

MILITARY

CHAPTER 323

S. B. No. 139

(Torgerson, Becker, Decker, Doherty, Freed, Kautzmann)
(Kelly, Litten, Mutch, Nasset, Nething, Redlin, Ringsak)
(Ruemmele, Schultz, Strinden, Thoreson)
(Trenbeath, Van Horn)

UNIFORMITY OF VETERANS' SERVICE DATES

AN ACT

To create and enact section 37-01-40 of the North Dakota Century Code, relating to uniformity of service dates for veterans.

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

Section 1.) Section 37-01-40 of the North Dakota Century Code is hereby created and enacted to read as follows:

37-01-40. Uniform Service Dates for Veterans—Definitions.)
In order to provide for the uniformity of period of service dates for veterans, the following dates and terms shall be applicable to all Acts of the state relative to veterans where not otherwise specifically prescribed by statute:

1. The term "veteran" means a person, including women, who served in the active military forces, during a period of war or who received the armed forces expeditionary or other campaign service medal during an emergency condition and who was discharged or released therefrom under honorable conditions. The term "veteran" also includes a person who died in active military forces.
2. The term "Spanish-American War" (a) means the period beginning on April 21, 1898, and ending on July 4, 1902, (b) includes the Philippine insurrection and the Boxer rebellion, and (c) in the case of a veteran who served with the United States military forces engaged in hostilities in the Moro province, means the period beginning on April 21, 1898, and ending on July 15, 1903.

3. The term "World War I" (a) means the period beginning on April 6, 1917, and ending on November 11, 1918, and (b) in the case of a veteran who served with the United States military forces in Russia, means the period beginning on April 6, 1917, and ending on April 1, 1920.
4. The term "World War II" means the period beginning December 7, 1941, and ending December 31, 1946, both dates inclusive.
5. The term "Korean conflict" means the period between June 27, 1950, to January 31, 1955.
6. Civil war and confederate veterans who served between April 12, 1861, and May 26, 1865.
7. Indian wars. Since the Indian wars were fought intermittently over a period of years, the determination as to whether a person shall be considered as having rendered military service during these wars will be carefully considered by the state veterans' affairs commission. January 1, 1817, through December 31, 1898, is considered Indian war period.
8. Mexican wars. Since there were several skirmishes involving the Mexican border, such as Mexican border troubles 1911-1916; Veracruz expedition April 21, 1914 to November 26, 1914; punitive expedition into Mexico, March 15, 1916 to February 5, 1917; therefore the persons rendering military service in any of these skirmishes shall be considered veterans of the Mexican wars between 1911 and February 5, 1917.
9. Future dates. The period beginning on the date of any future declaration of war by the Congress 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.
10. The "Vietnam era" means the period beginning August 5, 1964, and ending on a date prescribed by the president or the Congress.

Approved March 20, 1969.

CHAPTER 324

S. B. No. 183
(Longmire, Lips, Holand)

TRANSFER OF SURPLUS NATIONAL GUARD BUILDINGS

AN ACT

Providing appropriations for the payment of special assessments and utility charges against national guard property, and reappropriating certain funds for the construction of armories; amending and reenacting section 37-10-06 of the North Dakota Century Code authorizing the transfer of surplus national guard motor storage buildings to political subdivisions, and declaring an emergency.

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

Section 1. Appropriation.) There is hereby appropriated out of any unappropriated moneys in the general fund of the state treasury, not otherwise appropriated, the sum of \$6,979.37, or so much thereof as may be necessary, to the North Dakota national guard for the purpose of the payment of special assessments and utility charges against national guard property in the city of Grand Forks.

Section 2. Appropriation.) There is hereby appropriated out of any unappropriated moneys in the general fund of the state treasury, not otherwise appropriated, the sum of \$1,769.94, or so much thereof as may be necessary, to the North Dakota national guard for the purpose of the payment of special assessments and utility charges against national guard property in the city of Bismarck.

