

MILITARY

CHAPTER 284

H. B. No. 816
(Moquist, Knudson, Leibhan)

VETERANS' AID COMMISSION LOANS

AN ACT

To amend and reenact sections 37-14-01, 37-14-03.3, 37-14-03.5, 37-14-04, 37-14-06, 37-14-07, 37-14-08, and 37-14-15 of the North Dakota Century Code, relating to the veterans' aid commission and loans to veterans, and making an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 37-14-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-01. Veterans' Aid Commission—Appointment—Qualifications—Secretary.) There is hereby established a veterans' aid commission consisting of five members to be appointed by the governor, one of whom shall be the commissioner of veterans' affairs. Each of such members shall have been a member of the armed forces of the United States during a time when a state of war shall have been declared to exist by the Congress of the United States, during the Korean conflict, or during hostilities in Vietnam. The commissioner of veterans' affairs shall be and serve as the executive secretary of the veterans' aid commission.

§ 2. **Amendment.)** Section 37-14-03.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-03.3. Revolving Fund.) Such sum of three hundred thousand dollars shall be a permanent revolving fund of the veterans' aid fund and shall not revert to the general fund and shall be used solely for the purpose of making loans to any veteran of the armed forces of the United States who served in World War II, the Korean conflict, or during hostilities in Vietnam, and who has not been dishonorably discharged, as provided for under this chapter. World War II is defined as service between December 7, 1941, and December 31, 1946. Korean conflict is defined as service between June 27, 1950, and January 31, 1955. Vietnam is defined as

service from February 1, 1955, to the cessation of hostilities as determined by the United States government for the purposes of veterans' administration benefits.

§ 3. **Amendment.)** Section 37-14-03.5 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-03.5. Interest and Income from Post-War Rehabilitation Fund to Become Part of Revolving Fund.) Such interest and income shall be a permanent revolving fund of the veterans' aid fund and shall not revert to the general fund, and shall be used for the purpose of making loans to any veteran of the armed forces of the United States in World War II, the Korean conflict, or during the hostilities in Vietnam, who has not been dishonorably discharged, as provided for under this chapter.

§ 4. **Amendment.)** Section 37-14-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-04. Veterans' Aid Fund—Purpose.) The purpose of the veterans' aid fund is to make loans or advancements to any veteran of the armed forces of the United States in World War II, the Korean conflict, or during hostilities in Vietnam, who has not been dishonorably discharged. A veteran may be permitted to make more than one loan providing he has satisfied payment requirements of a previous loan.

§ 5. **Amendment.)** Section 37-14-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-06. Commission May Provide Aid.) If the veterans' aid commission is satisfied that such applicant has served as a member of the armed forces of the United States for an aggregate time of not less than thirty days during World War II, the Korean conflict, or during hostilities in Vietnam, that he is a citizen and resident of the state of North Dakota, that he has not been dishonorably discharged, the veterans' aid commission may loan to such applicant, or a guardian of such applicant, a sum from the veterans' aid fund not to exceed the sum of five hundred dollars.

§ 6. **Amendment.)** Section 37-14-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-07. Repayment To Be Made to Aid Fund.) Upon the granting of such an application and at the time of such disbursement, the applicant, or his legally appointed guardian,

shall be required to execute an agreement with the veterans' aid commission that within a period of two years from the date of the receipt of the last item of such advancement he will repay to the state of North Dakota for the use of said veterans' aid fund the full amount of all advancements made to him without interest. The veterans' aid commission shall have the authority to take necessary legal action to collect loans if in the opinion of the commission the veteran has the financial means to repay, and he deliberately refuses to do so.

§ 7. Amendment.) Section 37-14-08 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-08. How Payments Are Made.) All payments or other expenditures approved by the commission shall be made upon vouchers approved by the state auditing board by warrant-checks prepared by the department of accounts and purchases.

§ 8. Amendment.) Section 37-14-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-15. Rehabilitation Fund Expended as Directed by Legislative Assembly.) Such fund shall be expended as directed and appropriated by the legislative assembly for the sole purpose of financing in whole or in part, the cost of a state post-war rehabilitation program, for the benefit of veterans of World War II, the Korean conflict, and service during Vietnam hostilities, at such time and under such conditions as the legislative assembly shall, by other laws prescribe.

§ 9. Appropriation.) There is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of \$50,000.00 or so much thereof as may be necessary, to the veterans' aid commission for the purpose of administering the provisions of chapter 37-14 of the North Dakota Century Code, for the biennium beginning July 1, 1967, and ending June 30, 1969.

