

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1219

2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1219
January 31, 2013
18083

Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the qualifications necessary for individuals to be defined as dependents of disabled veterans.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the hearing on HB 1219.

Lonnie Wangen, ND Commissioner of Veterans Affairs, appeared in support of the bill. This bill has to do with higher education and veterans with disabilities. If you are a 100% disabled veteran in ND, your spouse and dependents are eligible for free tuition at a state school of education. If you die in combat, your surviving dependents can attend a ND school of higher education free of fees and tuition. If you die of a service connected disability, those dependents are also eligible for education for no fees at state schools. You need to be a resident a previous ten years prior to the child signing up for school. If you are a lifetime resident of ND and 100% disabled for many years and you die in a car accident before your child has a chance to sign up for school, those dependents don't qualify. I believe the intent was that those dependents would have been able to attend the school of higher education if you had lived those few months longer. The other part of this bill is to lower the 100% disability down to a 50% disabled veteran to allow their dependents to attend those schools in the same way as a 100% disabled veteran's dependents would attend.

Hamid Shirvani, Chancellor of North Dakota University System, appeared in support.
Attachment 1. (7:05-9:22)

Rep. Vernon Laning Does this bill extend to all in-state advanced education institutions?

Hamid Shirvani Yes.

Chairman Jim Kasper It is your understanding that there is no appropriation in the bill and what you are asking is that we would add an appropriation so that the tuition waivers would not have to be borne by the university system. Are you just asking for a waiver of the potential new student enrollment or are you asking for all of them?

Hamid Shirvani Right now the eligible are those families of veterans that are 100% disabled. If you take it down to 50-100%, the population expands from 800 to 2,900. We are certainly covering the 800. We are talking about the difference. I want you to know that all veterans are exempt from those admission requirements as well as waivers.

Rep. Gail Mooney Is the fiscal note we are looking at to accommodate your needs, the \$4.2 and \$4.5 million?

Hamid Shirvani Yes.

Chairman Jim Kasper I don't see an appropriation in the bill. I think there is a potential cost, but it looks to me like the funds are being zeroed out by the revenues being borne at the university system. Dr. Shirvani is saying we don't wish to waive the tuition. We would like to be appropriated additional funds to accommodate that.

Rep. Brandenburg appeared in support of the bill.

Rep. Vernon Laning This bill is only expanding the benefits to his dependents for the veteran that dies if he were 50% disabled at that time?

Rep. Brandenburg Yes, it would allow them to finish off their education.

Rep. Gail Mooney Dr. Shirvani gave some testimony relating to his concerns on the tuition and requesting that tuition be offset for this because with the expansion from 100 down to 50%, the pool of people would increase by about 3.5. We are looking at \$4 million plus. Do you have any comments on that?

Rep. Brandenburg I think this would be something that we are going to have work out the details of the fiscal cost of it and be able to take care of the veterans and their dependents.

No opposition.

Hearing closed.

Chairman Jim Kasper If we take action, appropriation has to figure out what they are going to do with the funding, whether it is going to come from the higher education system or general fund or a combination.

Vice Chair Randy Boehning made a motion for a Do Pass and rerefer to appropriations.

Rep. Steven Zaiser seconded the motion.

A roll call vote was taken and resulted in **DO PASS, 12-0, 2 ABSENT**. **Rep. Vernon Laning** is the carrier.

FISCAL NOTE
Requested by Legislative Council
01/15/2013

Bill/Resolution No.: HB 1219

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(4,200,000)		\$(4,500,000)
Expenditures						
Appropriations			\$4,200,000		\$4,500,000	

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Expands tuition waiver of veteran for veteran spouse and dependent tuition waiver, who at time of death had a 50-100% service related disability. Current statute defines veteran for this purpose as 100% disabled.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Potential spouse-dependent participant pool increases from about current 800 veterans with 100% disability to about 3,700 veterans with a 50-100% disability. Currently about 12% of the potential 100% disabled pool utilizes the spouse/dependent waiver. This bill would increase the eligible pool of potential waivers, thereby resulting in a loss of tuition revenue.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Based on current waiver utilization rates for spouse/dependents of deceased 100% disabled veterans, an additional estimated 350 spouse or dependents may receive a waiver each year, at an estimated biennial cost of \$4.2 million. If one assumes a combination of spouse and dependent for the additional 350 pool, the biennial cost could increase to \$6.2 million per biennium.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

General fund appropriation necessary to offset anticipated revenue loss, noted in A. above.

