

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the office of the
2 adjutant general; to amend and reenact section 37-17.1-14.6 of the North Dakota Century
3 Code, relating to the northern emergency management assistance compact; to provide an
4 exemption; to provide a report; to provide legislative intent; to provide for a transfer; and to
5 declare an emergency.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the office of the adjutant general for the purpose of defraying the expenses of
11 the office of the adjutant general, for the biennium beginning July 1, 2021, and ending June 30,
12 2023, as follows:

13 Subdivision 1.

14 NATIONAL GUARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$6,833,766	\$317,263	\$7,151,029
18 Operating expenses	2,767,321	280,992	3,048,313
19 Capital assets	224,046	21,500,000	21,724,046
20 Grants	210,916	0	210,916
21 Civil air patrol	305,134	4,365	309,499
22 Tuition, recruiting, and retention	4,782,072	(1,739,837)	3,042,235
23 Air guard contract	8,571,129	(74,738)	8,496,391
24 Army guard contract	46,940,013	1,686,682	48,626,695

Sixty-seventh
Legislative Assembly

1	Veterans' cemetery	1,151,906	174,648	1,326,554
2	Reintegration program	1,051,168	(124,701)	926,467
3	Total all funds	\$72,837,471	\$22,024,674	\$94,862,145
4	Less estimated income	54,214,657	23,911,970	78,126,627
5	Total general fund	\$18,622,814	(\$1,887,296)	\$16,735,518
6	Salaries and wages	\$6,833,766	\$316,723	\$7,150,489
7	Operating expenses	2,767,321	1,280,992	4,048,313
8	Capital assets	224,046	21,500,000	21,724,046
9	Grants	210,916	0	210,916
10	Civil air patrol	305,134	3,991	309,125
11	Tuition, recruiting, and retention	4,782,072	(1,739,837)	3,042,235
12	Air guard contract	8,571,129	(80,968)	8,490,161
13	Army guard contract	46,940,013	1,683,460	48,623,473
14	Veterans' cemetery	1,151,906	174,092	1,325,998
15	Reintegration program	1,051,168	(125,644)	925,524
16	Total all funds	\$72,837,471	\$23,012,809	\$95,850,280
17	Less estimated income	54,214,657	24,901,907	79,116,564
18	Total general fund	\$18,622,814	(\$1,889,098)	\$16,733,716

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

	Base Level	Adjustments or Enhancements	Appropriation	
23	Salaries and wages	\$10,986,431	\$986,330	\$11,972,761
24	Operating expenses	8,060,574	(1,458,240)	6,602,334
25	Capital assets	0	660,000	660,000
26	Grants	16,273,425	(1,723,425)	14,550,000
27	Disaster costs	36,555,085	12,430,330	48,985,415
28	Total all funds	\$71,875,515	\$10,894,995	\$82,770,510
29	Less estimated income	63,108,132	13,276,877	76,385,009
30	Total general fund	\$8,767,383	(\$2,381,882)	\$6,385,501
31	Salaries and wages	\$10,986,431	\$1,245,809	\$12,232,240

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

8 Subdivision 3.

9 SECTION 1 TOTAL

10			Adjustments or	
11		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
12	Grand total general fund	\$27,390,173	(\$4,269,178)	\$23,121,019
13	Grand total special funds	117,322,789	37,188,847	154,511,636
14	Grand total all funds	\$144,712,986	\$32,919,669	\$177,632,655
15	Full-time equivalent positions	222.00	(2.00)	220.00
16	<u>Grand total general fund</u>	\$27,390,197	(\$4,277,965)	\$23,112,232
17	<u>Grand total special funds</u>	117,322,789	40,945,569	158,268,358
18	<u>Grand total all funds</u>	\$144,712,986	\$36,667,604	\$181,380,590
19	<u>Full-time equivalent positions</u>	222.00	0.00	222.00

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

21 SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding

22 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the

23 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act:

24	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
25	Fraine Barracks automation system	\$0	\$320,000
26	Emergency response equipment and supplies	0	100,000
27	Fargo Readiness Center equipment	0	100,000
28	Dickinson Readiness Center project	0	15,500,000
29	Bridge training site	0	6,000,000
30	<u>Deferred maintenance</u>	0	1,000,000
31	Emergency response equipment	660,000	0

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1	Camp Grafton expansion	600,000	0
2	Uninterruptible power supply battery replacement	20,000	0
3	Computer-aided dispatch equipment	516,000	0
4	Message switch system upgrade	335,000	0
5	Dispatching service fee shortfall	<u>1,212,253</u>	<u>0</u>
6	Total all funds	\$3,343,253	\$22,020,000
7	Total other funds	3,162,253	21,790,000
8	Total general fund	\$181,000	\$230,000
9	<u>Total all funds</u>	<u>\$3,343,253</u>	<u>\$23,020,000</u>
10	<u>Total other funds</u>	<u>3,162,253</u>	<u>22,790,000</u>
11	<u>Total general fund</u>	<u>\$181,000</u>	<u>\$230,000</u>

12 The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget
 13 for the 2023-25 biennium. The adjutant general shall report to the appropriations committees of
 14 the sixty-eighth legislative assembly on the use of this one-time funding for the biennium
 15 beginning July 1, 2021, and ending June 30, 2023.