Section 3. Reappropriation of Funds.) There is hereby reappropriated to the North Dakota national guard the sum of \$149,637.70, or such balance as may remain unexpended upon the effective date of this Act, from the appropriation previously made in chapter 62 of the 1967 Session Laws of the state of North Dakota. Such balance shall be expended for the construction of armories in the amounts and in the manner provided in sections 37-10-03.3 and 37-10-03.4 of the North Dakota Century Code in accordance with the intent of the original appropriation for such purposes contained in chapter 60 of the 1955 Session Laws of the state of North Dakota. A sum not exceeding \$2,355.00 may be

expended by the adjutant general from the appropriation made in this section for the repair of the armory located at Lisbon, North Dakota.

Section 4. Amendment.) Section 37-10-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-10-06. Transfer of Motor Storage Buildings.) Any motor storage buildings owned by the state of North Dakota and used by the national guard may be transferred and conveyed to a political subdivision in which such buildings are located when so recommended by the board of armory supervisors in order to take advantage of the provisions of Public Law 783, 81st Congress, 2nd session, chapter 945, and approved September 11, 1950.

Section 5. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 19, 1969.

CHAPTER 325

S. B. No. 69
(Holand)

COMMANDANT OF SOLDIERS' HOME

AN ACT

To amend and reenact section 37-15-07 of the North Dakota Century Code, relating to the commandant of the soldiers' home.

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

Section 1. Amendment.) Section 37-15-07 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-07. **Commandant of Soldiers' Home—Appointment—Qualifications—Salary—Serves at Pleasure of Board.)** The board of trustees of the soldiers' home shall appoint as commandant of the home a person who holds an honorable discharge or honorable release from active service with the armed forces of the United States and has served in the armed forces during a period of war or armed conflict. The commandant shall serve at the pleasure of the board. He shall receive such salary as the board of trustees shall determine from the appropriations made by the legislature. He shall act as secretary of the board.

Approved February 7, 1969.

CHAPTER 326

S. B. No. 56
(Christensen, Lips, Sorlie)
(Recommended by Legislative Audit and
Fiscal Review Committee)

CUSTODY OF SOLDIERS' HOME FUNDS

AN ACT

To amend and reenact sections 37-15-13, 37-15-14, 37-15-15, and 37-15-16 of the North Dakota Century Code, relating to the custody and expenditure of funds of the soldiers' home.

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

Section 1. Amendment.) Section 37-15-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-13. Department of Accounts and Purchases to Receive and Deposit Federal Aid Money with State Treasurer.) The state treasurer shall receive and receipt for all money which may become payable to this state by reason of the acceptance of the Acts of Congress as provided in section 37-15-12. He shall deposit such money to the credit of the soldiers' home operating fund for the use and benefit of the soldiers' home.

Section 2. Amendment.) Section 37-15-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-14. Soldiers' Home Operating Fund — Moneys for the Maintenance of the Soldiers' Home to be Deposited with State Treasurer.) A special fund, to be known as the soldiers' home operating fund, shall 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 shall be placed in the soldiers' home operating fund for the use and maintenance of

the soldiers' home. Moneys derived from the general fund appropriation made by the legislative assembly shall be transferred periodically to the soldiers' home operating fund upon order of the director of the department of accounts and purchases whenever such operating fund's balance falls so low as to require supplementation.

Section 3. Amendment.) Section 37-15-15 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-15. Disbursement of Moneys from Soldiers' Home Operating Fund.) All moneys withdrawn from the soldiers' home operating fund shall be transferred from the operating fund on the basis of an abstract approved by the commandant in accordance with policies established by the board of trustees, and approved by the auditing board, containing an enumeration of the names and amounts to be paid each payee by the commandant in accordance with the abstract. Warrant-checks drawn upon the state treasurer against the soldiers' home operating funds for transfer of funds to an account in the Bank of North Dakota for disbursement shall be prepared by the department of accounts and purchases upon approval of the abstract by the stating auditing board.

Section 4. Amendment.) Section 37-15-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-16. Commandant Shall Take Charge of Unclaimed Estates of Small Value.) If a member of the soldiers' home shall die leaving property of the value of three hundred dollars or less, the commandant immediately shall take charge of such property. If within one year of the date of the death of such member no valid claim of any heir or legatee is made for the property and no application is made for letters of administration, the commandant shall convert the property into cash without probate or other proceedings and shall deposit the cash with the state treasurer who shall credit it to the soldiers' home operating fund. The commandant shall make a report of his action to the board of trustees which report shall be audited by, and spread upon the records of, the board.

