

MILITARY

CHAPTER 388

HOUSE BILL NO. 1300
(Representatives Martinson, Gerl, Hausauer)
(Senators Holmberg, Redlin)

PUBLIC EMPLOYEE MILITARY LEAVE

AN ACT to amend and reenact section 37-01-25 of the North Dakota Century Code, relating to military leave.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-01-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-25. Officers and employees of state or political subdivisions in national guard or federal service to retain status for period of active service. All officers and employees of this state or of a political subdivision thereof who:

1. Are members of the national guard;
2. Are members of the armed forces reserve of the United States of America;
3. Shall be subject to call in the federal service by the president of the United States; or
4. Shall volunteer for such service,

when ordered by proper authority to active noncivilian employment, shall be entitled to a leave of absence from such civil service for the period of such active service without loss of status or efficiency rating. If such persons have been in the continuous employ of the state or political subdivision for ninety days immediately preceding the leave of absence, the first thirty days of such leave of absence shall be they shall receive twenty work days each calendar year without loss of pay. In addition, any leave of absence necessitated by a full or partial mobilization of the reserve and national guard forces of the United States of America, or emergency state active duty, shall be without loss of pay for the first thirty days thereof less any other paid leave of absence which may have been granted during the calendar year pursuant to this section. However, if leave is required for weekend, daily, or

hourly periods of drill for military training on a day in which a public officer or employee is scheduled to perform the work of the state or of a political subdivision, the officer or employee must be given the option of time off with a concurrent loss of pay for the period missed or must be given an opportunity to reschedule the work period so that the reserve or national guard weekend, daily, or hourly drill or period of training occurs during time off from work without loss of status or efficiency rating.

Approved March 15, 1983

CHAPTER 389

SENATE BILL NO. 2189
(Committee on Social Services and Veterans Affairs)
(At the request of the Adjutant General)

STATE DEFENSE FORCE

AN ACT to create and enact chapter 37-12.1 of the North Dakota Century Code, relating to the state defense force; and to repeal sections 37-04-05, 37-07.1-04, 37-07.2-02, and chapter 37-12 of the North Dakota Century Code, relating to bonds of officers, limitations on waiver of tuition fees, limitations on grants, and the North Dakota state guard.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. Chapter 37-12.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

37-12.1-01. Plans for a state defense force. The governor shall develop and maintain plans for the establishment of a state defense force.

37-12.1-02. Establishment of a state defense force. The governor may, by proclamation, establish a state defense force in the event that more than one-half of the units of the North Dakota national guard are called to active federal service, and may in advance of such call establish a cadre of such defense force.

37-12.1-03. Governor to adopt rules governing a state defense force. If the governor establishes a state defense force, he shall adopt rules governing, among other things, the appointment of officers, enlistments, organization of units, equipment, administration, training, pay, and discipline. The rules must, to the extent practicable, conform to the rules governing the North Dakota national guard. The provisions of chapter 28-32 shall not apply to the rules required by this chapter.

37-12.1-04. Maintenance of a state defense force. The governor may enter agreements with the United States for funds, equipment, supplies, training, and other items necessary for the proper maintenance of a state defense force. The governor may also provide, or arrange for, facilities necessary for a state defense force including public buildings.

37-12.1-05. Laws governing a state defense force. The provisions of title 37 governing the North Dakota national guard apply to the extent practicable, to a state defense force when established pursuant to this chapter.

* SECTION 2. REPEAL. Sections 37-04-05, 37-07.1-04, 37-07.2-02, and chapter 37-12 of the North Dakota Century Code are hereby repealed.

Approved April 8, 1983

* NOTE: Section 37-12-01 was amended by section 45 of Senate Bill No. 2249, chapter 172.

CHAPTER 390

HOUSE BILL NO. 1111
(Committee on Social Services and Veterans Affairs)
(At the request of the Department of Veterans Affairs)

VETERANS' AID FUND LOAN

AN ACT to amend and reenact sections 37-14-03.3 and 37-14-07 of the North Dakota Century Code, relating to the veterans' aid fund and the use of the interest from the fund for the purpose of collecting delinquent loans, and relating to the ability of the department of veterans' affairs to collect and compromise veterans' aid fund loans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-14-03.3 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-03.3. Revolving fund. Such sum of seven 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, as defined by section 37-01-40; however, nothing in this section prohibits the department of veterans' affairs, in its discretion, from using any interest the fund accrues or has already earned or accrued for the purposes of collecting loans if in the opinion of the department the veteran has the financial means to repay, and he deliberately refuses to do so.

