

Sixty-fourth
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 an appropriation to the information technology department; to
3 provide for transfers; to provide exemptions; to provide legislative intent; and to declare an
4 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, 2015, and ending June 30, 2017 as follows:

11 Subdivision 1.

12 NATIONAL GUARD

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15 Salaries and wages	\$6,063,904	\$661,721	\$6,725,625
16 <u>Salaries and wages</u>	<u>\$6,063,904</u>	<u>\$636,876</u>	<u>\$6,700,780</u>
17 Operating expenses	4,112,891	210,000	4,322,891
18 Capital assets	200,632	187,414	388,046
19 Grants	509,514	500,000	1,009,514
20 Civil air patrol	287,451	25,075	312,526
21 <u>Civil air patrol</u>	<u>287,451</u>	<u>24,322</u>	<u>311,773</u>
22 Tuition, recruiting, and retention	2,517,500	0	2,517,500
23 Air guard contract	11,483,158	(3,404,511)	8,078,647
24 Army guard contract	59,192,835	803,871	59,996,706

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1	Veterans' cemetery	647,005	168,246	815,251
2	Reintegration program	1,491,980	417,786	1,909,766
3	<u>Air guard contract</u>	<u>11,483,158</u>	<u>(3,428,604)</u>	<u>8,054,554</u>
4	<u>Army guard contract</u>	<u>59,192,835</u>	<u>750,414</u>	<u>59,943,249</u>
5	<u>Veterans' cemetery</u>	<u>647,005</u>	<u>164,481</u>	<u>811,486</u>
6	<u>Reintegration program</u>	<u>1,491,980</u>	<u>411,763</u>	<u>1,903,743</u>
7	Accrued leave payments	<u>812,098</u>	<u>(812,098)</u>	<u>0</u>
8	Total all funds	\$87,318,968	(\$1,242,496)	\$86,076,472
9	Less estimated income	70,164,642	(3,164,667)	66,999,975
10	Total general fund	\$17,154,326	\$1,922,171	\$19,076,497
11	<u>Total all funds</u>	<u>\$87,318,968</u>	<u>(\$1,355,432)</u>	<u>\$85,963,536</u>
12	<u>Less estimated income</u>	<u>70,164,642</u>	<u>(3,230,290)</u>	<u>66,934,352</u>
13	<u>Total general fund</u>	<u>\$17,154,326</u>	<u>\$1,874,858</u>	<u>\$19,029,184</u>

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

		Adjustments or		
	Base Level	Enhancements	Appropriation	
18	Salaries and wages	\$10,553,021	\$1,678,199	\$12,231,220
19	Operating expenses	8,364,488	7,582,981	15,947,469
20	<u>Salaries and wages</u>	<u>\$10,553,021</u>	<u>\$1,816,888</u>	<u>\$12,369,909</u>
21	<u>Operating expenses</u>	<u>8,364,488</u>	<u>2,182,981</u>	<u>10,547,469</u>
22	Capital assets	682,000	58,000	740,000
23	Grants	19,373,247	2,300,000	21,673,247
24	Disaster costs	147,718,567	(39,549,040)	108,169,527
25	<u>Grants</u>	<u>19,373,247</u>	<u>(700,000)</u>	<u>18,673,247</u>
26	<u>Disaster costs</u>	<u>147,718,567</u>	<u>(39,553,083)</u>	<u>108,165,484</u>
27	Radio communications	0	626,000	626,000
28	Accrued leave payments	<u>283,895</u>	<u>(283,895)</u>	<u>0</u>
29	Total all funds	\$186,975,218	(\$27,587,755)	\$159,387,463
30	Less estimated income	177,679,955	(38,738,058)	138,941,897
31	Total general fund	\$9,295,263	\$11,150,303	\$20,445,566