Name: Laura Glatt

Agency: ND University System Office

Telephone: 701-328-4116

Date Prepared: 01/18/2013

Date: 1-31-13
 Roll Call Vote #: _____

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1219**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Boehning Seconded By Zaiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	<input checked="" type="checkbox"/>		Rep. Bill Amerman		
Vice Chairman Randy Boehning	<input checked="" type="checkbox"/>		Rep. Gail Mooney	<input checked="" type="checkbox"/>	
Rep. Jason Dockter	<input checked="" type="checkbox"/>		Rep. Marie Strinden	<input checked="" type="checkbox"/>	
Rep. Karen Karls	<input checked="" type="checkbox"/>		Rep. Steven Zaiser	<input checked="" type="checkbox"/>	
Rep. Ben Koppelman	<input checked="" type="checkbox"/>				
Rep. Vernon Laning	<input checked="" type="checkbox"/>				
Rep. Scott Louser	<input checked="" type="checkbox"/>				
Rep. Gary Paur	<input checked="" type="checkbox"/>				
Rep. Karen Rohr					
Rep. Vicky Steiner	<input checked="" type="checkbox"/>				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Laning

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1219: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1219 was rereferred to the **Appropriations Committee**.

2013 HOUSE APPROPRIATIONS

HB 1219

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB 1219

2/6/13

18416

Conference Committee

Committee Clerk Signature

Meredith Traubolt

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2 of the North Dakota Century Code, relating to the qualifications necessary for individuals to be defined as dependents of disabled veterans.

Minutes:

You may make reference to "attached testimony."

Jim Kasper, District 46: Introduced the bill.

Chairman Delzer: Just so you are aware of this, Rep. Brandenburg has an amendment. He wants to make sure that anybody who is currently under this system and going to college, if their person who made them eligible for this passed away while they were in college, they would be able to finish. I asked for a Fiscal Note on that. We may change this bill considerably.

Rep. Grande: Was it discussed that this might go prorated, so 50% disability would get 50% tuition, 60% disability 60% tuition? That's how I had understood the legislation would get drafted. Looking at the FN, I thought the University System picked up the cost. This seems to be coming out of general fund.

Chairman Delzer: I think the amendment that gets proposed will totally change the purview of this. If that amendment dies, we'll have to have the discussion about what's in this bill. I think he is going after the 100%, and would allow it for those currently in the college system, which would change this completely. This bill is written at 50% and general fund money. Anything further? Thank you. The committee continued on to the next bill.

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB 1219
2/7/13
Job 18540

Conference Committee

Committee Clerk Signature

Meredith Traubolt

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2 of the North Dakota Century Code, relating to the qualifications necessary for individuals to be defined as dependents of disabled veterans.

Minutes:

You may make reference to "attached testimony."

Rep. Brandenburg: I have an amendment. Amendment .01002 passed out and explained. He moved the amendment, seconded by **Rep. Wieland**.

Sheila Sandness, Legislative Council: We are unable to request a new Fiscal Note until an amendment is adopted.

Rep. Dosch: Don't we now require, or couldn't we require, that the institution provide a waiver to these folks? Why do we have to appropriate additional dollars?

Chairman Delzer: I'm not sure we would have to with the amendment, when we go back to the 100%. We could adopt the amendment and then wait for the FN to answer some of these questions, if we want to adopt the amendment.

Rep. Grande: I thought the institutions picked up the costs on the 100%.

Chairman Delzer: I think the FN will probably make it zero, but the issue is when somebody has died they have said they have lost their eligibility for this while they were in college. The amendment is meant to make it so they can finish the degree they were trying to get.

Rep. Brandenburg: That's exactly right. This would clarify the issue in law.

Rep. Bellew: Do we have a definition of disabled veteran?

Rep. Brandenburg: It needs to be 100%. The definition is in code, and you have to go the VA and get a status of 100% disabled.

House Appropriations Committee

HB 1219

2/7/13

Page 2

Chairman Delzer: Further questions? Seeing none, a voice vote was done and the motion carried. We'll stop there for today. We'll reconvene on Tuesday morning. We'll stand adjourned.

