Sixty-seventh Legislative Assembly of North Dakota

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:

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

13 Subdivision 1.

14		NATIONAL GUARD		
15			Adjustments or	
16		Base Level	Enhancements	Appropriation
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
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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	Γ	DEPARTMENT OF EMERGEN	CY SERVICES	

8	Adjustments or				
9		Base Level	Enhancements	Appropriation	
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	7 Total general fund \$8,767,383 (\$2,388,867) \$6			\$6,378,516	
18	Subdivision 3.				
19		SECTION 1 TOTAL			
20			Adjustments or		
21		Base Level	Enhancements	Appropriation	
22	Grand total general fund	\$27,390,197	(\$4,277,965)	\$23,112,232	
23	23 Grand total special funds 117 322 789 40 945 569 158 268				

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

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

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.

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

agreement with the director of the parks and recreation department or the state historical
 society for the construction of a new facility, the renovation of an existing property, and the
 operations and maintenance of a military museum. The funding provided in this section is
 considered a one-time funding item.
 SECTION 5. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION. In
 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item

in subdivision 1 of section 1 of this Act, there is appropriated any additional funds that are
received and deposited in the veterans' cemetery maintenance fund pursuant to sections
37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
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 guarantine 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	\$1,000,0	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	amende	d and reenacted as follows:	
5	37-1	7.1-14.6. Northern emergency management assistance compact.	
6	The	northern emergency management assistance compact is entered with all jurisdictions	
7	legally jo	pining 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	2.	The following shall be the officers:
2		a. A co-chair elected from the participating states; and
3		b. A co-chair elected from the participating provinces.
4	3.	The co-chairs shall be elected biannuallybiennially in alternate years.
5	4.	In the event a co-chair is unable to fulfill the co-chair's term, a special election shall be
6		held at the next meeting, regular or special, to fill the remainder of the co-chair's term.
7		ARTICLE V - SUBCOMMITTEES AND WORKING GROUPS
8	1.	The compact board of directors may appoint subcommittees and working groups as
9		needed.
10	2.	Each subcommittee and working group shall be co-chaired by a representative of a
11		Canadian and a United States party jurisdiction.
12	3.	The subcommittees and working groups shall report to this compact through the
13		co-chairs and the co-chairs are ex officio members of all subcommittees and working
14		groups.
15		ARTICLE VI - MEETINGS
16	1.	This compact shall meet at least once a year at locations to be determined by the
17		board of directors.
18	2.	Special meetings may be held at any time by order of the co-chairs.
19	3.	Meetings may be held by conference call or other communication facilities that permit
20		all persons participating in the meeting to communicate with each other, and all
21		persons participating in the meeting by such means are deemed to be present.
22	4.	A jurisdiction may participate at its own cost in any meeting by telephone or other
23		communication facilities that permit all persons participating in the meeting to
24		communicate with each other, and a person participating in a meeting by such means
25		is deemed to be present at the meeting.
26	5.	The newest co-chair shall be responsible for creating a record of decisions for each
27		meeting.
28	6.	The newest co-chair shall be responsible for distributing meeting agendas, records of
29		decisions, and any documents slated for discussion at a meeting to the board of
30		directors.