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1	<u>Total all funds</u>	<u>\$186,975,218</u>	<u>(\$35,853,109)</u>	<u>\$151,122,109</u>
2	<u>Less estimated income</u>	<u>177,679,955</u>	<u>(39,161,780)</u>	<u>138,518,175</u>
3	<u>Total general fund</u>	<u>\$9,295,263</u>	<u>\$3,308,671</u>	<u>\$12,603,934</u>
4	Subdivision 3.			
5	BILL TOTAL			
6			Adjustments or	
7		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8	Grand total general fund	\$26,449,589	\$13,072,474	\$39,522,063
9	Grand total special funds	247,844,597	(34,902,725)	212,941,872
10	Grand total all funds	\$274,294,186	(\$21,830,251)	\$252,463,935
11	<u>Grand total general fund</u>	<u>\$26,449,589</u>	<u>\$6,683,529</u>	<u>\$33,133,118</u>
12	<u>Grand total special funds</u>	<u>247,844,597</u>	<u>(40,392,070)</u>	<u>207,452,527</u>
13	<u>Grand total all funds</u>	<u>\$274,294,186</u>	<u>(\$33,708,541)</u>	<u>\$240,585,645</u>
14	Full-time equivalent positions	246.00	(12.00)	234.00

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

SIXTY-FIFTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-third legislative assembly for the 2013-15 biennium and the 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

19	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
20	State radio tower package	\$1,175,000	0
21	Statewide seamless base map	1,150,000	0
22	State radio communications center	1,201,240	0
23	Computer-aided dispatch upgrade	340,000	0
24	Voice incident recorder	150,000	0
25	State radio suppression project	210,000	0
26	Disaster coordination contract	1,500,000	400,000
27	<u>Disaster coordination contract</u>	<u>1,500,000</u>	<u>0</u>
28	Veterans' bonus program	600,000	500,000
29	Veterans' book	50,000	0
30	Veterans' tuition assistance	375,000	0
31	Next generation 911	0	386,000

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1	Microsoft SQL enterprise for CAD	0	90,000
2	Message switch test server	0	70,000
3	Radio tower redundancy	0	80,000
4	Disaster recovery assistance contract	0	1,000,000
5	Emergency response supplies	0	550,000
6	Veterans' cemetery land purchase	0	139,000
7	Grants to fire departments	0	3,000,000
8	Statewide radio communications project	0	5,000,000
9	Total all funds	6,751,240	11,215,000
10	Less estimated income	2,000,000	1,469,500
11	Total general fund	\$4,751,240	\$9,745,500
12	<u>Total all funds</u>	<u>\$6,751,240</u>	<u>\$2,815,000</u>
13	<u>Less estimated income</u>	<u>2,000,000</u>	<u>1,069,500</u>
14	<u>Total general fund</u>	<u>\$4,751,240</u>	<u>\$1,745,500</u>

15 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
 16 2017-19 biennium. The adjutant general shall report to the appropriations committees of the
 17 sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning
 18 July 1, 2015, and ending June 30, 2017.

19 ~~SECTION 3. APPROPRIATION - STATE DISASTER RELIEF FUND. Notwithstanding~~
 20 ~~section 37-17.1-27, there is appropriated out of any moneys in the state disaster relief fund in~~
 21 ~~the state treasury, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as~~
 22 ~~may be necessary, subject to emergency commission approval, to the adjutant general for the~~
 23 ~~purposes of providing the required state share of funding for defraying the expenses associated~~
 24 ~~with presidentially declared disasters, for the period beginning with the effective date of this Act~~
 25 ~~and ending June 30, 2017.~~

26 **SECTION 3. APPROPRIATION - STATE DISASTER RELIEF FUND.** Notwithstanding
 27 section 37-17.1-27, there is appropriated out of any moneys in the state disaster relief fund in
 28 the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as
 29 may be necessary, to the adjutant general for the purpose of providing for repair and
 30 replacement of infrastructure and for removal of debris and other health hazards in
 31 organized recreation service districts that are experiencing chronic flooding, for the period

1 beginning with the effective date of this Act, and ending June 30, 2017. The adjutant general
2 shall consult with the environmental division of the state department of health regarding the
3 process of environmental cleanup.