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

24 **SECTION 4. APPROPRIATION - NORTH DAKOTA MILITARY MUSEUM.** The adjutant
 25 general may accept up to \$10,000,000 from other funds, including private and federal funds, the
 26 sum of which is appropriated to the adjutant general for the construction of a North Dakota
 27 military museum during the period beginning with the effective date of this Act, and ending
 28 June 30, 2023. The adjutant general, with the approval of the governor, may enter into an
 29 agreement with the director of the parks and recreation department or the state historical
 30 society for the construction of a new facility, the renovation of an existing property, and the

1 operations and maintenance of a military museum. The funding provided in this section is
2 considered a one-time funding item.

3 **SECTION 5. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
4 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
5 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds that are
6 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
7 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
8 biennium beginning July 1, 2021, and ending June 30, 2023.

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

26 **SECTION 7. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**
27 **FUND - NATIONAL GUARD - DEFERRED MAINTENANCE.** The estimated income and the
28 operating expenses line items in subdivision 1 of section 1 of this Act include the sum of
29 \$1,000,000 from the strategic investment and improvements fund for national guard deferred
30 maintenance projects.

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

3 **37-17.1-14.6. Northern emergency management assistance compact.**

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

6 **ARTICLE I - NAME AND SCOPE**

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

13 **ARTICLE II - MEMBERSHIP**

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

19 **ARTICLE III - BOARD**

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

28 **ARTICLE IV - GOVERNMENT**

- 29 1. The board of directors shall act as the governing body of this compact.
- 30 2. The following shall be the officers:
- 31 a. A co-chair elected from the participating states; and

- 1 b. A co-chair elected from the participating provinces.
- 2 3. The co-chairs shall be elected ~~biannually~~biennially in alternate years.
- 3 4. In the event a co-chair is unable to fulfill the co-chair's term, a special election shall be
- 4 held at the next meeting, regular or special, to fill the remainder of the co-chair's term.

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

- 6 1. The compact board of directors may appoint subcommittees and working groups as
- 7 needed.
- 8 2. Each subcommittee and working group shall be co-chaired by a representative of a
- 9 Canadian and a United States party jurisdiction.
- 10 3. The subcommittees and working groups shall report to this compact through the
- 11 co-chairs and the co-chairs are ex officio members of all subcommittees and working
- 12 groups.

13 **ARTICLE VI - MEETINGS**

- 14 1. This compact shall meet at least once a year at locations to be determined by the
- 15 board of directors.
- 16 2. Special meetings may be held at any time by order of the co-chairs.
- 17 3. Meetings may be held by conference call or other communication facilities that permit
- 18 all persons participating in the meeting to communicate with each other, and all
- 19 persons participating in the meeting by such means are deemed to be present.
- 20 4. A jurisdiction may participate at its own cost in any meeting by telephone or other
- 21 communication facilities that permit all persons participating in the meeting to
- 22 communicate with each other, and a person participating in a meeting by such means
- 23 is deemed to be present at the meeting.
- 24 5. The newest co-chair shall be responsible for creating a record of decisions for each
- 25 meeting.
- 26 6. The newest co-chair shall be responsible for distributing meeting agendas, records of
- 27 decisions, and any documents slated for discussion at a meeting to the board of
- 28 directors.
- 29 7. A meeting agenda and any documents slated for discussion at a meeting should be
- 30 circulated to the board of directors a minimum of thirty days prior to the meeting.
- 31 8. All meetings shall follow a form agreed to by the co-chairs.

1 9. A quorum shall consist of a simple majority of party jurisdictions that consists of at
2 least one party jurisdiction from Canada and one party jurisdiction from the United
3 States of America. Jurisdictions participating by proxy shall not count towards a
4 quorum.

5 **ARTICLE VII - VOTING**

- 6 1. Each party jurisdiction shall have only one vote on any motion or election.
- 7 2. Motions may only be introduced or seconded by members of the board of directors
8 present or represented by proxy.
- 9 3. Motions arising at any meeting shall be determined by consensus. In the absence of
10 consensus a two-thirds majority is required from each of the Canadian and United
11 States of America party jurisdictions either present or represented by proxy. A vote
12 given in accordance with the terms of a proxy shall be valid.
- 13 4. If the director or designated official substitute of a party jurisdiction cannot attend a
14 meeting of the northern emergency management assistance compact, the party
15 jurisdiction may give a proxy to another jurisdiction. A proxy shall be in writing under
16 the hand of the director or designated official substitute. The proxy shall be delivered
17 to one of the co-chairs before or at the meeting. A proxy is valid for one meeting.

