

# MILITARY

## CHAPTER 360

SENATE BILL NO. 2168  
(Government and Veterans Affairs Committee)  
(At the request of the Adjutant General)

### VETERANS' CEMETERY FUNDS

AN ACT to amend and reenact section 37-03-14 of the North Dakota Century Code, relating to the veterans' cemetery.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 37-03-14 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

<sup>1</sup> **37-03-14. North Dakota veterans' cemetery - Administration.** The adjutant general shall establish and operate the North Dakota veterans' cemetery, which the adjutant general shall locate within or adjacent to Fort Abraham Lincoln state park. The adjutant general may accept and utilize expend private and federal funds to establish and operate the veterans' cemetery. All moneys received from private or federal sources must be paid to the state treasurer for deposit into a the veterans' cemetery maintenance fund. The adjutant general, with the approval of the governor, may enter into an agreement with the director of the parks and outdoor recreation sites division for the maintenance of the cemetery. The adjutant general shall provide lots in the state veterans' cemetery for the interment of deceased members of the national guard, other reserve components, and veterans, and their spouses, minor children, and unmarried adult children who were physically or mentally disabled and incapable of self-support. The adjutant general may adopt, amend, or rescind any rules under chapter 28-32 as deemed necessary to implement and administer this section.

Approved March 10, 1993  
Filed March 11, 1993

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<sup>1</sup> NOTE: Section 37-03-14 was also amended by section 6 of House Bill No. 1400, chapter 80.

## CHAPTER 361

SENATE BILL NO. 2092  
(Government and Veterans Affairs Committee)  
(At the request of the Administrative Committee on Veterans'  
Affairs)

### VETERANS' HOME OBJECT AND FUNDING

AN ACT to amend and reenact sections 37-15-02, 37-15-14, 37-15-14.1, and 37-15-21 of the North Dakota Century Code, relating to the operation of the veterans' home; and to repeal section 37-15-00.1 of the North Dakota Century Code, relating to the definition of domiciliary care.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 37-15-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**37-15-02. Object of veterans' home.** The object of the veterans' home is to provide domiciliary basic care as defined under chapter 23-09.3 and long-term care as defined under chapter 23-16 for:

1. All veterans as defined in section 37-01-40 and all honorably discharged soldiers of the North Dakota national guard who heretofore or hereafter may become permanently disabled from any cause while in line and discharge of duty.
2. The spouses and surviving spouses of those mentioned in subsection 1 if they meet the requirements for admission under section 37-15-10.

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

**37-15-14. Veterans' home operating fund - Moneys for the maintenance of the veterans' home to be deposited with state treasurer.** A special fund, to be known as the veterans' home operating fund, must be maintained in the state treasury. Moneys arising from the interest received on money derived from the sale of lands appropriated for the support of the home and from the rental of such lands, moneys received from the United States for the support and maintenance of the home, and all other moneys, income, and collections of public funds arising from any other source or endeavor of the home, except as provided for in section 37-15-21, must be placed in the veterans' home operating fund for the use and maintenance of the veterans' home. Moneys derived from the general fund appropriation made by the legislative assembly must be transferred periodically to the veterans' home operating fund upon order of the director of the office of management and budget whenever the operating fund's balance requires supplementation.

**SECTION 3. AMENDMENT.** Section 37-15-14.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**37-15-14.1. Membership contribution for residents of veterans' home - Creation of special fund.**

