

Sixty-ninth
Legislative Assembly
of North Dakota**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT****ENGROSSED SENATE BILL NO. 2025**

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
 2 veterans' affairs; to amend and reenact sections 37-15-03, 37-15-07, 37-15-16, 37-18-01, and
 3 37-18-07, subsection 1 of section 37-18-12, and section 37-18.1-03 of the North Dakota
 4 Century Code, relating to the administrative committee on veterans' affairs; to provide for a
 5 transfer; to provide an exemption; and to declare an emergency.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
 8 as may be necessary, are appropriated out of any moneys in the general fund in the state
 9 treasury, not otherwise appropriated, and from other funds derived from federal funds, to the
 10 department of veterans' affairs for the purpose of defraying the expenses of the department of
 11 veterans' affairs, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
14	Veterans' affairs	\$1,897,804	\$239,506
15	<u>Veterans' affairs</u>	<u>\$1,897,804</u>	<u>\$832,713</u>
16	State approving agency	323,129	67,207
17	New and vacant FTE pool	0	49,702
18	<u>New and vacant FTE pool</u>	<u>0</u>	<u>202,907</u>
19	Grants - transportation program	1,126,085	193,621
20	Transport vans	18,800	4,200
			23,000

1	Service dogs	0	50,000	50,000
2	Veterans' home cemetery	0	291,500	291,500
3	Total all funds	\$3,365,818	\$895,736	\$4,261,554
4	<u>Total all funds</u>	<u>\$3,365,818</u>	<u>\$1,642,148</u>	<u>\$5,007,966</u>
5	Less other funds	1,449,214	558,948	2,008,162
6	Total general fund	\$1,916,604	\$336,788	\$2,253,392
7	Full-time equivalent positions	9.00	0.00	9.00
8	<u>Total general fund</u>	<u>\$1,916,604</u>	<u>\$1,083,200</u>	<u>\$2,999,804</u>
9	<u>Full-time equivalent positions</u>	<u>9.00</u>	<u>1.00</u>	<u>10.00</u>

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO

SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

One-Time Funding Description	Other Funds		
Veterans' home cemetery	\$291,500		
Total	\$291,500		
<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
<u>Homeless veterans' services</u>	<u>\$500,000</u>	<u>\$0</u>	<u>\$500,000</u>
<u>Veterans' home cemetery</u>	<u>0</u>	<u>291,500</u>	<u>291,500</u>
<u>Total</u>	<u>\$500,000</u>	<u>\$291,500</u>	<u>\$791,500</u>

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The department of veterans' affairs may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the veterans' affairs and state approving agency line items in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. APPROPRIATION - TRANSPORTATION GRANT PROGRAM - FEDERAL FUNDS - 2023-25 BIENNIUM. There is appropriated from federal funds, the sum of \$200,000, or so much of the sum as may be necessary, to the department of veterans' affairs for the highly

rural transportation grants program, for the period beginning with the effective date of this section and ending June 30, 2025.

SECTION 5. APPROPRIATION - TRANSFER TO VETERANS' POSTWAR TRUST FUND - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, which the office of management and budget shall transfer to the veterans' postwar trust fund, for the biennium beginning July 1, 2025, and ending June 30, 2027. This appropriation provided in this section is considered a one-time funding item.

SECTION 6. AMENDMENT. Section 37-15-03 of the North Dakota Century Code is amended and reenacted as follows:

37-15-03. Government of veterans' home.

The general supervision and government of the veterans' home is vested in the ~~administrative committee on veterans' affairs~~ governor.

SECTION 7. AMENDMENT. Section 37-15-07 of the North Dakota Century Code is amended and reenacted as follows:

37-15-07. Administrator of veterans' home - Appointment - Qualifications.

The appointment, qualifications, term of office, and salary of the administrator of the veterans' home must be as prescribed ~~in section 37-18.1-03~~ by the governor. The ~~administrative committee on veterans' affairs~~ governor may designate the administrator as commandant of the veterans' home if the administrator is an honorably discharged veteran.

SECTION 8. AMENDMENT. Section 37-15-16 of the North Dakota Century Code is amended and reenacted as follows:

37-15-16. Administrator shall take charge of unclaimed estates of small value.

If a member of the veterans' home dies leaving property of the value of three thousand dollars or less, the administrator immediately shall take charge of the property. If within forty-five days of the date of death a valid claim of any heir or devisee is not made for the property and an application or petition has not been filed for issuance of letters of administration, the administrator shall convert the property into cash without probate or other proceedings and make payment first toward reasonable funeral expenses and second toward reasonable and necessary medical and hospital expenses of the last illness of the decedent. If any cash remains, the administrator shall deposit the cash with the state treasurer who shall credit it to

1 the veterans' home operating fund. The administrator shall make a report of the administrator's
2 action to the administrative committee on veterans' affairs and the governor. The report must be
3 audited by, and included in the records of, the committee.

