

**HOUSE BILL NO. 1057**

Introduced by

Legislative Council

(Public Safety Committee)

1 A BILL for an Act to create and enact four new sections to chapter 37-15 and a new section to  
2 chapter 37-18 of the North Dakota Century Code, relating to governance of the veterans' home  
3 and department of veterans' affairs employees; to amend and reenact sections 37-14-18,  
4 37-15-03, 37-15-07, 37-18-07, 37-18-08, 37-18-12, 37-18.1-01, 37-18.1-02, 37-18.1-03, and  
5 37-18.1-04 of the North Dakota Century Code, relating to county veterans' service officers,  
6 governance of the veterans' home, the commissioner of the department of veterans' affairs, and  
7 the administrative committee on veterans' affairs; and to provide an appropriation.

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

9 **SECTION 1. AMENDMENT.** Section 37-14-18 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **37-14-18. County veterans' service officer - Appointment - Duties.** The board of  
12 county commissioners of each county of the state of North Dakota shall appoint, employ, and  
13 pay, on a full-time or part-time basis, an officer to be known as a county veterans' service  
14 officer. An individual may serve as a county veterans' service officer in more than one county.  
15 The appointment must be made with the prior advice of the commissioner of veterans' affairs,  
16 and in accordance with veterans' preference as provided in section 37-19.1-02. The county  
17 veterans' service officer must maintain accreditation by the national association of county  
18 veterans' service officers within one year of appointment. It is the duty of the county veterans'  
19 service officer to become acquainted with the laws, both state and federal, enacted for the  
20 benefit of returning servicemen and servicewomen to assist such returning members of the  
21 armed forces in the presentation, proof, and establishment of such claims, privileges, and rights  
22 as they have. It also is the duty of the county veterans' service officer to actively cooperate with  
23 and to coordinate the activities of the state and federal agencies within the county which the  
24 officer serves to facilitate their operation and ensure promptness in the solution of the problems

1 concerned with the reestablishment of returning servicemen and servicewomen in civilian  
2 pursuits.

3 **SECTION 2. AMENDMENT.** Section 37-15-03 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **37-15-03. Government of veterans' home.** The general supervision and government  
6 of the veterans' home is vested in the ~~administrative committee on veterans' affairs~~ veterans'  
7 home governing board.

8 **SECTION 3. AMENDMENT.** Section 37-15-07 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **37-15-07. Administrator of veterans' home - Appointment - Qualifications.** The  
11 appointment, qualifications, term of office, and salary of the administrator of the veterans' home  
12 must be as prescribed in ~~section 37-18.1-03~~ this chapter. The ~~administrative committee on~~  
13 ~~veterans' affairs~~ veterans' home governing board may designate the administrator as  
14 commandant of the veterans' home if the administrator is an honorably discharged veteran.

15 **SECTION 4.** Four new sections to chapter 37-15 of the North Dakota Century Code are  
16 created and enacted as follows:

17 **Veterans' home governing board - Membership - Appointment.**

- 18 1. There is created a governing board for the veterans' home consisting of seven  
19 voting members appointed by the governor.
- 20 2. On July 1, 2009, the governor shall appoint seven members of the committee. Of  
21 the appointments, three members must qualify as a veteran under section  
22 37-01-40. The governor shall appoint persons based on experience and  
23 qualifications. The governor shall appoint three of the members to a term of three  
24 years, two members to a term of two years, and two members to a term of one  
25 year, or until their successors are appointed and qualified.
- 26 3. On the first day of July in each year beginning in the year 2010, the governor shall  
27 appoint members to fill the expiring terms of committee members. If a committee  
28 member with an expiring term qualifies as a veteran under section 37-01-40, the  
29 governor shall appoint a member qualifying as a veteran under section 37-01-40.

1           4. Beginning in 2010, each appointment must be for a term of three years, or until a  
2           successor is appointed and qualified. All terms begin on July first and end on June  
3           thirtieth in the year specified.

4           5. If a position becomes vacant, the governor shall fill the vacancy for the unexpired  
5           portion of the term in the same manner as the initial appointment.

6           **Veterans' home governing board - Chairman - Duties - Meetings.** A chairman of the  
7           veterans' home governing board must be appointed by the governor from among the  
8           membership of the board. Meetings of the governing board must be held upon the call of the  
9           chairman, at such times and places as may be selected by the chairman, and upon due notice  
10          to members by the chairman. Meetings must also be called by the chairman upon the written  
11          request of any four voting members of the board. A majority of the members of the board is  
12          required for a quorum.

