

**FIRST ENGROSSMENT
with Senate 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 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

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Salaries and wages	\$6,833,766	\$316,723	\$7,150,489
16	Operating expenses	2,767,321	1,280,992	4,048,313
17	Capital assets	224,046	21,500,000	21,724,046
18	Grants	210,916	0	210,916
19	Civil air patrol	305,134	3,991	309,125
20	Tuition, recruiting, and retention	4,782,072	(1,739,837)	3,042,235
21	Air guard contract	8,571,129	(80,968)	8,490,161
22	Army guard contract	46,940,013	1,683,460	48,623,473
23	Veterans' cemetery	1,151,906	174,092	1,325,998
24	Reintegration program	<u>1,051,168</u>	<u>(125,644)</u>	<u>925,524</u>

Sixty-seventh
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1	Total all funds	\$72,837,471	\$23,012,809	\$95,850,280
2	Less estimated income	<u>54,214,657</u>	<u>23,901,907</u>	<u>78,116,564</u>
3	Total general fund	\$18,622,814	(\$889,098)	\$17,733,716
4	Subdivision 2.			

DEPARTMENT OF EMERGENCY SERVICES

6			Adjustments or	
7		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8	Salaries and wages	\$10,986,431	\$1,245,809	\$12,232,240
9	Operating expenses	8,060,574	(1,458,240)	6,602,334
10	Capital assets	0	660,000	660,000
11	Grants	16,273,425	(1,723,425)	14,550,000
12	Disaster costs	<u>36,555,085</u>	<u>17,587,483</u>	<u>54,142,568</u>
13	Total all funds	\$71,875,515	\$16,311,627	\$88,187,142
14	Less estimated income	<u>63,108,132</u>	<u>18,700,494</u>	<u>81,808,626</u>
15	Total general fund	\$8,767,383	(\$2,388,867)	\$6,378,516

Subdivision 3.

SECTION 1 TOTAL

18			Adjustments or	
19		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
20	Grand total general fund	\$27,390,197	(\$3,277,965)	\$24,112,232
21	Grand total special funds	<u>117,322,789</u>	<u>42,602,401</u>	<u>159,925,190</u>
22	Grand total all funds	\$144,712,986	\$39,324,436	\$184,037,422
23	Full-time equivalent positions	222.00	0.00	222.00

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

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

28	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
29	Fraine Barracks automation system	\$0	\$320,000
30	Emergency response equipment and supplies	0	100,000
31	Fargo Readiness Center equipment	0	100,000

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1	Dickinson Readiness Center project	0	15,500,000
2	Bridge training site	0	6,000,000
3	Deferred maintenance	0	1,000,000
4	Emergency response equipment	660,000	0
5	Camp Grafton expansion	600,000	0
6	Uninterruptible power supply battery replacement	20,000	0
7	Computer-aided dispatch equipment	516,000	0
8	Message switch system upgrade	335,000	0
9	Dispatching service fee shortfall	<u>1,212,253</u>	<u>0</u>
10	Total all funds	\$3,343,253	\$23,020,000
11	Total other funds	<u>3,162,253</u>	<u>21,790,000</u>
12	Total general fund	\$181,000	\$1,230,000

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

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

25 **SECTION 4. APPROPRIATION - NORTH DAKOTA MILITARY MUSEUM.** The adjutant
26 general may accept up to \$10,000,000 from other funds, including private and federal funds, the
27 sum of which is appropriated to the adjutant general for the construction of a North Dakota
28 military museum during the period beginning with the effective date of this Act, and ending
29 June 30, 2023. The adjutant general, with the approval of the governor, may enter into an
30 agreement with the director of the parks and recreation department or the state historical
31 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.** The disaster
10 costs line item in subdivision 2 of section 1 of this Act includes \$5,156,832 from the state
11 disaster relief fund for personnel, equipment, materials, supplies, and intrastate and interstate
12 mutual aid reimbursement for wildfire response. The department of emergency services, in
13 consultation with the North Dakota forest service, may create an intrastate wildfire mutual aid
14 reimbursement program for the purpose of reimbursing the costs of mutual aid response by fire
15 departments. The department of emergency services shall define rules and eligibility for wildfire
16 intrastate mutual aid reimbursement.

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

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

1 **SECTION 9. EXEMPTION.** The amount appropriated in the tuition, recruiting, and retention
2 line item in subdivision 1 of section 1 of chapter 41 of the 2019 Session Laws is not subject to
3 section 54-44.1-11 and any unexpended funds from this appropriation may be used to provide
4 tuition assistance, recruiting, and retention incentives to eligible members of the North Dakota
5 national guard during the biennium beginning July 1, 2021, and ending June 30, 2023.

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

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

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

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

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

30 **SECTION 14. EMERGENCY.** Sections 4 and 6 of this Act are declared to be an emergency
31 measure.