

Introduced by

1 A BILL for an Act to create and enact four new sections to chapter 37-15 and a new section to
2 chapter 37-18 of the North Dakota Century Code, relating to governance of the veterans' home
3 and department of veterans' affairs employees; to amend and reenact sections 37-14-18,
4 37-15-03, 37-15-07, 37-18-07, 37-18-08, 37-18-12, 37-18.1-01, 37-18.1-02, 37-18.1-03, and
5 37-18.1-04 of the North Dakota Century Code, relating to county veterans' service officers,
6 governance of the veterans' home, the commissioner of the department of veterans' affairs, and
7 the administrative committee on veterans' affairs; and to provide an appropriation.

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

9 **SECTION 1. AMENDMENT.** Section 37-14-18 is amended:

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

1 concerned with the reestablishment of returning servicemen and servicewomen in civilian
2 pursuits.

3 **SECTION 2. AMENDMENT.** Section 37-15-03 is amended:

4 **37-15-03. Government of veterans' home.** The general supervision and government
5 of the veterans' home is vested in the ~~administrative committee on veterans' affairs~~ veterans'
6 home governing board.

7 **SECTION 3. AMENDMENT.** Section 37-15-07 is amended:

8 **37-15-07. Administrator of veterans' home - Appointment - Qualifications.** The
9 appointment, qualifications, term of office, and salary of the administrator of the veterans' home
10 must be as prescribed in ~~section 37-18.1-03~~ this chapter. The ~~administrative committee on~~
11 ~~veterans' affairs~~ veterans' home governing board may designate the administrator as
12 commandant of the veterans' home if the administrator is an honorably discharged veteran.

13 **SECTION 4.** Four new sections to chapter 37-15 are created:

14 **Veterans' home governing board - Membership - Appointment.**

- 15 1. There is created a governing board for the veterans' home consisting of seven
16 voting members appointed by the governor.
- 17 2. On July 1, 2009, the governor shall appoint seven members of the committee. Of
18 the appointments, three members must qualify as a veteran under section
19 37-01-40. The governor shall appoint persons based on experience and
20 qualifications. The governor shall appoint three of the members to a term of three
21 years, two members to a term of two years, and two members to a term of one
22 year, or until their successors are appointed and qualified.
- 23 3. On the first day of July in each year beginning in the year 2010, the governor shall
24 appoint members to fill the expiring terms of committee members. If a committee
25 member with an expiring term qualifies as a veteran under section 37-01-40, the
26 governor shall appoint a member qualifying as a veteran under section 37-01-40.
- 27 4. Beginning in 2010, each appointment must be for a term of three years, or until a
28 successor is appointed and qualified. All terms begin on July first and end on June
29 thirtieth in the year specified.
- 30 5. If a position becomes vacant, the governor shall fill the vacancy for the unexpired
31 portion of the term in the same manner as the initial appointment.

1 **Veterans' home governing board - Chairman - Duties - Meetings.** A chairman of the
2 veterans' home governing board must be appointed by the governor from among the
3 membership of the board. Meetings of the governing board must be held upon the call of the
4 chairman, at such times and places as may be selected by the chairman, and upon due notice
5 to members by the chairman. Meetings must also be called by the chairman upon the written
6 request of any four voting members of the board. A majority of the members of the board is
7 required for a quorum.

8 **Powers and duties of veterans' home governing board.** The veterans' home
9 governing board has the following powers and duties:

- 10 1. The governing board is responsible for the administration of the veterans' home.
11 The governing board has all ordinary powers required of a governing board,
12 including the power to establish qualifications for and selection of an administrator
13 and to establish an appropriate salary structure, subject to limitations of legislative
14 appropriations. The administrator serves at the pleasure of the governing board.
15 2. The governing board shall assure compliance with applicable federal and state
16 laws in the administration of the veterans' home. The governing board shall
17 conduct an annual performance evaluation of the administrator and create and
18 implement a strategic plan for the veterans' home. The governing board annually
19 shall report on the status of the strategic plan to the governor.

20 **Veterans' home governing board - Compensation - Expenses.** The veterans' home
21 governing board members may receive compensation of one hundred thirty-five dollars per day
22 for the performance of their official duties. Members may be reimbursed for travel expenses
23 and meals and lodging expenses in connection with their official duties at the same rate and in
24 the same manner as are elected officials and employees of the state. Payment for
25 compensation and expense reimbursement must be made by the veterans' home. The
26 payment must be made by warrant-check drawn by the office of management and budget upon
27 the submission of a proper voucher to it, signed by the administrator of the veterans' home.

28 **SECTION 5. AMENDMENT.** Section 37-18-07 is amended:

29 **37-18-07. Commissioner - Appointment - Qualifications - Term - Salary.** ~~The~~
30 ~~appointment, qualifications, term of office, and salary of the commissioner must be as~~
31 ~~prescribed in section 37-18-1-03~~ governor shall appoint the commissioner. The commissioner

1 must be a veteran as defined in section 37-01-40 and shall serve at the pleasure of the
2 governor. The commissioner must be allowed such amounts for travel, clerkhire, and expenses
3 as may be prescribed from time to time by legislative appropriations.

