

MILITARY

CHAPTER 319

SENATE BILL NO. 2283

(Senators Bercier, Heitkamp, Nichols)
(Representatives Boucher, Cleary, Winrich)

ARMED FORCES DISCHARGE PAPER RECORDATION

AN ACT to amend and reenact section 37-01-34 of the North Dakota Century Code, relating to the recordation of armed forces discharge papers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-01-34 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

37-01-34. Recordation of discharge papers. ~~These~~ An individual discharged from ~~the national guard, the army, the marine corps, and other branches~~ any branch of the armed forces of the United States may record, without payment of any fee, ~~their discharges~~ that individual's discharge from ~~such the~~ the armed forces, a certificate issued in lieu ~~thereof~~ of the discharge, duly authenticated and certified copies ~~thereof~~ of the discharge or certificate, or duly certified records of ~~their that~~ individual's service and discharge from ~~such the~~ the armed forces in the office of the register of deeds of the county in which ~~they reside~~ that individual resides, unless the board of county commissioners designates a different official. Any discharge document recorded by the register of deeds, or designated official, may be made available only to the following persons: the veteran, the parents, the veteran's next of kin, the veteran's legal representative, a county veterans' service officer, a veterans' organization service officer, the department of veterans' affairs, or a designee of the veteran.

Approved March 14, 2001

Filed March 14, 2001

CHAPTER 320

SENATE BILL NO. 2284

(Senators Bercier, Heitkamp, Nichols)
(Representatives Boucher, Cleary, Winrich)

WARTIME VETERAN SERVICE DATES

AN ACT to amend and reenact section 37-01-40 of the North Dakota Century Code, relating to the uniform service dates for wartime veterans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-01-40 of the North Dakota Century Code is amended and reenacted as follows:

37-01-40. "Veteran" and "wartime veteran" defined - Uniform service dates for wartime veterans.

1. A "veteran" is a person who has served on continuous federalized active military duty for twenty-four months or the full period for which the person was called or ordered to active military duty, whichever is shorter, and who was discharged or released therefrom under other than dishonorable conditions. A discharge reflecting "expiration of term of service" or "completion of required service" or words to that effect qualifies the shorter term of service as making the person a veteran.
2. A "wartime veteran" is a person who served in the active military forces, during a period of war or who received the armed forces expeditionary or other campaign service medal during an emergency condition and who was discharged or released therefrom under other than dishonorable conditions. "Wartime veteran" also includes a person who died in the line of duty in the active military forces, as determined by the armed forces.
3. ~~In order to provide for the uniformity of period of service dates for wartime veterans, the following dates and terms are applicable to all acts of the state relative to wartime veterans where not otherwise specifically prescribed by statute:~~
 - a. ~~Civil war and confederate veterans who served between April 12, 1861, and May 26, 1865.~~
 - b. ~~Future dates. The period beginning on~~ Period of service dates for a wartime veteran begins with the date of any future declaration of war by the Congress of the United States or the beginning of an emergency condition recognized by the issuance of a presidential proclamation or a presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to presidential executive order and ending on a date prescribed by presidential proclamation or concurrent resolution of the Congress of the United States; and dates determined by the United States department of defense.

- e. Indian wars. Since the Indian wars were fought intermittently over a period of years, the determination as to whether a person shall be considered as having rendered military service during these wars will be carefully considered by the administrative committee on veterans' affairs. January 1, 1817, through December 31, 1898, is considered Indian war period.
- d. "Korean conflict" means the period between June 27, 1950, to January 31, 1955.
- e. Mexican wars. Since there were several skirmishes involving the Mexican border, such as Mexican border troubles 1911-1916; Veracruz expedition April 21, 1914, to November 26, 1914; punitive expedition into Mexico, March 15, 1916, to February 5, 1917; therefore the persons rendering military service in any of these skirmishes must be considered veterans of the Mexican wars between 1914 and February 5, 1917.
- f. "Spanish-American War" (1) means the period beginning on April 21, 1898, and ending on July 4, 1902; (2) includes the Philippine insurrection and the Boxer rebellion; and (3) in the case of a veteran who served with the United States military forces engaged in hostilities in the Moro province, means the period beginning on April 21, 1898, and ending on July 15, 1903.
- g. "Vietnam era" means the period beginning August 5, 1964, and ending on May 7, 1975.
- h. "World War I" (1) means the period beginning on April 6, 1917, and ending on November 11, 1918, and (2) in the case of a veteran who served with the United States military forces in Russia, means the period beginning on April 6, 1917, and ending on April 1, 1920.
- i. "World War II" means the period beginning December 7, 1941, and ending December 31, 1946, both dates inclusive.

