Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019

SENATE BILL NO. 2016
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide an appropriation to the state treasurer; to amend and reenact sections 37-07.1-03 and 37-07.2-01 and subsection 6 of section 57-51.1-07.5 of the North Dakota Century Code, relating to the national guard tuition waiver, national guard tuition grants, and the state share of oil and gas taxes deposited in the state disaster relief fund; to provide for a transfer; to provide for a report; to provide a statement of legislative intent; to provide an exemption; to provide an effective date; 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 the office of the adjutant general, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

Subdivision 1.

NATIONAL GUARD

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$6,666,525	$167,241	$6,833,766
Operating expenses	3,525,934	(758,613)	2,767,321
Capital assets	224,046	0	224,046
Grants	318,553	(107,637)	210,916
Civil air patrol	299,580	5,554	305,134
Tuition, recruiting, and retention	2,617,500	2,164,572	4,782,072
Air guard contract	8,098,582	472,547	8,571,129
Army guard contract	57,717,944	(10,777,931)	46,940,013
Veterans' cemetery	881,284	95,622	976,906
Reintegration program	1,261,384	(210,216)	1,051,168
Camp Grafton expansion	0	600,000	600,000
Total all funds	$81,611,332	($8,348,861)	$73,262,471
Less estimated income	65,174,778	(10,360,121)	54,814,657
Total general fund	$16,436,554	$2,011,260	$18,447,814

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$12,551,119	($1,564,688)	$10,986,431
Operating expenses	6,988,451	2,370,376	9,358,827
Capital assets	0	660,000	660,000
Grants	16,889,159	(615,734)	16,273,425
Disaster costs	51,445,841	(14,890,756)	36,555,085
Radio communications	0	785,000	785,000
Total all funds	$87,874,570	($13,255,802)	$74,618,768

Less estimated income	78,424,702	(12,754,317)	65,670,385
Total general fund	$9,449,868	($501,485)	$8,948,383

Subdivision 3.

BILL TOTAL

	Base Level	Adjustments or Enhancements	Appropriation
Grand total general fund	$25,886,422	$1,509,775	$27,396,197
Grand total special funds	143,599,480	(23,114,438)	120,485,042
Grand total all funds	$169,485,902	($21,604,663)	$147,881,239
Full-time equivalent positions	234.00	(12.00)	222.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21 biennium one-time funding items included in section 1 of this Act:

One-Time Funding Description	2017-19	2019-21
National guard readiness center	$33,000,000	$0
Emergency response equipment	569,000	660,000
Camp Grafton expansion	0	600,000
Uninterruptible power supply battery replacement	0	20,000
Computer-aided dispatch equipment	0	516,000
Message switch system upgrade	0	335,000
Dispatching service fee shortfall	0	1,212,253
Dakota access pipeline law enforcement	21,000,000	0
Mobile repeaters and programming radios	300,000	0
Total all funds	$54,869,000	$3,343,253
Total other funds	54,869,000	3,162,253
Total general fund	$0	$181,000

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The adjutant general shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. 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 that 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, 2019, and ending June 30, 2021.

SECTION 4. APPROPRIATION - 2017-19 BIENNIUM - STATE DISASTER RELIEF FUND - STATE TREASURER - DISTRIBUTIONS TO NON-OIL-PRODUCING COUNTIES. Due to extraordinary snowfall in 2019 in the eastern part of the state and due to the excessive cost of road maintenance in the western part of the state, there is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of $8,100,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing distributions to non-oil-producing counties for the benefit of the organized and unorganized townships within each non-oil-producing county, for the period beginning with the effective date of this Act, and ending June 30, 2019. In June 2019, the state treasurer shall distribute $8,100,000, or so much of the sum as may be necessary, to non-oil-producing counties for the benefit of the organized and unorganized townships within each non-oil-producing county. The distribution to each non-oil-producing county must provide for an allocation of $5,000 to each organized and unorganized township within the county. The amount allocated to organized

townships under this section must be paid by the county treasurer to each organized township. The amount allocated to unorganized townships under this section must be credited by the county treasurer to a special fund for unorganized township roads. The distributions under this section must be used for the maintenance and improvement of township paved and unpaved roads and bridges. A township is not eligible for an allocation of funds under this section if the township does not maintain any township roads. For the purposes of this section, a "non-oil-producing county" means a county that has received no allocation of funding or a total allocation of funding under subsection 2 of section 57-51-15 of less than $5,000,000 for the period beginning September 1, 2017, and ending August 31, 2018.

SECTION 5. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The estimated income line item in subdivision 1 of section 1 of this Act includes $600,000 of one-time funding from the strategic investment and improvements fund for the camp Grafton expansion. The estimated income line item in subdivision 2 of section 1 of this Act includes $1,902,253 of one-time funding from the strategic investment and improvements fund for computer-aided dispatch equipment, message switch system upgrades, and 911 dispatching service operations due to a revenue shortfall.

SECTION 6. CAMP GRAFTON EXPANSION - LEGISLATIVE INTENT. It is the intent of the sixty-sixth legislative assembly that:

1. The adjutant general purchase options during the period beginning with the effective date of this Act and ending June 30, 2021, for the purchase or long-term lease of land for the camp Grafton expansion, including the purchase of no more than one thousand six hundred acres and the long-term lease of the remainder, not to exceed six thousand acres in total.