1. The administrative committee on veterans' affairs may establish a membership contribution to be paid by members of the veterans' home. The fee must be based on the adjusted income of each member, but in no case may it exceed forty-nine percent of the average daily per-member cost. The membership contribution must be set under a formula determined by the administrative committee and designed to assure dignity and equity in the charge. The administrative committee may, from time to time, reconsider its action establishing a membership contribution, amend or rescind the contribution charge, or reinstate a contribution charge previously rescinded. The commandant shall collect monthly any membership contribution levied.
2. As used in subsection 1, "adjusted income" means all moneys received from any source, including social security benefits, less amounts received or expended as follows:
  - a. ~~Moneys earned by a member through labor performed for the veterans' home.~~
  - b. Moneys received as service-connected compensation.
  - ~~c.~~ b. Moneys earned during authorized leaves or furloughs from the veterans' home.
  - ~~d.~~ c. Moneys expended by the member for hospitalization due to illness or injury.
  - ~~e.~~ d. Moneys expended by the member for other medical care or treatment, or for required medicines.
  - ~~f.~~ e. Such other receipts or expenditures as the administrative committee may permit to be deducted in individual cases.
3. All moneys received as a result of charging the membership contribution authorized by subsection 1 must be deposited in a special fund in the state treasury to be known as the "veterans' home improvement fund". The fund must be invested by the state investment board in the manner provided in chapter 21-10, and all income received, less amounts deducted pursuant to section 21-10-10, must be deposited in, or reinvested for the benefit of, the veterans' home improvement fund. Moneys in the veterans' home improvement fund must, subject to and following legislative appropriations, be expended only for expansion of present facilities of the home, for development of new facilities, for enrichment of living conditions, or for additional care for members of the home, as such expansion, development, enrichment, or additional care is deemed necessary by the administrative committee. The office of management and budget shall prepare the warrant-checks.

**SECTION 4. AMENDMENT.** Section 37-15-21 of the North Dakota Century Code is amended and reenacted as follows:

**37-15-21. Commandant may accept gifts, donations, or bequests.** The commandant for and in behalf of the veterans' home is hereby authorized to accept ~~or receive any~~ and expend funds from any source, including federal or private sources, interest earnings from the veterans' postwar trust fund, and donations, gifts, or bequests offered or tendered to, or for the benefit of the veterans' home to be used to benefit the veterans' home as authorized by the administrative committee on veterans' affairs with the approval of the emergency commission. All such moneys received or accepted must be used for the specific purposes for which they were given or donated. This authority shall apply and be retroactive to any or all gifts, donations, or bequests heretofore tendered, offered, or made. The veterans' home may establish and maintain its own local fund to administer moneys received under this section. All interest, rent, or income from moneys or property received under this section must be deposited in the veterans' home improvement fund unless by the terms of acquisition, the moneys are required to be maintained in a different manner.

**SECTION 5. REPEAL.** Section 37-15-00.1 of the North Dakota Century Code is repealed.

Approved March 30, 1993  
Filed April 1, 1993

## CHAPTER 362

HOUSE BILL NO. 1178  
(Government and Veterans Affairs Committee)  
(At the request of the Adjutant General)

### NATIONAL GUARD COMPACT

AN ACT providing for the adoption of an interstate agreement titled "The National Guard Mutual Assistance Counter-Drug Activities Compact" and for its implementation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. Ratification of compact.** The National Guard Mutual Assistance Counter-Drug Activities Compact is hereby enacted into law and entered into by this state, with all other states legally joining therein, in the form substantially as follows:

The contracting states solemnly agree that:

#### ARTICLE I - PURPOSE

The purposes of this compact are to:

1. Provide for mutual assistance and support among the party states in the utilization of the national guard in drug interdiction, counter-drug, and demand reduction activities.
2. Permit the national guard of this state to enter into mutual assistance and support agreements, on the basis of need, with one or more law enforcement agencies operating within this state, for activities within this state, or with a national guard of one or more other states, whether said activities are within or without this state in order to facilitate and coordinate efficient, cooperative enforcement efforts directed toward drug interdiction, counter-drug activities, and demand reduction.
3. Permit the national guard of this state to act as a receiving and a responding state as defined within this compact and to ensure the prompt and effective delivery of national guard personnel, assets, and services to agencies or areas that are in need of increased support and presence.
4. Permit and encourage a high degree of flexibility in the deployment of national guard forces in the interest of efficiency.
5. Maximize the effectiveness of the national guard in those situations which call for its utilization under this compact.
6. Provide protection for the rights of national guard personnel when performing duty in other states in counter-drug activities.

7. Ensure uniformity of state laws in the area of national guard involvement in interstate counter-drug activities by incorporating said uniform laws within the compact.

#### ARTICLE II - ENTRY INTO FORCE AND WITHDRAWAL

1. This compact enters into force when enacted into law by any two states. Thereafter, this compact becomes effective as to any other state upon its enactment thereof.
2. Any party state may withdraw from this compact by enacting a statute repealing the same.