Approved March 14, 2001
Filed March 14, 2001

CHAPTER 321

HOUSE BILL NO. 1374

(Representatives R. Kelsch, Mueller)
(Senators Freborg, O'Connell)

VETERANS' HONORARY HIGH SCHOOL DIPLOMAS

AN ACT relating to honorary high school diplomas for veterans; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Honorary high school diplomas - Veterans of World War II.

1. Any World War II veteran who did not receive a high school diploma may apply for an honorary high school diploma, provided:
 - a. The veteran entered the United States armed forces between September 16, 1940, and December 31, 1946, prior to completing the necessary high school graduation requirements; and
 - b. The veteran was honorably discharged from the United States armed forces.
2. In order to receive an honorary high school diploma, the veteran or a representative of the veteran shall complete an application on a form prescribed by the superintendent of public instruction. A county veterans' service officer shall certify the veteran's status as an honorably discharged veteran who served during the qualifying period to the superintendent of public instruction. The superintendent of public instruction shall forward the application to the school district in which the veteran last attended school before induction. If the school district no longer exists, the application must be forwarded to the school district that has jurisdiction. If a school district decides not to issue a diploma under this program, the veteran may apply to the superintendent of public instruction for the diploma.
3. The school district and the superintendent of public instruction shall review and either approve or deny each application received.
4. If a veteran who would have qualified for a diploma under this Act is deceased, a family member of the veteran may apply for and, if approved, be awarded the veteran's honorary high school diploma.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 14, 2001
Filed March 14, 2001

CHAPTER 322

HOUSE BILL NO. 1271

(Representatives DeKrey, Brandenburg, Metcalf)

ADJUTANT GENERAL'S OFFICE

AN ACT to amend and reenact sections 37-02-06 and 37-03-02 of the North Dakota Century Code, relating to the adjutant general's office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-02-06 of the North Dakota Century Code is amended and reenacted as follows:

37-02-06. Staff of governor.

1. The staff of the governor consists of:
 4. a. The adjutant general who ~~shall be~~ is the chief of staff and ~~shall~~ must hold the rank of brigadier general; ~~provided that in the event of.~~ However, if an officer having a total of twenty years or more commissioned service in the armed forces ~~he shall,~~ the adjutant general must hold the ~~grade~~ rank of major general.
 2. b. An assistant adjutant general for ~~the department of the army~~ who ~~shall~~ must hold a rank consistent with ~~his~~ that individual's length of service and federal laws and regulations, but not to exceed the rank of brigadier general.
 3. c. An assistant adjutant general for ~~the department of the air force~~ who ~~shall~~ must hold a rank consistent with ~~his~~ that individual's length of service and federal laws and regulations, but not to exceed the rank of brigadier general.
 4. ~~Not more than two assistant adjutants general to administer the military records or perform other duties as may be assigned to the adjutant general by law or the governor.~~
 5. ~~Repealed by S.L. 1965, ch. 181, § 33.~~
 - d. Other assistant adjutants general authorized by a table of organization prescribed by the laws or regulations of the United States or laws of this state who must hold a rank consistent with length of service and federal laws and regulations, but not to exceed the rank of brigadier general.
2. The governor shall deputize one of the assistant adjutant generals to serve as deputy adjutant general. The deputy has all the powers and duties of the adjutant general, except in instances where authority has been restricted by the adjutant general, and shall serve as acting adjutant general in case of the absence or inability of the adjutant general.

