

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

That the Senate recede from its amendments as printed on pages 1665-1668 of the House Journal and pages 1390-1393 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 2, after the first semicolon insert "to amend and reenact section 37-17.1-14.6 of the North Dakota Century Code, relating to the northern emergency management assistance compact;"

Page 1, line 2, after the fourth semicolon insert "to provide for a transfer;"

Page 1, remove lines 15 through 24

Page 2, replace lines 1 through 3 with:

"Salaries and wages	\$6,833,766	\$316,723	\$7,150,489
Operating expenses	2,767,321	1,280,992	4,048,313
Capital assets	224,046	21,500,000	21,724,046
Grants	210,916	0	210,916
Civil air patrol	305,134	3,991	309,125
Tuition, recruiting, and retention	4,782,072	(1,739,837)	3,042,235
Air guard contract	8,571,129	(80,968)	8,490,161
Army guard contract	46,940,013	1,683,460	48,623,473
Veterans' cemetery	1,151,906	174,092	1,325,998
Reintegration program	<u>1,051,168</u>	<u>(125,644)</u>	<u>925,524</u>
Total all funds	\$72,837,471	\$23,012,809	\$95,850,280
Less estimated income	<u>54,214,657</u>	<u>24,901,907</u>	<u>79,116,564</u>
Total general fund	\$18,622,814	(\$1,889,098)	\$16,733,716"

Page 2, replace lines 8 through 15 with:

"Salaries and wages	\$10,986,431	\$1,245,809	\$12,232,240
Operating expenses	8,060,574	(1,458,240)	6,602,334
Capital assets	0	660,000	660,000
Grants	16,273,425	(1,723,425)	14,550,000
Disaster costs	<u>36,555,085</u>	<u>14,930,651</u>	<u>51,485,736</u>
Total all funds	\$71,875,515	\$13,654,795	\$85,530,310
Less estimated income	<u>63,108,132</u>	<u>16,043,662</u>	<u>79,151,794</u>
Total general fund	\$8,767,383	(\$2,388,867)	\$6,378,516"

Page 2, replace lines 20 through 23 with:

"Grand total general fund	\$27,390,197	(\$4,277,965)	\$23,112,232
Grand total special funds	<u>117,322,789</u>	<u>40,945,569</u>	<u>158,268,358</u>
Grand total all funds	\$144,712,986	\$36,667,604	\$181,380,590
Full-time equivalent positions	222.00	0.00	222.00"

Page 3, after line 2 insert:

"Deferred maintenance		0	1,000,000"
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Page 3, replace lines 9 through 11 with:

"Total all funds	\$3,343,253	\$23,020,000
Total other funds	<u>3,162,253</u>	<u>22,790,000</u>
Total general fund	\$181,000	\$230,000"

Page 3, after line 15, insert:

**"SECTION 3. APPROPRIATION - TRANSFER - NATIONAL GUARD TRAINING AREA AND FACILITY DEVELOPMENT TRUST FUND - ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,750,000, which the office of management and budget shall transfer to the national guard training area and facility development trust fund, the sum of which is appropriated to the adjutant general for the expansion of camp Grafton, for the biennium beginning July 1, 2021, and ending June 30, 2023. The funding provided in this section is considered a one-time funding item."

Page 3, after line 30, insert:

**"SECTION 6. FIRE EMERGENCY - WILDFIRE RESPONSE MUTUAL AID - BANK OF NORTH DAKOTA LOAN AUTHORIZATION.** The office of the adjutant general may borrow from the Bank of North Dakota the sum of \$2,500,000, or so much of the sum as may be necessary, for fire emergency and wildfire response mutual aid, for the period beginning with the effective date of this Act and ending June 30, 2023. The proceeds of the loan are appropriated to the adjutant general in the disaster costs line item in subdivision 2 of section 1 of this Act, for personnel, equipment, materials, supplies, and intrastate and interstate mutual aid reimbursement for wildfire response, including compensation for the fire response personnel mandatory days off and mandatory quarantine and isolation periods for COVID-19 close contact and positive test results in accordance with federal centers for disease control and prevention, state department of health, and federal department of defense guidelines. The department of emergency services, in consultation with the North Dakota forest service, may create an intrastate wildfire mutual aid reimbursement program for the purpose of reimbursing the costs of mutual aid response by fire departments. The department of emergency services shall define rules and eligibility for wildfire intrastate mutual aid reimbursement. The office of the adjutant general shall request from the sixty-eighth legislative assembly a deficiency appropriation from the state disaster relief fund sufficient for the repayment of the amount borrowed plus interest.

**SECTION 7. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - NATIONAL GUARD - DEFERRED MAINTENANCE.** The estimated income and the operating expenses line items in subdivision 1 of section 1 of this Act include the sum of \$1,000,000 from the strategic investment and improvements fund for national guard deferred maintenance projects.

