

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2016

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 statement of legislative intent; to provide
3 for a legislative management study; to 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, 2023, and ending June 30,
10 2025, as follows:

11 Subdivision 1.

12 NATIONAL GUARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Salaries and wages	\$7,150,489	\$757,309	\$7,907,798
16	Operating expenses	3,048,313	251,148	3,299,461
17	Capital assets	224,046	19,500,000	19,724,046
18	Grants	210,916	374,776	585,692
19	Civil air patrol	309,125	78,030	387,155
20	Tuition, recruiting, and retention	3,042,235	320,000	3,362,235
21	Air guard contract	8,490,161	531,148	9,021,309
22	Army guard contract	48,203,473	2,971,364	51,174,837
23	Veterans' cemetery	1,325,998	69,290	1,395,288
24	Reintegration program	925,524	(14,129)	911,395

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1	Total all funds	\$72,930,280	\$24,838,936	\$97,769,216
2	Less estimated income	56,326,564	21,716,184	78,042,748
3	Total general fund	\$16,603,716	\$3,122,752	\$19,726,468
4	Salaries and wages	\$7,150,489	\$411,321	\$7,561,810
5	Operating expenses	3,048,313	165,898	3,214,211
6	Capital assets	224,046	20,300,000	20,524,046
7	Grants	210,916	259,776	470,692
8	Civil air patrol	309,125	72,331	381,456
9	Tuition, recruiting, and retention	3,042,235	320,000	3,362,235
10	Air guard contract	8,490,161	196,901	8,687,062
11	Army guard contract	48,203,473	2,143,626	50,347,099
12	Veterans' cemetery	1,325,998	33,397	1,359,395
13	Reintegration program	925,524	(45,471)	880,053
14	Total all funds	\$72,930,280	\$23,857,779	\$96,788,059
15	Less estimated income	56,326,564	21,842,012	78,168,576
16	Total general fund	\$16,603,716	\$2,015,767	\$18,619,483

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

		Adjustments or		
	Base Level	Enhancements	Appropriation	
21	Salaries and wages	\$12,232,240	\$2,662,351	\$14,894,591
22	Operating expenses	6,502,334	1,313,233	7,815,567
23	Capital assets	660,000	300,000	960,000
24	Grants	14,550,000	13,868,000	28,418,000
25	Disaster costs	51,485,736	165,448,359	216,934,095
26	Total all funds	\$85,430,310	\$183,591,943	\$269,022,253
27	Less estimated income	79,151,794	180,105,176	259,256,970
28	Total general fund	\$6,278,516	\$3,486,767	\$9,765,283
29	Salaries and wages	\$12,232,240	\$620,257	\$12,852,497
30	Operating expenses	6,502,334	313,233	6,815,567
31	Capital assets	660,000	150,000	810,000

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1	Grants	14,550,000	13,554,000	28,104,000
2	Disaster costs	51,485,736	168,633,862	220,119,598
3	Total all funds	\$85,430,310	\$183,271,352	\$268,701,662
4	Less estimated income	79,151,794	181,883,703	261,035,497
5	Total general fund	\$6,278,516	\$1,387,649	\$7,666,165

Subdivision 3.

SECTION 1 TOTAL

		Adjustments or		
	Base Level	Enhancements	Appropriation	
10	Grand total general fund	\$22,882,232	\$6,609,519	\$29,491,751
11	Grand total special funds	135,478,358	201,821,360	337,299,718
12	Grand total all funds	\$158,360,590	\$208,430,879	\$366,791,469
13	Full-time equivalent positions	222.00	11.00	233.00
14	Grand total general fund	\$22,882,232	\$3,403,416	\$26,285,648
15	Grand total special funds	135,478,358	203,725,715	339,204,073
16	Grand total all funds	\$158,360,590	\$207,129,131	\$365,489,721
17	Full-time equivalent positions	222.00	11.00	233.00