Approved March 15, 1967.

CHAPTER 285

H. B. No. 852
(Weber, Gackle)

APPOINTMENT OF CIVIL DEFENSE DIRECTOR AND
ADVISORY COUNCIL

AN ACT

To amend and reenact sections 37-17-03 and 37-17-04 of the North Dakota Century Code, relating to the appointment of a civil defense director and a civil defense advisory committee.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 37-17-03 of the North Dakota Century Code is hereby amended to read as follows:

37-17-03. State Civil Defense Division.) There is hereby created within the office of the adjutant general a division of civil defense with a director appointed by the adjutant general. He shall hold office during the pleasure of the adjutant general and his compensation shall be fixed by the adjutant general within legislative appropriations.

The director may employ such technical, clerical, stenographic and other personnel and fix their compensation in conformity with state merit system regulations and may make such expenditures within the appropriation therefor, or from other funds made available to him for purposes of civil defense, as may be necessary to carry out the purposes of this chapter.

He shall coordinate the activities of all organizations for civil defense within the state, and shall maintain liaison with and cooperate with other state and federal civil defense agencies and organizations, and shall have such additional authority, duties and responsibilities authorized by this chapter as may be prescribed by the adjutant general.

On declaration of a state or national emergency by the governor or by national authority, requiring mobilization of state-wide civil defense resources and organizations, the director of the state civil defense will be directly responsible to the state adjutant general.

§ 2. **Amendment.)** Section 37-17-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-17-04. Civil Defense Advisory Council.) The North Dakota civil defense advisory council shall consist of the adjutant general as chairman and such other persons as he shall designate. The council shall advise the governor, the adjutant general and the director of civil defense on all matters pertaining to civil defense. Members of the council shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.

Approved March 4, 1967.

CHAPTER 286

H. B. No. 629
(Jenkins, Hilleboe)

RECORDS OF VETERANS

AN ACT

To amend and reenact section 37-18-04 of the North Dakota Century Code, relating to the duties and functions of the commissioner of the department of veterans' affairs, and to create a new section under chapter 37-18 pertaining to the keeping and maintaining of records of veterans, and providing that such records and information contained therein be kept confidential, except for certain purposes.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 37-18-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-18-04. Duties of Commissioner.) It shall be the duty of the commissioner to coordinate agencies or instrumentalities of the state set up to render service and benefits to returning veterans; to have charge of and implement programs and benefits authorized by statute; to assist or represent veterans or their widows, administrators, executors, guardians, or heirs, in processing claims; to advise and assist veterans in taking advantage of the provisions of the Servicemen's Readjustment Act of 1944; or any similar or related measures afforded by the federal government; to assist, supervise, advise and direct the work of county service officers; to assist county service officers in the formation of county service to veterans' committees and to outline, assist and direct the activities of such committees; to disseminate information and to do any and all things necessary and proper for the purpose of carrying out the intent and purposes of this chapter.

The department of veterans' affairs may receive from the United States government such records of veterans as the United States government may wish to turn over to the department of veterans' affairs and same shall keep and maintain such records as hereafter provided by this chapter.

§ 2.) Section 37-18-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

37-18-11. Release of Information and Records—Confidential Nature.) All records and papers pertaining or relating to veterans which are transmitted by the United States government to the department of veterans' affairs shall be kept and maintained by said department under the following provisions and conditions:

1. All records and papers of the department are to be utilized in the manner to best serve the public interest, but the veteran's right of privacy as to information pertaining to his military or naval service and to confidential information contained in his application for benefits will be respected.
2. All reports of investigation made by employees of the department or at the direction of the department for official departmental purposes are for the use of the commissioner and his staff only. Materials and information which disclose the investigative techniques of the department or the identity of confidential informants and material received in confidence by representatives of the department will not be released.
3. Records pertaining to any application for benefits, whether pending or adjudicated, will be deemed confidential and no disclosure therefrom will be made except in the circumstances and under the conditions set forth in this chapter, and any person making application for benefits shall hereinafter be referred to as the applicant.
4. An applicant may not have access to official department records concerning himself, but information from official records may be disclosed to an applicant or his duly authorized representative as to matters concerning the applicant.
5. "Duly authorized representative" shall be defined as any person authorized in writing by the applicant to act for him, or his legally constituted representative if the applicant is incompetent or deceased. Where for proper reason no such representative has been or will be appointed, his spouse, an adult child or if the appli-

cant is unmarried, either of his parents shall be recognized as the duly authorized representative of the applicant.

6. Medical information may be disclosed as follows:
 - a. Information contained in medical records on file may be released to the veteran on request, except information contained in the medical record which would prove injurious to his physical or mental health, in which case the information will be released only to his duly authorized representative; and
 - b. Information contained in medical records of veterans and beneficiaries pertaining to medical history, diagnosis, findings, or treatment may be disclosed directly to physicians and hospitals upon request and the submission of a written authorization from the veteran or beneficiary, or in the event he is incompetent, from his duly authorized representative. This information will be released only with the consent of the patient and on the condition that it is to be treated as a privileged communication. However, such information may be released without the consent of the veteran or his representative when a request for such information is received from the veterans' administration, the United States public health service, the superintendent of a state hospital, a commissioner or head of a state department of mental hygiene, or head of a state, county or city health department.
7. Information contained in loan files may be made available to any party having an interest in such loan transaction upon approval by the director or pursuant to rules and regulations promulgated by him.
8. Information contained in department files required for official purposes by any agency of the United States government or by any agency of the state of North Dakota, or by any law enforcement or public welfare agency of any North Dakota county or municipality may be furnished in response to an official request, written or oral, from such agency. The requesting agency shall be asked to specify the purpose for which such information is to be used.
9. Members of the legislative assembly may be furnished such information contained in department files as may be requested for official use.

10. A county veterans' service officer may be permitted to inspect records pertaining to any application for benefits in which his office may be directly involved upon the condition that only such information contained therein as may be properly disclosed will be disclosed by him only to the applicant or if the applicant is incompetent, to his legally constituted representative.
11. When records pertaining to any application for benefits are requested for use in any judicial proceedings, they will be released only upon service of a proper subpoena and upon the condition that they will be returned upon conclusion of such proceedings.
12. Addresses of applicants from department records will not be furnished, except as provided in subsections 5 through 10. When an address is requested by a person to whom it may not be furnished, the person making the request will be informed that correspondence enclosed in an unsealed envelope showing no return address, with the name of the addressee thereon, and bearing sufficient postage to cover mailing costs will be forwarded by the department. At the time the correspondence is forwarded, the department's return address will be placed on the envelope. If undelivered mail is returned to the department, the original sender will be notified thereof, but the envelope will be retained by the department. In no event will letters be forwarded for the purposes of debt collection, canvassing, or harassment.
13. Separation documents evidencing service in the armed forces of the United States will be considered confidential and privileged, anything contained in subsections 4 through 10, notwithstanding. Examination of such records will be limited to authorized employees of the department and information entered thereon will be disclosed only to interested governmental agencies for the purpose of assisting veterans and their dependents to obtain the rights and benefits to which they may be entitled.

Approved February 23, 1967.

CHAPTER 287

S. B. No. 380

(Torgerson, Becker, Decker, Nasset, Kelly(15), Ringsak, Ruemmele,
(Kelly(24), Trenbeath, Freed, Sorlie, Nething, Sands, Meschke)

EDUCATIONAL ASSISTANCE TO NORTH DAKOTA VETERANS

AN ACT

To provide educational assistance to the North Dakota veterans who have served in the armed forces of the United States for a period of more than one hundred eighty days from and after August 5, 1964, and providing an appropriation therefor.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

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

1. "Period of service" means any service of any veteran who served on active duty in the armed services of the United States for more than one hundred eighty days, which active duty time occurred after August 5, 1964, or who entered and was released from active duty after August 5, 1964, for a service connected disability prior to serving more than one hundred eighty days.
2. "Veteran" means a man or woman who served honorably and faithfully in the armed services of the United States for the period of service set forth in subsection 1 of section 1 of this Act and who was a resident of the state of North Dakota at the time of entering such service and for at least six months prior thereto.
3. "Honorable and faithful service" shall be such service as evidenced by a discharge or its equivalent other than a dishonorable discharge.
4. "Resident" means a person who has acquired a status as follows:
 - a. Was born in and lived in the state of North Dakota until entrance into the armed forces of the United States; or
 - b. Was born in, but was temporarily living outside the state of North Dakota, not having abandoned residence therein prior to entrance into the armed forces of the United States; or
 - c. Was born elsewhere but had resided within the state of North Dakota for at least six months prior to entrance into military service and had prior to or during such six-month period:

- (1) Registered for voting, or voted in the state of North Dakota;
- (2) Being an unemancipated minor during such period of residence, had lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this section; and
- (3) If not registered for voting in the state of North Dakota, was not registered for voting in another state, and had resided in the state of North Dakota for at least six months prior to entrance into the armed forces of the United States.

§ 2. Establishment of a Vietnam Veterans' Educational Aid Fund.) There is hereby established a Vietnam veterans' educational aid fund which fund shall be maintained in the state treasury and used solely for the purposes of this Act. Such fund shall be administered by the commissioner of veterans' affairs pursuant to the provisions of this Act.

§ 3. Qualified Veterans to Receive Reduction in Mandatory Admission Fees of Institutions Under Board of Higher Education.) Any veteran who qualifies pursuant to the provisions of this Act and who shall receive a certification of such qualifications as determined and certified by the commissioner of veterans' affairs of the department of veterans' affairs and who shall be admitted and enrolled in an institution of higher education under the control and administration of the state board of higher education, shall be entitled to a sixty-dollar-per-semester or forty-dollar-per-quarter reduction, whichever the case may be, of the mandatory admission fees charged at such institution for each semester or quarter during which such veteran shall have become enrolled within the limitations provided for in section 5 of this Act.

§ 4. Private Institutions and Junior Colleges May Credit Veterans with a Reduction of Mandatory Admission Fees.) Any veteran who qualifies pursuant to the provisions of this Act and who shall receive a certification of such qualifications as determined and certified by the commissioner of veterans' affairs of the department of veterans' affairs and who shall be admitted and enrolled in a junior college established pursuant to the provisions of chapter 15-18 of the North Dakota Century Code or a private institution of higher learning located within this state may be credited sixty dollars per semester or forty dollars per quarter, whichever the case may be, by the institution in which he is enrolled, on the mandatory admission fees

charged at such institution for each semester or quarter during which such veteran shall have become enrolled within the limitations provided for in section 5 of this Act.

§ 5. Period of Time Aid Given—Maximum—Time Limitations When Benefits Are To Be Used.) Each eligible veteran pursuant to the provisions of this Act shall be entitled to receive the benefits of this Act for a period of one month for each month or fraction of a month such veteran was on active duty with the armed forces of the United States, which period, however, shall not exceed a total of thirty-six months of benefits. When a veteran has become enrolled at one of the institutions of higher education pursuant to this Act, the number of months of each semester or quarter shall be deducted from the number of months such veteran is eligible to receive the benefits of this Act. If such veteran shall not have the sufficient number of months at any time equal to a full semester or quarter, such fractional time shall qualify him to receive a full semester or quarter reduction in admission fees. Provided further, that any veteran who qualifies under the provisions of this Act shall be required to use such benefits within eight years from the effective date of this Act or from his date of discharge if the veteran is discharged after the effective date of this Act. Provided, however, that if the state of North Dakota shall provide for future benefits or bonuses, the amounts received under the provisions of this Act shall be deducted from such future benefits or bonuses if the Act or Acts for future benefits or bonuses so provides.

§ 6. Institutions To Be Reimbursed from Fund—Commissioner of Veterans' Affairs to Approve.) Each private institution of higher learning or junior college crediting a veteran's mandatory admission fee under the authority of section 4 of this Act and each institution of higher learning under the control and administration of the board of higher education shall within forty-five days after the commencement of any quarter or semester submit to the commissioner of veterans' affairs of the department of veterans' affairs the names of the veterans enrolled at such institution with the amount such veteran received as a reduction in his mandatory admission fee. The commissioner shall approve such voucher as to the eligibility of the veterans listed and the amounts such veterans received as reductions in their mandatory admission fees and submit a voucher to the department of accounts and purchases, and state auditing board for approval. Upon approval by the state auditing board, the department of accounts and purchases shall issue a warrant-check on the Vietnam veterans' educational aid fund to the institution submitting such voucher.

§ 7. **Appropriation.)** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000.00 or so much thereof as may be necessary, to the Vietnam veterans' educational aid fund for the purpose of paying sixty dollars per semester or forty dollars per quarter, whichever the case may be, on the mandatory admission fee charged each semester or quarter by each institution under the control and administration of the board of higher education and each private institution of higher learning or junior college crediting a veteran's mandatory admission fee, under the authority of section 4 of this Act, for each eligible veteran pursuant to this Act for the biennium beginning July 1, 1967, and ending June 30, 1969.

Approved March 14, 1967.