

**FIRST ENGROSSMENT
with Conference Committee Amendments
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 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; to provide legislative intent; 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	\$4,841,436	\$312,450	\$5,153,886
16	Operating expenses	3,676,891	386,000	4,062,891
17	Capital assets	223,670	331,082	554,752
18	Grants	449,514	60,000	509,514
19	Civil air patrol	222,836	20,517	243,353
20	Tuition, recruiting, and retention	2,407,500	0	2,407,500
21	Air guard contract	9,551,543	1,437,780	10,989,323
22	Army guard contract	60,058,099	(3,947,342)	56,110,757
23	Reintegration program	1,377,409	172,740	1,550,149
24	Veterans' cemetery	<u>489,141</u>	<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.			

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	5,827,965	9,930,022
10	Capital assets	492,000	1,935,347	2,427,347
11	Grants	44,402,267	27,017,504	71,419,771
12	2009 flood disaster	0	52,923,008	52,923,008
13	Radio communications	<u>0</u>	<u>3,735,000</u>	<u>3,735,000</u>
14	Total all funds	\$58,379,929	\$93,418,963	\$151,798,892
15	Less estimated income	<u>52,550,869</u>	<u>86,331,607</u>	<u>138,882,476</u>
16	Total general fund	\$5,829,060	\$7,087,356	\$12,916,416
17	Subdivision 3.			

BILL TOTAL

19			Adjustments or	
20		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21	Grand total general fund	\$21,789,867	\$7,563,688	\$29,353,555
22	Grand total special funds	<u>119,888,101</u>	<u>110,716,277</u>	<u>230,604,378</u>
23	Grand total all funds	\$141,677,968	\$118,279,965	\$259,957,933
24	Full-time equivalent positions	232.00	10.00	242.00

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

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

29	<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
30	Motorola lease purchase payment	\$1,525,347	\$1,525,347
31	Message switch upgrades	0	235,000

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1	Central electronics bank dispatch system	0	1,100,000
2	Veterans' bonus multiple deployments	500,000	0
3	Technology projects	3,600,000	100,000
4	Technology equipment and software	160,000	0
5	purchases		
6	Tornado disaster grants	250,000	0
7	Snow removal grants	20,000,000	0
8	2009 flood disaster	105,500,000	0
9	Volunteer management grants	400,000	0
10	2009 federal fiscal stimulus	3,783,770	0
11	State radio tower package	0	1,500,000
12	Statewide seamless base map	0	900,000
13	Military service center east	0	72,700
14	Armory grants	0	60,000
15	Extraordinary repairs	<u>0</u>	<u>325,381</u>
16	Total all funds	\$135,719,117	\$5,818,428
17	Less estimated income	<u>116,783,770</u>	<u>500,000</u>
18	Total general fund	\$18,935,347	\$5,318,428

19 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the
20 2013-15 biennium. The adjutant general shall report to the appropriations committees of the
21 sixty-third legislative assembly on the use of this one-time funding for the biennium beginning
22 July 1, 2011, and ending June 30, 2013.

23 **SECTION 3. APPROPRIATION - FLOOD-RELATED COSTS.** There is appropriated from
24 special funds derived from federal funds or other income the sum of \$22,500,000, or so much of
25 the sum as may be necessary, to the adjutant general for the purpose of defraying expenses
26 relating to 2011 flood disasters, for the period beginning with the effective date of this Act
27 through June 30, 2013.

28 **SECTION 4. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
29 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
30 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are
31 received and deposited in the veterans' cemetery maintenance fund pursuant to sections

1 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
2 biennium beginning July 1, 2011, and ending June 30, 2013.

3 **SECTION 5. STATE DISASTER RELIEF FUND - APPROPRIATION.** In addition to the
4 amount appropriated to the adjutant general in subdivision 2 of section 1 of this Act, there is
5 appropriated out of any moneys in the state disaster relief fund, not otherwise appropriated, the
6 sum of \$3,500,000, or so much of the sum as may be necessary, to the adjutant general for the
7 purpose of providing the required state share of funding for defraying the expenses associated
8 with presidential-declared state disasters pursuant to section 37-17.1-27.

9 **SECTION 6. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may
10 transfer to the operating expenses and capital assets line items contained in section 1 of this
11 Act up to the sum of \$500,000 from the various other line items contained in section 1 of this
12 Act, as determined necessary by the adjutant general to provide for the maintenance and repair
13 of state-owned armories in this state during the biennium beginning July 1, 2011, and ending
14 June 30, 2013. Any amounts transferred pursuant to this section must be reported to the
15 director of the office of management and budget.

16 **SECTION 7. EXEMPTION.** Any amounts carried over pursuant to section 3 of chapter 312
17 of the 2009 Session Laws that is unexpended as of June 30, 2011, is not subject to section
18 54-44.1-11 and is available for payment of adjusted compensation to veterans. Any unexpended
19 funds from this appropriation must be transferred to the veterans' cemetery trust fund during
20 the biennium beginning July 1, 2013, and ending June 30, 2015.

21 **SECTION 8. EXEMPTION.** The amount appropriated in the capital assets line for the next
22 generation 911 study, the state radio tower study, and for a new state radio tower site near
23 Wales in section 1, subdivision 2, of chapter 16 of the 2009 Session Laws is not subject to
24 section 54-44.1-11 and any unexpended funds from this line item are available for conducting
25 the next generation 911 study and the state radio tower study and for state radio tower
26 enhancements or additions during the biennium beginning July 1, 2011, and ending June 30,
27 2013.

28 **SECTION 9. AMENDMENT.** Section 37-17.3-08 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **37-17.3-08. State radio system and service fees.**

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

16 ~~1.2. Mobile data terminal fees.~~ The division shall establish and charge fees to provide
17 mobile data terminal service to interested local law enforcement agencies except for
18 local law enforcement agencies using private commercial access to the state message
19 switch. The fees must be based on actual costs incurred by the division for providing
20 the service and will be levied on a per system user basis. State general fund agencies
21 that access the system will not incur any fees for the service.

22 ~~2.3.~~ Each county and city law enforcement department that accesses the North Dakota
23 teletype system shall pay a fee based upon fifty percent of the actual costs incurred by
24 the division for providing the service. Fees will be levied on a per terminal basis. Other
25 law enforcement affiliated organizations and federal agencies will pay one hundred
26 percent of the actual costs incurred by the division for providing the service. Fees will
27 be levied on a per terminal basis. State general fund agencies that access the system
28 will not incur any fees for the service. City and county law enforcement fees will be
29 based on the following schedule of charges per terminal:

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

- 1 b. County population of five thousand or more but less than ten thousand shall pay
2 ~~sixtyeighty~~ dollars per month.
- 3 c. County population of ten thousand or more but less than fifteen thousand shall
4 pay ~~ninetyone hundred twenty~~ dollars per month.
- 5 d. County population of fifteen thousand or more but less than twenty-five thousand
6 shall pay one hundred ~~twentysixty~~ dollars per month.
- 7 e. County population of twenty-five thousand or more shall pay ~~one~~two hundred
8 sixty dollars per month.

9 **SECTION 10. LEGISLATIVE INTENT - STATE RADIO TOWER PACKAGE.** It is the intent
10 of the sixty-second legislative assembly that the adjutant general work with other public
11 agencies and private sector entities to maximize the number of state radio tower enhancements
12 or additions that may be implemented within the funding appropriated in subdivision 2 of
13 section 1 of this Act, for the biennium beginning July 1, 2011, and ending June 30, 2013.

14 **SECTION 11. EMERGENCY.** Sections 3 and 5 of this Act are declared to be an emergency
15 measure.