

**FIRST ENGROSSMENT  
with Conference Committee 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 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

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Salaries and wages	\$7,150,489	\$411,321	\$7,561,810
16	Operating expenses	3,048,313	165,898	3,214,211
17	Capital assets	224,046	20,300,000	20,524,046
18	Grants	210,916	259,776	470,692
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	196,901	8,687,062
22	Army guard contract	48,203,473	2,143,626	50,347,099
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>

Sixty-eighth  
Legislative Assembly

1	Total all funds	\$72,930,280	\$23,857,779	\$96,788,059
2	Less estimated income	<u>56,326,564</u>	<u>21,842,012</u>	<u>78,168,576</u>
3	Total general fund	\$16,603,716	\$2,015,767	\$18,619,483
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	\$620,257	\$12,852,497
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	13,554,000	28,104,000
12	Disaster costs	<u>51,485,736</u>	<u>168,633,862</u>	<u>220,119,598</u>
13	Total all funds	\$85,430,310	\$183,271,352	\$268,701,662
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	\$1,387,649	\$7,666,165
16	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	\$3,403,416	\$26,285,648
21	Grand total special funds	<u>135,478,358</u>	<u>203,725,715</u>	<u>339,204,073</u>
22	Grand total all funds	\$158,360,590	\$207,129,131	\$365,489,721
23	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:

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	0

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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	314,000
16	Safeguarding Tomorrow through Ongoing Risk Mitigation Act	0	1,000,000
17	Flood mitigation grants	0	225,000
18	Natural disaster response and recovery grants	0	2,000,000
19	Disaster grants	<u>0</u>	<u>142,652,500</u>
20	Total all funds	\$40,857,873	\$168,936,500
21	Total other funds	<u>38,877,873</u>	<u>167,312,500</u>
22	Total general fund	\$1,980,000	\$1,624,000

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

27       **SECTION 3. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In  
 28       addition to the amount appropriated to the adjutant general in the veterans' cemetery line item  
 29       in subdivision 1 of section 1 of this Act, there is appropriated any additional funds that are  
 30       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 the Dickinson readiness center project. Upon receiving certification,  
20 the director of the office of management and budget shall adjust the appropriate  
21 amount of federal funding authority for the Dickinson readiness center project from the  
22 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. ESTIMATED INCOME - STATE DISASTER RELIEF FUND - ADJUTANT**  
31 **GENERAL.** The estimated income line item in subdivision 2 of section 1 of this Act includes

1 \$14,918,245 from the state disaster relief fund, of which \$11,693,245 is for costs related to  
2 previous state disasters, \$2,000,000 is for natural disaster response and recovery grants,  
3 \$1,000,000 is for the ten percent state match for the federal safeguarding tomorrow through  
4 ongoing risk mitigation program, and \$225,000 is for flood mitigation grants.

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

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

12 **SECTION 10. EXEMPTION - MAINTENANCE AND REPAIRS - TRANSFERS.**

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

19 **SECTION 11. EXEMPTION - WATCH CENTER POSITIONS - TRANSFERS.**

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

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

29 1. The sum of \$450,000 appropriated from the strategic investment and improvements  
30 fund for computer-aided dispatch equipment in section 12 of chapter 16 of the 2021  
31 Session Laws;

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

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

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

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

2           **SECTION 14. GIFTS, DONATIONS, AND BEQUESTS - NORTH DAKOTA MILITARY**

3 **MUSEUM.** The adjutant general may accept funds, including those from private and federal  
4 sources, to match state funds for the construction of a North Dakota military museum during the  
5 biennium beginning July 1, 2023, and ending June 30, 2025.

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

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

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

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

16           **SECTION 16. EMERGENCY.** The sum of \$314,000 in the grants line item of subdivision 2  
17 of section 1 of this Act, the sum of \$2,000,000 in the disaster costs line item in subdivision 2 of  
18 section 1 of this Act, the sum of \$60,000 in the civil air patrol line item of subdivision 1 of  
19 section 1 of this Act, and sections 6, 8, and 9 of this Act are declared to be an emergency  
20 measure.