1	7.	A meeting agenda and any documents slated for discussion at a meeting should be	
2		circulated to the board of directors a minimum of thirty days prior to the meeting.	
3	8.	All meetings shall follow a form agreed to by the co-chairs.	
4	9.	A quorum shall consist of a simple majority of party jurisdictions that consists of at	
5		least one party jurisdiction from Canada and one party jurisdiction from the United	
6		States of America. Jurisdictions participating by proxy shall not count towards a	
7		quorum.	
8		ARTICLE VII - VOTING	
9	1.	Each party jurisdiction shall have only one vote on any motion or election.	
10	2.	Motions may only be introduced or seconded by members of the board of directors	
11		present or represented by proxy.	
12	3.	Motions arising at any meeting shall be determined by consensus. In the absence of	
13		consensus a two-thirds majority is required from each of the Canadian and United	
14		States of America party jurisdictions either present or represented by proxy. A vote	
15		given in accordance with the terms of a proxy shall be valid.	
16	4.	If the director or designated official substitute of a party jurisdiction cannot attend a	
17		meeting of the northern emergency management assistance compact, the party	
18		jurisdiction may give a proxy to another jurisdiction. A proxy shall be in writing under	
19		the hand of the director or designated official substitute. The proxy shall be delivered	
20		to one of the co-chairs before or at the meeting. A proxy is valid for one meeting.	
21		ARTICLE VIII - SIGNING AUTHORITY	
22	Doc	uments or other instruments requiring the signature of the compact shall be signed by	
23	both co-	chairs.	
24		ARTICLE IX - AMENDMENTS	
25	The	se bylaws may be amended by a two-thirds vote at any meeting of the compact	
26	provideo	I that thirty days' notice in writing be given of such meeting to the voting member of	
27	each pa	rty jurisdiction and that the notice contains the text, or the general nature, of any	
28	proposed amendments.		
29		ARTICLE X - OPERATIONS MANUAL AND BYLAWS	
30	1.	The most recent past co-chair shall be responsible for updating and storing a copy of	
31		the most recent version of the operations manual and bylaws.	

1	2.	Any party jurisdiction may request that amendments be made to the operations	
2		manual and bylaws.	
3	3.	All requests for amendments to the operations manual and bylaws shall be submitted	
4		to the past co-chair responsible for the operations manual and bylaws.	
5	4.	Amendments to the operations manual and bylaws shall come into force on the date	
6		that the operations manual or bylaws, respectively, are approved by the board of	
7		directors or a later date as decided by the board of directors.	
8		ARTICLE XI - TRAINING	
9	The	e senior co-chair shall be responsible for coordinating delivery of the compact training	
10	and exe	ercises to party jurisdictions.	
11	SEC	CTION 9. EXEMPTION - MAINTENANCE AND REPAIRS - TRANSFERS.	
12	Notwith	standing section 54-16-04, the director of the office of management and budget shall	
13	transfer	up to \$500,000 of appropriation authority to the operating expenses and capital assets	
14	line item	ns contained in section 1 of this Act from the various other line items contained in	
15	section 1 of this Act, as requested by the adjutant general to provide for the maintenance and		
16	repair of state-owned armories in this state during the biennium beginning July 1, 2021, and		
17	ending June 30, 2023. The adjutant general shall notify the legislative council of any transfers		
18	made p	ursuant to this section.	
19	SEC	CTION 10. EXEMPTION. Any amounts continued from the strategic investment and	
20	improve	ments fund pursuant to section 14 of chapter 41 of the 2019 Session Laws, which are	
21	unexpe	nded as of June 30, 2021, are not subject to section 54-44.1-11 and any unexpended	
22	funds fr	om this appropriation may be used to complete the mobile repeaters and programming	
23	radios, a	and for technology upgrade costs required to implement the statewide interoperable	
24	radio ne	etwork during the biennium beginning July 1, 2021, and ending June 30, 2023.	
25	SEC	CTION 11. EXEMPTION. The amount appropriated in the tuition, recruiting, and	
26	retentio	n line item in subdivision 1 of section 1 of chapter 41 of the 2019 Session Laws is not	
27	subject	to section 54-44.1-11 and any unexpended funds from this appropriation may be used to	
28	provide	tuition assistance, recruiting, and retention incentives to eligible members of the North	
29	Dakota	national guard during the biennium beginning July 1, 2021, and ending June 30, 2023.	
30	SEC	CTION 12. EXEMPTION. The sum of \$450,000 from the strategic investment and	
31	improve	ments fund and \$66,000 from the general fund appropriated for computer-aided	

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

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

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

The adjutant general contract for the purchase or long-term lease of land for the camp
 Grafton expansion, including the purchase of no more than one thousand six hundred
 acres and the long-term lease of the remainder, not to exceed six thousand acres in
 total.

22 2. The adjutant general not use eminent domain for the expansion of camp Grafton.

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.

- 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.