

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the office of the
2 adjutant general; to amend and reenact subsection 2 of section 37-17.1-07.1 of the North
3 Dakota Century Code, relating to hazardous chemical fees; to amend and reenact section
4 37-28-02 of the North Dakota Century Code, relating to the definition of foreign service and
5 period of service; to amend and reenact section 37-28-03 of the North Dakota Century Code,
6 relating to payment of adjusted compensation for domestic and foreign service; to amend and
7 reenact section 6 of chapter 17 of the 2005 Session Laws; to provide legislative intent; to
8 provide an appropriation; to provide for transfers; to provide an exemption; and to declare an
9 emergency.

10 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

11 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
12 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
13 treasury, not otherwise appropriated, and from special funds derived from federal funds and
14 other income, to the office of the adjutant general for the purpose of defraying the expenses of
15 that agency, for the biennium beginning July 1, 2009, and ending June 30, 2011.

16 Subdivision 1.

17 **NATIONAL GUARD**

| | | Adjustments or | |
|-------------------------|-------------------|---------------------|----------------------|
| | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 18 Salaries and wages | \$4,216,409 | \$830,769 | \$5,047,178x |
| 19 Operating expenses | 3,848,828 | (171,937) | 3,676,891 |
| 20 Capital assets | 213,667 | 460,003 | 673,670 |
| 21 Deferred maintenance | 0 | 500,000 | 500,000 |
| 22 Grants | 449,514 | 400,000 | 949,514 |

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| | | | | |
|---|------------------------------------|-------------------|--------------------|-------------------|
| 1 | Civil air patrol | 160,091 | 62,745 | 222,836 |
| 2 | Tuition, recruiting, and retention | 2,407,500 | 0 | 2,407,500 |
| 3 | Air guard contract | 9,474,114 | 77,429 | 9,551,543 |
| 4 | Army guard contract | 66,423,926 | (6,365,827) | 60,048,099 |
| 5 | Reintegration program | 295,281 | 1,082,191 | 1,377,409 |
| 6 | Veterans' cemetery | <u>354,635</u> | <u>134,506</u> | <u>489,141</u> |
| 7 | Total all funds | \$87,843,902 | \$(2,890,121) | \$84,953,781 |
| 8 | Less estimated income | <u>74,786,695</u> | <u>(6,361,526)</u> | <u>68,425,079</u> |
| 9 | Total general fund appropriation | \$13,057,297 | \$3,471,405 | \$16,528,702 |

10 Subdivision 2.

11 DEPARTMENT OF EMERGENCY SERVICES

| | | | | |
|----|----------------------------------|-------------------|---------------------|----------------------|
| 12 | | | Adjustments or | |
| 13 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 14 | Salaries and wages | \$7,788,202 | \$1,595,403 | \$9,383,605 |
| 15 | Operating expenses | 3,829,400 | 314,157 | 4,143,557 |
| 16 | Capital assets | 440,377 | 1,575,970 | 2,107,347 |
| 17 | Grants | 40,794,635 | 3,607,632 | 44,402,267 |
| 18 | Radio communications | <u>0</u> | <u>4,030,000</u> | <u>4,030,000</u> |
| 19 | Total all funds | \$52,852,614 | \$11,124,162 | \$63,976,776 |
| 20 | Less estimated income | <u>46,889,068</u> | <u>4,711,801</u> | <u>51,600,869</u> |
| 21 | Total general fund appropriation | \$5,963,546 | \$6,412,361 | \$12,375,907 |

22 Subdivision 3.

23 BILL TOTAL

| | | | | |
|----|-----------------------------------|--------------------|---------------------|----------------------|
| 24 | | | Adjustments or | |
| 25 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 26 | Grand total general fund - | \$19,020,843 | \$9,883,766 | \$28,904,609 |
| 27 | H.B. 1016 | | | |
| 28 | Grand total special funds - | <u>121,675,673</u> | <u>(1,649,725)</u> | <u>120,025,948</u> |
| 29 | H.B. 1016 | | | |
| 30 | Grand total all funds - H.B. 1016 | \$140,696,516 | \$8,234,041 | \$148,930,557 |
| 31 | Grand Total full-time equivalent | 232.00 | 0.00 | 232.00 |

positions

SECTION 2. AMENDMENT. Subdivision c of subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

- c. Each owner and operator of a facility, as defined in SARA title III, shall pay an annual hazardous chemicals fee to the division of homeland security by March first of each year. The fee is twenty-five dollars for each chemical within the meaning of 40 CFR 355.20 or its successor which is required under section 312 of SARA title III, to be listed on the hazardous chemical inventory form (tier II) which the owner or operator must submit to the division. The federal requirements must be used for completing the tier II form, including the threshold amounts, as outlined in 40 CFR 370.20. The maximum fee for a facility under this section is one ~~hundred fifty~~ four hundred seventy-five dollars. The division of homeland security shall transfer to the county hazardous chemicals preparedness and response account one-half of the funds collected from the state's hazardous chemicals fee system.

SECTION 3. AMENDMENT. Section 37-28-02 of the North Dakota Century Code is amended and reenacted as follows:

37-28-02. Definitions. As used in this chapter:

1. "Adjutant general" means the adjutant general of North Dakota.
2. "Beneficiary" in relation to a deceased veteran, means, in the order named:
 - a. The surviving unremarried husband or wife as of the date of signing the application;
 - b. The surviving child or children and the lawful issue of a deceased child or children by right of representation;
 - c. The surviving person standing in loco parentis; or
 - d. The surviving parent or parents.
3. "Domestic service" means service by a veteran during the period of service which is not foreign service.
4. "Foreign service" means service by a veteran after December 5, 1992, for which the veteran received an armed forces expeditionary medal or campaign badge or performed service overseas in direct support to the global war on terror.

