

Introduced by

1 A BILL for an Act to amend and reenact sections 37-14-18, 37-18-07, 37-18-08, 37-18-12,
2 37-18.1-01, 37-18.1-02, 37-18.1-03, and 37-18.1-04 of the North Dakota Century Code, relating
3 to county veterans' service officers, the commissioner of the department of veterans' affairs,
4 and the administrative committee on veterans' affairs; and to provide an appropriation.

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

6 **SECTION 1. AMENDMENT.** Section 37-14-18 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **37-14-18. County veterans' service officer - Appointment - Duties.** The board of
9 county commissioners of each county of the state of North Dakota shall appoint, employ, and
10 pay, on a full-time or part-time basis, an officer to be known as a county veterans' service
11 officer. An individual may serve as a county veterans' service officer in more than one county.
12 The appointment must be made with the prior advice of the commissioner of veterans' affairs,
13 and in accordance with veterans' preference as provided in section 37-19.1-02. The county
14 veterans' service officer must be accredited by the national association of county veteran
15 service officers. It is the duty of the county veterans' service officer to become acquainted with
16 the laws, both state and federal, enacted for the benefit of returning servicemen and
17 servicewomen to assist such returning members of the armed forces in the presentation, proof,
18 and establishment of such claims, privileges, and rights as they have. It also is the duty of the
19 county veterans' service officer to actively cooperate with and to coordinate the activities of the
20 state and federal agencies within the county which the officer serves to facilitate their operation
21 and ensure promptness in the solution of the problems concerned with the reestablishment of
22 returning servicemen and servicewomen in civilian pursuits.

23 **SECTION 2. AMENDMENT.** Section 37-18-07 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **37-18-07. Commissioner - Appointment - Qualifications - Term - Salary.** The
2 ~~appointment, qualifications, term of office, and salary of the commissioner must be as~~
3 ~~prescribed in section 37-18.1-03~~ governor shall appoint the commissioner. The commissioner
4 must be a veteran as defined in section 37-01-40 and shall serve at the pleasure of the
5 governor. The commissioner must be allowed such amounts for travel, clerkhire, and expenses
6 as may be prescribed from time to time by legislative appropriations.

7 **SECTION 3. AMENDMENT.** Section 37-18-08 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **37-18-08. Office of commissioner - Where located.** The office of the commissioner
10 ~~shall must be located in the same city as the principal office of the veterans' administrator for~~
11 ~~this state. If the veterans' administrator is removed from the state, such commissioner's office~~
12 ~~must be located in the state capitol~~ Bismarck or Mandan.

13 **SECTION 4. AMENDMENT.** Section 37-18-12 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **37-18-12. Funding authority - Continuing appropriation.** The department of
16 veterans' affairs may accept and expend funds from any source, including federal or private
17 sources, to be used to assist veterans or qualified veterans' spouses in obtaining assistance
18 and to pay other expenses authorized by law incurred in carrying out programs of benefit and
19 service for resident North Dakota veterans ~~as authorized by the administrative committee on~~
20 ~~veterans' affairs~~ with the approval of the emergency commission. However, all interest
21 earnings from the veterans' postwar trust fund received by the department of veterans' affairs
22 from the administrative committee on veterans' affairs are appropriated to the department on a
23 continuing basis.

24 **SECTION 5. AMENDMENT.** Section 37-18.1-01 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **37-18.1-01. Administrative committee on veterans' affairs - Membership -**
27 **Appointment.** ~~There is hereby created an administrative committee on veterans' affairs,~~
28 ~~which, for purposes of this chapter, must hereinafter be referred to as the committee. The~~
29 ~~committee must consist of three ex officio nonvoting members and fifteen voting members. The~~
30 ~~adjutant general, the center director of the veterans' administration, and the executive director~~
31 ~~of job service North Dakota are the ex officio nonvoting members who shall serve in an advisory~~