**SECTION 8. AMENDMENT.** Section 37-17.1-14.6 of the North Dakota Century Code is amended and reenacted as follows:

**37-17.1-14.6. Northern emergency management assistance compact.**

The northern emergency management assistance compact is entered with all jurisdictions legally joining the compact in the form substantially as follows:

**ARTICLE I - NAME AND SCOPE**

1. This compact is established as directed by the state and province emergency management assistance memorandum of agreement and brought into force by congressional consent on September 14, 2012, by the 112th Congress of the United States of America.
2. The object of this compact shall be to facilitate cross-border emergency management assistance through mutual aid.

#### **ARTICLE II - MEMBERSHIP**

1. Membership in this compact shall be open to the states and provinces having signed the state and province emergency management assistance memorandum of agreement, hereinafter referred to as party jurisdictions.
2. Representatives from the nonsignatory states and provinces as well as the national governments of Canada and the United States shall be nonvoting members.

#### **ARTICLE III - BOARD**

1. The policies and direction of this compact shall be directed and controlled by a board of directors, which shall consist of the directors of emergency management or measures, or their designated official substitute from the party jurisdictions. The designated official substitute shall be specified either on the jurisdiction's compact contact sheet or in writing to the compact co-chairs.
2. The board may invite representatives from other governments, subject matter experts, and such other individuals as they may deem appropriate to attend the compact meetings as nonvoting participants.

#### **ARTICLE IV - GOVERNMENT**

1. The board of directors shall act as the governing body of this compact.
2. The following shall be the officers:
  - a. A co-chair elected from the participating states; and
  - b. A co-chair elected from the participating provinces.
3. The co-chairs shall be elected ~~biannually~~biennially in alternate years.
4. In the event a co-chair is unable to fulfill the co-chair's term, a special election shall be held at the next meeting, regular or special, to fill the remainder of the co-chair's term.

#### **ARTICLE V - SUBCOMMITTEES AND WORKING GROUPS**

1. The compact board of directors may appoint subcommittees and working groups as needed.
2. Each subcommittee and working group shall be co-chaired by a representative of a Canadian and a United States party jurisdiction.

3. The subcommittees and working groups shall report to this compact through the co-chairs and the co-chairs are ex officio members of all subcommittees and working groups.

#### **ARTICLE VI - MEETINGS**

1. This compact shall meet at least once a year at locations to be determined by the board of directors.
2. Special meetings may be held at any time by order of the co-chairs.
3. Meetings may be held by conference call or other communication facilities that permit all persons participating in the meeting to communicate with each other, and all persons participating in the meeting by such means are deemed to be present.
4. A jurisdiction may participate at its own cost in any meeting by telephone or other communication facilities that permit all persons participating in the meeting to communicate with each other, and a person participating in a meeting by such means is deemed to be present at the meeting.
5. The newest co-chair shall be responsible for creating a record of decisions for each meeting.
6. The newest co-chair shall be responsible for distributing meeting agendas, records of decisions, and any documents slated for discussion at a meeting to the board of directors.
7. A meeting agenda and any documents slated for discussion at a meeting should be circulated to the board of directors a minimum of thirty days prior to the meeting.
8. All meetings shall follow a form agreed to by the co-chairs.
9. A quorum shall consist of a simple majority of party jurisdictions that consists of at least one party jurisdiction from Canada and one party jurisdiction from the United States of America. Jurisdictions participating by proxy shall not count towards a quorum.

#### **ARTICLE VII - VOTING**

1. Each party jurisdiction shall have only one vote on any motion or election.
2. Motions may only be introduced or seconded by members of the board of directors present or represented by proxy.
3. Motions arising at any meeting shall be determined by consensus. In the absence of consensus a two-thirds majority is required from each of the Canadian and United States of America party jurisdictions either present or represented by proxy. A vote given in accordance with the terms of a proxy shall be valid.
4. If the director or designated official substitute of a party jurisdiction cannot attend a meeting of the northern emergency management assistance compact, the party jurisdiction may give a proxy to another jurisdiction. A

proxy shall be in writing under the hand of the director or designated official substitute. The proxy shall be delivered to one of the co-chairs before or at the meeting. A proxy is valid for one meeting.

#### **ARTICLE VIII - SIGNING AUTHORITY**

Documents or other instruments requiring the signature of the compact shall be signed by both co-chairs.

#### **ARTICLE IX - AMENDMENTS**

These bylaws may be amended by a two-thirds vote at any meeting of the compact provided that thirty days' notice in writing be given of such meeting to the voting member of each party jurisdiction and that the notice contains the text, or the general nature, of any proposed amendments.

