

MILITARY

CHAPTER 311

HOUSE BILL NO. 1020
(Legislative Council)
(Interim Committee on Budget "A")

NATIONAL GUARD UNIT FUNDS

AN ACT to create and enact a new section to chapter 37-01, relating to unit funds of the national guard.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) A new section to chapter 37-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

UNIT FUNDS - MAINTENANCE AND EXPENDITURE.) Each unit of the North Dakota national guard, upon approval of the adjutant general, shall be authorized to maintain a nonreverting unit fund for purposes as prescribed by federal law and regulations relating to unit funds of the federal military forces and to pay petty operating, equipment, and supply costs incurred by the individual units. All funds transferred by the adjutant general to the unit fund shall be deposited in the unit fund and are hereby appropriated for the maintenance and operation of the unit funds. Unit funds may be expanded upon authorization of the unit fund custodian designated by the adjutant general under guidelines established by the adjutant general.

Approved March 5, 1977

CHAPTER 312

HOUSE BILL NO. 1324
(Knudson, C. Martin)

NATIONAL GUARD TUITION WAIVER ACT

AN ACT to provide for partial waiver of tuition fees for all members of the national guard in any postsecondary educational program; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. SHORT TITLE.) This Act may be cited and shall be known as the "North Dakota National Guard Tuition Waiver Act".

SECTION 2. LEGISLATIVE INTENT AND PURPOSE.) The purpose of this Act is to recognize the vital role of the national guard in the state. While the national guard is subject to federal control during periods of national emergency, it is organized, trained, and equipped to perform military functions and to aid civil authorities in the protection of life and property while it is subject to the control of the state.

The purpose of this Act is to encourage voluntary membership in the guard, improve the educational level of its members, and thereby benefit the state as a whole.

SECTION 3. DEFINITIONS.) As used in this Act, unless the context or subject matter otherwise requires:

1. "School" means any university, college, vocational school, technical school, or postsecondary educational institution.
2. "State-controlled school" means any school which is controlled, financially supported, and operated by the state, a school district, or any other political subdivision.
3. "Tuition" means the normal registration fee. It does not include graduation, activity, or incidental fees, book rental, laboratory, service, supply, union building, hospital and medical insurance fees, or any fees established for the operation and maintenance of buildings, the income of which is pledged for the payment of interest and principal on bonds issued by the governing board of any school.

SECTION 4. WAIVER OF TUITION FEES - TERM OF WAIVER.) Any

member of the national guard who shall enroll in any state-controlled school shall, subject to the limitations of available funds appropriated in section 9 of this Act and subject to national guard regulations which may be promulgated by the adjutant general, be entitled to the waiver of seventy-five percent of the tuition fees of the school. The waiver shall be valid only so long as the member of the national guard maintains satisfactory performance with the guard and pursues a course of study in a manner which satisfies the normal requirements of the school.

SECTION 5. LIMITATIONS.) The waiver of tuition fees shall not be available to any member of the national guard who shall have less than one year of service obligation to the national guard remaining at the beginning of each semester or academic term for which a waiver of tuition fees is requested.

SECTION 6. APPLICATION FOR WAIVER.) It shall be the responsibility of the individual member of the national guard to obtain a certificate from the adjutant general or the adjutant general's designee attesting to satisfactory guard performance and to present the certificate to the school in order to obtain a waiver of tuition fees. The certification shall be accomplished at the time of enrollment for each semester or academic term for which a waiver of tuition fees is requested.

SECTION 7. REIMBURSEMENT OF TUITION FEE WAIVED.) The adjutant general shall reimburse the appropriate school for two-thirds of all tuition fees waived under the provision of this Act.

SECTION 8. REGULATIONS.) The adjutant general may adopt, amend, and rescind any national guard regulations pursuant to chapter 28-32 deemed necessary to implement and administer this Act.

SECTION 9. APPROPRIATION.) There is hereby appropriated out of any moneys in the Vietnam veterans adjusted compensation fund, not otherwise appropriated, the sum of \$250,000.00, or so much thereof as may be necessary, to the adjutant general for the purpose of reimbursing appropriate schools for any tuition fees waived under this Act for the biennium beginning July 1, 1977, and ending June 30, 1979.

