

# MILITARY

## CHAPTER 342

HOUSE BILL NO. 1186  
(Hildebrand)

### COMMISSION OF OFFENSE WHILE ON MILITARY DUTY

AN ACT to amend and reenact section 37-01-03 of the North Dakota Century Code, relating to not having to charge a person under the code of military justice before turning the person over to civil authorities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 37-01-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-03. ARTICLES OF UNIFORM CODE OF MILITARY JUSTICE APPLICABLE IN STATE - REGULATIONS GOVERNING - PUNISHMENT FOR OFFENSES WHILE ON DUTY.) The articles of uniform code of military justice governing the armed forces of the United States, now or hereafter in effect, shall be a part of this title so far as the same are applicable and not modified by any provision of this title. A person who commits an offense while on duty may be tried by a court-martial lawfully appointed even after such duty has terminated, and if found guilty, the accused shall be punished according to the articles of uniform code of military justice and the rules and regulations governing the armed forces of the United States and within the limits prescribed in this title and by federal law for the courts-martial in the national guard. In any case in which the person alleged to have committed the offense could be charged either under the code of military justice or the civil law of this state, the officer whose duty it is to approve such charge, in his discretion, may order the person charged or subject to being charged to be turned over to the civil authorities for trial. Whenever reference is made to the articles of uniform code of military justice, to the military service, or to the armed forces of the United States, such reference shall be deemed to include the military service of this state. The intent of this title and of all laws of this state affecting the military forces is to conform to all acts and regulations of the United States affecting the same subjects, and all laws of this state shall be construed to effect this purpose.

Approved March 29, 1971

## CHAPTER 343

SENATE BILL NO. 2077  
(Lips, Morgan, Sanstead)  
(Legislative Council Study)

## BOARD OF ARMORY SUPERVISORS

AN ACT to amend and reenact sections 37-10-03, 37-10-03.1, 37-10-03.2, 37-10-03.3, 37-10-03.4, 37-10-04, and 37-10-06 of the North Dakota Century Code, relating to the administration of armories; and to repeal section 37-10-02 of the North Dakota Century Code, relating to the board of armory supervisors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 37-10-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-10-03. ADJUTANT GENERAL TO SUPERVISE ARMORIES.) The adjutant general shall fix for each unit of the national guard the maintenance and rent allowance to be paid by this state. The adjutant general shall acquire, contract for, erect, purchase, sell, maintain, repair, and alter state-owned armories subject to the laws made and provided therefor. The adjutant general may lease property to be used for armory purposes, but no lease shall extend for a period exceeding twenty-five years.

SECTION 2. AMENDMENT.) Section 37-10-03.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-10-03.1. SALE OF PORTIONS OF FRAINE BARRACKS.) The adjutant general, with the approval of the governor, may declare that portions of the military reservation known as Fraine Barracks are not needed for military purposes, as the facts and circumstances may reasonably warrant, and may negotiate sales thereof for civilian site purposes. Property to be sold may be subdivided and platted prior to sale at the option of the adjutant general. The North Dakota industrial commission may assist the adjutant general in the management and disposal of property to be sold under this section. Sales shall be made under the provisions of sections 54-01-05.1 and 54-01-05.2. All net proceeds of sales made under this section shall be placed in the state treasury in a separate fund for the construction of armories in North Dakota.

SECTION 3. AMENDMENT.) Section 37-10-03.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-10-03.2. EXCHANGE AND LEASE OF MILITARY LANDS.) The adjutant general may exchange lands owned by the state of North Dakota and used for military purposes with other agencies of the state, counties, municipalities or other political subdivisions, corporations or individuals, and may purchase, within funds available, parcels of land necessary for the construction of armories or the expansion of present military installations in the state of North Dakota. The adjutant general may lease parts of military installations to the department of defense or other agencies of the federal government.

SECTION 4. AMENDMENT.) Section 37-10-03.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-10-03.3. USE OF STATE FUNDS IN THE CONSTRUCTION OF ARMORIES.) Subject to appropriations made by the legislature, the adjutant general is authorized to make allocations not to exceed twenty thousand dollars for a single unit armory, and not to exceed forty thousand dollars for a multiple unit armory, in collaboration with the federal funds made available under the armory construction program as provided for in Public Law 783, 81st Congress, chapter 945, 2nd session, approved September 11, 1950, and in collaboration with funds made available by municipalities or counties wherein the armories are to be located, providing that the affected municipalities or counties made available an equal amount of money or facilities. In instances where a city has received a direct grant from the state of North Dakota for the construction of an armory since the year 1940 the amount of the direct grant under this provision of law shall be reduced proportionately.