#### ARTICLE III - MUTUAL ASSISTANCE AND SUPPORT

1. As used in this article:
  - a. "Demand reduction" means providing available national guard personnel, equipment, support, and coordination to federal, state, local, and civic organizations, institutions, and agencies for the purposes of the prevention of drug abuse and the reduction in the demand for illegal drugs.
  - b. "Drug interdiction and counter-drug activities" means the use of national guard personnel, while not in federal service, in any law enforcement support activities that are intended to reduce the supply or use of illegal drugs in the United States. These activities are restricted to:
    - (1) Providing information obtained during either the normal course of military training operations or during counter-drug activities, to federal, state, or local law enforcement officials that may be relevant to a violation of any federal or state law within the jurisdiction of such officials;
    - (2) Making available any equipment including associated supplies or spare parts, base facilities, or research facilities of the national guard to any federal, state, or local civilian law enforcement official for law enforcement purposes, in accordance with other applicable law or regulation;
    - (3) Providing available national guard personnel to train federal, state, or local civilian law enforcement in the operation and maintenance of equipment, including equipment made available above, in accordance with other applicable law;
    - (4) Providing available national guard personnel to operate and maintain equipment provided to federal, state, or local law enforcement officials pursuant to activities defined and referred to in this compact;
    - (5) Operation and maintenance of equipment and facilities of the national guard or law enforcement agencies used for the purposes of drug interdiction and counter-drug activities;

- (6) Providing available national guard personnel to operate equipment for the detection, monitoring, and communication of the movement of air, land, and sea traffic, to facilitate communications in connection with law enforcement programs, to provide transportation for civilian law enforcement personnel, and to operate bases of operations for civilian law enforcement personnel;
    - (7) Providing available national guard personnel, equipment, and support for administrative, interpretive, or analytic purposes;
    - (8) Providing available national guard personnel and equipment to aid federal, state, and local officials and agencies otherwise involved in the prosecution of individuals processed within the criminal justice system who have been arrested for criminal acts involving the use, distribution, or transportation of controlled substances as defined in 21 U.S.C. 801 et seq. or otherwise by law, in accordance with other applicable law.
  - c. "Law enforcement agency" means a lawfully established federal, state, or local public agency that is responsible for the prevention and detection of crime and the enforcement of penal, traffic, regulatory, game, immigration, postal, customs, or controlled substances laws.
  - d. "Mutual assistance and support agreement" or "agreement" means an agreement between the national guard of this state and one or more law enforcement agencies or between the national guard of this state and one or more law enforcement agencies or between the national guard of this state and the national guard of one or more other states, consistent with the purposes of this compact.
  - e. "Official" means the appointed, elected, designated, or otherwise duly selected representative of an agency, institution, or organization authorized to conduct those activities for which support is requested.
  - f. "Party state" refers to a state that has lawfully enacted this compact.
  - g. "Requesting state" means that state whose governor requested assistance in the area of counter-drug activities.
  - h. "Responding state" means the state furnishing assistance, or requested to furnish assistance, in the area of counter-drug activities.
  - i. "State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.
2. Upon the request of a governor of a party state for assistance in the area of drug interdiction, counter-drug, and demand reduction activities, the governor of a responding state has authority under this compact to send without the borders of his or her state and place under the temporary operational control of the appropriate national guard or other military authorities of the requesting state, for the purposes of providing such requested assistance, all or any part of the national guard forces of his

or her state as he or she may deem necessary, and the exercise of his or her discretion in this regard is conclusive.

3. The governor of a party state, within his or her discretion, may withhold the national guard forces of his or her state from such use and recall any forces or part or member thereof previously deployed in a requesting state.
4. The national guard of this state is hereby authorized to engage in counter-drug activities and demand reduction.
5. The adjutant general of this state, in order to further the purposes of this compact, may enter into a mutual assistance and support agreement with one or more law enforcement agencies of this state, including federal law enforcement agencies operating within this state, or with the national guard of one or more other party states to provide personnel, assets, and services in the area of counter-drug activities, and demand reduction provided that all parties to the agreement are not specifically prohibited by law to perform said activities.
6. The agreement must set forth the powers, rights, and obligations of the parties to the agreement, where applicable, as follows:
  - a. Its duration;
  - b. The organization, composition, and nature of any separate legal entity created thereby;
  - c. The purpose of the agreement;
  - d. The manner of financing the agreement and establishing and maintaining its budget;
  - e. The method to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;
  - f. Provision for administering the agreement, which may include creation of a joint board responsible for such administration;
  - g. The matter of acquiring, holding, and disposing of real and personal property used in this agreement, if necessary;
  - h. The minimum standard for national guard personnel implementing the provisions of the agreement;
  - i. The minimum insurance required of each party to the agreement, if necessary;
  - j. The chain of command or delegation of authority to be followed by national guard personnel acting under the provisions of the agreement;
  - k. The duties and authority that the national guard personnel of each party state may exercise; and
  - l. Any other necessary and proper matters.



