

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 appropriations; to provide for transfers; to provide exemptions; to
3 amend and reenact section 37-17.3-08 of the North Dakota Century Code, relating to state
4 radio fees; 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, 2011, and ending June 30, 2013, as follows:

11 Subdivision 1.

12 NATIONAL GUARD

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13			
14			
15	Salaries and wages	\$312,450	\$5,153,886
16	Operating expenses	386,000	4,062,891
17	Capital assets	391,082	614,752
18	Grants	0	449,514
19	Civil air patrol	20,517	243,353
20	Tuition, recruiting, and retention	0	2,407,500
21	Air guard contract	1,437,780	10,989,323
22	Army guard contract	(3,947,342)	56,110,757
23	Reintegration program	172,740	1,550,149
24	Veterans' cemetery	<u>87,775</u>	<u>576,916</u>

Sixty-second
Legislative Assembly

1	Total all funds	\$83,298,039	(\$1,138,998)	\$82,159,041
2	Less estimated income	<u>67,337,232</u>	<u>(1,615,330)</u>	<u>65,721,902</u>
3	Total general fund	\$15,960,807	\$476,332	\$16,437,139

4 Subdivision 2.

5 DEPARTMENT OF EMERGENCY SERVICES

6			Adjustments or	
7		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8	Salaries and wages	\$9,383,605	\$1,980,139	\$11,363,744
9	Operating expenses	4,102,057	5,233,535	9,335,592
10	<u>Operating expenses</u>	<u>4,102,057</u>	<u>5,827,965</u>	<u>9,930,022</u>
11	Capital assets	492,000	1,835,347	2,327,347
12	<u>Capital assets</u>	<u>492,000</u>	<u>1,935,347</u>	<u>2,427,347</u>
13	Grants	44,402,267	27,017,504	71,419,771
14	2009 flood disaster	0	52,923,008	52,923,008
15	Radio communications	0	4,335,000	4,335,000
16	<u>Radio communications</u>	<u>0</u>	<u>4,235,000</u>	<u>4,235,000</u>
17	Total all funds	\$58,379,929	\$93,324,533	\$151,704,462
18	<u>Total all funds</u>	<u>\$58,379,929</u>	<u>\$93,918,963</u>	<u>\$152,298,892</u>
19	Less estimated income	52,550,869	85,931,607	138,482,476
20	<u>Less estimated income</u>	<u>52,550,869</u>	<u>86,331,607</u>	<u>138,882,476</u>
21	Total general fund	\$5,829,060	\$7,392,926	\$13,221,986
22	<u>Total general fund</u>	<u>\$5,829,060</u>	<u>\$7,587,356</u>	<u>\$13,416,416</u>

23 Subdivision 3.

24 BILL TOTAL

25			Adjustments or	
26		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
27	Grand total general fund	\$21,789,867	\$7,869,258	\$29,659,125
28	<u>Grand total general fund</u>	<u>\$21,789,867</u>	<u>\$8,063,688</u>	<u>\$29,853,555</u>
29	Grand total special funds	119,888,101	84,316,277	204,204,378
30	<u>Grand total special funds</u>	<u>119,888,101</u>	<u>84,716,277</u>	<u>204,604,378</u>
31	Grand total all funds	\$141,677,968	\$92,185,535	\$233,863,503

1 Grand total all funds \$141,677,968 \$92,779,965 \$234,457,933

2 Full-time equivalent positions 232.00 10.00 242.00

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

4 **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
5 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13
6 one-time funding items included in the appropriation in section 1 of this Act:

7 One-Time Funding Description 2009-11 2011-13

8 ~~Motorola lease purchase payment~~ ~~\$1,525,347~~ ~~\$1,577,347~~

9 Motorola lease purchase payment \$1,525,347 \$1,525,347

10 Message switch upgrades 0 235,000

11 Central electronics bank dispatch system 0 1,100,000

12 Veterans' bonus multiple deployments 500,000 0

13 ~~Technology projects~~ ~~3,600,000~~ ~~0~~

14 Technology projects 3,600,000 100,000

15 Technology equipment and software 160,000 0

16 purchases

17 Tornado disaster grants 250,000 0

18 Snow removal grants 20,000,000 0

19 2009 flood disaster 105,500,000 0

20 Volunteer management grants 400,000 0

21 2009 federal fiscal stimulus 3,783,770 0

22 ~~State radio tower package~~ ~~0~~ ~~2,100,000~~

23 State radio tower package 0 2,000,000

24 Statewide seamless base map 0 900,000

25 Military service center east 0 72,700

26 Extraordinary repairs 0 385,381

27 ~~Total all funds~~ ~~\$135,719,117~~ ~~\$6,370,428~~

28 Total all funds \$135,719,117 \$6,318,428

29 Less estimated income 116,783,770 500,000

30 ~~Total general fund~~ ~~\$18,935,347~~ ~~\$5,870,428~~

31 Total general fund \$18,935,347 \$5,818,428

1 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the
2 2013-15 biennium. The adjutant general shall report to the appropriations committees of the
3 sixty-third legislative assembly on the use of this one-time funding for the biennium beginning
4 July 1, 2011, and ending June 30, 2013.

