

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1355
(Representatives Metcalf, Amerman, Froseth, Mueller)
(Senators Andrist, Robinson)

AN ACT to amend and reenact sections 37-15-07, 37-15-08, 37-15-14.1, 37-15-16, 37-15-17, 37-15-18, 37-15-19, 37-15-21, and 37-18.1-04 of the North Dakota Century Code, relating to the title of the administrator of the veterans' home.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-15-07 of the North Dakota Century Code is amended and reenacted as follows:

37-15-07. Administrator of veterans' home - Appointment - Qualifications. The appointment, qualifications, term of office, and salary of the administrator of the veterans' home must be as prescribed in section 37-18.1-03. The administrative committee on veterans' affairs may designate the administrator as commandant of the veterans' home if the administrator is an honorably discharged veteran.

SECTION 2. AMENDMENT. Section 37-15-08 of the North Dakota Century Code is amended and reenacted as follows:

37-15-08. Subordinate officers - Appointment - Preference to veterans - Compensation - Removal. The ~~commandant~~ administrator of the veterans' home shall appoint all necessary subordinate officers of the home. In the appointment of ~~such~~ the officers, the preference afforded by chapter 37-19.1 must be given to those persons who qualify ~~therefor~~ for the preference. The ~~commandant~~ administrator shall fix the compensation of all subordinate officers, subject to legislative appropriation, and any ~~such~~ officer may be removed by the ~~commandant~~ administrator for inefficiency or misconduct.

SECTION 3. AMENDMENT. Section 37-15-14.1 of the North Dakota Century Code is amended and reenacted as follows:

37-15-14.1. Membership contribution for residents of veterans' home - Special fund.

1. The administrative committee on veterans' affairs may establish a membership contribution to be paid by members of the veterans' home. The fee must be based on the adjusted income of each member, but may not exceed forty-nine percent of the average daily per member cost. The membership contribution must be set under a formula determined by the administrative committee and designed to assure dignity and equity in the charge. The administrative committee may reconsider its action establishing a membership contribution, amend or rescind the contribution charge, or reinstate a contribution charge previously rescinded. The ~~commandant~~ administrator of the veterans' home shall collect monthly any membership contribution levied.
2. As used in subsection 1, "adjusted income" means all moneys received from any source, including social security benefits, less amounts received or expended as follows:
 - a. Moneys earned during authorized leaves or furloughs from the veterans' home.
 - b. Moneys expended by the member for hospitalization due to illness or injury.

- c. Moneys expended by the member for other medical care or treatment, or for required medicines.
 - d. Such other receipts or expenditures as the administrative committee may permit to be deducted in individual cases.
3. All moneys received as a result of charging the membership contribution authorized by subsection 1 must be deposited in the veterans' home operating fund.

SECTION 4. AMENDMENT. Section 37-15-16 of the North Dakota Century Code is amended and reenacted as follows:

37-15-16. Commandant Administrator shall take charge of unclaimed estates of small value. If a member of the veterans' home dies leaving property of the value of three thousand dollars or less, the ~~commandant administrator~~ immediately shall take charge of ~~such the~~ property. If within forty-five days of the date of death ~~no~~ a valid claim of any heir or devisee is not made for the property and ~~no~~ an application or petition has not been filed for issuance of letters of administration, the ~~commandant administrator~~ shall convert the property into cash without probate or other proceedings and make payment ~~in the following order:~~

1. ~~Reasonable first toward reasonable~~ funeral expenses-
2. ~~Reasonable and second toward reasonable and necessary~~ medical and hospital expenses of the last illness of the decedent. If any cash remains, the ~~commandant administrator~~ shall deposit the cash with the state treasurer who shall credit it to the veterans' home operating fund. The ~~commandant administrator~~ shall make a report of the ~~commandant's administrator's~~ action to the administrative committee on veterans' affairs. The report must be audited by, and included in the records of, the committee.

SECTION 5. AMENDMENT. Section 37-15-17 of the North Dakota Century Code is amended and reenacted as follows:

37-15-17. Intestate members leaving estates valued in excess of three thousand dollars - Commandant Administrator to administer estate. If a member of the veterans' home dies leaving property in excess of three thousand dollars in value not disposed of by will, the ~~commandant administrator~~ is entitled to letters of administration ~~upon such for the~~ estate. The ~~commandant administrator~~ shall apply to the proper court for letters of administration, qualify as administrator, and distribute and dispose of ~~such the~~ estate ~~as is provided by this code~~. If ~~no~~ a valid claim is not made to ~~such the~~ estate by the heirs or the next of kin of the deceased member for a period of one year after the granting of letters of administration, the residue of the estate must be deposited with the state treasurer for the benefit of the veterans' home operating fund.

SECTION 6. AMENDMENT. Section 37-15-18 of the North Dakota Century Code is amended and reenacted as follows:

37-15-18. ~~Commandant as administrator~~ Administrator of estate - Bond not required - Fees - Allowance of fees by district court. Upon becoming administrator of any estate ~~as provided in~~ under section 37-15-17, the ~~commandant administrator~~ of the veterans' home is not required to give bond and ~~is not entitled to~~ may not charge or receive any compensation for the ~~commandant's administrator's~~ services as administrator ~~of the estate~~. The district court serving the county where the administration proceedings are ~~had shall~~ conducted ~~may not make nor~~ allow any charge or fee in connection with the administration proceedings other than the actual disbursements of the administrator.

SECTION 7. AMENDMENT. Section 37-15-19 of the North Dakota Century Code is amended and reenacted as follows:

37-15-19. Biennial report. The ~~commandant~~ administrator of the veterans' home may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04.

SECTION 8. AMENDMENT. Section 37-15-21 of the North Dakota Century Code is amended and reenacted as follows:

37-15-21. ~~Commandant~~ Administrator may accept gifts, donations, or bequests. The ~~commandant~~ administrator for and in behalf of the veterans' home ~~is hereby authorized to~~ may accept and expend funds from any source, including federal or private sources and donations, gifts, or bequests offered or tendered to, or for the benefit of, the veterans' home to be used to benefit the veterans' home. All ~~such~~ moneys received or accepted must be used for the specific purposes for which they were given or donated. This authority ~~shall apply~~ applies and ~~be~~ is retroactive to any or all gifts, donations, or bequests ~~heretofore~~ already tendered, offered, or made. The veterans' home may establish and maintain its own local fund to administer moneys received under this section. All interest, rent, or income from moneys or property received under this section must be deposited in the veterans' home operating fund unless by the terms of acquisition the moneys are required to be maintained in a different manner.

SECTION 9. AMENDMENT. Section 37-18.1-04 of the North Dakota Century Code is amended and reenacted as follows:

37-18.1-04. Committee members not to receive compensation - Expenses permitted. Committee members may not receive any compensation for the performance of their official duties. Voting members may be reimbursed for travel expenses and meals and lodging expenses in connection with their official duties at the same rate and in the same manner as are elected officials and employees of the state, with payment to be made by the department of veterans' affairs and the veterans' home to each of their respective subcommittee members incurring ~~such~~ the expenses. ~~Such~~ The payment must be made by warrant-check drawn by the office of management and budget upon the submission of a proper voucher to it, signed by the commissioner of veterans' affairs or the ~~commandant~~ administrator of the veterans' home, as the case may be.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1355.

House Vote: Yeas 87 Nays 3 Absent 4

Senate Vote: Yeas 44 Nays 1 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at _____ o'clock _____ M.

Secretary of State