

Sixty-second  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1379**

Introduced by

Representative Grande

Senator Dever

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

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

8 **SECTION 1. AMENDMENT.** Section 37-15-03 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **37-15-03. Government of veterans' home.**

11 The general supervision and government of the veterans' home is vested in the  
12 ~~administrative committee on veterans' affairs~~veterans' home governing board.

13 **SECTION 2. AMENDMENT.** Section 37-15-07 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **37-15-07. Administrator of veterans' home - Appointment - ~~Qualifications.~~**

16 The appointment, ~~qualifications, term of office, and salary of the administrator of the~~  
17 ~~veterans' home must be as prescribed in section 37-18.1-03~~governor shall appoint the  
18 administrator. The administrator serves at the pleasure of the governor. The administrative-  
19 ~~committee on veterans' affairs~~veterans' home governing board may designate the administrator  
20 as commandant of the veterans' home if the administrator is an honorably discharged veteran.

21 **SECTION 3.** Four new sections to chapter 37-15 of the North Dakota Century Code are  
22 created and enacted as follows:

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

- 2        1. The governing board for the veterans' home consists of seven voting members  
3        appointed by the governor.
- 4        2. On August 1, 2011, the governor shall appoint seven members of the committee. Of  
5        the appointments, four members must qualify as a veteran under section 37-01-40.  
6        The governor shall appoint persons based on experience and qualifications. The  
7        governor shall appoint three of the members to a term of three years, two members to  
8        a term of two years, and two members to a term of one year, or until their successors  
9        are appointed and qualified.
- 10       3. On the first day of August in each year beginning in 2012, the governor shall appoint  
11       members to fill the expiring terms of committee members. If a committee member with  
12       an expiring term was appointed as a veteran, the governor shall appoint a member  
13       qualifying as a veteran under section 37-01-40.
- 14       4. Beginning in 2012, each appointment must be for a term of three years, or until a  
15       successor is appointed and qualified. All terms begin on August first and end on July  
16       thirty-first in the year specified.
- 17       5. If a position becomes vacant, the governor shall fill the vacancy for the unexpired  
18       portion of the term in the same manner as the initial appointment.

19       **Veterans' home governing board - Chairman - Duties - Meetings.**

20       The governor shall appoint the chairman of the veterans' home governing board from  
21       among the membership of the board. Meetings of the governing board must be held upon the  
22       call of the chairman, at such times and places as may be selected by the chairman, and upon  
23       due notice to members by the chairman. Meetings must also be called by the chairman upon  
24       the written request of any four voting members of the board.

25       **Powers and duties of veterans' home governing board.**

26       The governing board is responsible for the administration of the veterans' home. The  
27       governing board has all ordinary powers required of a governing board. The governing board  
28       shall assure compliance with applicable federal and state laws in the administration of the  
29       veterans' home. The governing board shall conduct an annual performance evaluation of the  
30       administrator and create and implement a strategic plan for the veterans' home. The governing

1 board annually shall report on the status of the strategic plan to the governor and the legislative  
2 management.

3 **Veterans' home governing board - Compensation - Expenses.**

4 The veterans' home governing board members may receive compensation of one hundred  
5 thirty-five dollars per day for the performance of their official duties. Members may be  
6 reimbursed for travel expenses and meals and lodging expenses in connection with their official  
7 duties at the same rate and in the same manner as are elected officials and employees of the  
8 state. Payment for compensation and expense reimbursement must be made by the veterans'  
9 home. The payment must be made upon approval of the administrator of the veterans' home.

10 **SECTION 4. AMENDMENT.** Section 37-18-07 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **37-18-07. Commissioner - Appointment - Qualifications - Term - Salary.**

13 ~~The appointment, qualifications, term of office, and salary of the commissioner must be as~~  
14 ~~prescribed in section 37-18.1-03~~ governor shall appoint the commissioner. The commissioner  
15 must be a veteran as defined in section 37-01-40 and shall serve at the pleasure of the  
16 governor. The commissioner must be allowed such amounts for travel, clerkhire, and expenses  
17 as may be prescribed from time to time by legislative appropriations.

18 **SECTION 5. AMENDMENT.** Section 37-18-12 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **37-18-12. Funding authority - Continuing appropriation.**

21 The department of veterans' affairs may accept and expend funds from any source,  
22 including federal or private sources, to be used to assist veterans or qualified veterans' spouses  
23 in obtaining assistance and to pay other expenses authorized by law incurred in carrying out  
24 programs of benefit and service for resident North Dakota veterans ~~as authorized by the~~  
25 ~~administrative committee on veterans' affairs~~ with the approval of the emergency commission.  
26 However, all interest earnings from the veterans' postwar trust fund received by the department  
27 of veterans' affairs from the administrative committee on veterans' affairs are appropriated to  
28 the department on a continuing basis.