Agreements prepared under the provisions of this statute are exempt from any state law pertaining to intergovernmental agreements except an agreement with a tribal government.

7. As a condition precedent to an agreement becoming effective under this part, the agreement must be submitted to and receive the approval of the attorney general of North Dakota. The attorney general may delegate in writing approval authority to an assistant attorney general or a North Dakota national guard judge advocate.
  - a. The attorney general, or the attorney general's designee, shall approve an agreement submitted under this part unless he or she finds that it is not in proper form, does not meet the requirements set forth in this part, or otherwise does not conform to the laws of North Dakota. If the attorney general or the attorney general's designee disapproves an agreement, he or she shall provide a written explanation to the adjutant general.
  - b. If the attorney general or the attorney general's designee does not disapprove an agreement within thirty days after its submission, it is considered approved by the attorney general.
8. Whenever national guard forces of any party state are engaged in the performance of duties, in the area of drug interdiction, counter-drug, and demand reduction activities, pursuant to orders, section 37-01-12 applies.

#### ARTICLE IV - RESPONSIBILITIES

1. Nothing in this compact may be construed as a waiver of any benefits, privileges, immunities, or rights otherwise provided for national guard personnel performing duty pursuant to title 32 of the United States Code nor may anything in this compact be construed as a waiver of coverage provided for under the Federal Torts Claims Act. In the event that national guard personnel performing counter-drug activities do not receive rights, benefits, privileges, and immunities otherwise provided for national guard personnel as stated above, the following provisions apply:
  - a. Whenever national guard forces of any responding state are engaged in another state in carrying out the purposes of this compact, the members thereof so engaged have the same powers, duties, rights, privileges, and immunities as members of national guard forces of the requesting state. The requesting state shall save and hold members of the national guard forces of responding states harmless from civil liability, except as otherwise provided herein, for acts or omissions which occur in the performance of their duty while engaged in carrying out the purposes of this compact, whether responding forces are serving the requesting state within the borders of the requesting state or are attached to the requesting state for the purposes of operational control.
  - b. Subject to the provisions of subdivisions c, d, and e, all liability that may arise under the laws of the requesting state or the responding states, on account of or in connection with a request for

- assistance or support must be assumed and borne by the requesting state.
- c. Any responding state rendering aid or assistance pursuant to this compact must be reimbursed by the requesting state for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of the materials, transportation, and maintenance of national guard personnel and equipment incurred in connection with such request, provided that nothing herein contained shall prevent any responding state from assuming such loss, damage, expense, or other cost.
  - d. Unless there is a written agreement to the contrary, each party shall provide, in the same amounts and manner as if they were on duty within their state, for pay and allowances of the personnel of its national guard units while engaged without the state pursuant to this compact and while going to and returning from such duty pursuant to this compact.
  - e. Each party state providing for the payment of compensation and death benefits to injured members and the representatives of deceased members of its national guard forces in case such members sustain injuries or are killed within their own state, shall provide for the payment of compensation and death benefits in the same manner and on the same terms in the event such members sustain injury or are killed while rendering assistance or support pursuant to this compact. Such benefits and compensation must be deemed items of expense reimbursable pursuant to subdivision c.
2. Officers and enlisted personnel of the national guard performing duties subject to proper orders pursuant to this compact are subject to and governed by the provisions of their home state code of military justice whether they are performing duties within or without their home state. In the event that any national guard member commits, or is suspected of committing, a criminal offense while performing duties pursuant to this compact without his or her home state, he or she may be returned immediately to his or her home state and said home state is responsible for any disciplinary action to be taken. However, nothing in this section abrogates the general criminal jurisdiction of the state in which the offense occurred.

