

**FIRST ENGROSSMENT
with House Amendments
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 transfer; to provide for a legislative management study; 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

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Salaries and wages	\$7,150,489	\$485,293	\$7,635,782
16	Operating expenses	3,048,313	165,898	3,214,211
17	Capital assets	224,046	40,300,000	40,524,046
18	Grants	210,916	374,776	585,692
19	Civil air patrol	309,125	72,331	381,456
20	Tuition, recruiting, and retention	3,042,235	320,000	3,362,235
21	Air guard contract	8,490,161	496,901	8,987,062
22	Army guard contract	48,203,473	1,804,510	50,007,983
23	Veterans' cemetery	1,325,998	33,397	1,359,395
24	Reintegration program	<u>925,524</u>	<u>(45,471)</u>	<u>880,053</u>

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1	Total all funds	\$72,930,280	\$44,007,635	\$116,937,915
2	Less estimated income	<u>56,326,564</u>	<u>41,839,440</u>	<u>98,166,004</u>
3	Total general fund	\$16,603,716	\$2,168,195	\$18,771,911
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	\$12,232,240	\$609,971	\$12,842,211
9	Operating expenses	6,502,334	313,233	6,815,567
10	Capital assets	660,000	150,000	810,000
11	Grants	14,550,000	13,868,000	28,418,000
12	Disaster costs	<u>51,485,736</u>	<u>168,853,862</u>	<u>220,339,598</u>
13	Total all funds	\$85,430,310	\$183,795,066	\$269,225,376
14	Less estimated income	<u>79,151,794</u>	<u>181,883,703</u>	<u>261,035,497</u>
15	Total general fund	\$6,278,516	\$1,911,363	\$8,189,879

Subdivision 3.

SECTION 1 TOTAL

18			Adjustments or	
19		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
20	Grand total general fund	\$22,882,232	\$4,079,558	\$26,961,790
21	Grand total special funds	<u>135,478,358</u>	<u>223,723,143</u>	<u>359,201,501</u>
22	Grand total all funds	\$158,360,590	\$227,802,701	\$386,163,291
23	Full-time equivalent positions	222.00	9.00	231.00

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:

28	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
29	Emergency response equipment and supplies	\$100,000	\$660,000
30	Dickinson readiness center project	15,500,000	8,900,000
31	Military museum	10,000,000	20,000,000

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1	Fraine Barracks automation system	320,000	0
2	Fargo readiness center equipment	100,000	0
3	Bridge training site	6,000,000	0
4	Camp Grafton expansion	3,500,000	0
5	Disaster response	887,873	0
6	Payroll expenses	1,000,000	0
7	State active-duty software	450,000	0
8	Camp Grafton housing	2,000,000	0
9	Deferred maintenance	1,000,000	1,000,000
10	Retirement payouts	0	275,000
11	Statewide interoperable radio network equipment	0	2,700,000
12	Camp Grafton fitness facility	0	9,000,000
13	Minot airport hangar	0	60,000
14	State radio consoles	0	150,000
15	Cybersecurity grant	0	628,000
16	Safeguarding Tomorrow through Ongoing Risk Mitigation Act	0	1,000,000
17	Flood mitigation grants	0	225,000
18	Disaster mortuary response team training	0	220,000
19	Natural disaster response and recovery grants	0	2,000,000
20	Disaster grants	<u>0</u>	<u>142,652,500</u>
21	Total all funds	\$40,857,873	\$189,470,500
22	Total other funds	<u>38,877,873</u>	<u>187,312,500</u>
23	Total general fund	\$1,980,000	\$2,158,000

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

28 **SECTION 3. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
 29 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
 30 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds that are
 31 received and deposited in the veterans' cemetery maintenance fund pursuant to sections

1 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
2 biennium beginning July 1, 2023, and ending June 30, 2025.

3 **SECTION 4. ESTIMATED INCOME - FEDERAL STATE FISCAL RECOVERY FUND -**
4 **ADJUTANT GENERAL.** The estimated income line item in subdivision 1 of section 1 of this Act
5 includes \$20,600,000 from the federal state fiscal recovery fund, of which up to \$8,900,000 is
6 for the completion of the Dickinson readiness center in accordance with section 5 of this Act,
7 \$2,700,000 is for statewide interoperable radio network equipment, and \$9,000,000 is for the
8 construction of the Camp Grafton fitness facility.

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

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

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

23 **SECTION 6. 2021-23 BIENNIUM APPROPRIATION - TRANSFER - VETERANS'**
24 **CEMETERY TRUST FUND.** There is appropriated out of any moneys in the general fund in the
25 state treasury, not otherwise appropriated, the sum of \$26,656, which the office of management
26 and budget shall transfer to the veterans' cemetery trust fund for the payment of adjusted
27 compensation to veterans in accordance with provisions of section 12 of chapter 41 of the 2019
28 Session Laws, during the period beginning with the effective date of this Act, and ending
29 June 30, 2023.