Sixty-first
Legislative Assembly

1 ~~capacity to the committee. On or before June 20, 1971, the American legion, the veterans of~~
2 ~~foreign wars, the disabled American veterans, the veterans of World War II, Korea, and~~
3 ~~Vietnam, (amvets), and Vietnam veterans of America, incorporated, shall each prepare a list~~
4 ~~containing the names of six persons qualifying as veterans under the provisions of section~~
5 ~~37-01-40, for appointment as voting members of the committee. On or before July 1, 1971, the~~
6 ~~governor shall select fifteen nominees, three from each list, five of whom must be appointed to~~
7 ~~a term of three years, five of whom must be appointed to a term of two years, and five of whom~~
8 ~~must be appointed to a term of one year, or until their successors are appointed and qualified.~~
9 ~~On or before the twentieth day of June in each year, beginning in the year 1972, each of the~~
10 ~~above listed nominating organizations shall submit a list containing the names of two persons~~
11 ~~who qualify as veterans under the provisions of section 37-01-40, to the governor for~~
12 ~~appointment or reappointment as voting members of the committee. On or before the first day~~
13 ~~of July in each year, beginning in the year 1972, the governor shall select one nominee from~~
14 ~~each list, a total of five nominees, to fill expiring terms of voting members of the committee.~~
15 ~~Each such appointment must be for a term of three years, or until a successor is appointed and~~
16 ~~qualified. All terms begin on the first day of July and end on the thirtieth day of June in the year~~
17 ~~specified. In case of the inability or failure of any voting member of the committee to serve, the~~
18 ~~governor shall appoint another member from a list of two persons qualifying as veterans under~~
19 ~~the provisions of section 37-01-40, submitted by the nominating organization represented by~~
20 ~~the member who was unable or failed to serve. Such appointments must be made for the~~
21 ~~remainder of the unexpired term.~~

22 1. There is created an administrative committee on veterans' affairs, which for the
23 purposes of this chapter, is referred to as the committee. The committee consists
24 of seven voting members and three ex officio nonvoting members. The seven
25 voting members are the commissioner of veterans' affairs; one person qualifying as
26 a veteran under section 37-01-40 but who is not a member of a veterans'
27 organization; and one individual representing each of the American legion; the
28 veterans of foreign wars; the disabled American veterans; the veterans of World
29 War II, Korea, and Vietnam, (amvets); and Vietnam veterans of America,
30 incorporated. The adjutant general, the center director of the veterans'

1 administration, and the executive director of job service North Dakota are ex officio
2 nonvoting members of the committee.

3 2. On July 1, 2009, the governor shall appoint five members of the committee. Of the
4 appointments, one member must represent each of the American legion; the
5 veterans of foreign wars; the disabled American veterans; the veterans of World
6 War II, Korea, and Vietnam, (amvets); and Vietnam veterans of America,
7 incorporated. The governor shall appoint the veterans' organization
8 representatives from a list of two individuals qualifying as veterans under section
9 37-01-40 submitted by each organization. The governor shall appoint on July 1,
10 2009, one member qualifying as a veteran under section 37-01-40 but who is not a
11 member of a veterans' organization. The governor shall appoint two of the
12 members to a term of three years, two of the members to a term of two years, and
13 two of the members to a term of one year, or until their successors are appointed
14 and qualified.

15 3. On the first day of July in each year, beginning in the year 2010, the governor shall
16 appoint members to fill the expiring terms of committee members. If a committee
17 member with an expiring term represents a veterans' organization, the governor
18 shall appoint a member representing the organization with an expiring term from a
19 list of two individuals qualifying as a veteran under section 37-01-40 submitted by
20 the organization.

21 4. Beginning in 2010 each appointment must be for a term of three years, or until a
22 successor is appointed and qualified. All terms begin on July first and end on June
23 thirtieth in the year specified.

24 5. If a voting member position becomes vacant, the governor shall fill the vacancy for
25 the unexpired portion of the term in the same manner as the initial appointment.

26 **SECTION 6. AMENDMENT.** Section 37-18.1-02 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **37-18.1-02. Chairman - ~~Secretary~~ Duties - Terms- Meetings.** ~~A chairman and a~~
29 ~~secretary of the committee must be appointed by the governor from among the voting~~
30 ~~membership of the committee. Such appointment must be made annually, with the term of~~
31 ~~office to begin on the first day of July of the year specified and to end on the thirtieth day of~~

1 ~~June of the following year.~~ The commissioner of veterans' affairs is the chairman of the
2 committee. Meetings of the committee must be held upon the call of the chairman, at such
3 times and places as may be selected by the chairman, and upon due notice to committee
4 members by the ~~secretary~~ chairman. Meetings must also be called by the chairman upon the
5 written request of any four voting members of the committee. A majority of the members of the
6 committee is required for a quorum, and a majority of the members present voting in favor
7 thereof is required for any action.

