

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2299
(Senators Andrist, Lyson, Nichols)
(Representatives Metcalf, Warnke)

AN ACT to amend and reenact sections 37-15-07, 37-15-10.1, and 37-18.1-03 of the North Dakota Century Code, relating to the administrator of the veterans' home and priorities for admission to the veterans' home; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-15-07 of the North Dakota Century Code is amended and reenacted as follows:

37-15-07. ~~Commandant~~ Administrator of veterans' home - Appointment - Qualifications - Term — Salary. The appointment, qualifications, term of office, and salary of the ~~commandant~~ administrator of the veterans' home must be as prescribed in section 37-18.1-03.

SECTION 2. AMENDMENT. Section 37-15-10.1 of the North Dakota Century Code is amended and reenacted as follows:

37-15-10.1. Priorities for admission to veterans' home. If the veterans' home is full and a waiting list for admission is necessary, further admission to the veterans' home must be according to ~~the following listing of priorities, so long as the individual meets the admission requirements of sections 37-15-02 and 37-15-10:~~

- ~~1. Veterans with service-connected disability.~~
- ~~2. American ex-prisoners of war.~~
- ~~3. Wartime veterans with nonservice-connected disability.~~
- ~~4. Wartime veterans.~~
- ~~5. Discharged North Dakota national guard members who became disabled in the line and discharge of duty.~~
- ~~6. Veterans with nonservice-connected disability.~~
- ~~7. Veterans.~~
- ~~8. Spouses.~~
- ~~9. Surviving spouses.~~

~~An individual whose priority is higher than another individual's must be admitted before that other individual~~ priorities for admission to the facility appropriate to the different levels of care that are provided by the veterans' home. The priorities for admission must be established by rule as provided under chapter 28-32.

SECTION 3. AMENDMENT. Section 37-18.1-03 of the North Dakota Century Code is amended and reenacted as follows:

37-18.1-03. Powers and duties of committee - Creation of ~~subcommittees~~ subcommittee and governing board. The committee is responsible for organization, policy, and general

administration of all veterans' affairs in the state of North Dakota. It has 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 subcommittee to be responsible for supervision and government of the veterans' home, and a 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 the member remains a voting member of the committee, unless removed from the subcommittee by the committee chairman and secretary, acting jointly. In no case may any one voting member serve on both subcommittees at the same time, and each nominating organization listed in section 37-18.1-01 must 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 may be permitted to serve as chairman of the committee and as chairman of a subcommittee simultaneously. A majority of the members of the subcommittee is required for a quorum, and a majority of the members present voting in favor thereof is required for any action~~ a seven-member governing board for administration of the veterans' home, from within or outside the committee, subject to ratification of a majority vote of the committee, and shall establish term lengths for service on the governing board. The governing board has all ordinary powers required of a governing board, including the power to establish qualifications for and selection of an administrator and to establish an appropriate salary structure, subject to limitations of legislative appropriation. The administrator serves at the pleasure of the governing board.
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 veterans' home and the department of veterans' affairs~~ The chairman and secretary of the committee jointly shall appoint a subcommittee to be responsible for supervision and government of the department of veterans' affairs. Once appointed, a subcommittee member may continue to serve as long as the member remains a voting member of the committee, unless removed from the subcommittee by joint action of the committee chairman and secretary. A member of the subcommittee may not serve on the governing board of the veterans' home. Each nominating organization listed in section 37-18.1-01 must have at least one voting member nominated by the organization serving on the subcommittee. The subcommittee shall select by majority vote of the members a chairman to preside for the term of one year.
3. ~~The committee shall appoint the commandant of the veterans' home and the commissioner of the department of veterans' affairs. Individuals appointed to these positions~~ The commissioner must be a bona fide resident of the state, and must qualify as a veteran as defined in section 37-01-40. Their terms of office are for two years, commencing on July 1, 1971, and on every second anniversary thereof ~~The commissioner serves at the pleasure of the committee. The committee shall determine the salaries~~ salary paid to the commandant of the veterans' home and the commissioner of the department of veterans' affairs within the limits of legislative appropriation. The commandant of the veterans' home and the commissioner of veterans' affairs shall serve as the executive secretary for their respective subcommittees the subcommittee. The commandant and the commissioner have has no vote in the affairs of the subcommittees subcommittee.
4. ~~The committee shall, under recommendation from each of its subcommittees~~ the board or the subcommittee, 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 veterans' home and shall exercise its responsibilities in all things necessary to carry out the provisions of this chapter in regard to organization, policy, and general administration of the agencies served and involved in the conduct of veterans' affairs. The board governing the veterans' home and the subcommittee governing the department of veterans' affairs shall conduct an annual performance evaluation of the administrator and commissioner, respectively, with the evaluation presented to the committee. The board and subcommittee shall create and implement a strategic plan for the veterans' home and the department of veterans' affairs, respectively. The board and the subcommittee annually shall report as to the status of the respective strategic plan to the committee. After receiving a report, the committee shall submit the report to the governor.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2299 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 45 Nays 2 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 91 Nays 0 Absent 3

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,

at ___ o'clock _____ M.

Secretary of State