

**FIRST ENGROSSMENT
with Senate 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 division of
 2 emergency management and a division of homeland security and state radio communications;
 3 to provide for a performance audit of the division of emergency management; to provide a
 4 statement of legislative intent; to provide for a report to the legislative council; to create and
 5 enact a new section to chapter 54-23.2 of the North Dakota Century Code, relating to a division
 6 of homeland security and state radio communications advisory commission; and to amend and
 7 reenact sections 54-23.2-01, 54-23.2-04.1, 54-23.2-09, 57-40.6-11, and 57-40.6-12 of the North
 8 Dakota Century Code, relating to a division of homeland security and state radio
 9 communications.

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

11 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
 12 section represent the base level funding component appropriated to the division of emergency
 13 management under the supervision of the adjutant general in section 3 of this Act as follows:

14 Salaries and wages	\$3,037,559
15 Operating expenses	1,637,032
16 Capital assets	12,000
17 Grants	<u>33,899,585</u>
18 Total all funds - Base level	\$38,586,176
19 Less estimated income - Base level	<u>37,217,141</u>
20 Total general fund - Base level	\$1,369,035

21 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
 22 amounts identified in this section represent the funding adjustments or enhancements to the
 23 base funding level for the division of emergency management under the supervision of the
 24 adjutant general which are included in the appropriation in section 3 of this Act as follows:

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1	Salaries and wages	\$3,540,596
2	Operating expenses	1,688,812
3	Capital assets	4,945,923
4	Grants	<u>13,062,469</u>
5	Total all funds - Adjustments/enhancements	\$23,237,800
6	Less estimated income - Adjustments/enhancements	<u>19,519,635</u>
7	Total general fund - Adjustments/enhancements	\$3,718,165

8 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
9 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and
11 other income, to the division of emergency management under the supervision of the adjutant
12 general for the purpose of defraying the expenses of that agency, for the biennium beginning
13 July 1, 2005, and ending June 30, 2007, as follows:

14	Salaries and wages	\$6,578,155
15	Operating expenses	3,325,844
16	Capital assets	4,957,923
17	Grants	<u>46,962,054</u>
18	Total all funds	\$61,823,976
19	Less estimated income	<u>56,736,776</u>
20	Total general fund appropriation	\$5,087,200

21 **SECTION 4. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS.** It is
22 the intent of the fifty-ninth legislative assembly that the total full-time equivalent authorization
23 includes 35 full-time equivalent positions for the division of homeland security and state radio
24 communications, consisting of 29 positions relating to state radio communications, 5 positions
25 authorized during the 2003-05 biennium by the emergency commission for homeland security,
26 and 1 deputy director position from the division of emergency management.

27 **SECTION 5. STATE HAZARDOUS CHEMICALS PREPAREDNESS AND**
28 **RESPONSE FUND.** The sum of \$225,553, or so much of the sum as may be necessary,
29 included in the estimated income line item in section 3 of this Act, is from the state hazardous
30 chemicals preparedness and response fund and may be spent by the division of emergency
31 management for the purposes provided in section 37-17.1-07.1.

1 **SECTION 6. PERFORMANCE AUDIT - DIVISION OF EMERGENCY MANAGEMENT.**

2 The state auditor shall conduct a performance audit of the division of emergency management,
3 including a review of fees collected for 911 services and the utilization of the fees during the
4 biennium beginning July 1, 2005, and ending June 30, 2007. The audit must include a
5 recommendation by the state auditor of the appropriate method of funding costs incurred by the
6 division of emergency management for providing 911 services, including the costs incurred by
7 the division for answering calls from counties not under contract with the division for 911
8 services. The state auditor must be granted access to all county and county consortium
9 records pertaining to 911 information. The results of the audit must be presented to the
10 legislative audit and fiscal review committee and filed with the appropriations committee of the
11 sixtieth legislative assembly.

12 **SECTION 7. HOMELAND SECURITY FUNDING ALLOCATION REVIEW PROCESS -**
13 **REPORT TO THE LEGISLATIVE COUNCIL.** The division of emergency management shall

14 implement during the 2005-06 interim a review process relating to the division's allocation of
15 federal homeland security funds to political subdivisions. The process must assure that all
16 agencies and responders are involved in the distribution of the federal funds and that the
17 priorities included in the local needs assessment are met. The division, as requested, shall
18 provide an appropriate committee of the legislative council a report detailing the uses of federal
19 homeland security funds at the state and local level and a report regarding any discrepancies
20 relating to the needs assessment completed by the division and purchases made with federal
21 homeland security funds.

22 **SECTION 8. AMENDMENT.** Section 54-23.2-01 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-23.2-01. Definitions.** ~~Wherever the word "director" is hereinafter used, it shall~~
25 ~~mean the director of the office of management and budget. The word "system" hereinafter~~
26 ~~used shall mean~~ As used in this chapter, unless the context otherwise requires:

- 27 1. "Director" means the adjutant general.
28 2. "Division" means the division of homeland security and state radio
29 communications.
30 3. "System" means the state radio broadcasting system.

