

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 provide an exemption; to provide a report; to provide legislative intent; to  
3 provide for a transfer; and to declare an emergency.

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

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

11 Subdivision 1.

12 NATIONAL GUARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
15 <del>Salaries and wages</del>	<del>\$6,833,766</del>	<del>\$317,263</del>	<del>\$7,151,029</del>
16 <del>Operating expenses</del>	<del>2,767,321</del>	<del>280,992</del>	<del>3,048,313</del>
17 <del>Capital assets</del>	<del>224,046</del>	<del>21,500,000</del>	<del>21,724,046</del>
18 <del>Grants</del>	<del>210,916</del>	<del>0</del>	<del>210,916</del>
19 <del>Civil air patrol</del>	<del>305,134</del>	<del>4,365</del>	<del>309,499</del>
20 <del>Tuition, recruiting, and retention</del>	<del>4,782,072</del>	<del>(1,739,837)</del>	<del>3,042,235</del>
21 <del>Air guard contract</del>	<del>8,571,129</del>	<del>(74,738)</del>	<del>8,496,391</del>
22 <del>Army guard contract</del>	<del>46,940,013</del>	<del>1,686,682</del>	<del>48,626,695</del>
23 <del>Veterans' cemetery</del>	<del>1,151,906</del>	<del>174,648</del>	<del>1,326,554</del>
24 <del>Reintegration program</del>	<del>1,051,168</del>	<del>(124,701)</del>	<del>926,467</del>

Sixty-seventh  
Legislative Assembly

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

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

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

Sixty-seventh  
Legislative Assembly

1	<u>Grants</u>	16,273,425	(1,723,425)	14,550,000
2	<u>Disaster costs</u>	36,555,085	17,587,483	54,142,568
3	<u>Total all funds</u>	\$71,875,515	\$16,311,627	\$88,187,142
4	<u>Less estimated income</u>	63,108,132	18,700,494	81,808,626
5	<u>Total general fund</u>	\$8,767,383	(\$2,388,867)	\$6,378,516

6 Subdivision 3.

7 SECTION 1 TOTAL

8		Adjustments or		
9		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
10	<del>Grand total general fund</del>	<del>\$27,390,173</del>	<del>(\$4,269,178)</del>	<del>\$23,121,019</del>
11	<del>Grand total special funds</del>	<del>117,322,789</del>	<del>37,188,847</del>	<del>154,511,636</del>
12	<del>Grand total all funds</del>	<del>\$144,712,986</del>	<del>\$32,919,669</del>	<del>\$177,632,655</del>
13	<del>Full-time equivalent positions</del>	<del>222.00</del>	<del>(2.00)</del>	<del>220.00</del>
14	<u>Grand total general fund</u>	\$27,390,197	(\$3,277,965)	\$24,112,232
15	<u>Grand total special funds</u>	117,322,789	42,602,401	159,925,190
16	<u>Grand total all funds</u>	\$144,712,986	\$39,324,436	\$184,037,422
17	<u>Full-time equivalent positions</u>	222.00	0.00	222.00

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

19 SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding  
20 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the  
21 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act:

22	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
23	Fraine Barracks automation system	\$0	\$320,000
24	Emergency response equipment and supplies	0	100,000
25	Fargo Readiness Center equipment	0	100,000
26	Dickinson Readiness Center project	0	15,500,000
27	Bridge training site	0	6,000,000
28	<u>Deferred maintenance</u>	<u>0</u>	<u>1,000,000</u>
29	Emergency response equipment	660,000	0
30	Camp Grafton expansion	600,000	0
31	Uninterruptible power supply battery replacement	20,000	0

1	Computer-aided dispatch equipment	516,000	0
2	Message switch system upgrade	335,000	0
3	Dispatching service fee shortfall	<u>1,212,253</u>	<u>0</u>
4	<del>Total all funds</del>	<del>\$3,343,253</del>	<del>\$22,020,000</del>
5	<del>Total other funds</del>	<del>3,162,253</del>	<del>21,790,000</del>
6	<del>Total general fund</del>	<del>\$181,000</del>	<del>\$230,000</del>
7	Total all funds	\$3,343,253	\$23,020,000
8	Total other funds	3,162,253	21,790,000
9	Total general fund	\$181,000	\$1,230,000

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

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

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

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

7       **SECTION 6. FIRE EMERGENCY - WILDFIRE RESPONSE MUTUAL AID.** The disaster  
8 costs line item in subdivision 2 of section 1 of this Act includes \$5,156,832 from the state  
9 disaster relief fund for personnel, equipment, materials, supplies, and intrastate and interstate  
10 mutual aid reimbursement for wildfire response. The department of emergency services, in  
11 consultation with the North Dakota forest service, may create an intrastate wildfire mutual aid  
12 reimbursement program for the purpose of reimbursing the costs of mutual aid response by fire  
13 departments. The department of emergency services shall define rules and eligibility for wildfire  
14 intrastate mutual aid reimbursement.

15       **SECTION 7. EXEMPTION - MAINTENANCE AND REPAIRS - TRANSFERS.**  
16 Notwithstanding section 54-16-04, the director of the office of management and budget shall  
17 transfer up to \$500,000 of appropriation authority to the operating expenses and capital assets  
18 line items contained in section 1 of this Act from the various other line items contained in  
19 section 1 of this Act, as requested by the adjutant general to provide for the maintenance and  
20 repair of state-owned armories in this state during the biennium beginning July 1, 2021, and  
21 ending June 30, 2023. The adjutant general shall notify the legislative council of any transfers  
22 made pursuant to this section.

23       **SECTION 8. EXEMPTION.** Any amounts continued from the strategic investment and  
24 improvements fund pursuant to section 14 of chapter 41 of the 2019 Session Laws, which are  
25 unexpended as of June 30, 2021, are not subject to section 54-44.1-11 and any unexpended  
26 funds from this appropriation may be used to complete the mobile repeaters and programming  
27 radios, and for technology upgrade costs required to implement the statewide interoperable  
28 radio network during the biennium beginning July 1, 2021, and ending June 30, 2023.

29       **SECTION 9. EXEMPTION.** The amount appropriated in the tuition, recruiting, and retention  
30 line item in subdivision 1 of section 1 of chapter 41 of the 2019 Session Laws is not subject to  
31 section 54-44.1-11 and any unexpended funds from this appropriation may be used to provide

1 tuition assistance, recruiting, and retention incentives to eligible members of the North Dakota  
2 national guard during the biennium beginning July 1, 2021, and ending June 30, 2023.

3 **SECTION 10. EXEMPTION.** The sum of \$450,000 from the strategic investment and  
4 improvements fund and \$66,000 from the general fund appropriated for computer-aided  
5 dispatch equipment in subdivision 2 of section 1 of chapter 41 of the 2019 Session Laws is not  
6 subject to section 54-44.1-11 and any unexpended funds from this appropriation may be used  
7 for computer-aided dispatch equipment during the biennium beginning July 1, 2021, and ending  
8 June 30, 2023.

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

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

20 **SECTION 13. LEGISLATIVE INTENT - CAMP GRAFTON EXPANSION.** It is the intent of  
21 the sixty-seventh legislative assembly that:

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

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

1 | **SECTION 14. EMERGENCY.** ~~Section 3~~ Sections 4 and 6 of this Act ~~is~~are declared to be an  
2 | emergency measure.