

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

That the Senate recede from its amendments as printed on pages 1270-1272 of the House Journal and pages 1176-1178 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 3, remove "and" and after "exemption" insert "; to amend and reenact subsections 3 and 4 of section 37-29-03 as created by section 1 of House Bill No. 1181, as approved by the sixty-first legislative assembly, and section 54-06-27 of the North Dakota Century Code, relating to job protections for volunteer emergency responders of the adjutant general's office and leave for emergency service volunteers; to provide for a report to the budget section; and to declare an emergency"

Page 1, line 14, replace "\$76,773" with "\$625,027" and replace "4,139,636" with "4,841,436"

Page 1, line 15, replace "(197,937)" with "(171,937)" and replace "3,650,891" with "3,676,891"

Page 1, line 21, replace "(6,668,176)" with "(6,365,827)" and replace "59,755,750" with "60,058,099"

Page 1, line 22, replace "553,319" with "1,082,191" and replace "848,537" with "1,377,409"

Page 1, line 24, replace "\$5,604,884" with "\$4,045,863" and replace "82,239,018" with "83,798,039"

Page 2, line 1, replace "(7,243,780)" with "(6,499,373)" and replace "67,542,825" with "68,287,232"

Page 2, line 2, replace "1,638,896" with "2,453,510" and replace "14,696,193" with "15,510,807"

Page 2, line 7, replace "1,321,957" with "1,595,403" and replace "9,110,159" with "9,383,605"

Page 2, line 12, replace "10,539,216" with "10,812,662" and replace "63,391,830" with "63,665,276"

Page 2, line 13, replace "4,575,027" with "4,711,801" and replace "51,464,095" with "51,600,869"

Page 2, line 14, replace "5,964,189" with "6,100,861" and replace "11,927,735" with "12,064,407"

Page 2, line 19, replace "7,603,085" with "8,954,371" and replace "26,623,928" with "27,975,214"

Page 2, line 20, replace "(2,668,753)" with "51,996,198" and replace "119,006,920" with "173,671,871"

Page 2, line 21, replace "4,934,332" with "60,950,569" and replace "145,630,848" with "201,647,085"

Page 2, line 22, replace "(2.00)" with "0.00" and replace "230.00" with "232.00"

Page 2, after line 23, insert:

**"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the adjutant general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Military energy-related maintenance and repairs	\$2,522,270
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The adjutant general may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

**SECTION 3. APPROPRIATION - FEDERAL FISCAL STABILIZATION - OTHER GOVERNMENT SERVICES.** There is appropriated from federal fiscal stabilization - other government services funds made available to the governor under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$1,261,500, or so much of the sum as may be necessary, to the adjutant general for the purpose of replacing boilers, constructing an operations center, and enhancing security relating to the national crime information center, for the biennium beginning July 1, 2009, and ending June 30, 2011. Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget.

**SECTION 4. APPROPRIATION - FLOOD-RELATED COSTS.** There is appropriated from special funds derived from federal funds or other income the sum of \$50,000,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of defraying expenses relating to 2009 flood disasters, for the period beginning with the effective date of this Act through June 30, 2011.

**SECTION 5. APPROPRIATION - VOLUNTEER MANAGEMENT GRANT PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may be necessary, to the department of emergency services to provide grants to political subdivisions for payments to entities that have provided volunteer management services within that political subdivision for a particular disaster in an amount that may not exceed \$50,000 for each disaster, for the period beginning with the effective date of this Act and ending June 30, 2011."

Page 3, line 30, replace "\$848,537" with "\$1,377,409"

Page 4, after line 2, insert:

**"SECTION 11. REINTEGRATION PROGRAM - REPORT TO THE BUDGET SECTION.** The adjutant general shall provide a report to the budget section during the 2009-10 interim regarding reintegration program expenditures and the program's impact on service members."

**"SECTION 13. LEGISLATIVE INTENT - DISASTER FUNDING.** It is the intent of the sixty-first legislative assembly that 2009 flood disaster payments to political subdivisions be made allowing for a six percent local share. The difference between current federal funding and anticipated federal funding is to be made by the state until federal reimbursement funds are received for the period beginning with the effective date of this Act through June 30, 2011.

**SECTION 14. AMENDMENT.** Subsections 3 and 4 of section 37-29-03 of the North Dakota Century Code as created by section 1 of House Bill No. 1181, as approved by the sixty-first legislative assembly, are amended and reenacted as follows:

3. Subsection 1 does not apply if due to serving as a volunteer emergency responder, the employee is absent or tardy from the employee's place of employment for a period that exceeds ~~ten~~ twenty regular business working days in a calendar year.
4. In order to receive the protections of subsection 1, an employee who will be absent or tardy from the employee's place of employment while serving as a volunteer emergency responder in the case of a disaster or emergency shall make reasonable efforts to notify the employer of that service ~~and shall continue to make those reasonable notification efforts over the course of the absence.~~

**SECTION 15. AMENDMENT.** Section 54-06-27 of the North Dakota Century Code as amended in section 2 of House Bill No. 1181, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**54-06-27. Emergency service volunteers - Leave.** Upon issuance of an order or proclamation declaring a state of disaster or emergency pursuant to chapter 37-17.1, a search emergency by the air force rescue coordination center or by the department of emergency services, or a declaration of at least a level II disaster by the American red cross in this or any other state, the executive officer in charge of a state agency or the governing body of any political subdivision may grant a leave of absence to any full-time employee of that governmental entity who is an emergency medical service provider, a member of the civil air patrol, a firefighter, police officer, volunteer member of the North Dakota army or air national guard, or emergency radio operator, or who performs other services necessary in an emergency. The leave of absence must be for the purpose of allowing that employee to provide voluntary emergency services. An individual on leave under this section is not deemed to be an employee of the governmental entity for the purposes of workforce safety and insurance. The cumulative leave granted under this section may not exceed ~~ten~~ twenty working days during any calendar year. The leave may not result in a loss of compensation, seniority, annual leave, sick leave, or accrued overtime for which the employee is otherwise eligible.

**SECTION 16. EMERGENCY.** Sections 2, 3, 4, 5, 13, 14, and 15 are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98016.0207 FN 4**

**A copy of the statement of purpose of amendment is attached.**