SECTION 5. AMENDMENT.) Section 37-10-03.4 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-10-03.4. CONTRACTING OFFICER FOR CONSTRUCTION OF ARMORIES.) In order that full benefit may be derived under the provisions of Public Law 783, cited under this title, governing bodies of municipalities or counties may by proper resolution appoint and designate the adjutant general of the state as the contracting officer for the construction of such armories, provided that all contracts let shall be subject to the approval of the governing body concerned. The adjutant general is empowered to act as the contracting officer for the state, and may appoint agent officers, or a resident agent, to facilitate the proper completion of the contract.

SECTION 6. AMENDMENT.) Section 37-10-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-10-04. USE OF ARMORIES BY OTHER ORGANIZATIONS - REGULATIONS GOVERNING.) The use of armories for the regular meetings or functions of patriotic societies or recognized military servicemen's organizations holding charters from Congress or incorporated in this state shall be granted by the adjutant general or by the officer in charge of any armory at such times and under such circumstances as not to interfere with the use of the armory for military purposes by the company or companies quartered therein. The use of an armory by a society or organization shall be subject to the rules and regulations in force governing the use of armories.

SECTION 7. AMENDMENT.) Section 37-10-06 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-10-06. TRANSFER OF MOTOR STORAGE BUILDINGS.) Any motor storage buildings owned by the state of North Dakota and used by the national guard may be transferred and conveyed to a political subdivision in which such buildings are located in order to take advantage of the provisions of Public Law 783, 81st Congress, 2nd session, chapter 945, and approved September 11, 1950.

SECTION 8. REPEAL.) Section 37-10-02 of the North Dakota Century Code is hereby repealed.

Approved February 19, 1971

## CHAPTER 344

SENATE BILL NO. 2089  
(Lips, Morgan)  
(From Legislative Council Study)

ADMINISTRATIVE COMMITTEE  
ON VETERANS' AFFAIRS

AN ACT to establish an administrative committee on veterans' affairs and to provide for its powers and duties and organization thereof; to amend and reenact sections 37-01-25.1, 37-14-04, 37-14-05, 37-14-06, 37-14-07, 37-14-08, 37-14-09, 37-14-10, 37-14-11, 37-14-12, 37-14-18, 37-15-03, 37-15-07, 37-15-08, 37-15-10, 37-15-15, 37-15-16, 37-15-19, 37-15-21, and 37-18-07 of the North Dakota Century Code, relating to the veterans' aid fund, the veterans' aid commission, and the soldiers' home, and the administrative procedures thereof; and to repeal sections 37-14-01, 37-14-02, 37-14-03.1, 37-14-03.2, 37-14-03.4, 37-14-03.5, 37-14-13, 37-14-15, 37-14-17, 37-15-04, 37-15-05, 37-15-06, 37-15-09, 37-15-20, 37-18-02, 37-18-03, and 37-18-09 of the North Dakota Century code, relating to the qualifications, compensation, and terms of members of the veterans' aid commission, appropriations to the veterans' aid fund, the postwar rehabilitation fund, meetings, compensation, powers and duties, oath and bond, approval of contracts, advertisement for bids by the trustees of the soldiers' home, qualifications and appointment of the veterans' service commissioner, and the advisory committee to the department of veterans' affairs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. ADMINISTRATIVE COMMITTEE ON VETERANS' AFFAIRS - MEMBERSHIP - APPOINTMENT.) There is hereby created an administrative committee on veterans' affairs, which, for purposes of this Act, shall hereinafter be referred to as the "committee". The committee shall consist of four ex officio nonvoting members and twelve voting members. The adjutant general, the center director of the veterans' administration, the executive director of the North Dakota employment security bureau, and the director of institutions shall be the ex officio nonvoting members who shall serve in an advisory capacity to the committee. On or before June 20, 1971, the american legion, the veterans of foreign wars, the disabled american veterans, and the veterans of World War I, U.S.A., incorporated, shall each prepare a list containing the names of six persons qualifying as veterans under the provisions of section 37-01-40, for appointment as voting members of the committee. On or before July 1, 1971, the governor shall select twelve nominees, three from each list, four of whom shall

be appointed to a term of three years, four of whom shall be appointed to a term of two years, and four of whom shall be appointed to a term of one year, or until their successors are appointed and qualified. On or before the twentieth day of June in each year, beginning in the year 1972, each of the above-listed nominating organizations shall submit a list containing the names of two persons who qualify as veterans under the provisions of section 37-01-40, to the governor for appointment or reappointment as voting members of the committee. On or before the first day of July in each year, beginning in the year 1972, the governor shall select one nominee from each list, a total of four nominees, to fill expiring terms of voting members of the committee. Each such appointment shall be for a term of three years, or until a successor is appointed and qualified. All terms shall begin on the first day of July and end on the thirtieth day of June in the year specified. In case of the inability or failure of any voting member of the committee to serve, the governor shall appoint another member from a list of two persons qualifying as veterans under the provisions of section 37-01-40, submitted by the nominating organization represented by the member who was unable or failed to serve. Such appointments shall be made for the remainder of the unexpired term.