#### ARTICLE V - DELEGATION

Nothing in this compact may be construed to prevent the governor of a party state from delegating any of the governor's responsibilities or authority respecting the national guard; provided, that such delegation is otherwise in accordance with law. For purposes of this compact, however, the governor, may not delegate the power to request assistance from another state.

#### ARTICLE VI - LIMITATIONS

Nothing in the compact:

1. Authorizes or permits national guard units or personnel to be placed under the operational control of any person not having the national guard rank or status required by law for the command in question.
2. Deprives a properly convened court of jurisdiction over an offense or a defendant merely because of the fact that the national guard, while performing duties pursuant to this compact, was utilized in achieving an arrest or indictment.

**SECTION 2. Authorization to implement compact.** The governor and adjutant general are authorized to enter appropriate agreements and participate in drug interdiction and counter-drug activities pursuant to section 1 of this Act.

Approved April 19, 1993  
Filed April 20, 1993

## CHAPTER 363

SENATE BILL NO. 2520  
(Senators B. Stenehjem, Graba)  
(Representatives Gates, Keiser)

### VETERANS' EMPLOYMENT PREFERENCE

AN ACT to amend and reenact subsection 4 of section 37-19.1-02 of the North Dakota Century Code, relating to the veterans' employment preference; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 4 of section 37-19.1-02 of the North Dakota Century Code is amended and reenacted as follows:

4. Notwithstanding the preference provisions in subsections 1, 2, and 3, public employment preference for veterans by agencies or governmental agencies, as defined herein, which now have, or which may hereafter have, an established personnel system ~~under which it maintains a register of persons eligible for employment and from which it certifies a prescribed number of names to that particular agency or governmental agency, must be~~ are governed by the following:
  - a. No distinction or discrimination may be made in the administration of the examination because the applicant may be a veteran.
  - b. Upon completion of the examination with a passing grade, the applicant must be informed of a veteran's rights to employment preference as hereinafter provided.
  - c. The applicant must be required to furnish proof of ~~his~~ the applicant's status as a veteran and, if disabled, proof of ~~his~~ the applicant's disability, as defined herein.
  - d. Upon receipt of proof required in subdivision c, the examiner shall add five points for a nondisabled veteran and ten points for a disabled veteran to the examination grade of the applicant, and the total is the veteran's examination grade.
  - e. Upon request for the prescribed number of eligible persons from the eligibility registry, such number of eligible persons must be certified from the top number of eligible persons and with such certified list of eligible persons there must also be submitted a statement as to which of those so certified are veterans, disabled veterans, or nonveterans.
  - f. In the event the certified list of eligible persons includes either veterans or disabled veterans, the appointing or employing authority of that particular agency or governmental agency shall make a selection for the available position as follows:

- (1) A disabled veteran, without regard to ~~his~~ the disabled veteran's examination grade, is first entitled to the position and, in the absence of justifiable cause, documented in writing, for not making such selection, must be so appointed or employed. If such list includes two or more disabled veterans, then the one with the highest examination grade is first entitled to the position and, in the absence of justifiable cause, documented in writing, for not making such selection, must be so appointed or employed.
- (2) When such certified list of eligible persons does not include one or more disabled veterans and consists only of veterans, then the one with the highest examination grade is first entitled to the position and, in the absence of justifiable cause, documented in writing, must be so appointed or employed.
- (3) When such certified list of eligible persons includes nonveterans and veterans, but not disabled veterans, then the one with the highest examination grade, whether a nonveteran or a veteran, is first entitled to the position and, in the absence of justifiable cause, must be so appointed or employed; and if the one with the highest examination grade is a veteran and is not appointed or employed, there must be justifiable cause documented in writing for not making such appointment or employment.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 25, 1993  
Filed March 26, 1993

## CHAPTER 364

SENATE BILL NO. 2119  
(Government and Veterans Affairs Committee)  
(At the request of the Department of Veterans' Affairs)

### **VIETNAM VETERANS' PROGRAMS REPEAL**

AN ACT to repeal chapters 37-24, 37-25, and 54-17.1 of the North Dakota Century Code, relating to Vietnam veterans' educational assistance, Vietnam conflict veterans' adjusted compensation, and Vietnam veterans' bonus bond issue.