13          **Powers and duties of veterans' home governing board.** The veterans' home  
14          governing board has the following powers and duties:

15           1. The governing board is responsible for the administration of the veterans' home.  
16           The governing board has all ordinary powers required of a governing board,  
17           including the power to establish qualifications for and selection of an administrator  
18           and to establish an appropriate salary structure, subject to limitations of legislative  
19           appropriations. The administrator serves at the pleasure of the governing board.

20           2. The governing board shall assure compliance with applicable federal and state  
21           laws in the administration of the veterans' home. The governing board shall  
22           conduct an annual performance evaluation of the administrator and create and  
23           implement a strategic plan for the veterans' home. The governing board annually  
24           shall report on the status of the strategic plan to the governor.

25          **Veterans' home governing board - Compensation - Expenses.** The veterans' home  
26          governing board members may receive compensation of one hundred thirty-five dollars per day  
27          for the performance of their official duties. Members may be reimbursed for travel expenses  
28          and meals and lodging expenses in connection with their official duties at the same rate and in  
29          the same manner as are elected officials and employees of the state. Payment for  
30          compensation and expense reimbursement must be made by the veterans' home. The

1 payment must be made by warrant-check drawn by the office of management and budget upon  
2 the submission of a proper voucher to it, signed by the administrator of the veterans' home.

3 **SECTION 5. AMENDMENT.** Section 37-18-07 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **37-18-07. Commissioner - Appointment - Qualifications - Term - Salary.** The  
6 ~~appointment, qualifications, term of office, and salary of the commissioner must be as~~  
7 ~~prescribed in section 37-18-1-03~~ governor shall appoint the commissioner. The commissioner  
8 must be a veteran as defined in section 37-01-40 and shall serve at the pleasure of the  
9 governor. The commissioner must be allowed such amounts for travel, clerkhire, and expenses  
10 as may be prescribed from time to time by legislative appropriations.

11 **SECTION 6. AMENDMENT.** Section 37-18-08 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **37-18-08. Office of commissioner - Where located.** The office of the commissioner  
14 ~~shall~~ must be located in the same city as the principal office of the veterans' administrator for  
15 this state. ~~If the veterans' administrator is removed from the state, such commissioner's office~~  
16 ~~must be located in the state capitol~~ Bismarck or Mandan.

17 **SECTION 7. AMENDMENT.** Section 37-18-12 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **37-18-12. Funding authority - Continuing appropriation.** The department of  
20 veterans' affairs may accept and expend funds from any source, including federal or private  
21 sources, to be used to assist veterans or qualified veterans' spouses in obtaining assistance  
22 and to pay other expenses authorized by law incurred in carrying out programs of benefit and  
23 service for resident North Dakota veterans ~~as authorized by the administrative committee on~~  
24 ~~veterans' affairs~~ with the approval of the emergency commission. However, all interest  
25 earnings from the veterans' postwar trust fund received by the department of veterans' affairs  
26 from the administrative committee on veterans' affairs are appropriated to the department on a  
27 continuing basis.

28 **SECTION 8.** A new section to chapter 37-18 of the North Dakota Century Code is  
29 created and enacted as follows:

1            **Department of veterans' affairs employees - Conservatorship activities prohibited.**

2            An employee of the department of veterans' affairs may not serve as a conservator for a person  
3            receiving benefits or services from the department.

4            **SECTION 9. AMENDMENT.** Section 37-18.1-01 of the North Dakota Century Code is  
5            amended and reenacted as follows:

6            **37-18.1-01. Administrative committee on veterans' affairs - Membership -**

