

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2097

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact sections 37-01-43 and 37-03-02, subsection 8 of
2 section 37-26-01, subsection 6 of section 37-28-02, and section 37-28-03 of the North Dakota
3 Century Code, relating to the operation of the North Dakota national guard.

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

5 **SECTION 1. AMENDMENT.** Section 37-01-43 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **37-01-43. North Dakota military civil relief act.**

8 A person called or ordered to active service for thirty consecutive days or longer has all of
9 the protections afforded to persons in the military service of the United States under the
10 Servicemembers Civil Relief Act [50 U.S.C. sections 3901-4043] in effect on December 31,
11 ~~2016~~2018.

12 **SECTION 2. AMENDMENT.** Section 37-03-02 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **37-03-02. Assistant adjutants general - Appointment - Qualifications - Duties.**

15 An assistant adjutant general for army, an assistant adjutant general for air force, and other
16 assistant adjutants general authorized by a table of organization prescribed by the laws or
17 regulations of the United States may be appointed by the governor upon the recommendation of
18 the adjutant general. Each assistant adjutant general must have had not less than ~~five~~three
19 years' commissioned service in the North Dakota national guard immediately preceding the
20 appointment and must have attained the rank of lieutenant colonel. Upon appointment, each
21 assistant adjutant general must have the rank as is consistent with federal laws and regulations.
22 The assistant adjutant general for army and the assistant adjutant general for air force have
23 general supervision over the training of the troops and the administration of the affairs of their
24 respective departments. An assistant adjutant general for the department of military records

1 may be appointed by the governor upon recommendation of the adjutant general from among
2 the active or retired officers of the North Dakota national guard. The assistant adjutant general
3 for military records must have the rank as-is consistent with experience and length of service.

4 **SECTION 3. AMENDMENT.** Subsection 8 of section 37-26-01 of the North Dakota Century
5 Code is amended and reenacted as follows:

- 6 8. "Veteran" means a member of the national guard or reserve component who was
7 activated under 10 U.S.C. ~~67312301~~, in effect on December 31, 2011, or 10 U.S.C.
8 ~~673(b)12302~~, in effect on October 28, 2004, and who completed honorable and faithful
9 service of more than thirty days on active duty in the armed forces of the United States
10 at any time during the period of service, who was a resident of the state of North
11 Dakota, and who has not received bonus or adjusted compensation from another state
12 for the period of service.

13 **SECTION 4. AMENDMENT.** Subsection 6 of section 37-28-02 of the North Dakota Century
14 Code is amended and reenacted as follows:

- 15 6. "Period of service" means the period of time beginning December 5, 1992, and ending
16 June 30, ~~2019~~2021.

17 **SECTION 5. AMENDMENT.** Section 37-28-03 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **37-28-03. Payment of adjusted compensation for domestic and foreign service.**

20 Each national guard or reserve component resident veteran mobilized stateside is entitled
21 to fifty dollars for each month or major fraction thereof for domestic service. Each national
22 guard, reserve, or active component resident veteran of foreign service who received the
23 expeditionary medal or campaign badge is entitled to one hundred dollars for each month or
24 major fraction thereof. If the veteran received a purple heart for foreign service, the veteran is
25 entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for
26 adjusted compensation related to the mobilization during which the purple heart was earned. If
27 the veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter
28 to which the veteran would have been entitled. Applications for adjusted compensation may be
29 filed with the adjutant general through June 30, ~~2019~~2021, or in the case of a soldier mobilized
30 on June 30, ~~2019~~2021, not later than six months after the end of the mobilization period of
31 service.