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee
Roughrider Room, State Capitol

HB 1219
2/12/13
Job 18839

Conference Committee

Committee Clerk Signature

Meredith Traeholt

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 15-10-18.3 of the North Dakota Century Code, relating to tuition for dependents of disabled veterans.

Minutes:

You may make reference to "attached testimony."

Chairman Delzer: We have had an update about the fiscal impact of the amendment we adopted on HB 1219.

Meredith Traeholt, Clerk: Laura Glatt in the ND University System Office said the amendment removes the Fiscal Note, because it has removed the original language of the bill. Her analysis of the proposed amendment is that it would have little, if any, fiscal impact.

Rep. Grande moved Do Pass as Amended, seconded by **Rep. Brandenburg**.

Rep. Dosch: The way it has been amended now, does the fact that there is no fiscal impact mean the colleges and universities absorb the cost?

Chairman Delzer: That is currently what happens. All this bill does is put it in code that if somebody passes away while their dependent is in college, the college would continue to honor that until they graduate, following the guidelines. Further discussion? Seeing none, a roll call vote was done. The motion carried 20 Yes, 0 No, 2 Absent. **Rep. Grande** will be the carrier.

FISCAL NOTE
Requested by Legislative Council
02/13/2013

Amendment to: HB 1219

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Adds requirement that tuition waiver benefit for a dependent of a disabled veteran continues at time of veteran's death if the dependent was already accepted for enrollment at time of death.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Little to no fiscal impact.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

General fund appropriation necessary to offset anticipated revenue loss, noted in A. above.

Name: Laura Glatt

Agency: ND University System Office

Telephone: 701-328-4116

Date Prepared: 02/14/2013

FISCAL NOTE
Requested by Legislative Council
01/15/2013

Bill/Resolution No.: HB 1219

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(4,200,000)		\$(4,500,000)
Expenditures						
Appropriations			\$4,200,000		\$4,500,000	

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Expands tuition waiver of veteran for veteran spouse and dependent tuition waiver, who at time of death had a 50-100% service related disability. Current statute defines veteran for this purpose as 100% disabled.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Potential spouse-dependent participant pool increases from about current 800 veterans with 100% disability to about 3,700 veterans with a 50-100% disability. Currently about 12% of the potential 100% disabled pool utilizes the spouse/dependent waiver. This bill would increase the eligible pool of potential waivers, thereby resulting in a loss of tuition revenue.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Based on current waiver utilization rates for spouse/dependents of deceased 100% disabled veterans, an additional estimated 350 spouse or dependents may receive a waiver each year, at an estimated biennial cost of \$4.2 million. If one assumes a combination of spouse and dependent for the additional 350 pool, the biennial cost could increase to \$6.2 million per biennium.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

General fund appropriation necessary to offset anticipated revenue loss, noted in A. above.

Name: Laura Glatt

Agency: ND University System Office

Telephone: 701-328-4116

Date Prepared: 01/18/2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1219

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15-10-18.3 of the North Dakota Century Code, relating to tuition for dependents of disabled veterans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-18.3 of the North Dakota Century Code is amended and reenacted as follows:

15-10-18.3. Free tuition in North Dakota institutions of higher education.

Any dependent, as defined in section 15-10-18.2 upon being duly accepted for enrollment into any undergraduate degree or certificate program of a North Dakota state institution of higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for so long as the dependent is eligible, free of any tuition and fee charges; ~~provided, however, that~~ if the bachelor's degree or certificate of completion is earned within a forty-five-month or ten-semester period or its equivalent; and ~~further provided that~~ if tuition and fee charges ~~shall do~~ not include costs for aviation flight charges or expenses. Once a person qualifies as a dependent under sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the benefits of this section due to ~~such an occurrence as~~ the return of the prisoner of war or person missing in action, or due to the death of the disabled veteran through whom the benefit was obtained, if the dependent was duly accepted for enrollment before the death."

