

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1016  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the office of adjutant general; to provide for a contingent appropriation; to provide an appropriation to the housing finance agency; to provide for transfers; to provide exemptions; to provide for a budget section report; and to declare an emergency.

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

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the office of the adjutant general for the purpose of defraying the expenses of 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>
Salaries and wages	\$5,153,886	\$2,179,283	\$7,333,169
Operating expenses	4,062,891	50,000	4,112,891
Capital assets	229,371	1,141,261	1,370,632
Grants	449,514	660,000	1,109,514
Civil air patrol	243,353	44,098	287,451
Tuition, recruiting, and retention	2,407,500	110,000	2,517,500
Air guard contract	10,989,323	493,835	11,483,158
Army guard contract	56,110,755	2,071,916	58,182,671
Veterans' cemetery	576,916	70,089	647,005
Reintegration program	1,477,449	9,531	1,486,980
Accrued leave payments	<u>0</u>	<u>812,098</u>	<u>812,098</u>
Total all funds	\$81,700,958	\$7,642,111	\$89,343,069
Less estimated income	<u>65,721,902</u>	<u>4,596,841</u>	<u>70,318,743</u>
Total general fund	\$15,979,056	\$3,045,270	\$19,024,326

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,363,744	(\$1,064,824)	\$10,298,920
Operating expenses	9,930,022	(10,534)	9,919,488
Capital assets	802,000	121,240	923,240
Grants	71,419,771	(52,046,524)	19,373,247
Disaster costs	109,923,008	37,795,559	147,718,567
Radio communications	0	2,735,000	2,735,000
Accrued leave payments	<u>0</u>	<u>283,895</u>	<u>283,895</u>

Total all funds	\$203,438,545	(\$12,186,188)	\$191,252,357
Less estimated income	<u>195,382,476</u>	<u>(15,856,622)</u>	<u>179,525,854</u>
Total general fund	\$8,056,069	\$3,670,434	\$11,726,503

Subdivision 3.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$24,035,125	\$7,090,704	\$31,125,829
Grand total special funds	<u>261,104,378</u>	<u>(9,759,781)</u>	<u>251,344,597</u>
Grand total all funds	\$285,139,503	(\$2,669,077)	\$282,470,426
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:

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

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

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

**SECTION 6. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may transfer to the operating expenses and capital assets line items contained in section 1 of this Act up to the sum of \$500,000 from the various other line items contained in section 1 of this Act, as determined necessary by the adjutant general to provide for the maintenance and repair of state-owned armories in this state during the biennium beginning July 1, 2013, and ending June 30, 2015. Any amounts transferred pursuant to this section must be reported to the director of the office of management and budget.

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

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

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

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

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

**SECTION 12. EXEMPTION.** The amount appropriated for grants to cities and counties for flood-impacted housing rehabilitation in section 9 of chapter 579 of the 2011 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this appropriation are available for these purposes during the biennium beginning July 1, 2013, and ending June 30, 2015.

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

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

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1016 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 92                      Nays 0                      Absent 2

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 47                      Nays 0                      Absent 0

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2013,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State