SECTION 2. CHAIRMAN - SECRETARY - DUTIES - TERMS - MEETINGS.) A chairman and a secretary of the committee shall be appointed by the governor from among the voting membership of the committee. Such appointment shall be made annually, with the term of office to begin on the first day of July of the year specified and to end on the thirtieth day of June of the following year. Meetings of the committee shall be held upon the call of the chairman, at such times and places as may be selected by him, and upon due notice to committee members by the secretary. Meetings shall also be called by the chairman upon the written request of any four voting members of the committee. A majority of the members of the committee shall be required for a quorum, and a majority of the members present voting in favor thereof shall be required for any action.

SECTION 3. POWERS AND DUTIES OF COMMITTEE - CREATION OF SUBCOMMITTEES.) The committee shall be responsible for organization, policy, and general administration of all veterans' affairs in the state of North Dakota. It shall have the following powers and duties:

1. The chairman and secretary of the committee, acting jointly, shall appoint from the voting membership of the committee, two subcommittees: a five-member subcommittee to be responsible for supervision and government of the soldiers' home, and a seven-member subcommittee to be responsible for supervision and government of the department of veterans' affairs. Once appointed, a subcommittee member shall continue to serve as long as he remains a voting member of the

committee, unless removed from the subcommittee by the committee chairman and secretary, acting jointly. In no case shall any one voting member serve on both subcommittees at the same time, and each nominating organization listed in section 1 of this Act shall have at least one voting member nominated by it serving on each subcommittee. From the membership of each subcommittee, a chairman will be selected by majority vote to preside over it for the term of one year. No person shall be permitted to serve as chairman of the committee and as chairman of a subcommittee simultaneously. A majority of the members of the subcommittee shall be required for a quorum, and a majority of the members present voting in favor thereof shall be required for any action.

2. The committee shall detail the specific powers and duties of each subcommittee relating to supervision, government, and implementation of programs or services provided by the soldiers' home and the department of veterans' affairs.
3. The committee shall appoint the commandant of the soldiers' home and the commissioner of the department of veterans' affairs. Individuals appointed to these positions must be bona fide residents of the state, must hold an honorable discharge from active service within the armed forces of the United States, and must have served during a period of war or armed conflict as defined in section 37-01-40. Their terms of office shall be for two years, commencing on July 1, 1971, and on every second anniversary thereof. The committee shall determine the salaries paid to the commandant of the soldiers' home and the commissioner of the department of veterans' affairs within the limits of legislative appropriation. Both officers shall be bonded through the state bonding fund in the sum of five thousand dollars. The commandant of the soldiers' home and the commissioner of veterans' affairs shall serve as the executive secretary for their respective subcommittees. The commandant and the commissioner shall have no vote in the affairs of the subcommittees.
4. The committee shall, under recommendation from each of its subcommittees, present any matters needing attention and action to the appropriate board, commission, agency, or department of the state, and the North Dakota veterans' coordinating council.
5. The committee shall assure compliance with applicable federal and state laws in the administration of both the department of veterans' affairs and the North Dakota soldiers' home and shall exercise its responsibilities in all things necessary to carry out the

provisions of this Act in regard to organization, policy, and general administration of the agencies served and involved in the conduct of veterans' affairs.

SECTION 4. COMMITTEE MEMBERS NOT TO RECEIVE COMPENSATION - EXPENSES PERMITTED.) Committee members shall not receive any compensation for the performance of their official duties. Voting members may be reimbursed for travel expenses and meals and lodging expenses in connection with their official duties at the same rate and in the same manner as are elected officials and employees of the state, with payment to be made by the department of veterans' affairs and the soldiers' home to each of their respective subcommittee members incurring such expenses. Such payment shall be made by warrant-check drawn by the department of accounts and purchases upon the submission of a proper voucher to it, signed by the commissioner of veterans' affairs or the commandant of the soldiers' home, as the case may be.