- 1 5. "Honorable and faithful" means service evidenced by:
- 2 a. An honorable discharge, or its equivalent;
- 3 b. In the case of an officer, a certificate of service; and
- 4 c. In the case of a veteran who has not been discharged, a certificate from the
- 5 appropriate service authority that the veteran's service was honorable and
- 6 faithful.
- 7 6. "Period of service" means the period of time beginning December 5, 1992, and
- 8 ending June 30, ~~2009~~ 2011.
- 9 7. a. "Resident" means a veteran who was a bona fide resident of the state of
- 10 North Dakota at the time of mobilization or, in the case of an active
- 11 component member, at the time of deployment for which the member
- 12 received an expeditionary medal or campaign badge, as determined under
- 13 the rules of the adjutant general and the laws of this state. "Resident"
- 14 includes all mobilized members of the North Dakota national guard.
- 15 b. "Veteran" means a member of the national guard or reserve component who
- 16 was activated under 10 U.S.C. 12302 and who completed honorable and
- 17 faithful service of more than thirty days on active duty in the armed forces of
- 18 the United States at any time during the period of service, or active
- 19 component member awarded the expeditionary medal or campaign badge for
- 20 service after December 5, 1992, who was a resident of the state of North
- 21 Dakota, and who has not received bonus or adjusted compensation from
- 22 another state for the period of service.

23 **SECTION 4. AMENDMENT.** Section 37-28-03 of the North Dakota Century Code is

24 amended and reenacted as follows:

25 **37-28-03. Payment of adjusted compensation for domestic and foreign service.**

26 Each national guard or reserve component resident veteran mobilized stateside is entitled to

27 fifty dollars for each month or major fraction thereof for domestic service, ~~not to exceed nine~~

28 ~~hundred dollars.~~ Each national guard, reserve, or active component resident veteran of foreign

29 service who received the expeditionary medal or campaign badge is entitled to one hundred

30 dollars for each month or major fraction thereof, ~~not to exceed one thousand eight hundred~~

31 ~~dollars. Combined totals for stateside and foreign service may not exceed one thousand eight~~

~~hundred dollars~~. If the veteran received a purple heart for foreign service, the veteran is entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted compensation related to the mobilization during which the purple heart was earned. If the veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter to which the veteran would have been entitled. Applications for adjusted compensation may be filed with the adjutant general through June 30, ~~2009~~ 2011, or in the case of a soldier mobilized on June 30, ~~2009~~ 2011, not later than six months after the end of the mobilization period of service.

SECTION 5. AMENDMENT. Section 6 of chapter 17 of the 2005 Session Laws, as amended by section 10 of chapter 42 of the 2007 Session Laws, is amended and reenacted as follows:

SECTION 10. EXEMPTION - TRANSFER. Any unexpended general fund appropriation authority relating to the \$5,000,000 appropriated to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation must be transferred to the veterans' cemetery trust fund during the biennium beginning July 1, ~~2009~~ 2011, and ending June 30, ~~2011~~ 2013.

SECTION 6. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act.

| ONE-TIME FUNDING DESCRIPTION | 2007-09 | 2009-11 |
|--|-------------|----------------|
| Computer-aided dispatch project | \$980,000 | |
| Motorola lease purchase payment (general fund portion) | 1,084,970 | \$1,525, 347 |
| Special assessments | 92,000 | |
| Deferred maintenance | 625,000 | 500,000 |
| Veterans' bonus multiple deployments | | 500,000 |
| East operations center construction project | | 476,000 |
| Technology projects | | 3,600,000 |
| Technology equipment and software purchases | | <u>471,500</u> |
| Total general fund | \$2,781,970 | \$7,072,847 |

1 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the
2 2011-13 biennium. The adjutant general shall report to the appropriations committees of the
3 sixty-second legislative assembly on the use of this one-time funding for the biennium
4 beginning July 1, 2009, and ending June 30, 2011.

5 **SECTION 7. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.**

6 In addition to the amount appropriated to the adjutant general in the veterans' cemetery line
7 item in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which
8 are received and deposited in the veterans' cemetery maintenance fund pursuant to sections
9 37-03-14 and 39-04-10 for the operation of the North Dakota veterans' cemetery for the
10 biennium beginning July 1, 2009, and ending June 30, 2011.

11 **SECTION 8. DEFERRED MAINTENANCE - TRANSFERS.** The adjutant general is
12 authorized to transfer from the deferred maintenance line to the capital assets line, contained in
13 subdivision 1 of section 1 of this Act, amounts necessary to address extraordinary repair needs.
14 Any amounts transferred must be reported to the director of the office of management and
15 budget.

16 **SECTION 9. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general
17 may transfer to the operating expenses and capital assets line items contained in section 1 of
18 the Act up to the sum of \$500,000 from the various other line items contained in section 1 of
19 this Act, as determined necessary by the adjutant general to provide for the maintenance and
20 repair of state-owned armories in this state during the biennium beginning July 1, 2009, and
21 ending June 30, 2011. Any amounts transferred pursuant to this section must be reported to
22 the director of the office of management and budget.

23 **SECTION 10. EXEMPTION.** The amount appropriated for the computer aided dispatch
24 project, as contained in subdivision 2 of of section 3 of chapter 42 of the 2007 Session Laws, is
25 not subject to the provisions of section 54-44.1-11, and any unexpended funds from these
26 appropriations or related revenues are available and may be expended during the biennium
27 beginning July 1, 2009, and ending June 30, 2011.

28 **SECTION 11. EMERGENCY.** Section 3 of this Act and the appropriation for capital
29 projects of \$450,000 in subdivision 1 of this Act is declared to be an emergency measure.