

MILITARY

CHAPTER 256

H. B. No. 607

(Collette, Backes, Coles, Erickson (Ward), Hoffner, Stallman,
(Whittlesey)

EMERGENCY AID BY NATIONAL GUARD

AN ACT

To amend and reenact sections 37-07-05, 37-11-01, 37-11-02, and 37-11-04 of the North Dakota Century Code, relating to activities of the national guard in aid of civil authorities and the protection of life and property, and the determination and payment of claims for the death or disability of members; expenditures of the national guard in the service of the state; and to repeal sections 37-11-03, 37-11-05, 37-11-08, and 37-11-09 of the North Dakota Century Code, relating to pensions for death and disability of members.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Whenever the governor shall order the national guard or any portion thereof into the active service of the state in accordance with sections 37-01-04 and 37-01-06, the adjutant general shall determine and record the costs of the national guard in performing such service. Immediately following the termination of such active service, or prior thereto if it shall be deemed necessary by the adjutant general, the adjutant general shall make application to the state emergency commission for a grant of funds from the contingency fund or other available funds in the state treasury in an amount equal to the costs of the national guard in performing such service. Notwithstanding other provisions of chapter 54-16, it shall be conclusively presumed upon the receipt of such application by the emergency commission from the adjutant general that an emergency exists, and such commission shall forthwith grant and direct the transfer to the credit of the national guard from the contingency fund or such other funds as may be available of an amount equal to that certified in such application by the adjutant general.

§ 2. **Amendment.)** Section 37-07-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-07-05. Pay and Allowances of Enlisted Men—Deductions Allowed.) Each enlisted man of the national guard, when called into active service by the governor, shall receive pay

at the rate provided for enlisted men of similar grade, rating, and term of enlistment in the national guard of the United States, except that such pay rate shall not be less than ten dollars per day and shall also receive transportation, shelter, and subsistence. The value of articles issued to any member of a company or battery and not returned in good order on demand, and all legal fines or forfeitures, may be deducted from the member's pay. Pay at an annual encampment shall be such as is allowed by federal law.

§ 3. Amendment.) Section 37-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-11-01. Members of Militia and National Guard and Dependents May Be Given Pension.) Every member of the militia or national guard who has been or who shall be wounded or disabled or the surviving dependents of such member in case of the member's death from such wound or disability while:

1. In the service of this state in case of riot, tumult, breach of the peace, resistance to process, invasion, disaster relief, the protection of life or property, or insurrection, or imminent danger thereof; or
2. Engaged in any lawfully ordered parade, drill, encampment, or inspection; or
3. Acting pursuant to call in aid of the civil authorities, shall be taken care of and provided for at the expense of this state in the manner provided in this chapter.

§ 4. Amendment.) Section 37-11-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-11-02. Compensation for Disability or Death.) Applications for compensation for disability or death of any member of the militia or member of the national guard under conditions as specified in section 37-11-01 shall be made by such member or his surviving dependents to the workmen's compensation bureau. The workmen's compensation bureau shall process such application in the manner set forth in title 65 and shall make determinations of eligibility and disability in the same manner and upon the same basis as provided in such title. In the event the workmen's compensation commission shall determine a member of the militia or national guard has been disabled under the provisions of section 37-11-01 and title 65 or valid claims of surviving dependents of such member exist in accordance with section 37-11-01 and title 65, it shall certify to the adjutant general the type and amount or

percentage of disability or the names of any approved claims of surviving dependents together with any other necessary information.

The adjutant general shall immediately make a determination of the amount of such claim or claims that will be payable during the current biennium in accordance with the provisions of section 37-11-04 and shall apply to the emergency commission for a grant of funds from the contingency fund in an amount sufficient to pay such claim or claims during the balance of the biennium. It shall be conclusively presumed upon the receipt of such application by the emergency commission that an emergency exists, and such commission shall forthwith grant and direct the transfer to the credit of the national guard from the contingency fund any amount equal to that certified in the application by the adjutant general. The adjutant general shall immediately thereafter pay all accumulated moneys due upon such claim or claims and thereafter make payments in accordance with the provisions of section 37-11-04.