SECTION 5. AMENDMENT.) Section 37-01-25.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-25.1. REINSTATEMENT TO FORMER POSITION - APPEALS.) Any person referred to in section 37-01-25, who within ninety days after receiving a discharge other than dishonorable from such active noncivilian service, and who is not physically or otherwise incapacitated to perform the duties of the position formerly held by him, applies for such position held by him at the time of entering such active service, shall be given such position or one of like seniority, status, and pay, and shall be immune to discharge from said position except for cause, as defined by the department of veterans' affairs, for a period of one year after entering upon the duties of his civilian position. Any such person not so reemployed or who is discharged within a period of one year without cause, shall have the right of appeal to the department of veterans' affairs under such rules and regulations as the administrative committee on veterans' affairs may promulgate. If the department of veterans' affairs shall find that such person was not reemployed or was discharged within one year without cause, it may order any officer or other appointing power to comply with the provisions of this chapter. If such person at the time of entering noncivilian service shall have been an officer or employee of the state of North Dakota or any political subdivision or city thereof, having a merit or civil service system with an appeal board, such appeal board shall have the same powers as are granted to the department of veterans' affairs in this section. In order to carry out the provisions of this chapter, the department of veterans' affairs is hereby authorized to contract and pay for technical or other services with any board, council, or commission established by such state agencies, departments, or divisions to administer such systems. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by



a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

SECTION 6. AMENDMENT.) Section 37-14-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-04. VETERANS' AID FUND - PURPOSE.) The purpose of the veterans' aid fund is to make loans or advancements to any veteran of the armed forces of the United States in World War II, the Korean conflict, or during hostilities in Vietnam, all as defined by section 37-01-40, who has not been dishonorably discharged. A veteran may be permitted to make more than one loan providing he has satisfied payment requirements of a previous loan.

SECTION 7. AMENDMENT.) Section 37-14-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-05. APPLICATION FOR AID.) Any such veteran may make application to the department of veterans' affairs in such form as it may provide, either while he or she is waiting for relief or assistance from such other agency, state or federal, as may provide relief to him, or for further assistance for his education, or otherwise.

SECTION 8. AMENDMENT.) Section 37-14-06 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-06. DEPARTMENT MAY PROVIDE AID.) If the department of veterans' affairs is satisfied that such applicant has served as a member of the armed forces of the United States for an aggregate time of not less than thirty days during World War II, the Korean conflict, or during hostilities in Vietnam, all as defined by section 37-01-40, that he is a citizen and resident of the state of North Dakota, and that he has not been dishonorably discharged, the department may loan to such applicant, or a guardian of such applicant, a sum from the veterans' aid fund not to exceed the sum of five hundred dollars.

SECTION 9. AMENDMENT.) Section 37-14-07 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-07. REPAYMENT TO BE MADE TO AID FUND.) Upon the granting of such an application and at the time of such disbursement, the applicant, or his legally appointed guardian, shall be required to execute an agreement with the department of veterans' affairs that within a period of two years from the date of the receipt of the last item of such advancement he will repay to the state of North Dakota for the use of the veterans' aid fund the full amount of all advancements made to him without

interest. The department shall have the authority to take necessary legal action to collect loans if in the opinion of the department the veteran has the financial means to repay, and he deliberately refuses to do so.

SECTION 10. AMENDMENT.) Section 37-14-08 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-08. HOW PAYMENTS ARE MADE.) All payments or other expenditures approved by the department of veterans' affairs shall be made upon vouchers approved by the state auditing board by warrant-checks prepared by the department of accounts and purchases.

SECTION 11. AMENDMENT.) Section 37-14-09 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-09. RECORDS - REPORT TO GOVERNOR AND SECRETARY OF STATE.) The department of veterans' affairs shall keep full records and files of all transactions, applications, advancements, and business pertaining to the veterans' aid fund and shall present a report as prescribed by subsection 6 of section 54-06-04 to the governor and the secretary of state containing a full and complete audit and report of all such business and the disbursements made from, and repayments made to, the veterans' aid fund during the preceding two fiscal years.

SECTION 12. AMENDMENT.) Section 37-14-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-10. COMMITTEE MAY ADOPT RULES.) The administrative committee on veterans' affairs may make and promulgate such reasonable rules and regulations as may be necessary and proper to administer the provisions of this chapter relating to the veterans' aid fund. In any hearings or action taken under the provisions of this chapter, the provisions of chapters 28-32 of the title Judicial Procedure, Civil, shall not apply.