Section 5. Transfer of Funds.) All existing balances, except such moneys as belong to residents of the soldiers' home and held in trust for their benefit, in the state treasury in the soldiers' home fund; United States aid fund, soldiers' home; interest and income fund, soldiers' home and institutional revolving fund, soldiers' home; on the effective date of this Act shall be transferred by the state treasurer to the soldiers' home operating fund. Any existing obligations of such funds on the effective date of this Act shall be paid out of funds transferred from the soldiers' home operating fund on the basis of an abstract approved by the auditing board. Moneys belonging to members of the soldiers' home held in trust for them and deposited in any of the funds herein enumerated, shall be remitted to the commandant of the soldiers' home by the custodian of such funds, to be administered in the manner provided for in section 37-15-21.

The balances of any moneys which have been withdrawn by the soldiers' home treasurer from the soldiers' home fund; the United States aid fund, soldiers' home; interest and income fund, soldiers' home; and institutional revolving fund, soldiers' home; and placed in bank accounts for the use of the soldiers' home shall be withdrawn from such bank accounts on the effective date of this Act by the treasurer of the soldiers' home or the custodian of the funds and remitted to the state treasurer and deposited by him in the state treasury to the credit of the soldiers' home operating fund. Any other moneys, collections, or income from any other source which is being used or is earmarked for the use and maintenance of the soldiers' home shall be remitted to the state treasurer on the effective date of this Act by the treasurer of the soldiers' home or the custodian of such moneys and deposited by the state treasurer in the state treasury to the credit of the soldiers' home operating fund. Any existing obligations against such moneys, collections, or income on the effective date of this Act shall be paid out of funds transferred from the soldiers' home operating fund on the basis of an abstract approved by the auditing board.

Approved March 14, 1969.

CHAPTER 327

S. B. No. 138

(Torgerson, Becker, Decker, Doherty, Freed, Kautzmann)
(Kelly, Mutch, Nasset, Nething, Redlin, Ringsak)
(Ruemmele, Strinden, Thoreson, Trenbeath, Van Horn)

EDUCATIONAL ASSISTANCE FOR VETERANS

AN ACT

To create and enact section 37-24-07 of the North Dakota Century Code, relating to educational assistance for veterans in vocational programs, and to amend and reenact subsection 1 of section 37-24-01 and sections 37-24-03, 37-24-04, 37-24-05 and 37-24-06 of the 1967 Supplement to the North Dakota Century Code, relating to educational assistance for veterans, the period of service required, and eligibility of disabled veterans, and making an appropriation.

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

Section 1.) Section 37-24-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

37-24-07. Qualified Veterans to Receive Reduction in Mandatory Admission Fees in Programs of Vocational Education or Training—Reimbursement.) Any veteran who qualified pursuant to the provisions of this chapter, 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 program of vocational education or training which has been approved by the commissioner of veterans' affairs of the department of veterans' affairs but which does not otherwise qualify the veteran for benefits under the provisions of this chapter, shall be eligible for a fifteen dollar per month reduction of the mandatory admission fee charged for admission to such program for each month or part thereof during which such veteran shall have become enrolled within the limitations provided for in section 37-24-05. Such veteran may be credited with fifteen dollars per month, or fraction thereof, by the person or corporation offering the vocational education or training program in which the veteran is enrolled, on the mandatory admission fees charged by such person or corporation. Each person or corporation operating a program of vocational education or training approved by the commissioner of veterans' affairs and crediting a veteran's

mandatory admission fee hereunder shall, by the fifteenth day of the month following the end of each calendar quarter, submit to the commissioner of veterans' affairs the names of the veterans enrolled in such program with the number of months each veteran was enrolled in the program during the calendar quarter and the amount such veteran received as a reduction in his mandatory admission fee during such calendar quarter. 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 person or corporation submitting such voucher.

