

**Sixty-second Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2016  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide appropriations; to provide for transfers; to provide exemptions; to amend and reenact section 37-17.3-08 of the North Dakota Century Code, relating to state radio fees; to provide legislative intent; and to declare an emergency.

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

**SECTION 1. 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 office of the adjutant general for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2011, and ending June 30, 2013, as follows:

Subdivision 1.

NATIONAL GUARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$4,841,436	\$312,450	\$5,153,886
Operating expenses	3,676,891	386,000	4,062,891
Capital assets	223,670	331,082	554,752
Grants	449,514	60,000	509,514
Civil air patrol	222,836	20,517	243,353
Tuition, recruiting, and retention	2,407,500	0	2,407,500
Air guard contract	9,551,543	1,437,780	10,989,323
Army guard contract	60,058,099	(3,947,342)	56,110,757
Reintegration program	1,377,409	172,740	1,550,149
Veterans' cemetery	489,141	87,775	576,916
Total all funds	\$83,298,039	(\$1,138,998)	\$82,159,041
Less estimated income	<u>67,337,232</u>	<u>(1,615,330)</u>	<u>65,721,902</u>
Total general fund	\$15,960,807	\$476,332	\$16,437,139

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$9,383,605	\$1,980,139	\$11,363,744
Operating expenses	4,102,057	5,827,965	9,930,022
Capital assets	492,000	1,935,347	2,427,347
Grants	44,402,267	27,017,504	71,419,771
2009 flood disaster	0	52,923,008	52,923,008
Radio communications	<u>0</u>	<u>3,735,000</u>	<u>3,735,000</u>
Total all funds	\$58,379,929	\$93,418,963	\$151,798,892
Less estimated income	<u>52,550,869</u>	<u>86,331,607</u>	<u>138,882,476</u>
Total general fund	\$5,829,060	\$7,087,356	\$12,916,416

Subdivision 3.

## BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$21,789,867	\$7,563,688	\$29,353,555
Grand total special funds	119,888,101	110,716,277	230,604,378
Grand total all funds	\$141,677,968	\$118,279,965	\$259,957,933
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:

<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
Motorola lease purchase payment	\$1,525,347	\$1,525,347
Message switch upgrades	0	235,000
Central electronics bank dispatch system	0	1,100,000
Veterans' bonus multiple deployments	500,000	0
Technology projects	3,600,000	100,000
Technology equipment and software purchases	160,000	0
Tornado disaster grants	250,000	0
Snow removal grants	20,000,000	0
2009 flood disaster	105,500,000	0
Volunteer management grants	400,000	0
2009 federal fiscal stimulus	3,783,770	0
State radio tower package	0	1,500,000
Statewide seamless base map	0	900,000
Military service center east	0	72,700
Armory grants	0	60,000
Extraordinary repairs	0	325,381
Total all funds	\$135,719,117	\$5,818,428
Less estimated income	116,783,770	500,000
Total general fund	\$18,935,347	\$5,318,428

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

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

**SECTION 4. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In addition to the amount appropriated to the adjutant general in the veterans' cemetery line item in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are received 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 for the biennium beginning July 1, 2011, and ending June 30, 2013.

**SECTION 5. STATE DISASTER RELIEF FUND - APPROPRIATION.** In addition to the amount appropriated to the adjutant general in subdivision 2 of section 1 of this Act, there is appropriated out of any moneys in the state disaster relief fund, not otherwise appropriated, the sum of \$3,500,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing the required

state share of funding for defraying the expenses associated with presidential-declared state disasters pursuant to section 37-17.1-27.

**SECTION 6. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may transfer to the operating expenses and capital assets line items contained in section 1 of this Act up to the sum of \$500,000 from the various other line items contained in section 1 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, 2011, and ending June 30, 2013. Any amounts transferred pursuant to this section must be reported to the director of the office of management and budget.

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

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

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

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

1. The director shall establish the appropriate fees for access to the state radio system and the service provided to local government users of the mobile data terminal system and North Dakota law enforcement telecommunications systems and other such systems that may be employed that enhance public safety. Changes to fees charged by the division, including schedule of charges for counties and cities, will take effect on July first. The director shall announce any fee increases a minimum of one year ~~prior to~~before the effective date. When the director considers an adjustment, as a part of the process the director shall consult with representatives of state and local units of government ~~prior to~~before setting fees. The director may consider economic conditions and the general economy when setting fees. The director shall deposit all revenue obtained under this chapter with the state treasurer for deposit in the state radio broadcasting system operating account. The state radio broadcasting system operating account must be expended pursuant to legislative appropriation for the operation and maintenance of the system. ~~Fee structures will include:~~
- 1.2. ~~Mobile data terminal fees.~~ The division shall establish and charge fees to provide mobile data terminal service to interested local law enforcement agencies except for local law enforcement agencies using private commercial access to the state message switch. The fees must be based on actual costs incurred by the division for providing the service and will be levied on a per system user basis. State general fund agencies that access the system will not incur any fees for the service.
- 2.3. Each county and city law enforcement department that accesses the North Dakota teletype system shall pay a fee based upon fifty percent of the actual costs incurred by the division for providing the service. Fees will be levied on a per terminal basis. Other law enforcement affiliated organizations and federal agencies will pay one hundred percent of the actual costs incurred by the division for providing the service. Fees will be levied on a per terminal basis. State general fund agencies that access the system will not incur any fees for the service. City and county law enforcement fees will be based on the following schedule of charges per terminal:

- a. County population of less than five thousand shall pay ~~thirty~~forty dollars per month.
- b. County population of five thousand or more but less than ten thousand shall pay ~~sixty~~eighty dollars per month.
- c. County population of ten thousand or more but less than fifteen thousand shall pay ~~ninety~~one hundred twenty dollars per month.
- d. County population of fifteen thousand or more but less than twenty-five thousand shall pay one hundred ~~twentysixty~~ dollars per month.
- e. County population of twenty-five thousand or more shall pay ~~one~~two hundred ~~sixty~~ dollars per month.

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

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

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

\_\_\_\_\_  
Speaker of the House

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

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2016 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 47                      Nays 0                      Absent 0

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

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

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 94                      Nays 0                      Absent 0

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2011.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2011.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2011,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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