SECTION 13. AMENDMENT.) Section 37-14-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-11. PAYMENT OF EXPENSES - LIMITATION.) The department of veterans' affairs may expend for any purpose necessary to the proper administration of this chapter sums not to exceed the amount appropriated therefor by the legislative assembly. Vouchers shall be issued in the manner provided in this chapter.

SECTION 14. AMENDMENT.) Section 37-14-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-12. DECISION OF DEPARTMENT FINAL.) The department of veterans' affairs shall have full and sole power, authority, and jurisdiction over the granting or refusal of applications for relief or assistance from the veterans' aid fund under policies set by the administrative committee on veterans' affairs, and all of its decisions shall be final.

SECTION 15. AMENDMENT.) Section 37-14-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-18. COUNTY VETERANS' SERVICE OFFICER - APPOINTMENT - DUTIES.) The board of county commissioners of each county of the state of North Dakota may appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county veterans' service officer. Such appointment shall be made with the advice of the commissioner of veterans' affairs. It shall be the duty of such county veterans' service officer to acquaint himself with the laws, both state and federal, enacted for the benefit of returning servicemen and to assist such returning members of the armed forces in the presentation, proof, and establishment of such claims, privileges, and rights as they have. It also shall be the duty of the county veterans' service officer, under the supervision of the state commissioner of veterans' affairs, to actively cooperate with and to coordinate the activities of the state and federal agencies within the county which he serves to facilitate their operation and ensure promptness in the solution of the problems concerned with the re-establishment of returning servicemen and women in civilian pursuits.

SECTION 16. AMENDMENT.) Section 37-15-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-03. GOVERNMENT OF SOLDIERS' HOME.) The general supervision and government of the soldiers' home shall be vested in the administrative committee on veterans' affairs.

SECTION 17. AMENDMENT.) Section 37-15-07 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-07. COMMANDANT OF SOLDIERS' HOME - APPOINTMENT - QUALIFICATIONS - SALARY - TERM - BOND.) The appointment, qualifications, term of office, and salary of the commandant of the soldiers' home shall be as prescribed in section 3 of this Act. The commandant shall be bonded through the state bonding fund in the amount as determined by the administrative committee on veterans' affairs, provided that such bond shall be in a minimum amount of five thousand dollars.

SECTION 18. AMENDMENT.) Section 37-15-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-08. SUBORDINATE OFFICERS - APPOINTMENT - PREFERENCE TO VETERANS - COMPENSATION - REMOVAL.) The commandant of the soldiers' home shall appoint all necessary subordinate officers of the home. In the appointment of such officers, the preference afforded by the provisions of section 37-01-31 shall be given to those persons who qualify as veterans under section 37-01-40. The compensation of all subordinate officers shall be fixed by the commandant, subject to legislative appropriation, and any such officer may be removed by the commandant for inefficiency or misconduct.

SECTION 19. AMENDMENT.) Section 37-15-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-10. ADMITTANCE TO SOLDIERS' HOME - REGULATIONS GOVERNING.)

1. No applicant shall be admitted to the soldiers' home unless he or she has been a bona fide resident of this state for at least three years next preceding his or her application for admission thereto. The three-year residency immediately preceding application may be waived if the applicant served in a North Dakota regiment or was accredited to the state of North Dakota during a war period.
2. All honorably discharged soldiers of the North Dakota national guard who heretofore or hereafter may become permanently disabled from any cause while in line and discharge of duty and are not able to support themselves, due to aforesaid disabilities, may be admitted to the North Dakota soldiers' home in accordance with the laws for admission of others and under such rules and regulations as the administrative committee on veterans' affairs may adopt.
3. The wife or widow of a United States or North Dakota serviceman mentioned in subsection 1 of section 37-15-02 may be admitted upon the same footing as her husband, provided, however, that such wife or widow shall have entered into the contract of marriage to her husband at least five years prior to date of application or prior to the date necessary for her to obtain a United States pension and shall have attained the age of forty-five years at date of application.
4. No person shall be admitted to the home until he or she shall have made formal application and furnished such proof as may be required by the administrative committee on veterans' affairs and such application shall have been approved by the committee or a board of officers of the institution which they shall designate.

5. When a member of the home who is not eligible for veterans' administration hospitalization and care becomes unable from any cause to care for himself or herself under the rules and regulations prescribed by the administrative committee on veterans' affairs for the admission and care of members in the home, he or she shall become a charge of the county of residence at the time of admission. No individual shall gain or lose legal residence by reason of residence in or being a member of the soldiers' home.