4 **SECTION 4. APPROPRIATION - INFORMATION TECHNOLOGY DEPARTMENT.** There is
5 appropriated out of any moneys in the general fund in the state treasury, not otherwise
6 appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the
7 information technology department for the purpose of planning and coordinating the
8 implementation of the statewide radio interoperability network as provided in section 6 of this
9 Act, for the biennium beginning July 1, 2015, and ending June 30, 2017. The funding provided
10 in this section is considered a one-time funding item.

11 **SECTION 5. STATEWIDE RADIO INTEROPERABILITY NETWORK - LEGISLATIVE**
12 **INTENT - REPORT TO THE SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The information
13 technology department, under the direction of the statewide interoperability executive
14 committee, shall determine the feasibility and desirability of implementing a statewide radio
15 interoperability network. The department shall consult with representatives of political
16 subdivisions and private entities affected by the implementation of the network to determine
17 participation in the project. If the department determines it is feasible and desirable to proceed
18 with the project, the department shall enter into agreements, including joint powers agreements,
19 with affected entities to delineate the roles and responsibilities of each entity to implement the
20 project. The agreements shall detail estimated future project costs to be paid by each entity.

21 The information technology department shall report to the appropriations committees of the
22 sixty-fifth legislative assembly regarding the department's evaluation of the project, participation
23 by affected entities, and recommendations for proceeding with the project or discontinuing
24 future participation. It is the intent of the sixty-fourth legislative assembly that future legislative
25 appropriations be provided for the state's share of the core project if the information technology
26 department determines it is feasible and desirable to proceed with the project.

27 **SECTION 6. STATE RADIO POSITIONS.** The salaries and wages line item in subdivision 2
28 of section 1 of this Act includes \$192,621 from the general fund to realign state radio dispatch
29 positions within the employee classification system.

30 **SECTION 7. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
31 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item

1 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are
2 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
3 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
4 biennium beginning July 1, 2015, and ending June 30, 2017.

5 **SECTION 8. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may
6 transfer to the operating expenses and capital assets line items contained in section 1 of this
7 Act up to the sum of \$500,000 from the various other line items contained in section 1 of this
8 Act, as determined necessary by the adjutant general to provide for the maintenance and repair
9 of state-owned armories in this state during the biennium beginning July 1, 2015, and ending
10 June 30, 2017. Any amounts transferred pursuant to this section must be reported to the
11 director of the office of management and budget.

12 **SECTION 9. FUNDING TRANSFERS - STATE EMPLOYEE COMPENSATION**
13 **ADJUSTMENTS - EXCEPTION.** Notwithstanding section 54-16-04, the adjutant general may
14 transfer appropriation authority between line items within each subdivision of section 1 of this
15 Act and between subdivisions within section 1 of this Act, as it relates to state employee
16 compensation increases authorized by the sixty-fourth legislative assembly, for the biennium
17 beginning July 1, 2015, and ending June 30, 2017. The adjutant general shall notify the office of
18 management and budget of any transfer made under this section.

19 **SECTION 10. EXEMPTION.** The amount appropriated in the radio communications line for
20 statewide seamless base map, state radio tower package, computer-aided dispatch upgrade,
21 and the voice incident recorder, in subdivision 2 of section 1 of chapter 16 of the 2013 Session
22 Laws is not subject to section 54-44.1-11 and any unexpended funds are available for
23 completing these projects during the biennium beginning July 1, 2015, and ending June 30,
24 2017.

25 **SECTION 11. EXEMPTION.** The amount appropriated in the operating expenses line for
26 the computer-aided dispatch upgrade and the disaster coordination contract in subdivision 2 of
27 section 1 of chapter 16 of the 2013 Session Laws is not subject to section 54-44.1-11 and any
28 unexpended funds are available for these purposes during the biennium beginning July 1, 2015,
29 and ending June 30, 2017.