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

**SECTION 1. REPEAL.** Chapters 37-24, 37-25, and 54-17.1 of the North Dakota Century Code are repealed.

Approved March 10, 1993  
Filed March 11, 1993

## CHAPTER 365

HOUSE BILL NO. 1101  
(Government and Veterans Affairs Committee)  
(At the request of the Adjutant General)

### PERSIAN GULF WAR COMPENSATION

AN ACT to amend and reenact subsection 6 of section 37-26-01 of the North Dakota Century Code, relating to the definition of "period of service" for adjusted compensation paid to national guard and reserve veterans of the Persian Gulf War.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 6 of section 37-26-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. "Period of service" means the period of time beginning August 2, 1990, and ending ~~on a date prescribed by the president or the Congress for the cessation of hostilities in the Persian Gulf~~ June 30, 1993.

Approved March 11, 1993  
Filed March 12, 1993

## CHAPTER 366

HOUSE BILL NO. 1389  
(Representatives Belter, Gerntholz, Hokana)  
(Senators Nelson, Wogsland, Dotzenrod)

### VETERANS' ADJUSTED COMPENSATION

AN ACT to provide for adjusted compensation to certain veterans of the Persian Gulf War, Grenada, Lebanon, and Panama armed conflicts and for the method of filing and payment of claims, duties of the adjutant general, and exemption from taxation and execution for the payments; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. Definitions.** As used in this Act:

1. "Adjutant general" means the adjutant general of North Dakota.
2. "Beneficiary" in relation to a deceased veteran, means, in the order named:
  - a. The surviving unremarried spouse as of the date of signing the application;
  - b. The surviving child or children and the lawful issue of a deceased child or children by representation;
  - c. The surviving person standing in loco parentis; or
  - d. The surviving parent or parents.
3. "Honorable and faithful" means service evidenced by:
  - a. An honorable discharge, or its equivalent;
  - 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 the veteran's service was honorable and faithful.
4. "Period of service" means:
  - a. For the Persian Gulf War, the period of time beginning August 2, 1990, and ending June 30, 1993;
  - b. For the Grenada armed conflict, the period of time beginning October 23, 1983, and ending November 21, 1983;
  - c. For the Lebanon armed conflict, the period of time beginning June 1, 1983, and ending August 1, 1984; or



- d. For the Panama armed conflict, the period of time beginning December 20, 1989, and ending January 30, 1990.
5. "Qualifying service" means service by a veteran during a period of service anywhere in a theatre or area of armed conflict as evidenced by award of an armed forces expeditionary medal or other campaign service medal.
6. "Resident" means a person who has filed a resident North Dakota income tax return for the year prior to the effective date of this Act and who:
- a. Was born in and lived in North Dakota until entrance into the armed forces of the United States;
  - b. Was born in, but was temporarily living outside North Dakota, not having abandoned North Dakota residence at the time of entrance into the armed forces of the United States;
  - c. Was born elsewhere but had resided in North Dakota for the last twelve months before entrance into military service and had prior to or during that six-month period:
    - (1) Voted in North Dakota;
    - (2) Was an emancipated minor during the period of residence or had lived with a parent or person standing in loco parentis who was a resident; or
    - (3) Was not registered for voting in another state after being a resident; or
  - d. Was a bona fide resident of North Dakota at the time of entering the armed forces, as determined under the rules of the adjutant general and the laws of this state. A person is not a resident of North Dakota for the purpose of receiving any benefits under this Act if the person was on continuous active duty in the armed forces for a period of seven years or more, immediately prior to the qualifying period of service, and has not established actual abode in North Dakota prior to the effective date of this Act.
7. "Theatre or area of armed conflict" means any area the president designated a combat zone by executive order for the Persian Gulf War or the Grenada, Lebanon, or Panama armed conflicts.
8. "Veteran" means a member of the regular active duty armed forces of the United States who performed honorable and faithful service at any time during a period of service in the theatre or area of armed conflict, who was a resident of North Dakota, and who has not received a bonus or adjusted compensation from another state for the same period of service.