Section 2. Amendment.) Subsection 1 of section 37-24-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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, any portion of which active duty time occurred after August 5, 1964, and prior to the date of the substantial cessation, in Vietnam, of hostilities as determined by the president or the congress, or who entered and was released from active duty after August 5, 1964, and prior to the date of the substantial cessation, in Vietnam, of hostilities as determined by the president or the congress, for a service-connected disability prior to serving more than one hundred eighty days.

Section 3. Amendment.) Section 37-24-03 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-24-03. Qualified Veterans to Receive Reduction in Mandatory Admission Fees of Institutions Under Board of Higher Education.) Any veteran who qualified pursuant to the provisions of this chapter, 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 or summer session reduction, whichever the case may be, of the mandatory fees charged at such institution for each semester or quarter or summer session during which such veteran shall have become enrolled and shall carry a normal course load within the limitations provided for in section 37-24-05.

Section 4. Amendment.) Section 37-24-04 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-24-04. 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 chapter, 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 or summer session, whichever the case may be, by the institution in which he is enrolled for a normal course load, on the mandatory admission fees charged at such institution for each semester or quarter or summer session during which such veteran shall have become enrolled and shall carry a normal course load within the limitations provided for in section 37-24-05.

Section 5. Amendment.) Section 37-24-05 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-24-05. Period of Time Aid Given—Maximum—Time Limitations When Benefits Are To Be Used.) Each eligible veteran pursuant to the provisions of this chapter shall be entitled to receive the benefits of this chapter 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; provided that any veteran who was discharged due to a service-connected disability subsequent to August 5, 1964, and prior to the date of the substantial cessation, in Vietnam, of hostilities as determined by the president or the congress, shall be en-

titled to a total of thirty-six months of benefits regardless of actual time served on active duty. When a veteran has become enrolled at one of the institutions of higher education pursuant to this chapter, the number of months of each semester or quarter or summer school session shall be deducted from the number of months such veteran is eligible to receive the benefits of this chapter. If such veteran shall not have the sufficient number of months at any time equal to a full semester or quarter or summer school session, such fractional time shall qualify him to receive a full semester or quarter or summer school session reduction in admission fees. Provided further, that any veteran who qualifies under the provisions of this chapter shall be required to use such benefits within eight years from July 1, 1967, or from his date of discharge if the veteran is discharged after July 1, 1967. Provided, however, that if the state of North Dakota shall provide for future benefits or bonuses, the amount received under the provisions of this chapter shall be deducted from such future benefits or bonuses if the Act or Acts for future benefits or bonuses so provides.

Section 6. Amendment.) Section 37-24-06 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-24-06. 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 37-24-04, 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 or summer school session, 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' education aid fund to the institution submitting such voucher.

Section 7. Appropriation.) There is hereby appropriated

out of any moneys in the state treasury, not otherwise appropriated, the sum of \$431,880.00 or so much thereof as may be necessary, to the veterans' aid commission for the purpose of carrying out the provisions of this Act for the biennium beginning July 1, 1969, and ending June 30, 1971.

Approved March 29, 1969.

SALE OF SOLDIERS' HOME PROPERTY

Section 1. The Board of Trustees of the North Dakota Soldiers' Home shall sell, transfer and convey certain real property owned by the State of North Dakota, to the Veterans' Aid Commission for the purpose of carrying out the provisions of this Act.

Section 2. The Board of Trustees of the North Dakota Soldiers' Home shall sell, transfer and convey the real property described in this Act and any improvements thereon owned by the State for the benefit of the Veterans' Aid Commission.

Section 3. The Board of Trustees of the North Dakota Soldiers' Home shall sell, transfer and convey certain real property owned by the State for the benefit of the Veterans' Aid Commission. The Board of Trustees of the Soldiers' Home shall sell, transfer and convey the real property described in this Act and any improvements thereon owned by the State for the benefit of the Veterans' Aid Commission. The Board of Trustees of the Soldiers' Home shall sell, transfer and convey the real property described in this Act and any improvements thereon owned by the State for the benefit of the Veterans' Aid Commission. The Board of Trustees of the Soldiers' Home shall sell, transfer and convey the real property described in this Act and any improvements thereon owned by the State for the benefit of the Veterans' Aid Commission. The Board of Trustees of the Soldiers' Home shall sell, transfer and convey the real property described in this Act and any improvements thereon owned by the State for the benefit of the Veterans' Aid Commission.