SECTION 20. AMENDMENT.) Section 37-15-15 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-15. DISBURSEMENT OF MONEYS FROM SOLDIERS' HOME OPERATING FUND.) All moneys withdrawn from the soldiers' home operating fund shall be transferred from the operating fund on the basis of an abstract approved by the commandant in accordance with policies established by the administrative committee on veterans' affairs, and approved by the auditing board, containing an enumeration of the names and amounts to be paid each payee by the commandant in accordance with the abstract. Warrant-checks drawn upon the state treasurer against the soldiers' home operating funds for transfer of funds to an account in the Bank of North Dakota for disbursement shall be prepared by the department of accounts and purchases upon approval of the abstract by the state auditing board.

SECTION 21. AMENDMENT.) Section 37-15-16 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-16. COMMANDANT SHALL TAKE CHARGE OF UNCLAIMED ESTATES OF SMALL VALUE.) If a member of the soldiers' home shall die leaving property of the value of three hundred dollars or less, the commandant immediately shall take charge of such property. If within one year of the date of the death of such member no valid claim of any heir or legatee is made for the property and no application is made for letters of administration, the commandant shall convert the property into cash without probate or other proceedings and shall deposit the cash with the state treasurer who shall credit it to the soldiers' home operating fund. The commandant shall make a report of his action to the administrative committee on veterans' affairs, which report shall be audited by, and spread upon the records of, the committee.

SECTION 22. AMENDMENT.) Section 37-15-19 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-19. REPORT OF COMMANDANT TO GOVERNOR AND SECRETARY OF STATE.) On or before the first day of October of each year preceding the regular session of the legislative assembly, the

commandant of the soldiers' home shall make to the governor and the secretary of state a full and detailed report as prescribed by subsection 6 of section 54-06-04 of the disbursements of the home for the two preceding fiscal years and of its condition financially and otherwise.

SECTION 23. AMENDMENT.) Section 37-15-21 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-21. COMMANDANT MAY ACCEPT GIFTS, DONATIONS, OR BEQUESTS.) The commandant for and in behalf of the soldiers' home is hereby authorized to accept or receive any donations, gifts, or bequests offered or tendered to, or for the benefit of the soldiers' home. All such moneys received or accepted shall be used for the specific purposes for which they were given or donated. This authority shall apply and be retroactive to any or all gifts, donations, or bequests heretofore tendered, offered, or made.

SECTION 24. AMENDMENT.) Section 37-18-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-18-07. COMMISSIONER'S SALARY - APPOINTMENT - QUALIFICATIONS - TERM - BOND.) The appointment, qualifications, term of office, and salary of the commissioner shall be as prescribed in section 3 of this Act. The commissioner shall be bonded through the state bonding fund in the amount as determined by the administrative committee on veterans' affairs, provided that such bond shall be in a minimum amount of five thousand dollars. He shall be allowed such amounts for travel, clerkhire, and expenses as may be prescribed from time to time by legislative appropriations.

SECTION 25. REPEAL.) Sections 37-14-02, 37-14-03.1, 37-14-03.2, 37-14-03.4, 37-14-13, 37-14-17, 37-15-04, 37-15-05, 37-15-09, 37-15-20, 37-18-02, 37-18-03, and 37-18-09 of the North Dakota Century Code, and sections 37-14-01, 37-14-03.5, 37-14-15, and 37-15-06 of the 1969 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 18, 1971

## CHAPTER 345

SENATE BILL NO. 2079  
(Lips, Morgan, Sanstead)  
(Legislative Council Study)

## CIVIL DEFENSE ADVISORY COUNCIL

AN ACT to repeal section 37-17-04 of the 1969 Supplement to the North Dakota Century Code, relating to the civil defense advisory council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Section 37-17-04 of the 1969 Supplement to the North Dakota Century Code is hereby repealed.

Approved February 19, 1971

## CHAPTER 346

SENATE BILL NO. 2456  
(Lips, Van Horn)

## VIETNAM VETERANS' BONUS

AN ACT to provide for Vietnam veterans' adjusted compensation, method of payment, duties of adjutant general, exemption from taxation and execution, time limits for filing, for a penalty, and for appropriations; and to create and enact section 37-24-08 of the North Dakota Century Code, relating to deduction of adjusted compensation, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. TITLE.) This Act shall be known and may be cited as the "Vietnam Conflict Veterans' Adjusted Compensation Act".