18 **ARTICLE VIII - SIGNING AUTHORITY**

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

21 **ARTICLE IX - AMENDMENTS**

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

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

- 27 1. The most recent past co-chair shall be responsible for updating and storing a copy of
28 the most recent version of the operations manual and bylaws.
- 29 2. Any party jurisdiction may request that amendments be made to the operations
30 manual and bylaws.

1 3. All requests for amendments to the operations manual and bylaws shall be submitted
2 to the past co-chair responsible for the operations manual and bylaws.

3 4. Amendments to the operations manual and bylaws shall come into force on the date
4 that the operations manual or bylaws, respectively, are approved by the board of
5 directors or a later date as decided by the board of directors.

6 **ARTICLE XI - TRAINING**

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

9 **SECTION 9. EXEMPTION - MAINTENANCE AND REPAIRS - TRANSFERS.**

10 Notwithstanding section 54-16-04, the director of the office of management and budget shall
11 transfer up to \$500,000 of appropriation authority to the operating expenses and capital assets
12 line items contained in section 1 of this Act from the various other line items contained in
13 section 1 of this Act, as requested by the adjutant general to provide for the maintenance and
14 repair of state-owned armories in this state during the biennium beginning July 1, 2021, and
15 ending June 30, 2023. The adjutant general shall notify the legislative council of any transfers
16 made pursuant to this section.

17 **SECTION 10. EXEMPTION.** Any amounts continued from the strategic investment and
18 improvements fund pursuant to section 14 of chapter 41 of the 2019 Session Laws, which are
19 unexpended as of June 30, 2021, are not subject to section 54-44.1-11 and any unexpended
20 funds from this appropriation may be used to complete the mobile repeaters and programming
21 radios, and for technology upgrade costs required to implement the statewide interoperable
22 radio network during the biennium beginning July 1, 2021, and ending June 30, 2023.

23 **SECTION 11. EXEMPTION.** The amount appropriated in the tuition, recruiting, and
24 retention line item in subdivision 1 of section 1 of chapter 41 of the 2019 Session Laws is not
25 subject to section 54-44.1-11 and any unexpended funds from this appropriation may be used to
26 provide tuition assistance, recruiting, and retention incentives to eligible members of the North
27 Dakota national guard during the biennium beginning July 1, 2021, and ending June 30, 2023.

28 **SECTION 12. EXEMPTION.** The sum of \$450,000 from the strategic investment and
29 improvements fund and \$66,000 from the general fund appropriated for computer-aided
30 dispatch equipment in subdivision 2 of section 1 of chapter 41 of the 2019 Session Laws is not
31 subject to section 54-44.1-11 and any unexpended funds from this appropriation may be used

1 for computer-aided dispatch equipment during the biennium beginning July 1, 2021, and ending
2 June 30, 2023.

3 **SECTION 13. EXEMPTION.** The sum of \$240,000 from the strategic investment and
4 improvements fund and \$95,000 from the general fund appropriated for the message switch
5 upgrade in subdivision 2 of section 1 of chapter 41 of the 2019 Session Laws is not subject to
6 section 54-44.1-11 and any unexpended funds from this appropriation may be used to complete
7 the message switch upgrade project during the biennium beginning July 1, 2021, and ending
8 June 30, 2023.

9 **SECTION 14. EXEMPTION.** The amount of \$600,000 from the strategic investment and
10 improvements fund appropriated in the camp Grafton expansion line item in subdivision 1 of
11 section 1 of chapter 41 of the 2019 Session Laws is not subject to section 54-44.1-11 and any
12 unexpended funds from this appropriation may be used to continue the expansion of camp
13 Grafton during the biennium beginning July 1, 2021, and ending June 30, 2023.

14 **SECTION 15. LEGISLATIVE INTENT - CAMP GRAFTON EXPANSION.** It is the intent of
15 the sixty-seventh legislative assembly that:

- 16 1. The adjutant general ~~purchase options during the biennium beginning July 1, 2021,~~
17 ~~and ending June 30, 2023, for~~ contract for the purchase or long-term lease of land for
18 the camp Grafton expansion, including the purchase of no more than one thousand six
19 hundred acres and the long-term lease of the remainder, not to exceed six thousand
20 acres in total.
- 21 2. ~~If the adjutant general secures options to purchase or lease all necessary land for the~~
22 ~~camp Grafton expansion, the sixty-eighth legislative assembly provide funding and~~
23 ~~authority for the purchase or long-term lease of land for the camp Grafton expansion~~
24 ~~during the biennium beginning July 1, 2023, and ending June 30, 2025.~~

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

26 **SECTION 16. BUDGET SECTION REPORT - CAMP GRAFTON EXPANSION.** During the
27 2021-22 interim, the adjutant general shall report to the budget section regarding any land
28 purchased for the expansion of camp Grafton.

29 **SECTION 17. EMERGENCY.** ~~Section 3~~ Sections 4 and 6 and the disaster costs line item in
30 subdivision 2 of section 1 of this Act ~~is~~ are declared to be an emergency measure.