All of lots two and three of the southeast quarter of section eleven in township one hundred thirty-four north of range five six west of the fifth principal meridian, except that portion of said above-described lot three from east of a line drawn from the southeast corner of lot eight in block eleven in third and fourth addition to the city of Lisbon through the north line of a point where it intersects the west or northwest boundary of the sixteen-foot roadway running along the right-of-way of the Fargo and Western Branch of the Northern Pacific Railway Company, as it now runs through the said city of Lisbon.

CHAPTER 328

S. B. No. 31

(Becker, Lips, Litten, Luick, Melland, Robinson)

(Sorlie, Torgerson, Wenstrom, Wilhite).

(From Legislative Research Committee Study)

SALE OF SOLDIERS' HOME PROPERTY

AN ACT

Directing the board of trustees of the North Dakota soldiers' home to sell certain real property owned by the state for the benefit of the North Dakota soldiers' home, and declaring an emergency.

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

Section 1. The Board of Trustees of the North Dakota Soldiers' Home Shall Sell, Transfer, and Convey Certain Real Property Owned by the State for the Benefit of the Soldiers' Home.) The board of trustees of the soldiers' home shall sell, transfer, and convey the real property described in this Act and any improvements thereon owned by the state for the benefit of the soldiers' home by public bid in accordance with sections 54-01-05.1 and 54-01-05.2 prior to January 1, 1970. The board of trustees may sell the property as one unit or as logically divisible units based upon maximum, estimated proceeds from such sale. The board of trustees shall provide an independent appraisal of the property and shall reject all bids of an amount less than the appraised value of such property. The property is described as follows:

All of lots two and three of the southeast quarter of section eleven, in township one hundred thirty-four north, of range fifty-six west, of the fifth principal meridian, except that portion of said above-described lot three lying east of a line drawn from the southwest corner of lot eight, in block eleven, of Marsh and Holt's addition to the city of Lisbon, thence running due south to a point where it intersects the west or northwest boundary of the sixteen-foot roadway, running along the right-of-way of the Fargo Southwestern Branch of the Northern Pacific Railway Company, as it now runs through the said city of Lisbon.

All of out lot eleven of the south half of section eleven, in township one hundred thirty-four north, of range fifty-six west, of the fifth principal meridian, except those portions lying east of a line drawn from the southwest corner of lot eight, in block eleven, of Marsh and Holt's addition to the city of Lisbon, thence running due south to a point where it intersects the west or northwest boundary of the sixteen-foot roadway, running along the right-of-way of the Fargo Southwestern Branch of the Northern Pacific Railway Company, as it now runs through the said city of Lisbon.

All of lot six of the southeast quarter of section eleven, in township one hundred thirty-four north, of range fifty-six west, of the fifth principal meridian, except those portions of the above-described lot six lying east of a line drawn from the southwest corner of lot eight, in block eleven, of Marsh and Holt's addition to the city of Lisbon, thence running due south to a point where it intersects the west or northwest boundary of the sixteen-foot roadway, running along the right-of-way of the Fargo Southwestern Branch of the Northern Pacific Railway Company, as it now runs through the said city of Lisbon.

Out lot nine of the east half of the southwest quarter of section eleven, in township one hundred thirty-four north, of range fifty-six west, of the fifth principal meridian.

All of block eleven, of Wisner's Riverview addition to the city of Lisbon, Ransom County, North Dakota.

The tracts as described above contain fifty-seven acres more or less.

Section 2. Proceeds from Sale Shall Be Deposited in the General Fund.) Upon the sale of such land, the proceeds of sale shall be deposited in the general fund of the state treasury. Any such property sold, transferred, and conveyed shall be conveyed by quitclaim deed executed in the name of the state of North Dakota, by the governor and attested by the secretary of state.

Section 3. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1969.