29 **SECTION 6. AMENDMENT.** Section 37-18.1-01 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **37-18.1-01. Administrative committee on veterans' affairs - Membership -**

2           **Appointment.**

3           ~~There is hereby created an administrative committee on veterans' affairs, which, for~~  
4 ~~purposes of this chapter, must hereinafter be referred to as the committee. The committee must~~  
5 ~~consist of three ex officio nonvoting members and fifteen voting members. The adjutant general,~~  
6 ~~the center director of the veterans' administration, and the executive director of job service~~  
7 ~~North Dakota are the ex officio nonvoting members who shall serve in an advisory capacity to~~  
8 ~~the committee. On or before June 20, 1971, the American legion, the veterans of foreign wars,~~  
9 ~~the disabled American veterans, the veterans of World War II, Korea, and Vietnam, (amvets),~~  
10 ~~and Vietnam veterans of America, incorporated, shall each prepare a list containing the names~~  
11 ~~of six persons qualifying as veterans under the provisions of section 37-01-40, for appointment~~  
12 ~~as voting members of the committee. On or before July 1, 1971, the governor shall select fifteen~~  
13 ~~nominees, three from each list, five of whom must be appointed to a term of three years, five of~~  
14 ~~whom must be appointed to a term of two years, and five of whom must be appointed to a term~~  
15 ~~of one year, or until their successors are appointed and qualified. On or before the twentieth day~~  
16 ~~of June in each year, beginning in the year 1972, each of the above-listed nominating~~  
17 ~~organizations shall submit a list containing the names of two persons who qualify as veterans~~  
18 ~~under the provisions of section 37-01-40, to the governor for appointment or reappointment as~~  
19 ~~voting members of the committee. On or before the first day of July in each year, beginning in~~  
20 ~~the year 1972, the governor shall select one nominee from each list, a total of five nominees, to~~  
21 ~~fill expiring terms of voting members of the committee. Each such appointment must be for a~~  
22 ~~term of three years, or until a successor is appointed and qualified. All terms begin on the first~~  
23 ~~day of July and end on the thirtieth day of June in the year specified. In case of the inability or~~  
24 ~~failure of any voting member of the committee to serve, the governor shall appoint another~~  
25 ~~member from a list of two persons qualifying as veterans under the provisions of section~~  
26 ~~37-01-40, submitted by the nominating organization represented by the member who was~~  
27 ~~unable or failed to serve. Such appointments must be made for the remainder of the unexpired~~  
28 ~~term.~~

29           1. There is created an administrative committee on veterans' affairs, which for the  
30           purposes of this chapter, is referred to as the committee. The committee consists of  
31           nine voting members and three ex officio nonvoting members. The nine voting

1 members are members appointed by the governor. The adjutant general, director of  
2 the department of human services, and the executive director of job service North  
3 Dakota are ex officio nonvoting members of the committee.

4 2. On August 1, 2011, the governor shall appoint nine members of the committee. The  
5 governor shall appoint one member each from the American legion; the veterans of  
6 foreign wars; the disabled American veterans; the veterans of world war II, Korea, and  
7 Vietnam, amvets; and Vietnam veterans of America. Each of the remaining four  
8 members must qualify as a veteran under section 37-01-40. The governor shall  
9 appoint members based on experience and qualifications while attempting to fairly  
10 represent the state's veterans' population. Any organization or citizen may nominate  
11 an individual for appointment to the governor. The governor shall appoint three of the  
12 members to a term of three years, three of the members to a term of two years, and  
13 three 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 August in each year beginning in 2012, the governor shall appoint  
16 members to fill the expiring terms of the committee members in the same manner as  
17 the initial appointment.

18 4. Beginning in 2012, each appointment must be for a term of three years, or until a  
19 successor is appointed and qualified. All terms begin on August first and end on July  
20 thirty-first in the year specified.

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

23 **SECTION 7. AMENDMENT.** Section 37-18.1-02 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **37-18.1-02. Chairman - Secretary- Duties - Terms- Meetings.**

26 ~~A chairman and a secretary of the committee must be appointed by the governor from~~  
27 ~~among the voting membership of the committee. Such appointment must be made annually,~~  
28 ~~with the term of office to begin on the first day of July of the year specified and to end on the~~  
29 ~~thirtieth day of June of the following year. The governor shall appoint the chairman of the~~  
30 committee from the membership of the committee. Meetings of the committee must be held  
31 upon the call of the chairman, at such times and places as may be selected by the chairman,

1 and upon due notice to committee members by the ~~secretary~~chairman. Meetings must also be  
2 called by the chairman upon the written request of any ~~four~~three voting members of the  
3 committee. A majority of the members of the committee is required for a quorum, and a majority  
4 of the members present voting in favor thereof is required for any action.