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

37-03-02. Assistant adjutants general - Appointment - Qualifications - Duties. An assistant adjutant general for army, ~~and an assistant adjutant general for air force, and other assistant adjutants general authorized by a table of organization prescribed by the laws or regulations of the United States,~~ may be appointed by the governor upon the recommendation of the adjutant general. ~~At the time of his appointment, each~~ Each assistant adjutant general ~~for army or for air force~~ must have had not less than five years' ~~military~~ commissioned service in the ~~armed forces of this state or of the United States,~~ must have held a commission in the armed forces of this state or of the United States for at least three years, North Dakota national guard immediately preceding the appointment and must have attained the rank of ~~captain in the national guard of this state~~ lieutenant colonel. Upon his appointment, each assistant adjutant general ~~for army or for air force~~ shall ~~must~~ have ~~such~~ the rank as is consistent with federal laws and regulations. The assistant adjutant general for army and the assistant adjutant general for air force ~~shall~~ respectively have general supervision over the training of the troops and the administration of the affairs of their respective departments. ~~The governor shall deputize an assistant adjutant general to serve as deputy adjutant general and such deputy, regardless of rank, shall have all of the powers and duties of the adjutant general, except in such instances where his authority has been restricted by the adjutant general, and he shall serve as acting adjutant general in case of absence of the adjutant general or his inability to act.~~ An assistant adjutant general for the department of military records may be appointed by the governor upon recommendation of the adjutant general from among the active or retired officers of the North Dakota national guard. The assistant adjutant general for military records ~~shall~~ must have ~~such~~ the rank as is consistent with ~~his~~ experience and length of service.

Approved March 20, 2001

Filed March 20, 2001

CHAPTER 323

HOUSE BILL NO. 1180

(Government and Veterans Affairs Committee)
(At the request of the Adjutant General)

ADJUTANT GENERAL PROPERTY LEASE OR VACATION

AN ACT to amend and reenact section 37-10-03.2 of the North Dakota Century Code, relating to the authority of the adjutant general to lease or vacate property.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-10-03.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

37-10-03.2. Exchange, sale, and lease of military lands. The adjutant general may exchange with or sell to any person 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, limited liability companies, 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~~. Sales must be made under the provisions of sections 54-01-05.1 and 54-01-05.2 and all net proceeds of sales must be placed in the national guard training area and facility development trust fund. The adjutant general may lease parts of military installations ~~to the department of defense or other agencies of the federal government~~ any person. Land originally acquired from a county, city, or political subdivision for nominal consideration may be vacated by the adjutant general and conveyed back to the county, city, or political subdivision when the land is no longer necessary for military purposes.

Approved February 16, 2001
Filed February 16, 2001

CHAPTER 324

SENATE BILL NO. 2260

(Senators Dever, C. Nelson, Wardner)
(Representatives Cleary, Haas, Kroeber)

VETERANS' LOANS AND APPEALS

AN ACT to amend and reenact sections 37-14-06 and 37-14-12 of the North Dakota Century Code, relating to loans from the veterans' aid fund and appeals from the department of veterans' affairs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-14-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

37-14-06. Department may provide aid. If the department of veterans' affairs is satisfied that an applicant is a veteran, as defined by section 37-01-40, or the surviving spouse of a veteran and has not remarried, and that the applicant is a citizen and resident of this state, the department may loan to the applicant, or a guardian of the applicant, a sum from the veterans' aid fund not to exceed ~~two~~ five thousand dollars.

SECTION 2. AMENDMENT. Section 37-14-12 of the North Dakota Century Code is amended and reenacted as follows:

37-14-12. Decision of department ~~final~~ appealable. The department of veterans' affairs ~~has full and sole power, authority, and jurisdiction over the granting or refusal of applications~~ may grant or refuse an application for relief or assistance from the veterans' aid fund financial assistance programs under the control of the department under policies set by the administrative committee on veterans' affairs, and all of its. The committee shall adopt and establish an appeal process. The department's decisions are ~~final~~ appealable to an appeals committee appointed by the chairman of the administrative committee, and the decision of the committee is final.

Approved March 14, 2001
Filed March 14, 2001