Renumber accordingly

Date: 2/7/13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1219

House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend .01002

Motion Made By Rep. Brandenburg Seconded By Rep. Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Rep. Streyle		
Vice Chairman Kempenich			Rep. Thoreson		
Rep. Bellew			Rep. Wieland		
Rep. Brandenburg					
Rep. Dosch					
Rep. Grande			Rep. Boe		
Rep. Hawken			Rep. Glassheim		
Rep. Kreidt			Rep. Guggisberg		
Rep. Martinson			Rep. Holman		
Rep. Monson			Rep. Williams		
Rep. Nelson					
Rep. Pollert					
Rep. Sanford					
Rep. Skarpol					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

voice vote carries

Date: 2/12/13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1219**

House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Grande Seconded By Rep. Brandenburg

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Rep. Streyle	X	
Vice Chairman Kempenich	X		Rep. Thoreson	X	
Rep. Bellew	X		Rep. Wieland	X	
Rep. Brandenburg	X				
Rep. Dosch	X				
Rep. Grande	X		Rep. Boe	X	
Rep. Hawken	X		Rep. Glassheim	X	
Rep. Kreidt	X		Rep. Guggisberg		
Rep. Martinson	X		Rep. Holman	X	
Rep. Monson	X		Rep. Williams		
Rep. Nelson	X				
Rep. Pollert	X				
Rep. Sanford	X				
Rep. Skarpol	X				

Total Yes 20 No 0

Absent 2

Floor Assignment Rep. Grande

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1219: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1219 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15-10-18.3 of the North Dakota Century Code, relating to tuition for dependents of disabled veterans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-18.3 of the North Dakota Century Code is amended and reenacted as follows:

15-10-18.3. Free tuition in North Dakota institutions of higher education.

Any dependent, as defined in section 15-10-18.2 upon being duly accepted for enrollment into any undergraduate degree or certificate program of a North Dakota state institution of higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for so long as the dependent is eligible, free of any tuition and fee charges; ~~provided, however, that~~ if the bachelor's degree or certificate of completion is earned within a forty-five-month or ten-semester period or its equivalent; and ~~further provided that~~ tuition and fee charges shall do not include costs for aviation flight charges or expenses. Once a person qualifies as a dependent under sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the benefits of this section due to such an occurrence as the return of the prisoner of war or person missing in action, or due to the death of the disabled veteran through whom the benefit was obtained, if the dependent was duly accepted for enrollment before the death."

Renumber accordingly

2013 SENATE EDUCATION

HB 1219

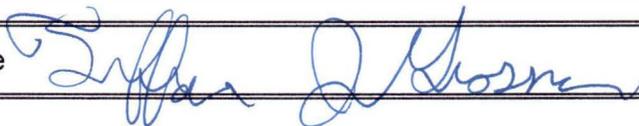
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1219
3-20-13
20234

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 15-10-18.3 of the North Dakota Century Code, relating to tuition for dependents of disabled veterans.

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll opened the hearing on HB 1219

Lonnie Wangen, Commissioner of Veterans Affairs for North Dakota: I wish to testify in support of HB 1219. This is a combination of two bills that came through the coordinating council. We combined them into one bill. We want to bring the 100% requirement for free tuition for dependents down to 50%. Right now in the law, if you are 100% disabled veteran, your spouse and dependent children are eligible for the free tuition at ND schools of higher education. If you die of a service connected disability, and that caused you to die, your un remarried surviving spouse and dependents would be eligible for tuition. Now if you were 100% disabled veteran and before your children enrolled in school and you died of another cause, your children don't fall under this plan anywhere in the Century Code. This affects very few dependents but it is an oversight that has happened in the past. I am asking language be added in here that would say "or were 100% disabled at time of death". The House amendment in the first engrossment, lines 16 and 17 says "or due to the death..." The law states once you are enrolled, you can't lose your eligibility. My concern is the veteran that is 100% disabled that dies before you are enrolled. The intent is when you are 100% disabled the dependent can take care of the family.

Chairman Flakoll: Do you have amendments with you?

Lonnie Wangen: No but on the original bill was how it was written. The other part of the bill was the organization wanted to bring it to 50% disabled. It would open it up to more veterans. Another recommendation was considering a graduate scale.

Chairman Flakoll: Is the arc getting past stereotypical child producing years? I would guess the number of Vietnam veterans having children today isn't many. Are we moving the demographic?

Lonnie Wangen: The number of eligible families would be a lot less because the age of their children would be higher. I have a breakdown of the number of veterans from those eras which may help some. Vietnam and Korean War veterans probably have grandchildren in college now so it wouldn't be affecting them.

Senator Heckaman: The only change you wanted was the 100% disability wording? You aren't interested in the 50 or anything like that right now?

