

**Fifty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1017  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the adjutant general; to provide an exemption to section 54-44.1-11 of the North Dakota Century Code, relating to unexpended appropriations; and to declare an emergency.

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

**SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this section represent the base level funding component appropriated to the adjutant general's office in section 3 of this Act as follows:

Salaries and wages	\$3,568,516
Operating expenses	2,681,667
Capital assets	144,987
Grants	329,514
Civil air patrol	193,020
Tuition and enlistment compensation	1,007,500
Air guard contract	6,318,364
Army guard contract	15,370,985
Veterans' cemetery	<u>275,146</u>
Total all funds - Base level	\$29,889,699
Less estimated income - Base level	<u>20,718,716</u>
Total general fund - Base level	\$9,170,983

**SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The amounts identified in this section represent the funding adjustments or enhancements to the base funding level for the adjutant general's office which are included in the appropriation in section 3 of this Act as follows:

Salaries and wages	\$174,055
Operating expenses	531,861
Capital assets	725,013
Grants	5,000,000
Civil air patrol	(36,762)
Tuition and enlistment compensation	1,000,000
Air guard contract	827,137
Army guard contract	9,610,477
Veterans' cemetery	<u>15,425</u>
Total all funds - Adjustments/enhancements	\$17,847,206
Less estimated income - Adjustments/enhancements	<u>10,612,621</u>
Total general fund - Adjustments/enhancements	\$7,234,585

**SECTION 3. 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 adjutant general's office for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows:

Salaries and wages	\$3,742,571
Operating expenses	3,213,528
Capital assets	870,000
Grants	5,329,514
Civil air patrol	156,258
Tuition and enlistment compensation	2,007,500
Air guard contract	7,145,501
Army guard contract	24,981,462
Veterans' cemetery	290,571
Total all funds	\$47,736,905
Less estimated income	31,331,337
Total general fund appropriation	\$16,405,568

**SECTION 4. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** The veterans' cemetery line item in section 3 of this Act includes the sum of \$74,274 from the veterans' cemetery maintenance fund for the operation of the veterans' cemetery. Any additional funds received by the adjutant general 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 are appropriated to the adjutant general for that purpose for the biennium beginning July 1, 2005, and ending June 30, 2007.

**SECTION 5. LINE ITEM TRANSFER AUTHORITY - MAINTENANCE AND REPAIRS.** The adjutant general may transfer to the operating expenses and capital assets line items contained in section 3 of this Act up to the sum of \$700,000 from the various other line items contained in section 3 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, 2005, and ending June 30, 2007. Any amounts transferred pursuant to this section must be reported to the director of the office of management and budget.

**SECTION 6. EXEMPTION - TRANSFER.** Any unexpended general fund appropriation authority relating to the \$5,000,000 appropriated in section 3 of this Act for the payment of adjusted compensation to veterans is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation must be transferred to the veterans' cemetery trust fund during the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 7. APPROPRIATION.** There is appropriated from special funds derived from federal funds the sum of \$4,000,000, or so much of the sum as may be necessary, to the adjutant general's office for the purpose of completing construction projects at federally supported facilities and roads, for the period beginning with the effective date of this Act and ending June 30, 2005.

**SECTION 8. EMERGENCY.** Section 7 of this Act is 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 Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1017 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:      Yeas          91                  Nays          0                  Absent        3

\_\_\_\_\_  
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          42                  Nays          0                  Absent        5

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

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

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2005,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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