

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator O'Connell

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 adjusted compensation for domestic service by active component
3 members.

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

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

7 **37-28-02. Definitions.** As used in this chapter:

- 8 1. "Adjutant general" means the adjutant general of North Dakota.
- 9 2. "Beneficiary" in relation to a deceased veteran, means, in the order named:
 - 10 a. The surviving unremarried husband or wife as of the date of signing the
 - 11 application;
 - 12 b. The surviving child or children and the lawful issue of a deceased child or
 - 13 children by right of representation;
 - 14 c. The surviving person standing in loco parentis; or
 - 15 d. The surviving parent or parents.
- 16 3. "Domestic service" means service by a veteran during the period of service which
17 is not foreign service.
- 18 4. "Foreign service" means service by a veteran after December 5, 1992, for which
19 the veteran received an armed forces expeditionary medal or campaign badge.
- 20 5. "Honorable and faithful" means service evidenced by:
 - 21 a. An honorable discharge, or its equivalent;
 - 22 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 the appropriate service authority that the veteran's service was honorable and faithful.

6. "Period of service" means the period of time beginning December 5, 1992, and ending June 30, ~~2009~~ 2011.

7. ~~a.~~ "Resident" means a veteran who was a bona fide resident of the state of North Dakota at the time of mobilization or, in the case of an active component member, at the time of deployment for foreign service for which the member received an expeditionary medal or campaign badge and for domestic service at the time the member received a qualifying wartime service medal or badge, as determined under the rules of the adjutant general and the laws of this state. "Resident" includes all mobilized members of the North Dakota national guard.

~~b.~~ 8. "Veteran" means a member of the national guard or reserve component who was activated under 10 U.S.C. 12302 and who completed honorable and faithful service of more than thirty days on active duty in the armed forces of the United States at any time during the period of service, or active component member awarded the expeditionary medal or campaign badge for service or qualifying wartime service award or badge after December 5, 1992, who was a resident of the state of North Dakota, and who has not received bonus or adjusted compensation from another state for the period of service.

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

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

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

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