4 **SECTION 6. AMENDMENT.** Section 37-18-08 is amended:

5 **37-18-08. Office of commissioner - Where located.** The office of the commissioner
6 shall must be located in the same city as the principal office of the veterans' administrator for
7 this state. ~~If the veterans' administrator is removed from the state, such commissioner's office~~
8 ~~must be located in the state capitol~~ Bismarck or Mandan.

9 **SECTION 7. AMENDMENT.** Section 37-18-12 is amended:

10 **37-18-12. Funding authority - Continuing appropriation.** The department of
11 veterans' affairs may accept and expend funds from any source, including federal or private
12 sources, to be used to assist veterans or qualified veterans' spouses in obtaining assistance
13 and to pay other expenses authorized by law incurred in carrying out programs of benefit and
14 service for resident North Dakota veterans ~~as authorized by the administrative committee on~~
15 ~~veterans' affairs~~ with the approval of the emergency commission. However, all interest
16 earnings from the veterans' postwar trust fund received by the department of veterans' affairs
17 from the administrative committee on veterans' affairs are appropriated to the department on a
18 continuing basis.

19 **SECTION 8.** A new section to chapter 37-18 is created:

20 **Department of veterans' affairs employees - Conservatorship activities prohibited.**
21 An employee of the department of veterans' affairs may not serve as a conservator for a person
22 receiving benefits or services from the department.

23 **SECTION 9. AMENDMENT.** Section 37-18.1-01 is amended:

24 **37-18.1-01. Administrative committee on veterans' affairs - Membership -**
25 **Appointment.** ~~There is hereby created an administrative committee on veterans' affairs,~~
26 ~~which, for purposes of this chapter, must hereinafter be referred to as the committee. The~~
27 ~~committee must consist of three ex officio nonvoting members and fifteen voting members. The~~
28 ~~adjutant general, the center director of the veterans' administration, and the executive director~~
29 ~~of job service North Dakota are the ex officio nonvoting members who shall serve in an advisory~~
30 ~~capacity to the committee. On or before June 20, 1971, the American legion, the veterans of~~
31 ~~foreign wars, the disabled American veterans, the veterans of World War II, Korea, and~~

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

20 1. There is created an administrative committee on veterans' affairs, which for the
21 purposes of this chapter, is referred to as the committee. The committee consists
22 of seven voting members and three ex officio nonvoting members. The seven
23 voting members are the commissioner of veterans' affairs and six persons
24 appointed by the governor. The adjutant general, the center director of the
25 veterans' administration, and the executive director of job service North Dakota are
26 ex officio nonvoting members of the committee.

27 2. On July 1, 2009, the governor shall appoint six members of the committee. Each
28 of the members must qualify as a veteran under section 37-01-40. The governor
29 shall appoint persons based on experience and qualifications while attempting to
30 fairly represent the state's veterans' population. Any organization or citizen may
31 nominate a person for appointment to the governor. The governor shall appoint

1 two of the members to a term of three years, two of the members to a term of two
2 years, and two of the members to a term of one year, or until their successors are
3 appointed and qualified.

4 3. On the first day of July in each year, beginning in the year 2010, the governor shall
5 appoint members to fill the expiring terms of committee members in the same
6 manner as the initial appointment.

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

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

12 **SECTION 10. AMENDMENT.** Section 37-18.1-02 is amended:

13 **37-18.1-02. Chairman - ~~Secretary~~ Duties - Terms- Meetings.** ~~A chairman and a~~
14 ~~secretary of the committee must be appointed by the governor from among the voting~~
15 ~~membership of the committee. Such appointment must be made annually, with the term of~~
16 ~~office to begin on the first day of July of the year specified and to end on the thirtieth day of~~
17 ~~June of the following year. The commissioner of veterans' affairs is the chairman of the~~
18 ~~committee. Meetings of the committee must be held upon the call of the chairman, at such~~
19 ~~times and places as may be selected by the chairman, and upon due notice to committee~~
20 ~~members by the ~~secretary~~ chairman. Meetings must also be called by the chairman upon the~~
21 ~~written request of any four voting members of the committee. A majority of the members of the~~
22 ~~committee is required for a quorum, and a majority of the members present voting in favor~~
23 ~~thereof is required for any action.~~

24 **SECTION 11. AMENDMENT.** Section 37-18.1-03 is amended:

25 **37-18.1-03. Powers and duties of committee ~~Creation of subcommittee and~~**
26 **~~governing board.~~** ~~The committee is responsible for organization, policy, and general~~
27 ~~administration of all veterans' affairs in the state of North Dakota. It has the following powers~~
28 ~~and duties:~~