4 **SECTION 9. AMENDMENT.** Section 37-18-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **37-18-01. Department established - Commissioner.**

7 There is hereby established a department of veterans' affairs under the supervision and
8 control of a commissioner known as commissioner of veterans' affairs, hereinafter referred to as
9 the commissioner. The commissioner must be a bona fide resident of the state, and must qualify
10 as a veteran as defined in section 37-01-40. The commissioner shall serve at the pleasure of
11 the governor.

12 **SECTION 10. AMENDMENT.** Section 37-18-07 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **37-18-07. Commissioner - Appointment - Qualifications - Term - Salary.**

15 The appointment, qualifications, term of office, and salary of the commissioner must be as
16 prescribed ~~in section 37-18.1-03~~ by the governor. The commissioner must be allowed such
17 amounts for travel, clerkhire, and expenses as may be prescribed from time to time by
18 legislative appropriations.

19 **SECTION 11. AMENDMENT.** Subsection 1 of section 37-18-12 of the North Dakota Century
20 Code is amended and reenacted as follows:

- 21 1. Except as otherwise provided by subsection 2, the department of veterans' affairs may
22 accept and expend funds from any source, including federal or private sources, to be
23 used to assist veterans or qualified veterans' spouses in obtaining assistance and to
24 pay other expenses authorized by law incurred in carrying out programs of benefit and
25 service for resident North Dakota veterans as authorized by the ~~administrative-~~
26 ~~committee on veterans' affairs~~ governor with the approval of the emergency
27 commission.

28 **SECTION 12. AMENDMENT.** Section 37-18.1-03 of the North Dakota Century Code is
29 amended and reenacted as follows:

37-18.1-03. Powers and duties of committee - Creation of subcommittee and governing board.

The committee is responsible for advising the governor on the organization, policy, and general administration of all veterans' affairs in the state of North Dakota. It has the following powers ~~and~~, duties, and responsibilities:

1. The chairman and secretary of the committee, acting jointly, shall appoint a seven-member governing board for advising the governor on administration of the veterans' home, from within or outside the committee, subject to ratification of a majority vote of the committee, and shall establish term lengths for service on the governing board. ~~The governing board has all ordinary powers required of a governing board, including the power to establish qualifications for and selection of an administrator and to establish an appropriate salary structure, subject to limitations of legislative appropriation. The administrator serves at the pleasure of the governing board.~~
2. The chairman and secretary of the committee jointly shall appoint a subcommittee to be responsible for advising the governor on the supervision and government of the department of veterans' affairs. Once appointed, a subcommittee member may continue to serve as long as the member remains a voting member of the committee, unless removed from the subcommittee by joint action of the committee chairman and secretary. A member of the subcommittee may not serve on the governing board of the veterans' home. Each nominating organization listed in section 37-18.1-01 must have at least one voting member nominated by the organization serving on the subcommittee. The subcommittee shall select by majority vote of the members a chairman to preside for the term of one year.
3. ~~The committee shall appoint the commissioner of the department of veterans' affairs. The commissioner must be a bona fide resident of the state, and must qualify as a veteran as defined in section 37-01-40. The commissioner serves at the pleasure of the committee. The committee shall determine the salary paid to the commissioner of the department of veterans' affairs within the limits of legislative appropriation. The commissioner of veterans' affairs shall serve as the executive secretary for the subcommittee. The commissioner has no vote in the affairs of the subcommittee.~~

- 1 4. The committee, under recommendation from the board or the subcommittee, shall
2 present any matters needing attention and action to the ~~appropriate board,~~
3 ~~commission, agency, or department of the state, and the North Dakota veterans'~~
4 ~~legislative council~~ governor.
- 5 5. The committee shall ~~assure~~ advise the governor regarding compliance with applicable
6 federal and state laws in the administration of both the department of veterans' affairs
7 and the North Dakota veterans' home and shall exercise its responsibilities in all things
8 necessary to ~~carry out the provisions of this chapter~~ advise the governor in regard to
9 organization, policy, and general administration of the agencies served and involved in
10 the conduct of veterans' affairs. ~~The board governing the veterans' home and the~~
11 ~~subcommittee governing the department of veterans' affairs shall conduct an annual~~
12 ~~performance evaluation of the administrator and commissioner, respectively, with the~~
13 ~~evaluation presented to the committee. The board and subcommittee shall create and~~
14 ~~implement a strategic plan for the veterans' home and the department of veterans'~~
15 ~~affairs, respectively. The board and the subcommittee annually shall report as to the~~
16 ~~status of the respective strategic plan to the committee. After receiving a report, the~~
17 ~~committee shall submit the report to the governor.~~

18 **SECTION 13. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following
19 appropriations are not subject to the provisions of section 54-44.1-11 and any unexpended
20 funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