1 **SECTION 9. AMENDMENT.** Section 54-23.2-04.1 of the North Dakota Century Code
2 is amended and reenacted as follows:

3 **54-23.2-04.1. Lost or runaway children and missing persons.** The ~~state radio~~
4 ~~department~~ division shall:

- 5 1. Establish and maintain a statewide file system for the purpose of effecting an
6 immediate law enforcement response to reports of lost or runaway children and
7 missing persons. ~~The state radio department shall implement~~
- 8 2. Implement a data exchange system to compile, to maintain, and to make available
9 for dissemination to North Dakota and to out-of-state law enforcement agencies,
10 descriptive information ~~which that~~ can assist appropriate agencies in recovering
11 lost or runaway children and missing persons.
- 12 ~~2.~~ 3. Establish contacts and exchange information regarding lost or runaway children
13 and missing persons with the national crime information center.
- 14 ~~3.~~ 4. Notify all enforcement agencies that reports of lost or runaway children and
15 missing persons ~~shall~~ must be entered as soon as the minimum level of data
16 specified by the ~~state radio department~~ division is available to the reporting agency
17 and that no waiting period for entry of such data exists. If the enforcement agency
18 is unable to enter the data, the ~~state radio department shall~~ division immediately
19 upon notification shall enter the information into the national crime information
20 center file.
- 21 ~~4.~~ 5. Compile and retain information regarding lost or runaway children or missing
22 persons in a separate file, in a manner that allows the information to be used by
23 law enforcement and other agencies ~~deemed~~ considered appropriate by the ~~state~~
24 ~~radio department~~ division, for investigative purposes. The enforcement agency is
25 responsible for maintaining the disposition of the case and ~~shall~~ periodically shall
26 review the case with the reporting party and the ~~state radio department~~ division to
27 ensure all available information is included and to determine the current status of
28 the case.
- 29 ~~5.~~ 6. Provide prompt confirmation of the receipt and entry of the lost or runaway children
30 and missing persons report into the file system to the enforcement agency

1 providing the report or to the parent, guardian, or identified family member as
2 provided in subsection ~~6~~ 7.

3 ~~6-~~ 7. Allow any parent, guardian, or identified family member to submit a missing
4 persons report to the ~~state radio department~~ division which will be included in the
5 ~~state radio department~~ division file system and transmitted to the national crime
6 information center, if they are unable to receive services from the local law
7 enforcement agency.

8 ~~7-~~ 8. Compile and maintain a historical data repository relating to missing persons for all
9 of the following purposes:

10 a. To develop and improve techniques utilized by law enforcement agencies
11 when responding to reports of missing persons.

12 b. To provide a factual and statistical base for research ~~that~~ which would
13 address the problem of lost or runaway children and missing persons.

14 **SECTION 10. AMENDMENT.** Section 54-23.2-09 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **54-23.2-09. Mobile data terminal and 911 service fees.** ~~State radio communications~~

17 1. The division shall establish and charge fees to provide mobile data terminal
18 service to interested local law enforcement agencies. The fees must be based on
19 actual costs incurred by ~~state radio communications~~ the division for providing the
20 service.

21 ~~State radio communications~~

22 2. The division may provide 911 services to a political subdivision with a population of
23 fewer than twenty thousand and shall charge at least twenty cents per telephone
24 access line and wireless access line for 911 services provided to political
25 subdivisions. The fee for 911 wireless services must be charged to and paid by
26 the political subdivision receiving services from ~~state radio communications~~ the
27 division under this section from and after the date of the agreement entered into by
28 the political subdivision or its designee under section 57-40.6-05, whether the date
29 of that agreement is before or after April 4, 2003. Each county currently receiving
30 911 services from ~~state radio communications~~ the division shall abide by the
31 standards established by law.

1 **SECTION 11.** A new section to chapter 54-23.2 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Advisory commission.** The division of homeland security and state radio
4 communications advisory commission consists of five members appointed by the governor.
5 Each member must be appointed for a term of four years. Each member of the advisory
6 commission is entitled to be paid a per diem of sixty-two dollars and fifty cents per day and is
7 entitled to be reimbursed for the member's actual and necessary expenses at the rates and in
8 the manner provided by law for other state officers. The compensation and expenses must be
9 paid out of division appropriations. The advisory commission shall advise the division
10 regarding collaboration with political subdivisions and potential efficiencies with state radio
11 communications.

12 **SECTION 12. AMENDMENT.** Section 57-40.6-11 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **57-40.6-11. Annual report to legislative council.** ~~State radio~~ The division of
15 homeland security and state radio communications, in cooperation with entities affected by this
16 section and section 57-40.6-10, shall facilitate the review of emergency 911 telephone system
17 standards and guidelines and shall report annually to the legislative council on the operation of
18 and any recommended changes in the standards and guidelines.

19 **SECTION 13. AMENDMENT.** Section 57-40.6-12 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **57-40.6-12. Reports of coordination of public safety answering points coverage.**
22 The governing body of a city or county, which adopted a fee on telephone exchange access
23 service and wireless service under this chapter, shall make an annual report of the income,
24 expenditures, and status of its emergency services communication system. The annual report
25 must be submitted to the ~~state radio~~ division of homeland security and state radio
26 communications and to the public safety answering points coordinating committee. The
27 committee is composed of three members, one appointed by the North Dakota 911 association,
28 one appointed by the North Dakota association of counties, and one appointed by the ~~office of~~
29 ~~management and budget~~ adjutant general to represent the ~~state radio~~ division of homeland
30 security and state radio communications. The public safety answering points coordinating

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- 1 committee shall file its report with the legislative council by November first of each
- 2 even-numbered year.