

February 18, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1379

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact four new sections to chapter 37-15 of the North Dakota Century Code, relating to governance of the veterans' home; to amend and reenact sections 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 the North Dakota Century Code, relating to county veterans' service officers, governance of the veterans' home, the commissioner of the department of veterans' affairs, and the administrative committee on veterans' affairs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

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

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

Veterans' home governing board - Membership - Appointment.

1. The governing board for the veterans' home consists of seven voting members appointed by the governor.
2. On August 1, 2011, the governor shall appoint seven members of the committee. Of the appointments, four members must qualify as a veteran under section 37-01-40. The governor shall appoint persons based on experience and qualifications. The governor shall appoint three of the members to a term of three years, two members to a term of two years, and two members to a term of one year, or until their successors are appointed and qualified.

3. On the first day of August in each year beginning in 2012, the governor shall appoint members to fill the expiring terms of committee members. If a committee member with an expiring term was appointed as a veteran, the governor shall appoint a member qualifying as a veteran under section 37-01-40.
4. Beginning in 2012, each appointment must be for a term of three years, or until a successor is appointed and qualified. All terms begin on August first and end on July thirty-first in the year specified.
5. If a position becomes vacant, the governor shall fill the vacancy for the unexpired portion of the term in the same manner as the initial appointment.

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

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

Powers and duties of veterans' home governing board.

The governing board is responsible for the administration of the veterans' home. The governing board has all ordinary powers required of a governing board. The governing board shall assure compliance with applicable federal and state laws in the administration of the veterans' home. The governing board shall conduct an annual performance evaluation of the administrator and create and implement a strategic plan for the veterans' home. The governing board annually shall report on the status of the strategic plan to the governor and the legislative management.

Veterans' home governing board - Compensation - Expenses.

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

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

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

The appointment, qualifications, term of office, and salary of the commissioner must be as prescribed in section 37-18-1-03 governor shall appoint the commissioner. The commissioner must be a veteran as defined in section 37-01-40 and shall serve at the pleasure of the governor. The commissioner must be allowed such amounts for travel, clerkhire, and expenses as may be prescribed from time to time by legislative appropriations.

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

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

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

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

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

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

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

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

2. On August 1, 2011, the governor shall appoint nine members of the committee. The governor shall appoint one member each from the American legion; the veterans of foreign wars; the disabled American veterans; the veterans of world war II, Korea, and Vietnam, amvets; and Vietnam veterans of America. Each of the remaining four members must qualify as a veteran under section 37-01-40. The governor shall appoint members based on experience and qualifications while attempting to fairly represent the state's veterans' population. Any organization or citizen may nominate an individual for appointment to the governor. The governor shall appoint three of the members to a term of three years, three of the members to a term of two years, and three of the members to a term of one year, or until their successors are appointed and qualified.
3. On the first day of August in each year beginning in 2012, the governor shall appoint members to fill the expiring terms of the committee members in the same manner as the initial appointment.
4. Beginning in 2012, each appointment must be for a term of three years, or until a successor is appointed and qualified. All terms begin on August first and end on July thirty-first in the year specified.
5. If a voting member position becomes vacant, the governor shall fill the vacancy for the unexpired portion of the term in the same manner as the initial appointment.

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

37-18.1-02. Chairman - ~~Secretary~~ - Duties - Terms - Meetings.

~~A chairman and a secretary of the committee must be appointed by the governor from among the voting membership of the committee. Such appointment must be made annually, with the term of office to begin on the first day of July of the year specified and to end on the thirtieth day of June of the following year. The governor shall appoint the chairman of the committee from the membership of the committee.~~ Meetings of the committee must be held upon the call of the chairman, at such times and places as may be selected by the chairman, and upon due notice to committee members by the ~~secretary~~ chairman. Meetings must also be called by the chairman upon the written request of any ~~four~~three voting members of the committee. A majority of the members of the committee is required for a quorum, and a majority of the members present voting in favor thereof is required for any action.

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

37-18.1-03. Powers and duties of committee - ~~Creation of subcommittee and governing board.~~

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

1. ~~The chairman and secretary of the committee, acting jointly, shall appoint a seven-member governing board for administration of the veterans' home, from within or outside the committee, subject to ratification of a majority vote of the committee, and shall establish term lengths for service on the governing board. The governing board has all ordinary powers required of a governing board, including the power to establish qualifications for and selection of an administrator and to establish an appropriate salary structure, subject to limitations of legislative appropriation. The administrator serves at the pleasure of the governing board.~~
2. ~~The chairman and secretary of the committee jointly shall appoint a subcommittee to be responsible for supervision and government of the department of veterans' affairs. Once appointed, a subcommittee member may continue to serve as long as the member remains a voting member of the committee, unless removed from the subcommittee by joint action of the committee chairman and secretary. A member of the subcommittee may not serve on the governing board of the veterans' home. Each nominating organization listed in section 37-18.1-01 must have at least one voting member nominated by the organization serving on the subcommittee. The subcommittee shall select by majority vote of the members a chairman to preside for the term of one year.~~
3. ~~The committee shall appoint the commissioner of the department of veterans' affairs. The commissioner must be a bona fide resident of the state, and must qualify as a veteran as defined in section 37-01-40. The commissioner serves at the pleasure of the committee. The committee shall determine the salary paid to the commissioner of the department of veterans' affairs within the limits of legislative appropriation. The commissioner of veterans' affairs shall serve as the executive secretary for the subcommittee. The commissioner has no vote in the affairs of the subcommittee.~~
4. ~~The committee shall, under recommendation from the board or the subcommittee, present any matters needing attention and action to the appropriate board, commission, agency, or department of the state, and the North Dakota veterans' coordinating council.~~
- 5.2. ~~The committee shall assure compliance with applicable federal and state laws in the administration of both the department of veterans' affairs and the North Dakota veterans' home and shall exercise its responsibilities in all things necessary to carry out the provisions of this chapter in regard to organization, policy, and general administration of the agencies served and involved in the conduct of veterans' affairs. The board governing the veterans' home and the subcommittee governing the department of veterans' affairs shall conduct an annual performance evaluation of the administrator and commissioner, respectively, with the evaluation presented to the committee. The board and subcommittee shall create and implement a strategic plan for the veterans' home and the department of veterans' affairs, respectively delivery of veterans' services by the commissioner. The board and the subcommittee committee annually shall report as to the status of the respective strategic plan to the committee. After receiving a report, the committee shall submit the report to the governor.~~

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

37-18.1-04. Committee members not to receive compensation - Compensation - Expenses permitted.

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

Renumber accordingly