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ROLL NUMBER

DESCRIPTION

1271

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1271

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1271

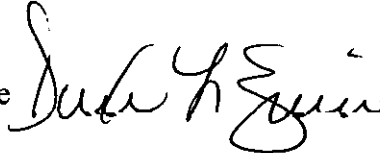
House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1/21/05

Tape Number	Side A	Side B	Meter #
1	x		2.9-37.6

Committee Clerk Signature



Minutes: Tuition waivers for dependents of veterans.

Rep. Raeann Kelsch-District 34-For-After reviewing the bill, we realized that we were still missing a key element, so that is why I am handing out amendments, that you look at the amendments favorably. Ron Auto will come forward and present the bill in its entirety.

Rep. Owens-District 18-For-The focus to any parent is to offer their family opportunities that afford them a continuous expectation of an improved life style over the course of their life, as part of this goal for many, defending belief in values of our nations state and community that represent our way of life is very important. Achieving a 50% service connected disability usually results in a condition or group of conditions none of us would voluntarily want. Do to the life style to serve our country in many cases and often overlooked cost to veterans both men and women is the loss of the marriage during their service, as a result many veterans remarry partners with children of their own, with this in mind I request the committee consider during there

discussion two changes, the amendment you have in front of you, the addition of step children and the change of total disability to 50% or greater disability for this bill.

Rep. Kasper: Have you asked for a fiscal note on the change on the disability?

Rep. Owens: No I have not, because I didn't even notice that it was coming up, I apologize.

Senator Bercier-District 9-For-I am here to show my support as a Viet Nam veteran and as a disabled veteran. I am a life member of the DAV and the Veterans group and the American Legion. I am 100% disabled technically, because of my service in Viet Nam and being exposed to agent orange. I support this effort, when a person loses a family member who is serving their country and the dependents have lost their bread winner in many cases. I think this is a small price to pay, they are no longer able to pursue their occupation they had when they went into the service to serve their country. Certainly after 911, we have to be cautious. I ask support of this bill.

Rep. Boehning: What would you think if we could do something for a partially disabled and prorate some of that out, would you be in favor of doing some partial benefits.

Senator Bercier: As long as the long time veterans are in agreement and the organizations are in agreement, I would be in support of that.

Ronald D. Otto-Morton/Oliver County Veterans Service Officer-Testimony Attached

Rep. Klemin: What is the difference between section 1a and 1b, line 13 through 17 of this bill, about nonresident status, who have a child that comes to North Dakota and the other parent lives here 10 years with this other amendment. What about the nonresident, the nonresident veteran becomes a veteran here.

Ron: This amendment to the law doesn't show the entire law. In section 15, it establishes the residency for the veteran, it shows how to establish residency.

Rep. Klemin: Line 8, as veteran is defined in section 37-01-40, should that same language be in line 13 after veteran or is there a reason for not putting it there?

Ron: I couldn't speak to that issue. I can only tell you the intent of what we want in this, have the ability for a dependent or a custodial parent, where the veteran isn't here anymore, does not have the ability to establish residency.

Rep. Klemin: I don't know how veteran is defined in 37-01-40, but you are talking about the same kind of veteran in subsection 1b and seems to me if we don't put that language in there, someone could misconstrue that well we are not talking about it, because you said it one place and not the other.

Ron: That makes sense to me.

Chairman Haas: That makes sense to me, also.

Rep. Boehning: After they become a resident, what happens to a veteran, has moved out of state and he gets killed in action and then in a few years the kids want to come back to North Dakota, will they be eligible for benefits or will they have to come back and establish residency?

Ron: I believe we have already dealt with the law. Defined the veteran pretty well and the residency.

Rep. Boehning: If a veteran is 40% disabled or 80% disabled are there any waivers in there where they can have things prorated out or is it either or.

Ron: Chapter 35 benefits on the Federal level are only rewarded when a veteran is totally and permanently disabled.

Rep. Boehning: Does North Dakota have any waivers for tuition.

Ron: No, the law is specific, the veteran must be totally disabled, it is all or nothing.