SECTION 2. AMENDMENT. Section 37-14-07 of the 1981 Supplement to 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 department of veterans' affairs 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 the veterans' aid fund the full amount of all advancements made to him with interest as provided in rules and

regulations adopted pursuant to section 37-14-10, but not to exceed ten percent annually. One-half of the interest shall be waived if timely repayment is made to the fund. The department shall have the authority to take necessary legal action to collect, compromise, or settle loans if in the opinion of the department the veteran has the financial means to repay, and he deliberately refuses to do so. The department shall also have the authority to release from financial liability any veteran whom it determines is financially unable to repay the loan through no fault of the veteran's.

Approved March 3, 1983

CHAPTER 391

HOUSE BILL NO. 1113
(Committee on Social Services and Veterans Affairs)
(At the request of the North Dakota Soldiers' Home)

SOLDIERS' HOME ADMISSION

AN ACT to amend and reenact subsection 2 of section 37-15-02 and subsection 3 of section 37-15-10 of the North Dakota Century Code, relating to admission to the North Dakota soldiers' home; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Subsection 2 of section 37-15-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The wives and widows spouses and surviving spouses of those mentioned in subsection 1 providing they meet the requirements for admission under the provisions of section 37-15-10.

** SECTION 2. AMENDMENT. Subsection 3 of section 37-15-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The wife or widow of a United States or North Dakota serviceman spouse or surviving spouse of those mentioned in subsection 1 of section 37-15-02 may be admitted upon the same footing as her husband the veteran; provided, however, that such wife or widow spouse or surviving spouse shall have entered into the contract of marriage to her husband the veteran at least five years prior to date of application or prior to the date necessary for her to obtain a United States pension and shall have attained the age of forty-five years at date of application.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 3, 1983 .

- * NOTE: Section 37-15-02(2) was also amended by section 46 of Senate Bill No. 2249, chapter 172.
- ** NOTE: Section 37-15-10(3) was also amended by section 47 of Senate Bill No. 2249, chapter 172.

CHAPTER 392

HOUSE BILL NO. 1265
(Representative Martinson)

FUEL AND COMMODITY CONTROL AND ALLOCATION

AN ACT to amend and reenact subsection 6 of section 37-17.1-05 of the North Dakota Century Code, relating to the governor and disaster emergencies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 37-17.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. In addition to any other powers conferred upon the governor by law, he may:
 - a. Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations, of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.
 - b. Utilize all available resources of the state government as reasonably necessary to cope with the disaster emergency and of each political subdivision of the state.
 - c. Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services.
 - d. Subject to any applicable requirements for compensation under section 37-17.1-12, commandeer or utilize any private property if he finds this necessary to cope with the disaster emergency.

- e. Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery.
- f. Prescribe routes, modes of transportation, and destinations in connection with evacuation.
- g. Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.
- h. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.
- i. Make provision for the availability and use of temporary emergency housing.
- j. Make provisions for the control, allocation, and the use of quotas for critical shortages of fuel or other life and property sustaining commodities.

Approved March 4, 1983

CHAPTER 393

SENATE BILL NO. 2147
(Committee on Judiciary)
(At the request of the Attorney General)

DISASTER OR EMERGENCY EXECUTIVE ORDER

AN ACT to create and enact a new subsection to section 37-17.1-05 of the North Dakota Century Code, relating to penalties for violations of emergency or disaster executive orders, proclamations, or regulations issued by the governor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new subsection to section 37-17.1-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

Any person who willfully violates any provision of an executive order, proclamation, or regulation issued by the governor pursuant to this chapter shall be guilty of an infraction.

Approved March 18, 1983

CHAPTER 394

HOUSE BILL NO. 1115
(Committee on Appropriations)
(At the request of Disaster Emergency Services)

DISASTER RESPONSE AND RECOVERY COSTS

AN ACT to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating to disaster response and recovery costs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 37-17.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Disaster response and recovery costs. Whenever the governor declares a state disaster emergency in accordance with section 37-17.1-05, or when the governor enters into an agreement with the federal government following a "major" disaster or an emergency declared by the president of the United States, the state coordinating officer for that disaster emergency as designated by the governor shall determine and record the costs of the state response and recovery operations in accordance with an agreement with the federal government or in accordance with procedures established by the governor in the case of a state-declared disaster emergency. Immediately following the response or recovery operations, or prior thereto if deemed necessary by the governor, the governor shall make application to the state emergency commission for a grant of funds from the natural disaster fund or other available funds in the state treasury in an amount equal to the response and recovery costs of the state. Notwithstanding other provisions of chapter 54-16, it shall be conclusively presumed upon receipt by the emergency commission of such application from the governor that an emergency exists, and such commission shall forthwith grant and direct the transfer to the department of the governor's designated representative of an amount equal to that certified in such application by the governor.

Approved March 3, 1983