sum as may be  
 28 necessary, to the adjutant general for the purpose of providing tuition assistance to eligible  
 29 members of the North Dakota national guard, for the biennium beginning July 1, 2013, and  
 30 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. EMERGENCY.** Of the amount appropriated from the general fund in this Act,  
7 funding of \$600,000 in the grants line in subdivision 1 of section 1 of this Act, relating to the  
8 veterans' bonus program, \$241,240 in the capital assets line in subdivision 1 of section 1 of this  
9 Act, and \$960,000 in the capital assets line in subdivision 2 of section 1 of this Act, relating to  
10 the state radio communications center project, is declared to be an emergency measure.~~

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

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