SECTION 2. DEFINITIONS.) As used in this Act:

1. "Period of service" means the period of time beginning August 5, 1964, and ending on a date prescribed by the President or the Congress for the cessation of hostilities in Vietnam.
2. "Veteran" means a man or woman who served honorably and faithfully for more than sixty days on active duty in the armed forces of the United States, at any time during the period of service, and who was a resident of the state of North Dakota at the time of entering upon such duty and for at least six months prior thereto, and who has not received bonus or adjusted compensation from another state for the period of service.
3. "Beneficiary" in relation to a deceased veteran, means, in the order named:
  - a. The surviving unremarried husband or wife as of the date of signing the application;
  - b. The surviving child or children and the lawful issue of a deceased child or children by right of representation;



- c. The surviving person standing in loco parentis;  
or
  - d. The surviving parent or parents.
4. "Honorable and faithful service" shall be such service as is evidenced by:
- a. An honorable discharge, or its equivalent;
  - b. In the case of an officer, a certificate of service; and
  - c. In the case of a veteran who has not been discharged, a certificate from appropriate service authority that his service was honorable and faithful.
5. "Foreign service" means service by a veteran during the period of service anywhere outside of any state of the United States and the District of Columbia.
6. "Domestic service" means service by a veteran during the period of service in any state of the United States and the District of Columbia.
7. "Adjutant general" means the adjutant general of the state of North Dakota.
8. "Resident" means a person who has acquired a status as follows:
- a. Was born in and lived in the state of North Dakota until entrance into the armed forces of the United States;
  - b. Was born in, but was temporarily living outside the state of North Dakota, not having abandoned residence therein prior to entrance into the armed forces of the United States; or
  - c. Was born elsewhere but had resided within the state of North Dakota for at least six months prior to entrance into military service and had prior to or during such six-month period:
    - (1) Registered for voting, or voted in the state of North Dakota;
    - (2) Being an unemancipated minor during such period of residence, had lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this section; and

- (3) If not registered for voting in the state of North Dakota, was not registered for voting in another state, and had resided in the state of North Dakota for at least six months prior to entrance into the armed forces of the United States.
- d. In all other cases where the veteran was a bona fide resident of the state of North Dakota at the time of entering the armed forces as determined in accordance with the rules and regulations of the adjutant general and the laws of the state of North Dakota. No person shall be considered a resident of North Dakota for the purpose of receiving any benefits under this Act if he was on continuous active duty in the armed forces for a period of fifteen years or more, immediately prior to August 5, 1964, and has not established actual abode in North Dakota prior to the effective date of this Act.

SECTION 3. PAYMENT OF ADJUSTED COMPENSATION FOR DOMESTIC AND FOREIGN SERVICE.) Each veteran shall be paid for domestic service twelve dollars and fifty cents for each month or major fraction thereof and shall be paid for foreign service seventeen dollars and fifty cents for each month or major fraction thereof. If the veteran be deceased, payments shall be made to the beneficiary. Applications for adjusted compensation may be filed with the adjutant general after the date of October 1, 1971.

SECTION 4. PAYMENT TO BENEFICIARY OF VETERAN WHO DIED IN ACTIVE SERVICE.) In the case of a veteran who died in active service during the period of service, there shall be paid to the beneficiary of such veteran an amount as determined by section 3 of this Act, provided that in no case shall such beneficiary be paid less than six hundred dollars.

SECTION 5. APPLICATION.) Each veteran or his beneficiary entitled to payment shall make application to the adjutant general of the state of North Dakota upon such form as may be prescribed by him, provided that if the veteran be incompetent or his beneficiary be incompetent or a minor, application shall be made by the guardian, if any, of the veteran or beneficiary, or, if there be no guardian, then by the person, determined by the adjutant general, to have assumed the major responsibility for the care of the veteran or beneficiary and to be a proper person to receive payment for the veteran or beneficiary, or in case of a veteran who is hospitalized in a state, county, or federal institution if no application has otherwise been approved by the adjutant general, by the person in charge of such institution with the approval of the adjutant general. For the purpose of this section, the word "minor" shall not include the unremarried wife of a veteran.

Each application shall be accompanied by a certified copy of honorable discharge or by other evidence of honorable and faithful service as set forth in section 2 of this Act. Each application shall be subscribed and sworn to by the applicant in such manner as may be prescribed by the adjutant general. The adjutant general shall provide by regulation for an endorsement on the evidence of honorable and faithful service required that application for payment has been made.