5 **SECTION 3. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
6 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
7 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are
8 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
9 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
10 biennium beginning July 1, 2011, and ending June 30, 2013.

11 **SECTION 4. STATE DISASTER RELIEF FUND - APPROPRIATION.** In addition to the
12 amount appropriated to the adjutant general in subdivision 2 of section 1 of this Act, there is
13 appropriated, subject to emergency commission approval, any additional funds in the state
14 disaster relief fund, as determined necessary by the adjutant general for defraying the expenses
15 of state disasters pursuant to section 37-17.1-27.

16 **SECTION 5. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may
17 transfer to the operating expenses and capital assets line items contained in section 1 of this
18 Act up to the sum of \$500,000 from the various other line items contained in section 1 of this
19 Act, as determined necessary by the adjutant general to provide for the maintenance and repair
20 of state-owned armories in this state during the biennium beginning July 1, 2011, and ending
21 June 30, 2013. Any amounts transferred pursuant to this section must be reported to the
22 director of the office of management and budget.

23 **SECTION 6. EXEMPTION.** Any amounts carried over pursuant to section 3 of chapter 312
24 of the 2009 Session Laws that is unexpended as of June 30, 2011, is not subject to section
25 54-44.1-11 and is available for payment of adjusted compensation to veterans. Any unexpended
26 funds from this appropriation must be transferred to the veterans' cemetery trust fund during
27 the biennium beginning July 1, 2013, and ending June 30, 2015.

28 **SECTION 7. EXEMPTION.** The amount appropriated in the capital assets line for the next
29 generation 911 study and state radio tower study in section 1, subdivision 2, of chapter 16 of the
30 2009 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this

1 line item are available for conducting these studies during the biennium beginning July 1, 2011,
2 and ending June 30, 2013.

3 **SECTION 8. AMENDMENT.** Section 37-17.3-08 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **37-17.3-08. State radio system and service fees.**

6 1. The director shall establish the appropriate fees for access to the state radio system
7 and the service provided to local government users of the mobile data terminal system
8 and North Dakota law enforcement telecommunications systems and other such
9 systems that may be employed that enhance public safety. Changes to fees charged
10 by the division, including schedule of charges for counties and cities, will take effect on
11 July first. The director shall announce any fee increases a minimum of one year ~~prior-~~
12 ~~to~~before the effective date. When the director considers an adjustment, as a part of
13 the process the director shall consult with representatives of state and local units of
14 government ~~prior to~~before setting fees. The director may consider economic
15 conditions and the general economy when setting fees. The director shall deposit all
16 revenue obtained under this chapter with the state treasurer for deposit in the state
17 radio broadcasting system operating account. The state radio broadcasting system
18 operating account must be expended pursuant to legislative appropriation for the
19 operation and maintenance of the system. ~~Fee structures will include:~~

20 ~~1.2. Mobile data terminal fees.~~ The division shall establish and charge fees to provide
21 mobile data terminal service to interested local law enforcement agencies except for
22 local law enforcement agencies using private commercial access to the state message
23 switch. The fees must be based on actual costs incurred by the division for providing
24 the service and will be levied on a per system user basis. State general fund agencies
25 that access the system will not incur any fees for the service.

26 ~~2.3.~~ Each county and city law enforcement department that accesses the North Dakota
27 teletype system shall pay a fee based upon fifty percent of the actual costs incurred by
28 the division for providing the service. Fees will be levied on a per terminal basis. Other
29 law enforcement affiliated organizations and federal agencies will pay one hundred
30 percent of the actual costs incurred by the division for providing the service. Fees will
31 be levied on a per terminal basis. State general fund agencies that access the system

1 will not incur any fees for the service. City and county law enforcement fees will be
2 based on the following schedule of charges per terminal:

3 a. County population of less than five thousand shall pay ~~thirty~~forty dollars per
4 month.

5 b. County population of five thousand or more but less than ten thousand shall pay
6 ~~sixty~~eighty dollars per month.

7 c. County population of ten thousand or more but less than fifteen thousand shall
8 pay ~~ninety~~one hundred twenty dollars per month.

9 d. County population of fifteen thousand or more but less than twenty-five thousand
10 shall pay one hundred ~~twenty~~sixty dollars per month.

11 e. County population of twenty-five thousand or more shall pay ~~one~~two hundred
12 ~~sixty~~ dollars per month.

13 **SECTION 9. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure.