

Political Subdivisions-Committee
69th Legislative Session
Representative Longmuir-Chair

Chairman Longmuir and House Political Subdivisions Committee,

Please accept this testimony in support of an amendment to SB 2198.

Intent of amendment to bill:

Align NDCC definition of veteran to definitions of uniformed services, armed forces, and military services and federal VA.

Need for bill:

Housekeeping.

- Sections of the NDCC refer to military, armed forces or uniformed services.
- Sections of NDCC refer to the main definition of veteran under NDCC 37-01-40.
- 2023 legislative assembly through HB 1109 added definitions for the below terms to NDCC 37-01-01
 - 4. "Armed forces" means army, marine corps, navy, air force, space force, and coast guard.
 - 6. "Military" means armed forces.
 - 14. "Uniformed services" means the armed forces, national oceanic and atmospheric administration commissioned officer corps, and the commissioned corps of the United States public health service.
- Federal VA veteran includes Uniformed services in its definition.
- ND has historically included all uniformed services.
- DOD top ten is working towards a more uniformed definition in each state to match Federal Definition

Outcome of bill:

Main definition of veteran updated to clarify NDCC.

No additional benefit to veterans.

Fiscal note:

None.

Thank you for your consideration.
Lonnie Wangen
Commissioner-NDDVA

Proposed amendments to NDCC:

37-01-40. Veteran and wartime veteran defined - Uniform service dates for wartime veterans.

1. A "veteran" is an individual who has served on continuous federalized active **military uniformed services** duty for one hundred eighty days or the full period for which the individual was called or ordered to active **military** duty for reasons other than training, and who was discharged or released under other than dishonorable conditions. A discharge reflecting "expiration of term of service" or "completion of required service" or words to that effect qualifies the shorter term of service as making the individual a veteran.
2. A "wartime veteran" is an individual who served in the active military forces, during a period of armed conflict or who received the armed forces expeditionary or other campaign service medal during an emergency condition and who was discharged or released under other than dishonorable conditions. "Wartime veteran" also includes an individual who died in the line of duty in the active military forces, as determined by the armed forces.
3. Period of service dates for a wartime veteran begins with the date of any declaration of war by the Congress of the United States or presidential proclamation beginning hostilities or the beginning of an emergency condition recognized by the issuance of a presidential proclamation or a presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to presidential executive order and ending on a date prescribed by presidential proclamation or concurrent resolution of the Congress of the United States and dates determined by the United States department of defense.
4. Current uniform period of service dates for periods of armed conflict include:
 - a. The period beginning December 7, 1941, through December 31, 1946, known as World War II;
 - b. The period beginning June 27, 1950, through January 31, 1955, known as the Korean war;
 - c. The period beginning August 5, 1964, through May 7, 1975, known as the Vietnam war;
 - d. The period beginning August 2, 1990, through January 2, 1992, known as the gulf war; and
 - e. The period beginning September 11, 2001, and ending on a date prescribed by presidential proclamation or by Congress as the last day of operation Iraqi freedom or operation enduring freedom, whichever occurs later.
5. The department of veterans' affairs shall maintain a list of all period of service dates for emergency conditions in which the armed forces expeditionary medal has been awarded.

Chapter 37-14 Veterans Relief and Rehabilitation: (Loan and grant programs)

37-14-01.1. Definition of veteran.

1. As used in this chapter, "veteran" means:
 - ~~a. An individual who served in the armed forces of the United States on federal active duty:~~
 - ~~(1) For reasons other than training and who has been discharged under other than dishonorable conditions; or~~
 - a. **An individual who is a veteran as defined in subsection 1 of section 37-01-40;** or
 - b. To whom the United States veterans administration has assigned a service-connected disability rating; or
 - c. Current members of the national guard or reserve; or
 - d. Former members of the national guard or reserve who have been discharged under other than dishonorable conditions.
2. Subdivisions **b c** and **e d** of subsection 1 do not apply to section 37-14-14.

REFERENCE:

TITLE 37 MILITARY

CHAPTER 37-01 GENERAL PROVISIONS

37-01-01. Definitions.

In this title, unless the context otherwise requires:

1. "Active militia" means the organized and uniformed military forces of this state known as the "North Dakota national guard" and the reserve militia when called to active service.
2. "Active service" means state active duty in case of public disaster, riot, tumult, breach of the peace, resistance of process, or the threat thereof, whenever called in aid of civil authorities, or under martial law, or at encampments, whether ordered by state or federal authorities, and includes the performance of any other duty requiring the entire time of the organization or person, except when called or drafted into the federal service by the president of the United States. The term includes service in case of, or to prevent, insurrection, riot, or invasion under the order of the commander in chief communicated through proper military channels.
3. "Adjutant general coin" means a coin or medallion bearing the state's adjutant general's organization insignia or emblem.
4. "Armed forces" means army, marine corps, navy, air force, space force, and coast guard.
5. "Disaster response coin" means a coin or medallion bearing a design to commemorate the response during a state disaster or emergency.
6. "Military" means armed forces.
7. "Military forces of this state" means those individuals in the active militia.
8. "Militia" means a group of individuals defined in the Constitution of North Dakota.
9. "National guard" means that part of the military forces of this state which is organized, equipped, and federally recognized under the provisions of the National Defense Act, as amended, of the United States as the "national guard, air national guard, of the United States and the state of North Dakota". The term includes also the term "national guard of the state of North Dakota".
10. "On duty" includes periods of drill and of such other training and service as may be required under state or federal law, regulation, or order.
11. "Reserve militia" consists of all those individuals who are subject to service in the active militia and who are not serving in the national guard of this state.
12. "State active duty" means active service on behalf of the state under authority of the governor at the expense of the state.
13. "State defense force" means the group of individuals in the reserve militia in state active duty under chapter 37-12.1.
14. "Uniformed services" means the armed forces, national oceanic and atmospheric administration commissioned officer corps, and the commissioned corps of the United States public health service.