Lonnie Wangen: No I just wanted to describe the two different bills. The one part they did try to keep in the House was the 100% at the time of death but the way it was worded according to our attorney just really didn't take care of that. The way we originally had it worded made it pretty clear. We would like you to consider the changes.

Representative Brandenburg, District 28: I am here to answer any questions concerning this bill.

Chairman Flakoll: Where in the House did this get changed? Was it policy?

Representative Brandenburg: Appropriations. It was a very high appropriation. We would all love to have dependents or children going to college. 50%-100% to be able to have their college or education paid for but when you look at the fiscal note of going from 50% to 100%, the cost become quite high. I think it was \$4 million. In the committee it was decided we want to take care of our veterans that have children or dependents in college and have earned this education. Those veterans did something you can't take away. The question came as how much. It is up to you what you want to designate. The House agreed at 100%. Is that the proper number? I won't debate that. We can deal with it in conference committee. If you make the fiscal note too high it will get killed. If there are students eligible for this benefit we want to take care of the veteran's families. One of the veterans passed away and the veteran was in college. The college took it upon themselves to carry through. It was brought up we need to address it because the college wouldn't have to do that. We want to clarify so we don't have someone in college losing the benefit because the veteran died.

Chairman Flakoll: That was before the Government Opps Committee? Do you remember what the vote was in appropriations when they changed it?

Representative Brandenburg: No but there was a lot of discussion. It became a combination of a half a dozen bills trying to sort them out.

Brenda Bergsrud, Women Veteran's Coordinating Council: We are in support of HB 1219.

Chairman Flakoll: Do you have any estimates over a 5 year period how many people this would cover?

Brenda Bergsrud, Women Veteran's Coordinating Council: No.

Chairman Flakoll: Closed the hearing on HB 1219.

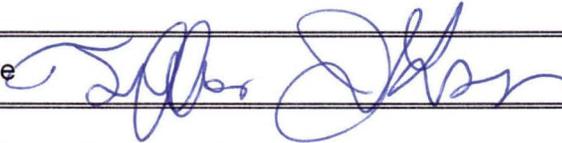
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1219
3-20-13
20270

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 15-10-18.3 of the North Dakota Century Code, relating to tuition for dependents of disabled veterans.

Minutes:

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Chairman Flakoll: opened the hearing on HB 1219 Amendment was passed out.
(Attachment #1)

Vice Chairman Schaible: The intent is if this person is alive their dependents and spouse are fully accredited until they want to go to school. The current language says if they die before that they aren't eligible. That is what the amendment is trying to do. The other thing they want is the 50% but that was not included in the House version.

Anita Thomas, Legal Council: This amendment would replace the last sentence beginning on line 13.

Vice Chairman Schaible: A veteran has a 10 year old kid and the veteran dies in a car accident. Is the child still eligible?

Anita Thomas, Legal Council: If the veteran would qualify under the third category, yes.

Vice Chairman Schaible: Move to adopt amendment to engrossed HB 1219

Senator Luick: Second

A roll call vote was taken to adopt the amendment to engrossed HB 1219

Vice Chairman Schaible: I move a Do Pass as amended to engrossed HB 1219

Senator Poolman: Second

A roll call vote was taken for A Do Pass as amended to engrossed HB 1219: 6 yeas, 0 neas, 0 absent

Vice Chairman Schaible: will carry

FISCAL NOTE
Requested by Legislative Council
02/13/2013

Amendment to: HB 1219

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Adds requirement that tuition waiver benefit for a dependent of a disabled veteran continues at time of veteran's death if the dependent was already accepted for enrollment at time of death.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Little to no fiscal impact.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

General fund appropriation necessary to offset anticipated revenue loss, noted in A. above.

Name: Laura Glatt

Agency: ND University System Office

Telephone: 701-328-4116

Date Prepared: 02/14/2013

FISCAL NOTE
Requested by Legislative Council
01/15/2013

Bill/Resolution No.: HB 1219

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(4,200,000)		\$(4,500,000)
Expenditures						
Appropriations			\$4,200,000		\$4,500,000	

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Expands tuition waiver of veteran for veteran spouse and dependent tuition waiver, who at time of death had a 50-100% service related disability. Current statute defines veteran for this purpose as 100% disabled.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Potential spouse-dependent participant pool increases from about current 800 veterans with 100% disability to about 3,700 veterans with a 50-100% disability. Currently about 12% of the potential 100% disabled pool utilizes the spouse/dependent waiver. This bill would increase the eligible pool of potential waivers, thereby resulting in a loss of tuition revenue.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Based on current waiver utilization rates for spouse/dependents of deceased 100% disabled veterans, an additional estimated 350 spouse or dependents may receive a waiver each year, at an estimated biennial cost of \$4.2 million. If one assumes a combination of spouse and dependent for the additional 350 pool, the biennial cost could increase to \$6.2 million per biennium.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

General fund appropriation necessary to offset anticipated revenue loss, noted in A. above.