- 21 1. The sum of \$500,000 continued in section 5 of chapter 25 of the 2023 Session Laws
22 appropriated from the federal state fiscal recovery fund for a grant to assist in the
23 construction of the Fisher house at the Fargo veterans' affairs medical center in
24 subsection 32 of section 1 of chapter 550 of the 2021 Session Laws;
- 25 2. The sum of \$147,000 continued in section 5 of chapter 25 of the 2023 Session Laws
26 appropriated from the federal state fiscal recovery fund for improving and expanding
27 veterans' medical transportation in subsection 33 of section 1 of chapter 550 of the
28 2021 Session Laws;
- 29 3. The sum of \$19,066 appropriated from the general fund for accrued leave of retiring
30 staff in section 1 of chapter 25 of the 2023 Session Laws;

- 1 4. The sum of \$100,836 appropriated from the federal state fiscal recovery fund for a
- 2 document scanning project in section 1 of chapter 25 of the 2023 Session Laws; and
- 3 5. The sum of \$500,000 appropriated from the federal state fiscal recovery fund for a
- 4 grant to assist in the construction of the Fisher house at the Fargo veterans' affairs
- 5 medical center in section 1 of chapter 26 of the 2023 Session Laws.
- 6 **SECTION 14. EMERGENCY.** Section 4 of this Act is declared to be an emergency
- 7 measure.

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2025 - Department of Veterans' Affairs - House Action**

	Base Budget	Senate Version	House Changes	House Version
New and vacant FTE pool		\$49,702	\$153,205	\$202,907
Veterans' affairs	\$1,897,804	2,137,310	593,207	2,730,517
State Approving Agency	323,129	390,336		390,336
Grants - Transportation program	1,126,085	1,319,706		1,319,706
Transport vans	18,800	23,000		23,000
Service dogs		50,000		50,000
Veterans' Home Cemetery		291,500		291,500
Veterans' postwar trust fund			500,000	500,000
Total all funds	\$3,365,818	\$4,261,554	\$1,246,412	\$5,507,966
Less estimated income	1,449,214	2,008,162	0	2,008,162
General fund	\$1,916,604	\$2,253,392	\$1,246,412	\$3,499,804
FTE	9.00	9.00	1.00	10.00

Department 321 - Department of Veterans' Affairs - Detail of House Changes

	Adds Funding for an FTE Veterans' Benefit Specialist Position ¹	Removes Funding for Commissioner Salary Equity Increase ²	Adds Funding for Salary Equity Increases ³	Adds Funding for Operating Expenses ⁴	Adds One- Time Funding for Homeless Veterans' Services ⁵	Transfers Funding from the General Fund to the Veterans' Postwar Trust Fund ⁶
New and vacant FTE pool	\$153,205					
Veterans' affairs	18,207	(\$25,000)	\$50,000	\$50,000	\$500,000	
State Approving Agency						
Grants - Transportation program						
Transport vans						
Service dogs						
Veterans' Home Cemetery						
Veterans' postwar trust fund						\$500,000
Total all funds	\$171,412	(\$25,000)	\$50,000	\$50,000	\$500,000	\$500,000
Less estimated income	0	0	0	0	0	0
General fund	\$171,412	(\$25,000)	\$50,000	\$50,000	\$500,000	\$500,000
FTE	1.00	0.00	0.00	0.00	0.00	0.00

	Total House Changes
New and vacant FTE pool	\$153,205
Veterans' affairs	593,207
State Approving Agency	
Grants - Transportation program	
Transport vans	
Service dogs	
Veterans' Home Cemetery	
Veterans' postwar trust fund	500,000
Total all funds	\$1,246,412
Less estimated income	0
General fund	\$1,246,412
FTE	1.00

¹ Funding from the general fund is added for an FTE veterans' benefit specialist position, including \$6,270 for operating expenses. Funding for salaries and wages is decreased by \$170,228 and funding of \$153,205 is added to the new and vacant FTE pool for the position resulting in net savings of \$17,023.

² Funding added by the Senate from the general fund for a commissioner salary equity increase is removed.

³ Funding from the general fund is added for veterans' service officer salary equity increases.

⁴ Funding of \$50,000 is added for operating expenses, to provide a total increase of \$84,000 from the general fund. The Senate provided \$34,000 from the general fund for operating expenses increases.

⁵ One-time funding from the general fund is added for homeless veterans' services to prevent and eliminate veteran homelessness.

⁶ One-time funding from the general fund is transferred to the veterans' postwar trust fund, as included in Section 5 of the bill.

Senate Bill No. 2025 - Other Changes - House Action

This amendment also:

- Adds a section to provide a 2023-25 biennium federal funds appropriation of \$200,000 to the Department of Veterans' Affairs for the highly rural transportation grants program.
- Adds sections regarding the authority of the administrative committee on veterans' affairs and to transfer supervision and governance of the Veterans' Home and Department of Veterans' Affairs to the Governor.
- Adds a section to authorize the carryover of funding into the 2025-27 biennium for grants to assist in the construction of the Fisher house at the Fargo veterans' affairs medical center, improving and expanding veterans' medical transportation, accrued leave of retiring staff, and a document scanning project. This will reduce general fund revenue available for the 2025-27 biennium by \$19,066.
- Adds a section to declare the \$200,000 in federal funds in Section 4 for the highly rural transportation grant program to be an emergency measure.