

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1482

Introduced by

Representatives Carlson, Boucher

Senators Stenehjem, O'Connell

(At the request of the Governor)

1 A BILL for an Act to amend and reenact sections 37-28-02 and 37-28-03 of the North Dakota
2 Century Code, relating to the definition of foreign service and period of service and payment of
3 adjusted compensation for domestic and foreign service; to amend and reenact section 6 of
4 chapter 17 of the 2005 Session Laws, as amended by section 10 of chapter 42 of the 2007
5 Session Laws, relating to payment of adjusted compensation for veterans; and to declare an
6 emergency.

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

8 **SECTION 1. AMENDMENT.** Section 37-28-02 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **37-28-02. Definitions.** As used in this chapter:

- 11 1. "Adjutant general" means the adjutant general of North Dakota.
- 12 2. "Beneficiary" in relation to a deceased veteran, means, in the order named:
 - 13 a. The surviving unremarried husband or wife as of the date of signing the
 - 14 application;
 - 15 b. The surviving child or children and the lawful issue of a deceased child or
 - 16 children by right of representation;
 - 17 c. The surviving person standing in loco parentis; or
 - 18 d. The surviving parent or parents.
- 19 3. "Domestic service" means service by a veteran during the period of service which
- 20 is not foreign service.
- 21 4. "Foreign service" means service by a veteran after December 5, 1992, for which
- 22 the veteran received an armed forces expeditionary medal or campaign badge or
- 23 performed service overseas in direct support to the global war on terror.
- 24 5. "Honorable and faithful" means service evidenced by:

- 1 a. An honorable discharge, or its equivalent;
- 2 b. In the case of an officer, a certificate of service; and
- 3 c. In the case of a veteran who has not been discharged, a certificate from the
- 4 appropriate service authority that the veteran's service was honorable and
- 5 faithful.
- 6 6. "Period of service" means the period of time beginning December 5, 1992, and
- 7 ending June 30, ~~2009~~ 2011.
- 8 7. a. "Resident" means a veteran who was a bona fide resident of the state of
- 9 North Dakota at the time of mobilization or, in the case of an active
- 10 component member, at the time of deployment for which the member
- 11 received an expeditionary medal or campaign badge, as determined under
- 12 the rules of the adjutant general and the laws of this state. "Resident"
- 13 includes all mobilized members of the North Dakota national guard.
- 14 b. "Veteran" means a member of the national guard or reserve component who
- 15 was activated under 10 U.S.C. 12302 and who completed honorable and
- 16 faithful service of more than thirty days on active duty in the armed forces of
- 17 the United States at any time during the period of service, or active
- 18 component member awarded the expeditionary medal or campaign badge for
- 19 service after December 5, 1992, who was a resident of the state of North
- 20 Dakota, and who has not received bonus or adjusted compensation from
- 21 another state for the period of service.

22 **SECTION 2. AMENDMENT.** Section 37-28-03 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **37-28-03. Payment of adjusted compensation for domestic and foreign service.**

25 Each national guard or reserve component resident veteran mobilized stateside is entitled to
26 fifty dollars for each month or major fraction thereof for domestic service, ~~not to exceed nine~~
27 ~~hundred dollars.~~ Each national guard, reserve, or active component resident veteran of foreign
28 service who received the expeditionary medal or campaign badge is entitled to one hundred
29 dollars for each month or major fraction thereof, ~~not to exceed one thousand eight hundred~~
30 ~~dollars. Combined totals for stateside and foreign service may not exceed one thousand eight~~
31 ~~hundred dollars.~~ If the veteran received a purple heart for foreign service, the veteran is entitled

1 to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted
2 compensation related to the mobilization during which the purple heart was earned. If the
3 veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter to
4 which the veteran would have been entitled. Applications for adjusted compensation may be
5 filed with the adjutant general through June 30, ~~2009~~ 2011, or in the case of a soldier mobilized
6 on June 30, ~~2009~~ 2011, not later than six months after the end of the mobilization period of
7 service.

8 **SECTION 3. AMENDMENT.** Section 6 of chapter 17 of the 2005 Session Laws, as
9 amended by section 10 of chapter 42 of the 2007 Session Laws, is amended and reenacted as
10 follows:

11 **SECTION 6. EXEMPTION - TRANSFER.** Any unexpended general fund appropriation
12 authority relating to the \$5,000,000 appropriated in section 3 of this Act for the payment of
13 adjusted compensation to veterans is not subject to the provisions of section 54-44.1-11. Any
14 unexpended funds from this appropriation must be transferred to the veterans' cemetery trust
15 fund during the biennium beginning July 1, ~~2009~~ 2011, and ending June 30, ~~2011~~ 2013.

16 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.