**SECTION 2. Payment of adjusted compensation for service.** Each veteran is entitled to one hundred dollars for each month or any part of a month for qualifying service. The total compensation paid to any veteran for qualifying service under this Act may not exceed one thousand dollars, except as provided in this section and section 3 of this Act. If the veteran received a purple heart for qualifying service, the veteran is entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted compensation. If the veteran is deceased,

the veteran's beneficiary is entitled to any payments under this Act to which the veteran would have been entitled. Applications may be filed with the adjutant general after July 1, 1993, but not later than December 31, 1994.

**SECTION 3. Payment to beneficiary of veteran who died in active service.** In the case of a veteran who died as a result of qualifying service during a period of service or who died while on orders to or from the Persian Gulf theatre or the Grenada, Lebanon, or Panama areas of armed conflict during a period of service, the beneficiary of the veteran is entitled to a payment of two thousand five hundred dollars in lieu of any other compensation under this Act.

**SECTION 4. Application.** Each veteran or veteran's beneficiary entitled to payment under this Act shall make application to the adjutant general upon a form prescribed by the adjutant general. If the veteran is incompetent or the veteran's beneficiary is incompetent or a minor, application may be made by the guardian of the veteran or beneficiary, and if there is no guardian the person determined by the adjutant general to have assumed the major responsibility for the care of the veteran or beneficiary and to be a proper person to receive payment for the veteran or beneficiary may make the application. If a veteran is hospitalized in a state, county, or federal institution and no application has been approved by the adjutant general, the person in charge of the institution may make the application with the approval of the adjutant general. For the purposes of this section, the word "minor" does not include the unremarried spouse of a veteran. Each application must be accompanied by a certified copy of honorable discharge or other evidence of honorable and faithful qualifying service. Each application must be subscribed and sworn to by the applicant in the manner prescribed by the adjutant general.

**SECTION 5. Method of payment - Deduction of sums due veterans' aid fund.** Upon submission of satisfactory proof that the applicant is entitled to payment under this Act, the adjutant general shall compute the amount of payment due the applicant, make a record thereof, and forward a voucher for the payment to the office of management and budget, which shall cause the warrant-check to be issued for the amount of the claim. Payment must be made from funds appropriated by the legislative assembly. If the veteran or the applicant for payment under this Act is indebted to the veterans' aid fund of the state of North Dakota, the adjutant general shall determine the amount of the indebtedness and certify the determination to the office of management and budget together with the record of payment due. Within the limits of the payment due, the amount of the indebtedness must be paid to the veterans' aid fund and the applicant must be paid any remainder to which the veteran is entitled.

**SECTION 6. Payments exempt from taxation and from execution - Assignments void - Debts to state and political subdivisions not deducted.** Payments under this Act are exempt from all state and local taxes, including an income tax liability determined under section 57-38-30.3, and from levy, garnishment, attachment, and sale on execution. Any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any claim or payment under this Act is void and payment to the veteran may not be denied because of any sums owed to the state or any political subdivisions except as provided in section 5 of this Act.

**SECTION 7. Duty of adjutant general - Finality of decisions - Questions of residence subject to court review.** The adjutant general shall administer this Act. The adjutant general shall prepare and distribute application blanks and investigate all claims and applications filed. If the adjutant general is satisfied of the

proof of a claim and application, the adjutant general shall approve and direct payment of the claim. The adjutant general may adopt any rules necessary to the efficient administration of this Act. The necessary documents used in the administration of this Act shall become a part of the permanent records of the office of the adjutant general. The adjutant general may determine any claim in any case if doubt arises as to the eligibility of an applicant to receive payment and the decision of the adjutant general in such case is final, except on questions of residence which are subject to review by a court of competent jurisdiction. The adjutant general shall authorize payment for prisoners of war upon their release and return.

**SECTION 8. Penalty for false statement.** Any person who willfully makes a false statement in the application for benefits under this Act is guilty of a class A misdemeanor.

**SECTION 9. Exemption - Unobligated funds.** The veterans' adjusted compensation appropriation contained in section 10 of chapter 385 of the 1991 Session Laws is not subject to the provisions of section 54-44.1-11, and up to \$190,000 from any unobligated funds from the appropriation in section 10 of chapter 385 of the 1991 Session Laws is available for continued payment of adjusted compensation to veterans in accordance with the provisions of chapter 385 of the 1991 Session Laws and this Act, for the period from the effective date of this Act through December 31, 1994.

**SECTION 10. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 30, 1993  
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