

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED HOUSE BILL NO. 1016**

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:

Subdivision 1.

NATIONAL GUARD

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$6,833,766	\$316,723	\$7,150,489
18 Operating expenses	2,767,321	1,280,992	4,048,313
19 Capital assets	224,046	21,500,000	21,724,046
20 Grants	210,916	0	210,916
21 Civil air patrol	305,134	3,991	309,125
22 Tuition, recruiting, and retention	4,782,072	(1,739,837)	3,042,235
23 Air guard contract	8,571,129	(80,968)	8,490,161
24 Army guard contract	46,940,013	1,683,460	48,623,473

Sixty-seventh
Legislative Assembly

1	Veterans' cemetery	1,151,906	174,092	1,325,998
2	Reintegration program	<u>1,051,168</u>	<u>(125,644)</u>	<u>925,524</u>
3	Total all funds	\$72,837,471	\$23,012,809	\$95,850,280
4	Less estimated income	<u>54,214,657</u>	<u>24,901,907</u>	<u>79,116,564</u>
5	Total general fund	\$18,622,814	(\$1,889,098)	\$16,733,716

6 Subdivision 2.

7 DEPARTMENT OF EMERGENCY SERVICES

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

18 Subdivision 3.

19 SECTION 1 TOTAL

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

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

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

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

29 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act:

30	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
31	Fraine Barracks automation system	\$0	\$320,000

Sixty-seventh
Legislative Assembly

1	Emergency response equipment and supplies	0	100,000
2	Fargo Readiness Center equipment	0	100,000
3	Dickinson Readiness Center project	0	15,500,000
4	Bridge training site	0	6,000,000
5	Deferred maintenance	0	1,000,000
6	Emergency response equipment	660,000	0
7	Camp Grafton expansion	600,000	0
8	Uninterruptible power supply battery replacement	20,000	0
9	Computer-aided dispatch equipment	516,000	0
10	Message switch system upgrade	335,000	0
11	Dispatching service fee shortfall	<u>1,212,253</u>	<u>0</u>
12	Total all funds	\$3,343,253	\$23,020,000
13	Total other funds	<u>3,162,253</u>	<u>22,790,000</u>
14	Total general fund	\$181,000	\$230,000

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

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

27 **SECTION 4. APPROPRIATION - NORTH DAKOTA MILITARY MUSEUM.** The adjutant
 28 general may accept up to \$10,000,000 from other funds, including private and federal funds, the
 29 sum of which is appropriated to the adjutant general for the construction of a North Dakota
 30 military museum during the period beginning with the effective date of this Act, and ending
 31 June 30, 2023. The adjutant general, with the approval of the governor, may enter into an

1 agreement with the director of the parks and recreation department or the state historical
2 society for the construction of a new facility, the renovation of an existing property, and the
3 operations and maintenance of a military museum. The funding provided in this section is
4 considered a one-time funding item.

5 **SECTION 5. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
6 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
7 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds that are
8 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
9 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
10 biennium beginning July 1, 2021, and ending June 30, 2023.

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

28 **SECTION 7. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**
29 **FUND - NATIONAL GUARD - DEFERRED MAINTENANCE.** The estimated income and the
30 operating expenses line items in subdivision 1 of section 1 of this Act include the sum of

1 \$1,000,000 from the strategic investment and improvements fund for national guard deferred
2 maintenance projects.

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

5 **37-17.1-14.6. Northern emergency management assistance compact.**

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

8 **ARTICLE I - NAME AND SCOPE**

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

15 **ARTICLE II - MEMBERSHIP**

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

21 **ARTICLE III - BOARD**

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

30 **ARTICLE IV - GOVERNMENT**

- 31 1. The board of directors shall act as the governing body of this compact.

1 dispatch equipment in subdivision 2 of section 1 of chapter 41 of the 2019 Session Laws is not
2 subject to section 54-44.1-11 and any unexpended funds from this appropriation may be used
3 for computer-aided dispatch equipment during the biennium beginning July 1, 2021, and ending
4 June 30, 2023.

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

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

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

- 18 1. The adjutant general contract for the purchase or long-term lease of land for the camp
19 Grafton expansion, including the purchase of no more than one thousand six hundred
20 acres and the long-term lease of the remainder, not to exceed six thousand acres in
21 total.
- 22 2. The adjutant general not use eminent domain for the expansion of camp Grafton.

23 **SECTION 16. BUDGET SECTION REPORT - CAMP GRAFTON EXPANSION.** During the
24 2021-22 interim, the adjutant general shall report to the budget section regarding any land
25 purchased for the expansion of camp Grafton.

26 **SECTION 17. EMERGENCY.** Sections 4 and 6 and the disaster costs line item in
27 subdivision 2 of section 1 of this Act are declared to be an emergency measure.