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

7 **37-18.1-03. Powers and duties of committee** ~~–Creation of subcommittee and~~  
8 ~~governing board.~~

9 The committee is responsible for organization, policy, and general administration of all  
10 veterans' affairs in the state of North Dakota. It has the following powers and duties:

- 11 1. The chairman and secretary of the committee, acting jointly, shall appoint a  
12 seven-member governing board for administration of the veterans' home, from within  
13 or outside the committee, subject to ratification of a majority vote of the committee,  
14 and shall establish term lengths for service on the governing board. The governing  
15 board has all ordinary powers required of a governing board, including the power to  
16 establish qualifications for and selection of an administrator and to establish an  
17 appropriate salary structure, subject to limitations of legislative appropriation. The  
18 administrator serves at the pleasure of the governing board.
- 19 2. The chairman and secretary of the committee jointly shall appoint a subcommittee to  
20 be responsible for supervision and government of the department of veterans' affairs.  
21 Once appointed, a subcommittee member may continue to serve as long as the  
22 member remains a voting member of the committee, unless removed from the  
23 subcommittee by joint action of the committee chairman and secretary. A member of  
24 the subcommittee may not serve on the governing board of the veterans' home. Each  
25 nominating organization listed in section 37-18.1-01 must have at least one voting  
26 member nominated by the organization serving on the subcommittee. The  
27 subcommittee shall select by majority vote of the members a chairman to preside for  
28 the term of one year.
- 29 3. The committee shall appoint the commissioner of the department of veterans' affairs.  
30 The commissioner must be a bona fide resident of the state, and must qualify as a  
31 veteran as defined in section 37-01-40. The commissioner serves at the pleasure of

1           ~~the committee. The committee shall determine the salary paid to the commissioner of~~  
2           ~~the department of veterans' affairs within the limits of legislative appropriation. The~~  
3           ~~commissioner of veterans' affairs shall serve as the executive secretary for the~~  
4           ~~subcommittee. The commissioner has no vote in the affairs of the subcommittee.~~

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

9           5.2. ~~The committee shall assure compliance with applicable federal and state laws in the~~  
10           ~~administration of both the department of veterans' affairs and the North Dakota~~  
11           ~~veterans' home and shall exercise its responsibilities in all things necessary to carry~~  
12           ~~out the provisions of this chapter in regard to organization, policy, and general~~  
13           ~~administration of the agencies served and involved in the conduct of veterans' affairs.~~  
14           ~~The board governing the veterans' home and the subcommittee governing the~~  
15           ~~department of veterans' affairs shall conduct an annual performance evaluation of the~~  
16           ~~administrator and commissioner, respectively, with the evaluation presented to the~~  
17           ~~committee. The board and subcommittee shall create and implement a strategic plan~~  
18           ~~for the veterans' home and the department of veterans' affairs, respectively~~  
19           ~~delivery of veterans' services by the commissioner. The board and the subcommittee~~  
20           ~~annually shall report as to the status of the respective strategic plan to the committee.~~  
21           ~~After receiving a report, the committee shall submit the report to the governor.~~

22           **SECTION 9. AMENDMENT.** Section 37-18.1-04 of the North Dakota Century Code is  
23           amended and reenacted as follows:

24           **37-18.1-04. Committee members ~~not to receive compensation~~ - Compensation -**  
25           **Expenses permitted.**

26           ~~Committee~~Voting members may ~~not~~ receive any compensation of one hundred thirty-five  
27           dollars per day for the performance of their official duties. Voting members may be reimbursed  
28           for travel expenses and meals and lodging expenses in connection with their official duties at  
29           the same rate and in the same manner as are elected officials and employees of the state, ~~with~~  
30           ~~payment to.~~ Payment of compensation and expense reimbursement must be made by the  
31           ~~department of veterans' affairs and the veterans' home to each of their respective subcommittee~~

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1 members incurring the expenses. The payment must be made by warrant check drawn by the  
2 office of management and budget upon the submission of a proper voucher to it, signed by upon  
3 approval of the commissioner of veterans' affairs or the administrator of the veterans' home, as  
4 the case may be.