

HOUSE BILL NO. 1379

Introduced by

Representative Grande

Senator Dever

1 A BILL for an Act to amend and reenact sections 37-18.1-01, 37-18.1-02, and 37-18.1-03 of the
2 North Dakota Century Code, relating to the administrative committee on veterans' affairs; and to
3 repeal section 37-18.1-04 of the North Dakota Century Code, relating to compensation for the
4 administrative committee on veterans' affairs.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 37-18.1-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **37-18.1-01. Administrative committee on veterans' affairs - Membership -**

9 **Appointment.**

10 There is hereby created an administrative committee on veterans' affairs, which, for
11 purposes of or as used in this chapter, ~~must hereinafter be referred to as~~ the committee. The
12 committee must consist of three ex officio nonvoting members and ~~fifteen~~three voting members.
13 The adjutant general, the center director of the veterans' administration, and the executive
14 director of job service North Dakota are the ex officio nonvoting members who shall serve in an
15 advisory capacity to the committee. ~~On or before June 20, 1971, the American legion, the~~
16 ~~veterans of foreign wars, the disabled American veterans, the veterans of World War II, Korea,~~
17 ~~and Vietnam, (amvets), and Vietnam veterans of America, incorporated, shall each prepare a~~
18 ~~list containing the names of six persons qualifying as veterans under the provisions of section~~
19 ~~37-01-40, for appointment as voting members of the committee. On or before July 1, 1971, the~~
20 ~~governor shall select fifteen nominees, three from each list, five of whom must be appointed to~~
21 ~~a term of three years, five of whom must be appointed to a term of two years, and five of whom~~
22 ~~must be appointed to a term of one year, or until their successors are appointed and qualified.~~
23 ~~On or before the twentieth day of June in each year, beginning in the year 1972, each of the~~
24 ~~above-listed nominating organizations shall submit a list containing the names of two persons~~

1 who qualify as veterans under the provisions of section 37-01-40, to the governor for
2 appointment or reappointment as voting members of the committee. On or before the first day
3 of July in each year, beginning in the year 1972, the governor shall select one nominee from
4 each list, a total of five nominees, to fill expiring terms of voting members of the committee.
5 Each such appointment must be for a term of three years, or until a successor is appointed and
6 qualified. All terms begin on the first day of July and end on the thirtieth day of June in the year
7 specified. In case of the inability or failure of any voting member of the committee to serve, the
8 governor shall appoint another member from a list of two persons qualifying as veterans under
9 the provisions of section 37-01-40, submitted by the nominating organization represented by the
10 member who was unable or failed to serve. Such appointments must be made for the remainder
11 of the unexpired term. The three voting members are the director of the department of human
12 services or the director's designee, the secretary of state or the secretary's designee, and the
13 state treasurer.

14 **SECTION 2. AMENDMENT.** Section 37-18.1-02 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **37-18.1-02. Chairman - Secretary - Duties - Terms - Meetings.**

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

27 **SECTION 3. AMENDMENT.** Section 37-18.1-03 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **~~37-18.1-03. Powers and duties of committee -- Creation of subcommittee and~~**
2 **~~governing board~~Commissioner of veterans' affairs.**

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

- 5 1. ~~The chairman and secretary of the committee, acting jointly, shall appoint a~~
6 ~~seven member governing board for administration of the veterans' home, from within~~
7 ~~or outside the committee, subject to ratification of a majority vote of the committee,~~
8 ~~and shall establish term lengths for service on the governing board. The governing~~
9 ~~board has all ordinary powers required of a governing board, including the power to~~
10 ~~establish qualifications for and selection of an administrator and to establish an~~
11 ~~appropriate salary structure, subject to limitations of legislative appropriation. The~~
12 ~~administrator serves at the pleasure of the governing board.~~
- 13 2. ~~The chairman and secretary of the committee jointly shall appoint a subcommittee to~~
14 ~~be responsible for supervision and government of the department of veterans' affairs.~~
15 ~~Once appointed, a subcommittee member may continue to serve as long as the~~
16 ~~member remains a voting member of the committee, unless removed from the~~
17 ~~subcommittee by joint action of the committee chairman and secretary. A member of~~
18 ~~the subcommittee may not serve on the governing board of the veterans' home. Each~~
19 ~~nominating organization listed in section 37-18.1-01 must have at least one voting~~
20 ~~member nominated by the organization serving on the subcommittee. The~~
21 ~~subcommittee shall select by majority vote of the members a chairman to preside for~~
22 ~~the term of one year.~~
- 23 3. ~~The committee~~governor ~~shall appoint the commissioner of the department of veterans'~~
24 ~~affairs. The commissioner must be a bona fide resident of the state, and must qualify~~
25 ~~as a veteran as defined in section 37-01-40. The commissioner serves at the pleasure~~
26 ~~of the committee~~governor. ~~The committee~~governor ~~shall determine the salary paid to~~
27 ~~the commissioner of the department of veterans' affairs within the limits of legislative~~
28 ~~appropriation. The commissioner of veterans' affairs shall serve as the executive~~
29 ~~secretary for the subcommittee. The commissioner has no vote in the affairs of the~~
30 ~~subcommittee.~~

1 4.2. The commissioner may create advisory committees to the commissioner to make
2 recommendations to the committee. The committee shall, under recommendation from
3 ~~the board or the subcommittee~~the commissioner, may present any matters needing
4 attention and action to the appropriate board, commission, agency, or department of
5 the state, and the North Dakota veterans' coordinating council.

6 5.3. The committee shall assure compliance with applicable federal and state laws in the
7 administration of both the department of veterans' affairs and the North Dakota
8 veterans' home and shall exercise its responsibilities in all things necessary to carry
9 out the provisions of this chapter in regard to organization, policy, and general
10 administration of the agencies served and involved in the conduct of veterans' affairs.
11 ~~The board governing the veterans' home and the subcommittee governing the~~
12 ~~department of veterans' affairs shall conduct an annual performance evaluation of the~~
13 ~~administrator and commissioner, respectively, with the evaluation presented to the~~
14 ~~committee. The board and subcommittee shall create and implement a strategic plan~~
15 ~~for the veterans' home and the department of veterans' affairs, respectively. The board~~
16 ~~and the subcommittee annually shall report as to the status of the respective strategic~~
17 ~~plan to the committee. After receiving a report, the committee shall submit the report to~~
18 ~~the governor.~~

19 **SECTION 4. REPEAL.** Section 37-18.1-04 of the North Dakota Century Code is repealed.