

TITLE 37

Military

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 37. Bills primarily affecting other titles may also affect this title, but those bills are not summarized in this memorandum.

Senate Bill No. 2012 creates the state disaster relief fund for defraying the expenses for state disasters, including providing funds required to match federal funds for expenses associated with declared disasters in the state, within legislative appropriation. In addition, any interest or other fund earnings must be deposited in the fund.

House Bill No. 1181 prohibits discrimination in hiring an individual who is a volunteer emergency responder based on the fact that the individual is a volunteer emergency responder and allows for a civil action against an employer that violates this prohibition. In addition, the bill prohibits an employer from terminating or demoting an employee who is a volunteer emergency responder based upon the employee being absent or tardy from employment due to serving as a volunteer emergency responder in a disaster or emergency and provides for a civil action. The bill provides for an exemption if the employer is a state agency, a political subdivision, a private entity that performs critical emergency services during a disaster or emergency, or a private entity that determines the volunteer emergency responder services are so critical that they cannot be performed by another employee and the employee's absence will create potential for irreparable harm to or permanent closure of the private entity. The Governor or Adjutant General may supersede a private employer if the nature of the emergency or disaster is so serious that services provided by the volunteer emergency responder are key and essential to the emergency response efforts and public safety responsibilities of the Adjutant General's office.

House Bill No. 1016 amends Section 37-29-03 as created by House Bill No. 1181 to allow 20 regular working days of absence by an employee to serve as a volunteer emergency responder, instead of 10 regular business days as in House Bill No. 1181, before the employer may terminate or demote the employee. In addition, the bill removes the requirement in House Bill No. 1181 that the employee must continue to make reasonable notification efforts to the employer over the course of the absence.

House Bill No. 1057 requires county veterans' service officers to be accredited by the National Association of County Veterans' Service Officers by August 1, 2011. In addition, the bill prohibits a county veterans' service officer from being a conservator for an individual who is receiving benefits or services from the Department of Veterans' Affairs or the United States Department of Veterans' Affairs, unless the individual is the spouse or an immediate family member of the officer, or unless the conservator is appointed by the county as a public administrator. The bill appropriated \$26,000 to the Department of Veterans' Affairs for the purpose of arranging for Department of Veterans' Affairs accreditation training for all county veterans' service officers.

House Bill No. 1324 removes a reference to another section of law on an alternative method for computing income tax which was repealed.

House Bill No. 1510 requires an employer to include within the notice that a veteran has not been given preference in employment the reasons for nonselection; notice to the applicant of the right to an appeal hearing; notice to the applicant of the requirement that the request for a hearing must be filed by certified mail within 15 days after the notification; notice to the applicant that a request for an appeal hearing must be made to the Commissioner of Veterans' Affairs at the included commissioner's mailing address; and notice to the applicant that if the applicant requests an appeal, the applicant must mail a copy of the request for an appeal hearing to the employer or employing agency.

House Bill No. 1073 adopts the Uniform Emergency Volunteer Health Practitioners Act.

House Bill No. 1053 includes regional coordination of local emergency management activities within the state disaster plan created by the Division of Homeland Security and allows for regional emergency management organizations that serve more than one county.

Senate Bill No. 2163 moves the placement of laws relating to the State Radio broadcasting system from Chapter 54-23.2 to Chapter 37-17.3.

House Bill No. 1138 allows the Adjutant General to provide a grant to a qualifying member of the National Guard who enrolls in an accredited postsecondary institution in this state for the cost of tuition and fees instead of as previously allowed for only tuition.

House Bill No. 1048 simplifies intrastate mutual aid agreements by repealing present law and replacing it with the requirement that the Department of Emergency Services prepare and distribute to political subdivisions guidelines and model intrastate mutual aid agreements to provide a system of mutual assistance among political subdivisions in the prevention of, response to, and recovery from a local disaster or emergency. In addition, the bill requires counties and cities to participate in intrastate mutual aid and to take steps necessary to ensure eligibility for federal funds to access state funds for disaster response and recovery during a nonfederally declared disaster.

House Bill No. 1482 provides for adjusted compensation for a veteran who performs foreign service in direct support to the global war on terror and removes the cap on the \$50 for each month of domestic service of \$900 and the cap on \$100 for each month of foreign service of \$1,800. In addition, the bill removes the cap for combined totals of domestic and foreign service of \$1,800.

House Bill No. 1451 increases the penalty for the violation of a burn ban from an infraction to a Class B misdemeanor.

House Bill No. 1128 extends the immunity as a governmental function for actions of emergency management to any person providing goods or services during an emergency if the person is working in coordination with or under the direction of an appropriate governmental emergency or disaster or response entity.

House Bill No. 1484 increases the maximum fee for a hazardous chemical facility from \$150 to \$475.

Senate Bill No. 2133 allows for the Veterans' Home to arrange for independent third-party telephone services and places the Veterans' Home Governing Board in charge of applications and fees of members of the Veterans' Home instead of as previously provided the Administrative Committee on Veterans' Affairs.

Senate Bill No. 2444 appropriates \$12.5 million to the Adjutant General for the purpose of defraying expenses of the 2009 flood disaster.

Senate Bill No. 2393 appropriates \$1 million to the Department of Emergency Services for the purpose of providing emergency snow removal grants to counties and cities.

Senate Bill No. 2025 provides a general fund appropriation, a permanent oil tax trust fund appropriation, and federal funds for the purpose of building a new Veterans' Home.

Senate Bill No. 2075 appropriates money for exterior finishing and a geothermal heating system at the Veterans' Home.