29 1. ~~The chairman and secretary of the committee, acting jointly, shall appoint a~~
30 ~~seven member governing board for administration of the veterans' home, from~~
31 ~~within or outside the committee, subject to ratification of a majority vote of the~~

- 1 ~~committee, and shall establish term lengths for service on the governing board.~~
2 The governing board has all ordinary powers required of a governing board,
3 including the power to establish qualifications for and selection of an administrator
4 and to establish an appropriate salary structure, subject to limitations of legislative
5 appropriation. The administrator serves at the pleasure of the governing board.
- 6 2. ~~The chairman and secretary of the committee jointly shall appoint a subcommittee~~
7 ~~to be responsible for supervision and government of the department of veterans'~~
8 ~~affairs. Once appointed, a subcommittee member may continue to serve as long~~
9 ~~as the member remains a voting member of the committee, unless removed from~~
10 ~~the subcommittee by joint action of the committee chairman and secretary. A~~
11 ~~member of the subcommittee may not serve on the governing board of the~~
12 ~~veterans' home. Each nominating organization listed in section 37-18.1-01 must~~
13 ~~have at least one voting member nominated by the organization serving on the~~
14 ~~subcommittee. The subcommittee shall select by majority vote of the members a~~
15 ~~chairman to preside for the term of one year.~~
- 16 3. ~~The committee shall appoint the commissioner of the department of veterans'~~
17 ~~affairs. The commissioner must be a bona fide resident of the state, and must~~
18 ~~qualify as a veteran as defined in section 37-01-40. The commissioner serves at~~
19 ~~the pleasure of the committee. The committee shall determine the salary paid to~~
20 ~~the commissioner of the department of veterans' affairs within the limits of~~
21 ~~legislative appropriation. The commissioner of veterans' affairs shall serve as the~~
22 ~~executive secretary for the subcommittee. The commissioner has no vote in the~~
23 ~~affairs of the subcommittee.~~
- 24 4. ~~The committee shall, under recommendation from the board or the subcommittee,~~
25 ~~present any matters needing attention and action to the appropriate board,~~
26 ~~commission, agency, or department of the state, and the North Dakota veterans'~~
27 ~~coordinating council.~~
- 28 5. 2. ~~The committee shall assure compliance with applicable federal and state laws in~~
29 ~~the administration of both the department of veterans' affairs and the North Dakota~~
30 ~~veterans' home and shall exercise its responsibilities in all things necessary to~~
31 ~~carry out the provisions of this chapter in regard to organization, policy, and~~

1 ~~general administration of the agencies served and involved in the conduct of~~
2 ~~veterans' affairs. The board governing the veterans' home and the subcommittee~~
3 ~~governing the department of veterans' affairs shall conduct an annual performance~~
4 ~~evaluation of the administrator and commissioner, respectively, with the evaluation~~
5 ~~presented to the committee. The board and subcommittee shall create and~~
6 ~~implement a strategic plan for the veterans' home and the department of veterans'~~
7 ~~affairs, respectively~~ delivery of veterans' services in the state. The ~~board and the~~
8 ~~subcommittee~~ committee annually shall report as to the status of the ~~respective~~
9 ~~strategic plan to the committee. After receiving a report, the committee shall~~
10 ~~submit the report to the governor.~~

11 **SECTION 12. AMENDMENT.** Section 37-18.1-04 is amended:

12 **37-18.1-04. Committee members ~~not to receive compensation~~ - Compensation -**
13 **Expenses permitted.** ~~Committee~~ Voting members may ~~not~~ receive ~~any~~ compensation of one
14 hundred thirty-five dollars per day for the performance of their official duties. Voting members
15 may be reimbursed for travel expenses and meals and lodging expenses in connection with
16 their official duties at the same rate and in the same manner as are elected officials and
17 employees of the state, ~~with payment to.~~ Payment of compensation and expense
18 reimbursement must be made by the department of veterans' affairs ~~and the veterans' home to~~
19 ~~each of their respective subcommittee members incurring the expenses.~~ The payment must be
20 made by warrant-check drawn by the office of management and budget upon the submission of
21 a proper voucher to it, signed by the commissioner of veterans' affairs ~~or the administrator of~~
22 ~~the veterans' home, as the case may be.~~

23 **SECTION 13. DEPARTMENT OF VETERANS' AFFAIRS - TRAINING POSITIONS.**

24 The commissioner of veterans' affairs shall use two of the department of veterans' affairs'
25 existing full-time equivalent positions as training officers for the biennium beginning July 1,
26 2009, and ending June 30, 2011.

27 **SECTION 14. APPROPRIATION.** There is appropriated out of any moneys in the
28 general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much
29 of the sum as may be necessary, to the department of veterans' affairs for the purpose of
30 arranging for national association of county veterans service officers accreditation training for all

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- 1 county veterans' service officers in the state, for the biennium beginning July 1, 2009, and
- 2 ending June 30, 2011.