

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2016
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide an exemption; to provide a statement of legislative intent; to provide for a legislative management study; to provide for a transfer; and to declare an emergency.

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, 2023, and ending June 30, 2025, as follows:

Subdivision 1.

NATIONAL GUARD

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|------------------------------------|-------------------|--|----------------------|
| Salaries and wages | \$7,150,489 | \$411,321 | \$7,561,810 |
| Operating expenses | 3,048,313 | 165,898 | 3,214,211 |
| Capital assets | 224,046 | 20,300,000 | 20,524,046 |
| Grants | 210,916 | 259,776 | 470,692 |
| Civil air patrol | 309,125 | 72,331 | 381,456 |
| Tuition, recruiting, and retention | 3,042,235 | 320,000 | 3,362,235 |
| Air guard contract | 8,490,161 | 196,901 | 8,687,062 |
| Army guard contract | 48,203,473 | 2,143,626 | 50,347,099 |
| Veterans' cemetery | 1,325,998 | 33,397 | 1,359,395 |
| Reintegration program | <u>925,524</u> | <u>(45,471)</u> | <u>880,053</u> |
| Total all funds | \$72,930,280 | \$23,857,779 | \$96,788,059 |
| Less estimated income | <u>56,326,564</u> | <u>21,842,012</u> | <u>78,168,576</u> |
| Total general fund | \$16,603,716 | \$2,015,767 | \$18,619,483 |

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|-----------------------|-------------------|--|----------------------|
| Salaries and wages | \$12,232,240 | \$620,257 | \$12,852,497 |
| Operating expenses | 6,502,334 | 313,233 | 6,815,567 |
| Capital assets | 660,000 | 150,000 | 810,000 |
| Grants | 14,550,000 | 13,554,000 | 28,104,000 |
| Disaster costs | <u>51,485,736</u> | <u>168,633,862</u> | <u>220,119,598</u> |
| Total all funds | \$85,430,310 | \$183,271,352 | \$268,701,662 |
| Less estimated income | <u>79,151,794</u> | <u>181,883,703</u> | <u>261,035,497</u> |
| Total general fund | \$6,278,516 | \$1,387,649 | \$7,666,165 |

Subdivision 3.

SECTION 1 TOTAL

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|--------------------------------|-------------------|--|----------------------|
| Grand total general fund | \$22,882,232 | \$3,403,416 | \$26,285,648 |
| Grand total special funds | 135,478,358 | 203,725,715 | 339,204,073 |
| Grand total all funds | \$158,360,590 | \$207,129,131 | \$365,489,721 |
| 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:

| <u>One-Time Funding Description</u> | <u>2021-23</u> | <u>2023-25</u> |
|---|-------------------|--------------------|
| Emergency response equipment and supplies | \$100,000 | \$660,000 |
| Dickinson readiness center project | 15,500,000 | 8,900,000 |
| Military museum | 10,000,000 | 0 |
| Fraine Barracks automation system | 320,000 | 0 |
| Fargo readiness center equipment | 100,000 | 0 |
| Bridge training site | 6,000,000 | 0 |
| Camp Grafton expansion | 3,500,000 | 0 |
| Disaster response | 887,873 | 0 |
| Payroll expenses | 1,000,000 | 0 |
| State active-duty software | 450,000 | 0 |
| Camp Grafton housing | 2,000,000 | 0 |
| Deferred maintenance | 1,000,000 | 1,000,000 |
| Retirement payouts | 0 | 275,000 |
| Statewide interoperable radio network equipment | 0 | 2,700,000 |
| Camp Grafton fitness facility | 0 | 9,000,000 |
| Minot airport hangar | 0 | 60,000 |
| State radio consoles | 0 | 150,000 |
| Cybersecurity grant | 0 | 314,000 |
| Safeguarding Tomorrow through Ongoing Risk Mitigation Act | 0 | 1,000,000 |
| Flood mitigation grants | 0 | 225,000 |
| Natural disaster response and recovery grants | 0 | 2,000,000 |
| Disaster grants | 0 | 142,652,500 |
| Total all funds | \$40,857,873 | \$168,936,500 |
| Total other funds | <u>38,877,873</u> | <u>167,312,500</u> |
| Total general fund | \$1,980,000 | \$1,624,000 |

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

SECTION 3. 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, 2023, and ending June 30, 2025.

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

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

1. Subject to the provisions of this section, there is appropriated from federal funds derived from the federal state fiscal recovery fund, not otherwise appropriated, the sum of \$5,300,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of constructing Camp Grafton training billets, for the biennium beginning July 1, 2023, and ending June 30, 2025.
2. The funding appropriated under this section is contingent upon the adjutant general certifying to the office of management and budget that at least \$5,300,000 of federal funding sources other than from the federal state fiscal recovery fund is available and will be used for the Dickinson readiness center project. Upon receiving certification, the director of the office of management and budget shall adjust the appropriate amount of federal funding authority for the Dickinson readiness center project from the federal state fiscal recovery fund to the new federal funding source.

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

SECTION 7. ESTIMATED INCOME - STATE DISASTER RELIEF FUND - ADJUTANT GENERAL. The estimated income line item in subdivision 2 of section 1 of this Act includes \$14,918,245 from the state disaster relief fund, of which \$11,693,245 is for costs related to previous state disasters, \$2,000,000 is for natural disaster response and recovery grants, \$1,000,000 is for the ten percent state match for the federal safeguarding tomorrow through ongoing risk mitigation program, and \$225,000 is for flood mitigation grants.

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

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

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

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

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

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

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

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

SECTION 14. GIFTS, DONATIONS, AND BEQUESTS - NORTH DAKOTA MILITARY MUSEUM. The adjutant general may accept funds, including those from private and federal sources, to match state funds for the construction of a North Dakota military museum during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 15. LEGISLATIVE MANAGEMENT STUDY - COLD WAR TRAIL PROJECT. During the 2023-24 interim, the legislative management shall consider studying the feasibility and desirability of a cold war trail project. The study must consider potential sites to include on the trail and options and costs of:

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

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

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

Tammy Miller
President of the Senate

Dennis Johnson
Speaker of the House

Shanda Meyer
Secretary of the Senate

Buell T. Reich
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2016 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

Tammy Miller
President of the Senate

Shanda Meyer
Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 90 Nays 2 Absent 2

Dennis Johnson
Speaker of the House

Buell T. Reich
Chief Clerk of the House

Received by the Governor at 2:51 PM on April 27, 2023.

Approved at 1:16 PM on May 8, 2023.

Doug Burgum
Governor

Filed in this office this 9 day of May, 2023,

at 1:09 o'clock P M.

Michael Howe
Secretary of State