Approved March 31, 1977

CHAPTER 313

HOUSE BILL NO. 1183
(Laughlin)

SOLDIERS' HOME OPERATING FUND

AN ACT to amend and reenact sections 37-15-12 and 37-15-15 of the North Dakota Century Code, relating to moneys in the soldiers' home fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 37-15-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-12. FEDERAL AID ACCEPTED FOR SOLDIERS' HOME - RULES AND REGULATIONS GOVERNING HOME SUBMITTED TO WHOM.) The state accepts the conditions imposed by an act of Congress, entitled "An act to provide aid to state or territorial homes for the support of disabled soldiers and sailors in the United States, approved August 27, 1888", and the various amendments thereto.

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

37-15-15. DISBURSEMENT OF MONEYS FROM SOLDIERS' HOME OPERATING FUND.) All moneys withdrawn from the soldiers' home operating fund shall be withdrawn in accordance with chapters 54-14 and 54-44.1.

Approved March 12, 1977

CHAPTER 314

HOUSE BILL NO. 1175
(Committee on Veterans Affairs)
(At the request of the Administrative
Committee on Veterans Affairs)

LOAN FOR SOLDIERS' HOME ADDITION

AN ACT to authorize the administrative committee of veterans affairs to obtain a loan from the Bank of North Dakota to match federal funds available for an addition to the soldiers' home, and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AUTHORITY TO OBTAIN LOAN FROM BANK OF NORTH DAKOTA - CONDITIONS.) The administrative committee on veterans affairs is authorized to obtain a loan from the Bank of North Dakota for the purpose of meeting matching requirements for receiving federal funds to construct, modify, or alter domiciliary facilities at the soldiers' home. The loan authorized by this section shall not exceed four hundred fifty-five thousand dollars. The loan is to be used solely for the purpose of meeting matching requirements for obtaining federal funds under 38 U.S.C., subchapter V, and the authority to apply for any such loan is conditional upon receiving a grant of such federal funds for the use of the soldiers' home. The loan obtained from the Bank of North Dakota under this section shall be repaid within ten years from funds available in the soldiers' home improvement fund. Amounts necessary to repay the loan shall be dedicated in the fund for repayment of the loan principal and interest and such amounts are hereby appropriated for repayment of such loan, with interest.

SECTION 2. APPROPRIATION.) There is hereby appropriated out of any moneys available from private and public sources, not otherwise appropriated, the sum of \$1,300,000.00, or so much thereof as may be necessary, to the soldiers' home for the purpose of constructing, modifying, or altering domiciliary facilities at the soldiers' home for the biennium beginning July 1, 1977, and ending June 30, 1979.

Approved April 6, 1977

CHAPTER 315

SENATE BILL NO. 2171
(Committee on Social Welfare and Veterans' Affairs)
(At the request of the National Guard)

VIETNAM VETERANS' COMPENSATION
ELIGIBILITY

AN ACT to amend and reenact subsection 4 of section 37-25-02 and section 37-25-10 of the North Dakota Century Code, relating to the definition of honorable discharge and relating to the time limit for receiving an application for Vietnam Conflict Veterans' Adjusted Compensation Act benefits; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 4 of section 37-25-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. "Honorable and faithful service" shall be such service as is evidenced by:
 - a. An honorable discharge, or its equivalent, but shall not include any discharge issued pursuant to any act, decree, or directive of pardon or amnesty;
 - b. In the case of an officer, a certificate of service; and
 - c. In the case of a veteran who has not been discharged, a certificate from appropriate service authority that his service was honorable and faithful.

SECTION 2. AMENDMENT.) Section 37-25-10 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-25-10. TIME LIMIT FOR RECEIVING APPLICATIONS.) No application for benefits under the provisions of this chapter shall be received after December 31, 1978. However, in the cases of those veterans who were prisoners of war or missing in action, the deadline for receipt of an application shall be four years from the date upon which they first set foot on American soil or December 31, 1978, whichever is later.

SECTION 3. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved April 19, 1977