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

SIXTY-NINTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

	One-Time Funding Description	2021-23	2023-25
23	Emergency response equipment and supplies	\$100,000	\$660,000
24	Dickinson readiness center project	15,500,000	8,900,000
25	Military museum	10,000,000	0
26	Fraine Barracks automation system	320,000	0
27	Fargo readiness center equipment	100,000	0
28	Bridge training site	6,000,000	0
29	Camp Grafton expansion	3,500,000	0
30	Disaster response	887,873	0
31	Payroll expenses	1,000,000	0

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1	State active-duty software	450,000	0
2	Camp Grafton housing	2,000,000	0
3	Deferred maintenance	1,000,000	0
4	Retirement payouts	0	275,000
5	Statewide interoperable radio network equipment	0	2,700,000
6	Camp Grafton billets	0	5,300,000
7	Minot airport hangar	0	60,000
8	State radio consoles	0	300,000
9	Williston readiness center project	0	2,600,000
10	Safeguarding Tomorrow through Ongoing Risk Mitigation Act	0	1,000,000
11	Disaster grants	0	142,652,500
12	Total all funds	\$40,857,873	\$164,447,500
13	Total other funds	38,877,873	163,987,500
14	Total general fund	\$1,980,000	\$460,000
15	Emergency response equipment and supplies	\$100,000	\$660,000
16	Dickinson readiness center project	15,500,000	8,900,000
17	Military museum	10,000,000	0
18	Fraine Barracks automation system	320,000	0
19	Fargo readiness center equipment	100,000	0
20	Bridge training site	6,000,000	0
21	Camp Grafton expansion	3,500,000	0
22	Disaster response	887,873	0
23	Payroll expenses	1,000,000	0
24	State active-duty software	450,000	0
25	Camp Grafton housing	2,000,000	0
26	Deferred maintenance	1,000,000	1,000,000
27	Retirement payouts	0	275,000
28	Statewide interoperable radio network equipment	0	2,700,000
29	Camp Grafton fitness facility	0	9,000,000
30	Minot airport hangar	0	60,000
31	State radio consoles	0	150,000

1	Cybersecurity grant	0	314,000
2	Safeguarding Tomorrow through Ongoing Risk Mitigation Act	0	1,000,000
3	Flood mitigation grants	0	225,000
4	Natural disaster response and recovery grants	0	2,000,000
5	Disaster grants	0	142,652,500
6	Total all funds	\$40,857,873	\$168,936,500
7	Total other funds	38,877,873	167,312,500
8	Total general fund	\$1,980,000	\$1,624,000

9 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget
10 for the 2025-27 biennium. The adjutant general shall report to the appropriations committees of
11 the sixty-ninth legislative assembly on the use of this one-time funding for the biennium
12 beginning July 1, 2023, and ending June 30, 2025.

13 **SECTION 3. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
14 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
15 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds that are
16 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
17 37-03-14 and ~~39-04-10~~39-04-10.10 for the operation of the North Dakota veterans' cemetery for
18 the biennium beginning July 1, 2023, and ending June 30, 2025.

19 **SECTION 4. ESTIMATED INCOME - FEDERAL STATE FISCAL RECOVERY FUND -**
20 **ADJUTANT GENERAL.** The estimated income line item in subdivision 1 of section 1 of this Act
21 includes \$20,600,000 from the federal state fiscal recovery fund, of which up to \$8,900,000 is
22 for the completion of the Dickinson readiness center in accordance with section 5 of this Act,
23 \$2,700,000 is for statewide interoperable radio network equipment, and \$9,000,000 is for the
24 construction of the Camp Grafton fitness facility.

25 **SECTION 5. CONTINGENT APPROPRIATION - FEDERAL STATE FISCAL RECOVERY**
26 **FUND - OTHER FEDERAL FUNDS - ADJUTANT GENERAL.**

27 1. Subject to the provisions of this section, there is appropriated from federal funds
28 derived from the federal state fiscal recovery fund, not otherwise appropriated, the
29 sum of \$5,300,000, or so much of the sum as may be necessary, to the adjutant
30 general for the purpose of constructing Camp Grafton training billets, for the biennium
31 beginning July 1, 2023, and ending June 30, 2025.