John Jabcobson-Chairman of the Legislative Committee of the North Dakota Veterans Coordinating Council-Attached Testimony-For

Rep. Froseth: I appreciate this list of veterans by county, do you also keep a list of totally disabled veterans by county?

John: I do not, it may be available in the Veterans office by county or state.

Rep. Grande: North Dakota veterans coordinating counsel and the make-up and you have 15 members, do you hear from each of those organizations.

John: Yes, I hear from each of those organizations.

Chairman Haas: We hear frequently the North Dakota veterans coordinating counsel being referred to and having recommendations, so it is good to know the composition and how you work.

Rep. Froseth: According to the fiscal note, it says that one to five individuals would qualify for the waiver per year, it seems like it should be more than that.

Ron: There are a lot more that are eligible than you see in that note, but that fiscal note only deals with the addition of the stepchild or the addition that we are asking for.

Gene Kouba-North Dakota of Veterans Affairs-For-This addresses only stepchildren. This is in federal law, not in North Dakota law.

Rep. Boehning: Do we know how many disabled veterans we have out there that have dependents, if they were partially disabled for benefits.

Gene: The county veteran service officers would have that information. Probably at the state level. I could check on that for you.

Rep. Klemin: This is for total disability, 100%, of the 60,000 veterans that we have in North Dakota, do we know how many are 100% disabled and how many are 50% or greater disabled?

Gene: I am sure those numbers are available, the fiscal department at the VA keeps all of those records.

Chairman Haas: How soon could we have that information, next week Thursday.

Gene: Yes.

Rep. Sitte: Could you find out the number of dependents in each of those categories, also.

Gene: Yes.

Rep. Boehning: Do they have anything for 24 years and younger?

Gene: The benefit for Chapter 35 is only good through age 23.

Rep. Grande: If this committee is to move to 50% or greater and with the deviation from federal, do you see a problem?

Ron: I don't see a problem, the veteran community would welcome such a move and the State of North Dakota.

Rep. Klemin: Chapter 35 benefits requires total disability, federal law, but if we went to 50% in the State of North Dakota, that is not going to violate some federal law.

Ron: You are not going to be in violation of Federal Law.

Pat Seaworth: Attorney with the North Dakota University System-Neutral-

Chairman Haas: Thank you very much. Any more questions.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1271

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/10/05

Tape Number

7

Side A

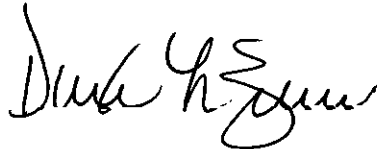
x

Side B

Meter #

17.8-24.5

Committee Clerk Signature



Minutes: HB 1271 Tuition waivers for dependents of veterans.

13 members present, 1 absent.

Discussion and vote.

Chairman Haas: I believe you all got copies of, we had asked for additional information because there was a suggestion that we extend this tuition credit to veterans who were 50% or more disabled, instead of a 100% disabled. You all received a letter from Laura Glatt, dated January 26th which shows the increase cost of 4 million dollars, the cost of the University System in 05 and 07 and 4.7 million dollars in 07-09. We do have amendments. We are combining the two amendments. Is there a motion for the amendments. Rep. Meier moved the amendments, is there a second to the motion, seconded by Rep. Sitte, is there any discussion. Is everyone clear with the amendments. Any discussion on the amendments. If not we will vote on the amendments, with a voice vote, all in favor of the amendments signify by saying I, oppose say no, motion carried.

Rep. Klemin: During the discussion of this it was pointed out on page 1, line 9 then it goes to line 13, first is one kind of a child and another is another definition of a child.

Chairman Haas: Are you moving that amendment?

Rep. Klemin: Yes.

Chairman Haas: Is there a second to that amendment. Seconded by Rep. Grande. Any discussion, if not, all in favor of the amendment signify by saying I, oppose say no. Amendment carried. We now have an amended bill, with three amendments on it. What are your wishes on the amended bill.

Rep. Meier: I move a DO PASS as AMENDED.

Chairman Haas: Rep. Meier moves a DO PASS as AMENDED, is there a second, Rep.