Name: Laura Glatt

Agency: ND University System Office

Telephone: 701-328-4116

Date Prepared: 01/18/2013

March 20, 2013



Handwritten signature and date: 3/20/13

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1219

Page 1, line 13, overstrike "a person" and insert immediately thereafter "an individual"

Page 1, line 15, overstrike "due to"

Page 1, line 15, after "as" insert ":

1. Due to"

Page 1, line 16, overstrike "or person" and insert immediately thereafter ":

2. Due to the return of the individual"

Page 1, line 16, replace ", or due to the death of the disabled" with "; or

3. Because the"

Page 1, line 17, replace ", if the dependent was duly accepted for enrollment before the death"
with "had a one hundred percent service-connected disability at the time of death"

Renumber accordingly

Date: 3-20-13

Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 1219

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 13-8207.0200/

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Schaible Seconded By Luick

Senators	Yes	No	Senator	Yes	No
Chairman Tim Flakoll	✓		Senator Joan Heckaman	✓	
Vice Chairman Donald Schaible	✓		Senator Richard Marcellais	✓	
Senator Larry Luick	✓				
Senator Nicole Poolman	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Make sure eligible if person died

Date: 3-20-13

Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1219

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8207.02001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Schaible Seconded By Poolman

Senators	Yes	No	Senator	Yes	No
Chairman Tim Flakoll	✓		Senator Joan Heckaman	✓	
Vice Chairman Donald Schaible	✓		Senator Richard Marcellais	✓	
Senator Larry Luick	✓				
Senator Nicole Poolman	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Schaible

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1219, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1219 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "a person" and insert immediately thereafter "an individual"

Page 1, line 15, overstrike "due to"

Page 1, line 15, after "as" insert ":

1. Due to"

Page 1, line 16, overstrike "or person" and insert immediately thereafter ":

2. Due to the return of the individual"

Page 1, line 16, replace ", or due to the death of the disabled" with ", or

3. Because the"

Page 1, line 17, replace ", if the dependent was duly accepted for enrollment before the death" with "had a one hundred percent service-connected disability at the time of death"

Renumber accordingly

2013 TESTIMONY

HB 1219

Attachment 1

North Dakota University System
HB1219 - House Government and Veteran's Affairs
January 31, 2013
Hamid A. Shirvani

Mr. Chairman, members of the Committee. My name is Ham Shirvani, Chancellor of the ND University System (NDUS). I am here today in support of this bill, contingent upon the addition of a state appropriation section to the bill to offset the cost.

The State Board of Higher Education and the NDUS fully supports, respects and appreciates the selfless efforts of our military personnel. Currently, the NDUS waives about \$400,000 per year for spouse/dependents of 100% disabled veterans and, also waives another \$335,000 for National Guard members or a total of about \$750,000 per year for our military students and families.

This bill would expand the eligible group for dependents/spouse of resident veterans from those that are 100% disabled to those that are 50-100% disabled. According to the ND Department of Veteran's Affairs there are about 800 veterans with a 100% disability rating. There are another nearly 2,900 who are between 50-90% disabled. Thus, the eligible population pool expands over 3.5 times. Based on current NDUS participation rates, but with an expanded eligible pool, the NDUS projects the impact to be about \$4 million in biennial forgone revenues. If participation is greater, it could increase to \$6 million. This financial impact is significant to the NDUS. This is not a small population of potential students, and without added funding, the NDUS would be required to reallocate funds impacting program and services to all students.

Thank you for your consideration of funding to cover the cost of this program. I would be happy to answer any questions.

1

March 20, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1219

Once a person qualifies as a dependent under sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the benefits of this section:

- a. Due to the return of the prisoner of war;
- b. Due to the return of the person missing in action; or
- c. Because the veteran for whom the benefit was obtained had a one hundred percent service-connected disability at the time of death.