#### **ARTICLE X - OPERATIONS MANUAL AND BYLAWS**

1. The most recent past co-chair shall be responsible for updating and storing a copy of the most recent version of the operations manual and bylaws.
2. Any party jurisdiction may request that amendments be made to the operations manual and bylaws.
3. All requests for amendments to the operations manual and bylaws shall be submitted to the past co-chair responsible for the operations manual and bylaws.
4. Amendments to the operations manual and bylaws shall come into force on the date that the operations manual or bylaws, respectively, are approved by the board of directors or a later date as decided by the board of directors.

#### **ARTICLE XI - TRAINING**

The senior co-chair shall be responsible for coordinating delivery of the compact training and exercises to party jurisdictions."

Page 5, line 8, remove "purchase options during the biennium beginning July 1, 2021,"

Page 5, line 9, replace "and ending June 30, 2023, for" with "contract for"

Page 5, line 13, remove "If the adjutant general secures options to purchase or lease all necessary land for the"

Page 5, remove lines 14 through 16

Page 5, line 17, remove "3."

Page 5, after line 17, insert:

**"SECTION 16. BUDGET SECTION REPORT - CAMP GRAFTON EXPANSION.** During the 2021-22 interim, the adjutant general shall report to the budget section regarding any land purchased for the expansion of camp Grafton."

Page 5, line 18, replace "Section 3" with "Sections 4 and 6 and the disaster costs line item in subdivision 2 of section 1"

Page 5, line 18, replace "is" with "are"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1016 - Summary of Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Adjutant General						
Total all funds	\$72,837,471	\$104,862,145	\$4,488,135	\$109,350,280	\$109,350,280	\$0
Less estimated income	54,214,657	88,126,627	2,739,937	90,866,564	89,866,564	1,000,000
General fund	\$18,622,814	\$16,735,518	\$1,748,198	\$18,483,716	\$19,483,716	(\$1,000,000)
FTE	154.00	152.00	0.00	152.00	152.00	0.00
Department of Emergency Services						
Total all funds	\$71,875,515	\$82,770,510	\$2,759,800	\$85,530,310	\$88,187,142	(\$2,656,832)
Less estimated income	63,108,132	76,385,009	2,766,785	79,151,794	81,808,626	(2,656,832)
General fund	\$8,767,383	\$6,385,501	(\$6,985)	\$6,378,516	\$6,378,516	\$0
FTE	68.00	68.00	2.00	70.00	70.00	0.00
Bill total						
Total all funds	\$144,712,986	\$187,632,655	\$7,247,935	\$194,880,590	\$197,537,422	(\$2,656,832)
Less estimated income	117,322,789	164,511,636	5,506,722	170,018,358	171,675,190	(1,656,832)
General fund	\$27,390,197	\$23,121,019	\$1,741,213	\$24,862,232	\$25,862,232	(\$1,000,000)
FTE	222.00	220.00	2.00	222.00	222.00	0.00

**House Bill No. 1016 - Adjutant General - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$6,833,766	\$7,151,029	(\$540)	\$7,150,489	\$7,150,489	
Operating expenses	2,767,321	3,048,313	1,000,000	4,048,313	4,048,313	
Capital assets	224,046	21,724,046		21,724,046	21,724,046	
Grants	210,916	210,916		210,916	210,916	
Civil air patrol	305,134	309,499	(374)	309,125	309,125	
Tuition, recruiting, and retention	4,782,072	3,042,235		3,042,235	3,042,235	
Air guard contract	8,571,129	8,496,391	(6,230)	8,490,161	8,490,161	
Army guard contract	46,940,013	48,626,695	(3,222)	48,623,473	48,623,473	
Veterans' cemetery	1,151,906	1,326,554	(556)	1,325,998	1,325,998	
Reintegration program	1,051,168	926,467	(943)	925,524	925,524	
Military museum		10,000,000		10,000,000	10,000,000	
Camp Grafton expansion			3,500,000	3,500,000	3,500,000	
Total all funds	\$72,837,471	\$104,862,145	\$4,488,135	\$109,350,280	\$109,350,280	\$0
Less estimated income	54,214,657	88,126,627	2,739,937	90,866,564	89,866,564	1,000,000
General fund	\$18,622,814	\$16,735,518	\$1,748,198	\$18,483,716	\$19,483,716	(\$1,000,000)
FTE	154.00	152.00	0.00	152.00	152.00	0.00