SECTION 6. METHOD OF PAYMENT - DEDUCTION OF SUMS DUE EDUCATIONAL ASSISTANCE FUND AND VETERANS AID FUND.) Upon submission to him of satisfactory proof that the applicant is entitled to payment under this Act, the adjutant general shall compute the amount of payment due the applicant, make a record thereof, and forward a voucher for the payment to the department of accounts and purchases, which shall cause a warrant-check to be issued for the amount of the claim. Payment shall be made from funds appropriated by the legislative assembly, pursuant to the amendment to the Constitution of North Dakota adopted by the Forty-first Legislative Assembly as Senate Concurrent Resolution No. 17, and approved by the people at the primary election held in September 1970. Where the veteran or the applicant for payment under this Act is indebted to the veterans' aid fund of the state of North Dakota, the adjutant general shall determine the amount of such indebtedness and certify such determination to the department of accounts and purchases, together with the record of payment due. Within the limits of the payment due, the amount of such indebtedness shall be paid to the veterans' aid fund and the applicant shall be paid the difference, if any, to which he may be entitled. Grants or stipends paid by the state to any veteran for educational assistance under chapter 37-24 of this Code shall be deducted from the adjusted compensation payable to such veteran under this Act, and the department of veterans' affairs shall certify to the adjutant general the names of those veterans that have received educational assistance and the amounts received therefor; also, the names of those veterans who will receive educational assistance and the amounts to be received within ten days after it is determined that such veteran is eligible for and will receive such educational assistance.

SECTION 7. PAYMENTS EXEMPT FROM TAXATION AND FROM EXECUTION - ASSIGNMENTS VOID - DEBTS TO STATE AND POLITICAL SUBDIVISIONS NOT DEDUCTED.) Payments under this Act shall be exempt from all taxation and from levy, garnishment, attachment, and sale on execution. Any pledge, mortgage, sale, assignment, or transfer, heretofore or hereafter made, of any right, claim, or interest in any claim or payment under this Act shall be void and payment to the veteran shall not be denied, because of any sums owed to the state or any political subdivisions except as provided in section 6 of this Act.

SECTION 8. DUTY OF ADJUTANT GENERAL - FINALITY OF DECISIONS - QUESTIONS OF RESIDENCE SUBJECT TO COURT REVIEW.)

For the purpose of carrying into effect the provisions of this Act, the adjutant general is charged with the administration thereof, and for that purpose he shall prepare and distribute application blanks, investigate all claims and applications filed with him, and if satisfied of the proof of such claim and application, approve the same and direct payment thereof, and shall make any regulation necessary to the efficient administration of the provisions of this Act. The books, papers, and records, together with the filing cases and equipment procured and used in the administration of this Act, shall become a part of the permanent records of the office of the adjutant general. The adjutant general shall have authority to determine any claim in any case where a doubt arises as to the eligibility of an applicant to receive payment, and the decision of the adjutant general in such case shall be final, except on questions of residence which shall be subject to review by a court of competent jurisdiction. The adjutant general shall authorize payment for prisoners of war upon their release and return.

SECTION 9. PENALTY FOR FALSE STATEMENT.) Any person who shall willfully make a false statement in the application for benefits under the provisions of this Act shall be guilty of a misdemeanor.

SECTION 10. TIME LIMIT FOR FILING OR RECEIVING APPLICATIONS.) No application for benefits under the provisions of this Act shall be filed or received after three years from the date prescribed by the President or the Congress for the cessation of hostilities in Vietnam.

SECTION 11.) Section 37-24-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

37-24-08. ADJUSTED COMPENSATION TO BE DEDUCTED FROM AMOUNT OF EDUCATIONAL ASSISTANCE.) Any educational assistance to which a veteran shall be entitled under this chapter shall be reduced by the amount of any payments received under the provisions of the Vietnam Conflict Veterans' Adjusted Compensation Act. The adjutant general shall certify to the department of veterans' affairs the names of those veterans that will receive such adjusted compensation and the amounts to be received within ten days after it is determined that such veteran is eligible for and will receive such adjusted compensation.

SECTION 12. APPROPRIATION.) There is hereby appropriated out of any moneys in the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of the Vietnam conflict, not otherwise appropriated, the sums necessary to make payment of adjusted compensation to North Dakota veterans of the Vietnam conflict in accordance with the provisions of this Act.

SECTION 13. APPROPRIATION.) There is hereby appropriated

out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$143,000.00, or so much thereof as may be necessary, to the adjutant general for the purpose of administering the provisions of the Vietnam Conflict Veterans' Adjusted Compensation Act for the biennium beginning July 1, 1971, and ending June 30, 1973. The moneys appropriated by this section shall be returned by the director of accounts and purchases to the general fund of the state treasury, such transfer to be made out of moneys in the Vietnam veterans' adjusted compensation fund no later than June 30, 1973.

SECTION 14. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1971