1 2. The funding appropriated under this section is contingent upon the adjutant general
2 certifying to the office of management and budget that at least \$5,300,000 of federal
3 funding sources other than from the federal state fiscal recovery fund is available and
4 will be used for the Dickinson readiness center project. Upon receiving certification,
5 the director of the office of management and budget shall adjust the appropriate
6 amount of federal funding authority for the Dickinson readiness center project from the
7 federal state fiscal recovery fund to the new federal funding source.

8 **SECTION 6. 2021-23 BIENNIUM APPROPRIATION - TRANSFER - VETERANS'**

9 **CEMETERY TRUST FUND.** There is appropriated out of any moneys in the general fund in the
10 state treasury, not otherwise appropriated, the sum of \$26,656, which the office of management
11 and budget shall transfer to the veterans' cemetery trust fund for the payment of adjusted
12 compensation to veterans in accordance with provisions of section 12 of chapter 41 of the 2019
13 Session Laws, during the period beginning with the effective date of this Act, and ending
14 June 30, 2023.

15 ~~**SECTION 5. ESTIMATED INCOME -- FEDERAL STATE FISCAL RECOVERY FUND --**~~

16 ~~**ADJUTANT GENERAL.** The estimated income line item in subdivision 1 of section 1 of this Act~~
17 ~~includes \$16,800,000 from the federal state fiscal recovery fund, of which \$5,300,000 is for the~~
18 ~~construction of billets at Camp Grafton, \$8,900,000 is for the completion of the Dickinson~~
19 ~~readiness center, and \$2,600,000 is for the design and engineering of the Williston readiness~~
20 ~~center.~~

21 ~~**SECTION 6. ESTIMATED INCOME -- STRATEGIC INVESTMENT AND IMPROVEMENTS**~~

22 ~~**FUND -- ADJUTANT GENERAL.** The estimated income line item in subdivision 1 of section 1 of~~
23 ~~this Act includes \$2,700,000 from the strategic investment and improvements fund for statewide~~
24 ~~interoperable radio network equipment.~~

25 **SECTION 7. ESTIMATED INCOME - STATE DISASTER RELIEF FUND - ADJUTANT**

26 **GENERAL.** The estimated income line item in subdivision 2 of section 1 of this Act includes
27 \$14,918,245 from the state disaster relief fund, of which \$11,693,245 is for costs related to
28 previous state disasters, \$2,000,000 is for natural disaster response and recovery grants,
29 \$1,000,000 is for the ten percent state match for the federal safeguarding tomorrow through
30 ongoing risk mitigation program, and \$225,000 is for flood mitigation grants.

1 **SECTION 8. NATURAL DISASTER RESPONSE AND RECOVERY GRANTS.** The disaster
2 costs line item in subdivision 2 of section 1 of this Act includes \$2,000,000 from the state
3 disaster relief fund for preparing for, responding to, and recovering from natural disasters.

4 **SECTION 9. CYBERSECURITY GRANT PROGRAM.** The adjutant general may spend up
5 to ~~\$628,000~~\$314,000 from the general fund in the grants line item in subdivision 2 of section 1
6 of this Act providing grants to political subdivisions for all or a portion of the required ~~ten~~five
7 percent local match for cybersecurity enforcement.

8 **SECTION 10. EXEMPTION - MAINTENANCE AND REPAIRS - TRANSFERS.**
9 Notwithstanding section 54-16-04, the director of the office of management and budget shall
10 transfer up to \$500,000 of appropriation authority to the operating expenses and capital assets
11 line items contained in section 1 of this Act, as requested by the adjutant general to provide for
12 the maintenance and repair of state-owned armories in this state during the biennium beginning
13 July 1, 2023, and ending June 30, 2025. The adjutant general shall notify the legislative council
14 of any transfers made pursuant to this section.

