

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
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

Sixty-eighth
Legislative Assembly

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	\$485,293	\$7,635,782
5	Operating expenses	3,048,313	165,898	3,214,211
6	Capital assets	224,046	40,300,000	40,524,046
7	Grants	210,916	374,776	585,692
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	496,901	8,987,062
11	Army guard contract	48,203,473	1,804,510	50,007,983
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	\$44,007,635	\$116,937,915
15	Less estimated income	56,326,564	41,839,440	98,166,004
16	Total general fund	\$16,603,716	\$2,168,195	\$18,771,911

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	\$609,971	\$12,842,211
30	Operating expenses	6,502,334	313,233	6,815,567
31	Capital assets	660,000	150,000	810,000

Sixty-eighth
Legislative Assembly

1	Grants	14,550,000	13,868,000	28,418,000
2	Disaster costs	51,485,736	168,853,862	220,339,598
3	Total all funds	\$85,430,310	\$183,795,066	\$269,225,376
4	Less estimated income	79,151,794	181,883,703	261,035,497
5	Total general fund	\$6,278,516	\$1,911,363	\$8,189,879

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	\$4,079,558	\$26,961,790
15	Grand total special funds	135,478,358	223,723,143	359,201,501
16	Grand total all funds	\$158,360,590	\$227,802,701	\$386,163,291
17	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:

	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	20,000,000
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	<u>Cybersecurity grant</u>	0	628,000
2	<u>Safeguarding Tomorrow through Ongoing Risk Mitigation Act</u>	0	1,000,000
3	<u>Flood mitigation grants</u>	0	225,000
4	<u>Disaster mortuary response team training</u>	0	220,000
5	<u>Natural disaster response and recovery grants</u>	0	2,000,000
6	<u>Disaster grants</u>	0	142,652,500
7	<u>Total all funds</u>	<u>\$40,857,873</u>	<u>\$189,470,500</u>
8	<u>Total other funds</u>	<u>38,877,873</u>	<u>187,312,500</u>
9	<u>Total general fund</u>	<u>\$1,980,000</u>	<u>\$2,158,000</u>

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

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

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

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

28 1. Subject to the provisions of this section, there is appropriated from federal funds
29 derived from the federal state fiscal recovery fund, not otherwise appropriated, the
30 sum of \$5,300,000, or so much of the sum as may be necessary, to the adjutant

1 general for the purpose of constructing Camp Grafton training billets, for the biennium
2 beginning July 1, 2023, and ending June 30, 2025.

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

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

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

17 ~~—SECTION 5. ESTIMATED INCOME - FEDERAL STATE FISCAL RECOVERY FUND—~~

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

23 ~~—SECTION 6. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS~~

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

27 **SECTION 7. BANK OF NORTH DAKOTA - LINE OF CREDIT - ADDITIONAL INCOME -**

28 **LEGISLATIVE INTENT - MILITARY MUSEUM.** The Bank of North Dakota shall extend a line of
29 credit to the adjutant general to provide funding to pay costs associated with the construction of
30 a North Dakota military museum. The line of credit may not exceed \$20,000,000, and the
31 interest rate associated with the line of credit must be the prevailing rate charged to North

1 Dakota governmental entities. It is the intent of the sixty-eighth legislative assembly that the
2 adjutant general request funding from the sixty-ninth legislative assembly from the legacy
3 earnings fund to repay the line of credit. The adjutant general may accept other funds, including
4 private and federal 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 8. ESTIMATED INCOME - STATE DISASTER RELIEF FUND - ADJUTANT**
7 **GENERAL.** The estimated income line item in subdivision 2 of section 1 of this Act includes
8 \$14,918,245 from the state disaster relief fund, of which \$11,693,245 is for costs related to
9 previous state disasters, \$1,000,000 is for the ten percent state match for the federal
10 safeguarding tomorrow through ongoing risk mitigation program, \$2,000,000 is for natural
11 disaster response and recovery grants, and \$225,000 is for flood mitigation grants.

12 **SECTION 9. NATURAL DISASTER RESPONSE AND RECOVERY GRANTS.** The disaster
13 costs line item in subdivision 2 of section 1 of this Act includes \$2,000,000 from the state
14 disaster relief fund for providing grants to political subdivisions for costs relating to preventing
15 loss of life or significant property damage when responding to and recovering from natural
16 disasters.

17 **SECTION 10. CYBERSECURITY GRANT PROGRAM.** The adjutant general may spend up
18 to \$628,000 from the general fund in the grants line item in subdivision 2 of section 1 of this Act
19 providing grants to political subdivisions for all or a portion of the required ten percent local
20 match for cybersecurity enforcement.

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

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

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

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

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

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

6 ~~SECTION 11. GIFTS, DONATIONS, AND BEQUESTS – NORTH DAKOTA MILITARY~~

7 ~~MUSEUM. The adjutant general may accept gifts, grants, and donations, including those from~~
8 ~~private and federal sources, and deposit the funds in the state treasury for the construction of a~~
9 ~~North Dakota military museum during the biennium beginning July 1, 2023, and ending June 30,~~
10 ~~2025.~~

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

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

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

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

22 **SECTION 15. EMERGENCY.** The sum of \$628,000 in the grants line item ~~of~~in subdivision 2
23 of section 1 of this Act, the sum of \$2,000,000 in the disaster costs line item in subdivision 2 of
24 section 1 of this Act, the sum of \$60,000 in the civil air patrol line item of subdivision 1 of
25 section 1 of this Act, and sections 46, 9, and 710 of this Act are declared to be an emergency
26 measure.