7            **Appointment.** ~~There is hereby created an administrative committee on veterans' affairs,~~  
8            ~~which, for purposes of this chapter, must hereinafter be referred to as the committee. The~~  
9            ~~committee must consist of three ex officio nonvoting members and fifteen voting members. The~~  
10           ~~adjutant general, the center director of the veterans' administration, and the executive director~~  
11           ~~of job service North Dakota are the ex officio nonvoting members who shall serve in an advisory~~  
12           ~~capacity to the committee. On or before June 20, 1971, the American legion, the veterans of~~  
13           ~~foreign wars, the disabled American veterans, the veterans of World War II, Korea, and~~  
14           ~~Vietnam, (amvets), and Vietnam veterans of America, incorporated, shall each prepare a list~~  
15           ~~containing the names of six persons qualifying as veterans under the provisions of section~~  
16           ~~37-01-40, for appointment as voting members of the committee. On or before July 1, 1971, the~~  
17           ~~governor shall select fifteen nominees, three from each list, five of whom must be appointed to~~  
18           ~~a term of three years, five of whom must be appointed to a term of two years, and five of whom~~  
19           ~~must be appointed to a term of one year, or until their successors are appointed and qualified.~~  
20           ~~On or before the twentieth day of June in each year, beginning in the year 1972, each of the~~  
21           ~~above listed nominating organizations shall submit a list containing the names of two persons~~  
22           ~~who qualify as veterans under the provisions of section 37-01-40, to the governor for~~  
23           ~~appointment or reappointment as voting members of the committee. On or before the first day~~  
24           ~~of July in each year, beginning in the year 1972, the governor shall select one nominee from~~  
25           ~~each list, a total of five nominees, to fill expiring terms of voting members of the committee.~~  
26           ~~Each such appointment must be for a term of three years, or until a successor is appointed and~~  
27           ~~qualified. All terms begin on the first day of July and end on the thirtieth day of June in the year~~  
28           ~~specified. In case of the inability or failure of any voting member of the committee to serve, the~~  
29           ~~governor shall appoint another member from a list of two persons qualifying as veterans under~~  
30           ~~the provisions of section 37-01-40, submitted by the nominating organization represented by~~

1 ~~the member who was unable or failed to serve. Such appointments must be made for the~~  
2 ~~remainder of the unexpired term.~~

- 3       1. There is created an administrative committee on veterans' affairs, which for the  
4           purposes of this chapter, is referred to as the committee. The committee consists  
5           of seven voting members and three ex officio nonvoting members. The seven  
6           voting members are the commissioner of veterans' affairs and six members  
7           appointed by the governor. The adjutant general, the center director of the  
8           veterans' administration, and the executive director of job service North Dakota are  
9           ex officio nonvoting members of the committee.
- 10       2. On July 1, 2009, the governor shall appoint six members of the committee. Each  
11           member must qualify as a veteran under section 37-01-40. The governor shall  
12           appoint members based on experience and qualifications while attempting to fairly  
13           represent the state's veterans' population. Any organization or citizen may  
14           nominate an individual for appointment to the governor. The governor shall  
15           appoint two of the members to a term of three years, two of the members to a term  
16           of two years, and two of the members to a term of one year, or until their  
17           successors are appointed and qualified.
- 18       3. On the first day of July in each year, beginning in the year 2010, the governor shall  
19           appoint members to fill the expiring terms of committee members in the same  
20           manner as the initial appointment.
- 21       4. Beginning in 2010, each appointment must be for a term of three years, or until a  
22           successor is appointed and qualified. All terms begin on July first and end on June  
23           thirtieth in the year specified.
- 24       5. If a voting member position becomes vacant, the governor shall fill the vacancy for  
25           the unexpired portion of the term in the same manner as the initial appointment.

26       **SECTION 10. AMENDMENT.** Section 37-18.1-02 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28       **37-18.1-02. Chairman - ~~Secretary~~ Duties - Terms- Meetings.** ~~A chairman and a~~  
29 ~~secretary of the committee must be appointed by the governor from among the voting~~  
30 ~~membership of the committee. Such appointment must be made annually, with the term of~~  
31 ~~office to begin on the first day of July of the year specified and to end on the thirtieth day of~~

1 ~~June of the following year.~~ The commissioner of veterans' affairs is the chairman of the  
2 committee. Meetings of the committee must be held upon the call of the chairman, at such  
3 times and places as may be selected by the chairman, and upon due notice to committee  
4 members by the ~~secretary~~ chairman. Meetings must also be called by the chairman upon the  
5 written request of any four voting members of the committee. A majority of the members of the  
6 committee is required for a quorum, and a majority of the members present voting in favor  
7 thereof is required for any action.

8 **SECTION 11. AMENDMENT.** Section 37-18.1-03 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **37-18.1-03. Powers and duties of committee** ~~Creation of subcommittee and~~  
11 **governing board.** The committee is ~~responsible for organization, policy, and general~~  
12 ~~administration of all veterans' affairs in the state of North Dakota.~~ It has the following powers  
13 and duties:

- 14 1. ~~The chairman and secretary of the committee, acting jointly, shall appoint a~~  
15 ~~seven member governing board for administration of the veterans' home, from~~  
16 ~~within or outside the committee, subject to ratification of a majority vote of the~~  
17 ~~committee, and shall establish term lengths for service on the governing board.~~  
18 ~~The governing board has all ordinary powers required of a governing board,~~  
19 ~~including the power to establish qualifications for and selection of an administrator~~  
20 ~~and to establish an appropriate salary structure, subject to limitations of legislative~~  
21 ~~appropriation. The administrator serves at the pleasure of the governing board.~~
- 22 2. ~~The chairman and secretary of the committee jointly shall appoint a subcommittee~~  
23 ~~to be responsible for supervision and government of the department of veterans'~~  
24 ~~affairs. Once appointed, a subcommittee member may continue to serve as long~~  
25 ~~as the member remains a voting member of the committee, unless removed from~~  
26 ~~the subcommittee by joint action of the committee chairman and secretary. A~~  
27 ~~member of the subcommittee may not serve on the governing board of the~~  
28 ~~veterans' home. Each nominating organization listed in section 37-18.1-01 must~~  
29 ~~have at least one voting member nominated by the organization serving on the~~  
30 ~~subcommittee. The subcommittee shall select by majority vote of the members a~~  
31 ~~chairman to preside for the term of one year.~~

- 1           ~~3.~~ The committee shall appoint the commissioner of the department of veterans'  
2           affairs. The commissioner must be a bona fide resident of the state, and must  
3           qualify as a veteran as defined in section 37-01-40. The commissioner serves at  
4           the pleasure of the committee. The committee shall determine the salary paid to  
5           the commissioner of the department of veterans' affairs within the limits of  
6           legislative appropriation. The commissioner of veterans' affairs shall serve as the  
7           executive secretary for the subcommittee. The commissioner has no vote in the  
8           affairs of the subcommittee.
- 9           4. The committee shall, under recommendation from the board or the subcommittee,  
10          present any matters needing attention and action to the appropriate board,  
11          commission, agency, or department of the state, and the North Dakota veterans'  
12          coordinating council.
- 13          ~~5.~~ 2. The committee shall assure compliance with applicable federal and state laws in  
14          the administration of both the department of veterans' affairs and the North Dakota  
15          veterans' home and shall exercise its responsibilities in all things necessary to  
16          carry out the provisions of this chapter in regard to organization, policy, and  
17          general administration of the agencies served and involved in the conduct of  
18          veterans' affairs. The board governing the veterans' home and the subcommittee  
19          governing the department of veterans' affairs shall conduct an annual performance  
20          evaluation of the administrator and commissioner, respectively, with the evaluation  
21          presented to the committee. The board and subcommittee shall create and  
22          implement a strategic plan for the veterans' home and the department of veterans'  
23          affairs, respectively delivery of veterans' services in the state. The board and the  
24          subcommittee committee annually shall report as to the status of the respective  
25          strategic plan to the committee. After receiving a report, the committee shall  
26          submit the report to the governor.

27           **SECTION 12. AMENDMENT.** Section 37-18.1-04 of the North Dakota Century Code is  
28          amended and reenacted as follows:

29           **37-18.1-04. Committee members ~~not to receive compensation~~ - Compensation -**  
30          **Expenses permitted.** ~~Committee~~ Voting members may ~~not~~ receive any compensation of one  
31          hundred thirty-five dollars per day for the performance of their official duties. Voting members



1 may be reimbursed for travel expenses and meals and lodging expenses in connection with  
2 their official duties at the same rate and in the same manner as are elected officials and  
3 employees of the state, ~~with payment to.~~ Payment of compensation and expense  
4 reimbursement must be made by the department of veterans' affairs ~~and the veterans' home to~~  
5 ~~each of their respective subcommittee members incurring the expenses.~~ The payment must be  
6 made by warrant-check drawn by the office of management and budget upon the submission of  
7 a proper voucher to it, signed by the commissioner of veterans' affairs ~~or the administrator of~~  
8 ~~the veterans' home, as the case may be.~~

9 **SECTION 13. DEPARTMENT OF VETERANS' AFFAIRS - TRAINING POSITIONS.**

10 The commissioner of veterans' affairs shall use two of the department of veterans' affairs'  
11 existing full-time equivalent positions as training officers for the biennium beginning July 1,  
12 2009, and ending June 30, 2011.

13 **SECTION 14. APPROPRIATION.** There is appropriated out of any moneys in the  
14 general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much  
15 of the sum as may be necessary, to the department of veterans' affairs for the purpose of  
16 arranging for national association of county veterans service officers accreditation training for all  
17 county veterans' service officers in the state, for the biennium beginning July 1, 2009, and  
18 ending June 30, 2011.