8 **SECTION 7. AMENDMENT.** Section 37-18.1-03 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **37-18.1-03. Powers and duties of committee** ~~Creation of subcommittee and~~
11 **governing board.** The committee is ~~responsible for organization, policy, and general~~
12 ~~administration of all veterans' affairs in the state of North Dakota.~~ It has the following powers
13 and duties:

- 14 1. The ~~chairman and secretary of the committee, acting jointly, shall appoint a~~
15 ~~seven member governing board for~~ is responsible for the administration of the
16 veterans' home, ~~from within or outside the committee, subject to ratification of a~~
17 ~~majority vote of the committee, and shall establish term lengths for service on the~~
18 ~~governing board.~~ The ~~governing board~~ committee has all ordinary powers required
19 of a governing board, including the power to establish qualifications for and
20 selection of an administrator and to establish an appropriate salary structure,
21 subject to limitations of legislative appropriation. The administrator serves at the
22 pleasure of the ~~governing board~~ committee.
- 23 2. The ~~chairman and secretary of the committee jointly shall appoint a subcommittee~~
24 ~~to be responsible for supervision and government of the department of veterans'~~
25 ~~affairs. Once appointed, a subcommittee member may continue to serve as long~~
26 ~~as the member remains a voting member of the committee, unless removed from~~
27 ~~the subcommittee by joint action of the committee chairman and secretary. A~~
28 ~~member of the subcommittee may not serve on the governing board of the~~
29 ~~veterans' home. Each nominating organization listed in section 37-18.1-01 must~~
30 ~~have at least one voting member nominated by the organization serving on the~~

1 ~~subcommittee. The subcommittee shall select by majority vote of the members a~~
2 ~~chairman to preside for the term of one year.~~

3 ~~3. The committee shall appoint the commissioner of the department of veterans'~~
4 ~~affairs. The commissioner must be a bona fide resident of the state, and must~~
5 ~~qualify as a veteran as defined in section 37-01-40. The commissioner serves at~~
6 ~~the pleasure of the committee. The committee shall determine the salary paid to~~
7 ~~the commissioner of the department of veterans' affairs within the limits of~~
8 ~~legislative appropriation. The commissioner of veterans' affairs shall serve as the~~
9 ~~executive secretary for the subcommittee. The commissioner has no vote in the~~
10 ~~affairs of the subcommittee.~~

11 ~~4. The committee shall, under recommendation from the board or the subcommittee,~~
12 ~~present any matters needing attention and action to the appropriate board,~~
13 ~~commission, agency, or department of the state, and the North Dakota veterans'~~
14 ~~coordinating council.~~

15 ~~5. 3.~~ The committee shall assure compliance with applicable federal and state laws in
16 ~~the administration of both the department of veterans' affairs and the North Dakota~~
17 ~~veterans' home and shall exercise its responsibilities in all things necessary to~~
18 ~~carry out the provisions of this chapter in regard to organization, policy, and~~
19 ~~general administration of the agencies served and involved in the conduct of~~
20 ~~veterans' affairs. The board governing the veterans' home and the subcommittee~~
21 ~~governing the department of veterans' affairs committee shall conduct an annual~~
22 ~~performance evaluation of the administrator and commissioner, respectively, with~~
23 ~~the evaluation presented to the committee. The board and subcommittee shall~~
24 ~~create and implement a strategic plan for the veterans' home and the department~~
25 ~~of veterans' affairs, respectively. The board and the subcommittee committee~~
26 ~~annually shall report as to the status of the respective strategic plan to the~~
27 ~~committee. After receiving a report, the committee shall submit the report to the~~
28 ~~governor.~~

29 **SECTION 8. AMENDMENT.** Section 37-18.1-04 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **37-18.1-04. Committee members not to receive compensation - Expenses**
2 **permitted.** Committee members may not receive any compensation for the performance of
3 their official duties. Voting members may be reimbursed for travel expenses and meals and
4 lodging expenses in connection with their official duties at the same rate and in the same
5 manner as are elected officials and employees of the state, with payment to be made by the
6 ~~department of veterans' affairs and the veterans' home to each of their respective~~
7 ~~subcommittee members incurring the expenses.~~ The payment must be made by warrant-check
8 drawn by the office of management and budget upon the submission of a proper voucher to it,
9 signed by the ~~commissioner of veterans' affairs or the administrator of the veterans' home,~~ as
10 ~~the case may be.~~

11 **SECTION 9. DEPARTMENT OF VETERANS' AFFAIRS - TRAINING POSITIONS.**

12 The commissioner of veterans' affairs shall use two of the department of veterans' affairs'
13 existing full-time equivalent positions as training officers for the biennium beginning July 1,
14 2009, and ending June 30, 2011.

15 **SECTION 10. APPROPRIATION.** There is appropriated out of any moneys in the
16 general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much
17 of the sum as may be necessary, to the department of veterans' affairs for the purpose of
18 arranging for national association of county veteran service officers accreditation training for all
19 county veterans' service officers in the state, for the biennium beginning July 1, 2009, and
20 ending June 30, 2011.