15 **SECTION 11. EXEMPTION - WATCH CENTER POSITIONS - TRANSFERS.**
16 Notwithstanding section 54-16-04, the director of the office of management and budget shall
17 transfer up to \$409,260 of appropriation authority to the salaries and wages line item from cost-
18 savings in the operating expenses line item contained in section 1 of this Act, as requested by
19 the adjutant general to provide funding for two watch center positions during the biennium
20 beginning July 1, 2023, and ending June 30, 2025. The adjutant general shall notify the
21 legislative council of any transfers made pursuant to this section.

22 **SECTION 12. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following
23 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into
24 the biennium beginning July 1, 2023, and ending June 30, 2025:

- 25 1. The sum of \$450,000 appropriated from the strategic investment and improvements
26 fund for computer-aided dispatch equipment in section 12 of chapter 16 of the 2021
27 Session Laws;
- 28 2. The sum of \$3,042,235 appropriated from the general fund for tuition assistance,
29 recruiting and retention incentives to eligible current and former members of the North
30 Dakota national guard in subdivision 1 of section 1 of chapter 16 of the 2021 Session
31 Laws;

- 1 3. The sum of \$80,000 appropriated from the general fund and \$240,000 of federal funds
2 for the Fraine Barracks automation system in subdivision 1 of section 1 of chapter 16
3 of the 2021 Session Laws;
- 4 4. The sum of \$15,500,000 appropriated from federal funds for the construction of the
5 Dickinson readiness center in subdivision 1 of section 1 of chapter 16 of the 2021
6 Session Laws;
- 7 5. The sum of \$6,000,000 appropriated from federal funds for the line of communication
8 bridge training site in subdivision 1 of section 1 of chapter 16 of the 2021 Session
9 Laws;
- 10 6. Any amounts remaining from the national guard training area and facility development
11 trust fund and the strategic investment and improvements fund for the expansion of
12 Camp Grafton in section 3 and section 14 of chapter 16 of the 2021 Session Laws;
- 13 7. Any amounts remaining for the purpose of defraying COVID-19 and other expenses in
14 subdivision 7 of section 1 of chapter 27 and subdivision 7 of section 2 of chapter 28 of
15 the 2021 Session Laws;
- 16 8. Any amounts remaining from the federal state fiscal recovery fund for replacing the
17 state active duty software and maintenance in subsection 24 of section 1 of
18 chapter 550 of the 2021 Special Session Session Laws; and
- 19 9. Any amounts remaining from the federal state fiscal recovery fund for enhancing
20 housing at Camp Grafton in subsection 31 of section 1 of chapter 550 of the 2021
21 Special Session Session Laws.

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

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

29 **SECTION 14. GIFTS, DONATIONS, AND BEQUESTS - NORTH DAKOTA MILITARY**
30 **MUSEUM.** The adjutant general may accept ~~gifts, grants, and donations~~ funds, including those
31 from private and federal sources, ~~and deposit the funds in the state treasury~~ to match state

1 funds for the construction of a North Dakota military museum during the biennium beginning
2 July 1, 2023, and ending June 30, 2025.

3 **SECTION 15. LEGISLATIVE MANAGEMENT STUDY - COLD WAR TRAIL PROJECT.**

4 During the 2023-24 interim, the legislative management shall consider studying the feasibility
5 and desirability of a cold war trail project. The study must consider potential sites to include on
6 the trail and options and costs of:

- 7 1. The construction, addition, maintenance, and equipment for new and existing North
8 Dakota cold war historic sites;
- 9 2. Providing educational resources regarding North Dakota's role in the cold war; and
- 10 3. Promoting tourism for North Dakota cold war historic sites.

11 The legislative management shall report its findings and recommendations, together with any
12 legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

13 **SECTION 16. EMERGENCY.** The sum of ~~\$628,000~~\$314,000 in the grants line item of
14 subdivision 2 of section 1 of this Act, the sum of \$2,000,000 in the disaster costs line item in
15 subdivision 2 of section 1 of this Act, the sum of \$60,000 in the civil air patrol line item of
16 subdivision 1 of section 1 of this Act, and sections ~~46, 8,~~ and ~~79~~ of this Act are declared to be an
17 emergency measure.