CHAPTER 37-27
WAR AND ARMED CONFLICT VETERANS' COMPENSATION

37-27-01. Definitions.

As used in this chapter:

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 the 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 May 3, 1993, 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 twelve-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 chapter 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 May 3, 1993.
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.

37-27-02. 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 chapter may not exceed one thousand dollars, except as provided in this section and section 37-27-03. 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 chapter 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.

37-27-03. 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 chapter.

37-27-04. Application.

Each veteran or veteran's beneficiary entitled to payment under this chapter 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.

37-27-05. Method of payment - Deduction of sums due veterans' aid fund.

Upon submission of satisfactory proof that the applicant is entitled to payment under this chapter, 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 chapter 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.

37-27-06. Payments exempt from taxation and from execution - Assignments void - Debts to state and political subdivisions not deducted.

Payments under this chapter 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 chapter 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 37-27-05.

37-27-07. Duty of adjutant general - Finality of decisions - Questions of residence subject to court review.

The adjutant general shall administer this chapter. 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 chapter. The necessary documents used in the administration of this chapter 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.

37-27-08. Penalty for false statement.

Any person who willfully makes a false statement in the application for benefits under this chapter is guilty of a class A misdemeanor.