

**HOUSE BILL NO. 1016**

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 subdivision c of subsection 2 of section 37-17.1-07.1  
3 and sections 37-28-02 and 37-28-03 of the North Dakota Century Code, relating to hazardous  
4 chemical fees, the definition of foreign service and period of service, and payment of adjusted  
5 compensation for domestic and foreign service; to amend and reenact section 6 of chapter 17  
6 of the 2005 Session Laws, as amended by section 10 of chapter 42 of the 2007 Session Laws,  
7 relating to payment of adjusted compensation for veterans; to provide a statement of legislative  
8 intent; to provide an appropriation; to provide for transfers; to provide an exemption; and to  
9 declare an 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, as follows:

16 Subdivision 1.

## 17 NATIONAL GUARD

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

Sixty-first  
Legislative Assembly

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)	60,058,099
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>74,786,605</u>	<u>(6,361,526)</u>	<u>68,425,079</u>
9	Total general fund	\$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	1,576,970	2,017,347
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	\$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	Grand total special funds	<u>121,675,673</u>	<u>(1,649,725)</u>	<u>120,025,948</u>
28	Grand total all funds	\$140,696,516	\$8,234,041	\$148,930,557
29	Full-time equivalent	232.00	0.00	232.00
30	positions			

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

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

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

17           **37-28-02. Definitions.** As used in this chapter:

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

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

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

23 amended and reenacted as follows:

24           **37-28-03. Payment of adjusted compensation for domestic and foreign service.**

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

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

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

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

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

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

31 ~~hundred dollars.~~ If the veteran received a purple heart for foreign service, the veteran is entitled

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

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

11 **SECTION 6. EXEMPTION - TRANSFER.** Any unexpended general fund appropriation  
12 authority relating to the \$5,000,000 appropriated in section 3 of this Act for the payment of  
13 adjusted compensation to veterans is not subject to the provisions of section 54-44.1-11. Any  
14 unexpended funds from this appropriation must be transferred to the veterans' cemetery trust  
15 fund during the biennium beginning July 1, ~~2009~~ 2011, and ending June 30, ~~2014~~ 2013.

16 **SECTION 6. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
17 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time  
18 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the  
19 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
20 Computer-aided dispatch project	\$980,000	\$0
22 Motorola lease purchase payment (general fund portion)	1,084,970	1,525,347
23 Special assessments	92,000	0
24 Deferred maintenance	625,000	500,000
25 Veterans' bonus multiple deployments	0	500,000
26 East operations center construction project	0	476,000
27 Technology projects	0	3,600,000
28 Technology equipment and software purchases	<u>0</u>	<u>471,500</u>
29 Total general fund	\$2,781,970	\$7,072,847

30 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the  
31 2011-13 biennium. The adjutant general shall report to the appropriations committees of the

1 sixty-second legislative assembly on the use of this one-time funding for the biennium  
2 beginning July 1, 2009, and ending June 30, 2011.

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

4 In addition to the amount appropriated to the adjutant general in the veterans' cemetery line  
5 item in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which  
6 are received and deposited in the veterans' cemetery maintenance fund pursuant to sections  
7 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the  
8 biennium beginning July 1, 2009, and ending June 30, 2011.

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

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

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

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