30 **SECTION 12. EXEMPTION.** The amount appropriated in the operating expenses line for
31 the writing, publishing, and distribution of a record of all North Dakota veterans, including a

1 record of all North Dakotans killed in action and missing in action since statehood, subdivision 1
2 of section 1 of chapter 16 of the 2013 Session Laws is not subject to 54-44.1-11 and any
3 unexpended funds are available for ~~these purposes~~the collecting of information on North
4 Dakotans who served in a theatre or area of armed conflict since the Vietnam conflict during the
5 biennium beginning July 1, 2015, and ending June 30, 2017.

6 **SECTION 13. EXEMPTION.** The amount appropriated in the tuition, recruiting, and
7 retention line item in subdivision 1 of section 1 of chapter 16 of the 2013 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, recruiting and retention incentives to eligible members of the North
10 Dakota national guard during the biennium beginning July 1, 2015, and ending June 30, 2017.

11 **SECTION 14. EXEMPTION.** The amount appropriated in the tuition, recruiting, and
12 retention line item in section 3 of chapter 16 of the 2013 Session Laws is not subject to section
13 54-44.1-11 and any unexpended funds from this appropriation may be used to provide tuition
14 assistance to eligible members of the North Dakota national guard, during the biennium
15 beginning July 1, 2015, and ending June 30, 2017, contingent upon the adjutant general
16 certifying to the office of management and budget that the national guard has received a new
17 assignment in association with the Grand Forks air force base.

18 **SECTION 15. EXEMPTION.** Any amounts carried over pursuant to section 9 of chapter 16
19 of the 2013 Session Laws that is unexpended as of June 30, 2015 is not subject to section
20 54-44.1-11 and is available for payment of adjusted compensation to veterans. Any unexpended
21 funds from this appropriation must be transferred to the veterans' cemetery trust fund during the
22 biennium beginning July 1, 2015, and ending June 30, 2017.

23 **SECTION 16. EXEMPTION.** Any amounts carried over in the radio communications line for
24 the state radio tower package pursuant to section 10 of chapter 16 of the 2013 Session Laws
25 that is unexpended as of June 30, 2015, is not subject to section 54-44.1-11. Any unexpended
26 funds are available for state radio tower package costs during the biennium beginning July 1,
27 2015, and ending June 30, 2017.

28 **SECTION 17. EXEMPTION.** Any amounts carried over in the disaster costs line for flood
29 relief or disaster mitigation projects in incorporated cities, and grants to political subdivisions for
30 amounts required to match federal dollars on road grade raising projects and federal
31 emergency relief funding pursuant to section 11 of chapter 16 of the 2013 Session Laws that is

1 unexpended as of June 30, 2015, is not subject to section 54-44.1-11. Any unexpended funds
2 from this appropriation are available for these purposes during the biennium beginning July 1,
3 2015, and ending June 30, 2017.

4 **SECTION 18. EXEMPTION.** Any amounts carried over in the disaster costs line for grants
5 to cities and counties for flood-impacted housing rehabilitation pursuant to section 12 of
6 chapter 16 of the 2013 Session Laws that is unexpended as of June 30, 2015, is not subject to
7 section 54-44.1-11. Any unexpended funds from this appropriation are available for these
8 purposes during the biennium beginning July 1, 2015, and ending June 30, 2017.

9 **SECTION 19. EMERGENCY.** Funding of \$500,000 from the general fund in the grants line
10 item in subdivision 1 of section 1 of this Act, relating to the veterans' bonus program, funding of
11 \$386,000 from the general fund in the radio communications line item in subdivision 2 of
12 section 1 of this Act, relating to next generation 911, funding of \$209,280 from the general fund
13 in the operating line item in subdivision 2 of section 1 of this Act, relating to next generation 911
14 maintenance, funding of \$382,000 from the general fund in the operating line item in subdivision
15 2 of section 1 of this Act relating to statewide base map maintenance, and funding of
16 \$2,000,000 from the state disaster relief fund in section 4 of this Act relating to repair and
17 replacement of infrastructure and removal of debris and other health hazards, are declared to
18 be an emergency measure.