**Department 540 - Adjutant General - Detail of Conference Committee Changes**

	<b>Adjusts Funding for Salary Increases<sup>1</sup></b>	<b>Adds One- Time Funding to Expand Camp Grafton<sup>2</sup></b>	<b>Adds One- Time Funding for Deferred Maintenance<sup>3</sup></b>	<b>Total Conference Committee Changes</b>
Salaries and wages	(\$540)			(\$540)
Operating expenses			\$1,000,000	1,000,000
Capital assets				
Grants				
Civil air patrol	(374)			(374)
Tuition, recruiting, and retention				
Air guard contract	(6,230)			(6,230)
Army guard contract	(3,222)			(3,222)
Veterans' cemetery	(556)			(556)
Reintegration program	(943)			(943)
Military museum				
Camp Grafton expansion		\$3,500,000		3,500,000
<b>Total all funds</b>	<b>(\$11,865)</b>	<b>\$3,500,000</b>	<b>\$1,000,000</b>	<b>\$4,488,135</b>
Less estimated income	(10,063)	1,750,000	1,000,000	2,739,937
General fund	(\$1,802)	\$1,750,000	\$0	\$1,748,198
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the Senate version. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> One-time funding of \$1.75 million from the general fund is transferred to the National Guard training area and facility development trust fund. The funding is also appropriated from the National Guard training area and facility development trust fund to the Adjutant General for the expansion of Camp Grafton. The Senate version also included this funding.

<sup>3</sup> One-time funding of \$1 million from the strategic investment and improvements fund is added for National Guard deferred maintenance projects, including building sealant repairs, air handler replacement, building automation system repairs and upgrades, asphalt repairs, and other projects. The Senate version added the funding from the general fund.

**House Bill No. 1016 - Department of Emergency Services - Conference Committee Action**

	<b>Base Budget</b>	<b>House Version</b>	<b>Conference Committee Changes</b>	<b>Conference Committee Version</b>	<b>Senate Version</b>	<b>Comparison to Senate</b>
Salaries and wages	\$10,986,431	\$11,972,761	\$259,479	\$12,232,240	\$12,232,240	
Operating expenses	8,060,574	6,602,334		6,602,334	6,602,334	
Capital assets		660,000		660,000	660,000	
Grants	16,273,425	14,550,000		14,550,000	14,550,000	
Disaster costs	36,555,085	48,985,415	2,500,321	51,485,736	54,142,568	(\$2,656,832)
<b>Total all funds</b>	<b>\$71,875,515</b>	<b>\$82,770,510</b>	<b>\$2,759,800</b>	<b>\$85,530,310</b>	<b>\$88,187,142</b>	<b>(\$2,656,832)</b>
Less estimated income	63,108,132	76,385,009	2,766,785	79,151,794	81,808,626	(2,656,832)
General fund	\$8,767,383	\$6,385,501	(\$6,985)	\$6,378,516	\$6,378,516	\$0
FTE	68.00	68.00	2.00	70.00	70.00	0.00

**Department 542 - Department of Emergency Services - Detail of Conference Committee Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds State Radio FTE Positions <sup>2</sup>	Increases Funding for Disaster Costs <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	(\$6,051)	\$265,530		\$259,479
Operating expenses				
Capital assets				
Grants				
Disaster costs	321		\$2,500,000	2,500,321
Total all funds	(\$5,730)	\$265,530	\$2,500,000	\$2,759,800
Less estimated income	1,255	265,530	2,500,000	2,766,785
General fund	(\$6,985)	\$0	\$0	(\$6,985)
FTE	0.00	2.00	0.00	2.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the Senate version. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> Funding of \$265,530 from the radio communications fund is added for 2 new FTE communication specialist positions for State Radio, the same as the Senate version.

<sup>3</sup> Funding for disaster costs is increased by \$2,500,000 from Bank of North Dakota loan proceeds for costs related to wildfire response. The Senate added \$5,157,153 from the state disaster relief fund for costs related to wildfire response.

**House Bill No. 1016 - Other Changes - Conference Committee Action**

This amendment also:

- Adds a section to provide for the transfer of \$1.75 million from the general fund to the National Guard training area and facility development trust fund, the sum of which is appropriated to the Adjutant General for the expansion of Camp Grafton, the same as the Senate version.
- Adds a section to provide that the disaster costs line item includes \$2,500,000 from Bank of North Dakota loan proceeds for personnel, equipment, materials, supplies, and intrastate and interstate mutual aid reimbursement for wildfire response costs. The Senate version included \$5,156,832 from the state disaster relief fund for wildfire response costs.
- Adds a section to identify \$1 million for National Guard deferred maintenance is from the strategic investment and improvements fund. The Senate version included \$1 million from the general fund.
- Adds a section to amend North Dakota Century Code Section 37-17.1-14.6 relating to the northern emergency management assistance compact. Neither the House version nor the Senate version included this section.
- Amends legislative intent relating to the expansion of Camp Grafton to remove intent for the purchase of options and instead provide that the Adjutant General contract for the purchase or long-term lease of land, the same as the Senate version.
- Adds a section to provide for a report to the Budget Section regarding land purchased for the expansion of Camp Grafton. Neither the House version nor the Senate version included this section.