2. If the adjutant general secures options to purchase or lease all necessary land for the camp Grafton expansion, the sixty-seventh legislative assembly provide funding and authority for the purchase or long-term lease of land for the camp Grafton expansion during the biennium beginning July 1, 2021, and ending June 30, 2023.

3. The adjutant general not use eminent domain for the expansion of camp Grafton.

SECTION 7. AMENDMENT. Section 37-07.1-03 of the North Dakota Century Code is amended and reenacted as follows:

37-07.1-03. Tuition waiver - Terms.

A qualifying member of the national guard who enrolls in any state-controlled school, subject to rules adopted by the adjutant general, is entitled to receive a ~~twenty-five~~thirty-five percent waiver of the tuition from the state-controlled school, conditioned on the adjutant general having sufficient appropriations for tuition reimbursement under section 37-07.1-06.2. The tuition waiver is valid only so long as the member of the national guard maintains satisfactory performance with the guard, meets the qualification requirements of rules adopted by the adjutant general, and pursues a course of study in a manner that satisfies the normal requirements of the school.

SECTION 8. AMENDMENT. Section 37-07.2-01 of the North Dakota Century Code is amended and reenacted as follows:

37-07.2-01. National guard ~~tuition~~member grants and tuition waivers - Terms ~~of grants~~.

~~Any~~

1. Subject to legislative appropriation and rules adopted by the adjutant general, a qualifying member of the national guard who enrolls in an accredited postsecondary institution in North Dakota which is not controlled by the state may~~, subject to the limitations of available appropriated funds and subject to national guard rules adopted by the adjutant general,~~ receive a grant in an amount not to exceed the cost of tuition and fees for similar courses and credit hours for ~~each~~a qualifying member of the national guard who is enrolled ~~at a~~in the North Dakota university system ~~school~~institution with the highest tuition and fee rate.

2. Any accredited postsecondary institution that ~~agrees to participate in such a~~is not controlled by the state and which participates in the national guard member grant program ~~must~~shall waive twenty-five percent of the tuition ~~for~~that otherwise would be charged to each enrolled, qualifying member of the national ~~guardsmen~~guard. ~~These grants must be distributed according to rules promulgated by the adjutant general and are available only so~~

3. The adjutant general shall adopt rules for distributing grants under this section and establishing qualification requirements for grant recipients.

4. A member of the national guard may receive a grant under this section only as long as the member maintains satisfactory performance with the national guard, meets the qualification requirements of the rules adopted under this section, and pursues a course of study ~~which satisfies~~satisfying the normal requirements of the ~~school~~postsecondary institution in which the member is enrolled.

5. For purposes of calculating the grant amount under subsection 1, the "cost of tuition and fees for similar courses and credit hours for a qualifying member of the national guard who is enrolled in the North Dakota university system institution with the highest tuition and fee rate" may not be reduced by more than twenty-five percent pursuant to section 37-07.1-03.

SECTION 9. AMENDMENT. Subsection 6 of section 57-51.1-07.5 of the North Dakota Century Code is amended and reenacted as follows:

6. The next ~~twenty~~fifteen million dollars into the state disaster relief fund, but not in an amount that would bring the unobligated balance in the fund to more than ~~twenty~~fifteen million dollars; and

SECTION 10. MAINTENANCE AND REPAIRS - TRANSFERS. The director of the office of management and budget may transfer up to $500,000 of appropriation authority to the operating expenses and capital assets line items contained in section 1 of this Act from the various other line items contained in section 1 of this Act, as requested by the adjutant general to provide for the maintenance and repair of state-owned armories in this state during the biennium beginning July 1, 2019, and ending June 30, 2021. The adjutant general shall notify the legislative council of any transfers made pursuant to this section.

SECTION 11. EXEMPTION. Any amounts carried over in the radio communications line item for the state radio tower package, in section 7 of chapter 15 of the 2017 Session Laws is not subject to section 54-44.1-11 and any unexpended funds are available for completing these projects or for technology upgrade costs required to implement the statewide interoperable radio network during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 12. EXEMPTION. The amount appropriated in the tuition, recruiting, and retention line item in subdivision 1 of section 1 of chapter 15 of the 2017 Session Laws is not subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used to provide tuition assistance, recruiting, and retention incentives to eligible members of the North Dakota national guard during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 13. EXEMPTION. Any amounts carried over pursuant to section 11 of chapter 15 of the 2017 Session Laws which are unexpended as of June 30, 2019, are not subject to section 54-44.1-11 and are 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, 2019, and ending June 30, 2021.

SECTION 14. EXEMPTION. The amount of $300,000 from the strategic investment and improvements fund appropriated in the operating expenses line item in subdivision 2 of section 1 of chapter 15 of the 2017 Session Laws for mobile repeaters and programming radios is not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be used to complete this project during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 15. EFFECTIVE DATE. Section 9 of this Act is effective for taxable events occurring after June 30, 2019.

SECTION 16. EMERGENCY. Sections 4, 5, and 6 and the camp Grafton expansion and tuition, recruiting, and retention line items in subdivision 1 of section 1 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-sixth 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 46 Nays 0 Absent 1

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 75 Nays 13 Absent 6

Speaker of the House

Chief Clerk of the House

Received by the Governor at 10:55 AM. on April 17, 2019.

Approved at 11:21 PM. on April 22, 2019.

Governor

Filed in this office this 23rd day of April, 2019,

at 10:23 o'clock A. M.

Secretary of State