30 **SECTION 7. BANK OF NORTH DAKOTA - LINE OF CREDIT - ADDITIONAL INCOME -**
31 **LEGISLATIVE INTENT - MILITARY MUSEUM.** The Bank of North Dakota shall extend a line of

1 credit to the adjutant general to provide funding to pay costs associated with the construction of
2 a North Dakota military museum. The line of credit may not exceed \$20,000,000, and the
3 interest rate associated with the line of credit must be the prevailing rate charged to North
4 Dakota governmental entities. It is the intent of the sixty-eighth legislative assembly that the
5 adjutant general request funding from the sixty-ninth legislative assembly from the legacy
6 earnings fund to repay the line of credit. The adjutant general may accept other funds, including
7 private and federal funds, for the construction of a North Dakota military museum during the
8 biennium beginning July 1, 2023, and ending June 30, 2025.

9 **SECTION 8. ESTIMATED INCOME - STATE DISASTER RELIEF FUND - ADJUTANT**

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

15 **SECTION 9. NATURAL DISASTER RESPONSE AND RECOVERY GRANTS.** The disaster

16 costs line item in subdivision 2 of section 1 of this Act includes \$2,000,000 from the state
17 disaster relief fund for providing grants to political subdivisions for costs relating to preventing
18 loss of life or significant property damage when responding to and recovering from natural
19 disasters.

20 **SECTION 10. CYBERSECURITY GRANT PROGRAM.** The adjutant general may spend up

21 to \$628,000 from the general fund in the grants line item in subdivision 2 of section 1 of this Act
22 providing grants to political subdivisions for all or a portion of the required ten percent local
23 match for cybersecurity enforcement.

24 **SECTION 11. EXEMPTION - MAINTENANCE AND REPAIRS - TRANSFERS.**

25 Notwithstanding section 54-16-04, the director of the office of management and budget shall
26 transfer up to \$500,000 of appropriation authority to the operating expenses and capital assets
27 line items contained in section 1 of this Act, as requested by the adjutant general to provide for
28 the maintenance and repair of state-owned armories in this state during the biennium beginning
29 July 1, 2023, and ending June 30, 2025. The adjutant general shall notify the legislative council
30 of any transfers made pursuant to this section.

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

- 4 1. The sum of \$450,000 appropriated from the strategic investment and improvements
5 fund for computer-aided dispatch equipment in section 12 of chapter 16 of the 2021
6 Session Laws;
- 7 2. The sum of \$3,042,235 appropriated from the general fund for tuition assistance,
8 recruiting and retention incentives to eligible current and former members of the North
9 Dakota national guard in subdivision 1 of section 1 of chapter 16 of the 2021 Session
10 Laws;
- 11 3. The sum of \$80,000 appropriated from the general fund and \$240,000 of federal funds
12 for the Fraine Barracks automation system in subdivision 1 of section 1 of chapter 16
13 of the 2021 Session Laws;
- 14 4. The sum of \$15,500,000 appropriated from federal funds for the construction of the
15 Dickinson readiness center in subdivision 1 of section 1 of chapter 16 of the 2021
16 Session Laws;
- 17 5. The sum of \$6,000,000 appropriated from federal funds for the line of communication
18 bridge training site in subdivision 1 of section 1 of chapter 16 of the 2021 Session
19 Laws;
- 20 6. Any amounts remaining from the national guard training area and facility development
21 trust fund and the strategic investment and improvements fund for the expansion of
22 Camp Grafton in section 3 and section 14 of chapter 16 of the 2021 Session Laws;
- 23 7. Any amounts remaining for the purpose of defraying COVID-19 and other expenses in
24 subdivision 7 of section 1 of chapter 27 and subdivision 7 of section 2 of chapter 28 of
25 the 2021 Session Laws;
- 26 8. Any amounts remaining from the federal state fiscal recovery fund for replacing the
27 state active duty software and maintenance in subsection 24 of section 1 of
28 chapter 550 of the 2021 Special Session Session Laws; and
- 29 9. Any amounts remaining from the federal state fiscal recovery fund for enhancing
30 housing at Camp Grafton in subsection 31 of section 1 of chapter 550 of the 2021
31 Special Session Session Laws.

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

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

7 2. The adjutant general not use eminent domain for the expansion of Camp Grafton.

8 **SECTION 14. LEGISLATIVE MANAGEMENT STUDY - COLD WAR TRAIL PROJECT.**

9 During the 2023-24 interim, the legislative management shall consider studying the feasibility
10 and desirability of a cold war trail project. The study must include the cooperation of the adjutant
11 general, department of commerce, and the state historical society when considering potential
12 sites to include on the trail and options and costs of:

13 1. The construction, addition, maintenance, and equipment for new and existing North
14 Dakota cold war historic sites;

15 2. Providing educational resources regarding North Dakota's role in the cold war; and

16 3. Promoting tourism for North Dakota cold war historic sites.

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

19 **SECTION 15. EMERGENCY.** The sum of \$628,000 in the grants line item in subdivision 2
20 of section 1 of this Act, the sum of \$2,000,000 in the disaster costs line item in subdivision 2 of
21 section 1 of this Act, the sum of \$60,000 in the civil air patrol line item of subdivision 1 of
22 section 1 of this Act, and sections 6, 9, and 10 of this Act are declared to be an emergency
23 measure.