The adjutant general shall submit to the legislative assembly at its next session, at the same time as other requests for appropriations for the national guard are submitted, a request for sufficient appropriated funds to make all payments due upon such claim or claims during the subsequent biennium and shall do so each biennium thereafter until such claim or claims are liquidated. The amount of any claims paid by the adjutant general pursuant to this chapter shall be reduced by an amount equal to any benefits payable by the government of the United States to the member or his surviving dependents because of his disability or death or payable under the provisions of section 37-11-07 to a disabled member.

§ 5. Amendment.) Section 37-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-11-04. Amount of Pensions and Claims Allowed.) A pension or claim allowed under the provisions of this chapter shall be in the same amount as a pension or claim paid by the United States of America to a person under corresponding circumstances except as reduced by section 37-11-02.

§ 6. Repeal.) Sections 37-11-03, 37-11-05, 37-11-08, and 37-11-09 of the North Dakota Century Code are hereby repealed.

Approved March 15, 1965.

CHAPTER 257

S. B. No. 90
(Holand)

QUALIFICATIONS OF SOLDIERS' HOME COMMANDANT

AN ACT

Amending and reenacting section 37-15-07 of the 1963 Supplement to the North Dakota Century Code, relating to the appointment, qualifications and salary of the commandant of the soldiers' home.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 37-15-07 of the 1963 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—Serves at Pleasure of Board.) The board of trustees of the soldiers' home shall appoint as commandant of the home a person who holds an honorable discharge from the military or naval service of the United States of America and who served in the Spanish American War, World War I or World War II. The commandant shall serve at pleasure of the board. He shall receive such salary as the board of trustees shall determine from the appropriations made by the legislature, plus such compensation, not exceeding fifty dollars per month, as may be determined by the board of trustees for his services as secretary of the board.

Approved March 2, 1965.

CHAPTER 258

S. B. No. 89
(Holand)

DONATIONS TO SOLDIERS' HOME

AN ACT

Authorizing the board of trustees of the North Dakota soldiers' home or the commandant of said home to accept or receive donations, gifts or bequests and use same for the specific purpose for which they were made.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Board of Trustees or Commandant May Accept Gifts, Donations or Bequests.) The soldiers' home through the board of trustees or 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.

Approved February 27, 1965.

CHAPTER 259

H. B. No. 731
(Anderson, Tough, Solberg, Mueller)
(Budget Board Recommendation)

CIVIL DEFENSE UNDER ADJUTANT GENERAL

AN ACT

To amend and reenact section 37-17-03 of the 1963 Supplement to the North Dakota Century Code, providing for the placement of the division of state civil defense within the office of the adjutant general.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 37-17-03 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-17-03. State Civil Defense Division.) There is hereby created within the office of the adjutant general a division of civil defense with a director who shall be the head thereof. The director shall be appointed by the governor upon the recommendation of the adjutant general. Nothing in this chapter shall be construed as prohibiting the director or any employee of the division from holding any position, rank, or commission in an active or inactive status in the North Dakota national guard or the North Dakota state guard if otherwise qualified. He shall hold office during the pleasure of the governor and his compensation shall be fixed by the governor within legislative appropriations.

The director may employ such technical, clerical, stenographic and other personnel and fix their compensation in conformity with state merit system regulations and may make such expenditures within the appropriation therefor, or from other funds made available to him for purposes of civil defense, as may be necessary to carry out the purposes of this chapter.

The director, subject to the direction and control of the governor and the supervision of the adjutant general, shall be the executive head of the civil defense division and shall be responsible to the adjutant general and governor for carrying out the state civil defense program. He shall coordinate the activities of all organizations for civil defense within the state, and shall maintain liaison with and cooperate with other state and federal civil defense agencies and organizations, and shall have such additional authority, duties, and responsibilities authorized by this chapter as may be prescribed by the governor.

On declaration of a state or national emergency by the governor or by national authority, requiring mobilization of statewide civil defense resources and organizations, the director of the state civil defense will be directly responsible to the state adjutant general, with other state agencies as the governor may direct.

Approved March 19, 1965.