Conrad seconded the motion. Is there any discussion, if no discussion I will ask the clerk to take the roll.

VOTE: YES 13 NO 0 ABSENT 1 DO PASS AS AMENDED

REP. MEIER WILL CARRY THE BILL.

FISCAL NOTE
Requested by Legislative Council
02/14/2005

Amendment to: HB 1271

1A. **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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations			\$56,370		\$66,330	

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

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, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

It is estimated that 2-10 individuals would qualify for the waiver per year. The estimated biennial cost would range from \$18,800 to \$93,950 in 05-07 (midpoint \$56,370) and \$22,110 to \$110,550 (midpoint \$66,330) in 07-09, when estimated tuition increases are taken into account. A state general fund appropriation is necessary to offset the lost tuition revenue resulting from the waiver.

Name: Laura Glatt
Phone Number: 328-4116

Agency: NDUS
Date Prepared: 02/15/2005

FISCAL NOTE
 Requested by Legislative Council
 01/12/2005

Bill/Resolution No.: HB 1271

1A. **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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations			\$28,200		\$33,170	

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

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, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

It is estimated that 1-5 individuals would qualify for the waiver per year. The estimated biennial cost would range from \$9,395 to \$46,975 in 05-07 (midpoint \$28,185) and \$11,055 to \$55,275 (midpoint \$33,165) in 07-09, when estimated tuition increases are taken into account. A state general fund appropriation is necessary to offset the lost tuition revenue resulting from the waiver.

Name: Laura Glatt
 Phone Number: 328-4116

Agency: NDUS
 Date Prepared: 01/13/2005

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1271

Page 1, line 8, after the first comma insert "stepchild."

Page 1, line 13, after "child" insert "or a stepchild"

Page 1, line 17, replace "is" with "has been" and after "state" insert "for at least the past ten
years"

Renumber accordingly

Date: 2/10/05
Roll Call Vote #: 1

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

House House Government and Veterans Affairs

Committee

Check here for Conference Committee

Legislative Council Amendment Number 50574.0102

Action Taken Do Pass As Amended

Motion Made By Rep Meier Seconded By Rep Conrad

Representatives	Yes	No	Representatives	Yes	No
Chairman C.B. Haas	✓		Rep. Bill Amerman	AB	
Bette B. Grande - Vice Chairman	✓		Rep. Kari Conrad	✓	
Rep. Randy Boehning	✓		Rep. Louise Potter	✓	
Rep. Glen Froseth	✓		Rep. Sally M. Sandvig	✓	
Rep. Pat Galvin	✓				
Rep. Stacey Horter	✓				
Rep. Jim Kasper	✓				
Rep. Lawrence R. Klemin	✓				
Rep. Lisa Meier	✓				
Rep. Margaret Sitte	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep Meier

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

REPORT OF STANDING COMMITTEE

HB 1271: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1271 was placed
on the Sixth order on the calendar.

Page 1, line 8, after the first comma insert "stepchild."

Page 1, line 13, after "child" insert "or a stepchild" and after "veteran" insert ", as defined in
section 37-01-40."

Page 1, line 17, replace "is" with "has been" and after "state" insert "and was a resident of this
state at the time of death or determination of total disability of the veteran"

Renumber accordingly

2005 HOUSE APPROPRIATIONS

HB 1271

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1271
Tuition Waivers for Dependents of Veterans

House Appropriations Full Committee

Conference Committee

Hearing Date February 15, 2005

Tape Number
3

Side A
X

Side B

Meter #
#14.5 - #19.4

Committee Clerk Signature

Chris Alexander

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1271.

Rep Haas explained that this bill provides for tuition waivers for dependants of veterans. We added language to include stepchildren and the requirement that the veteran had to be a resident of this state at the time of death or the determination of the total disability of the veteran. To include the stepchildren would cost an extra \$56,000.

Rep. Ken Svedjan, Chairman commented that there is no appropriation in this bill but the fiscal note went up overnight.

Rep. Tom Brusegaard moved a Do Pass motion on HB1271

Rep. Ron Carlisle seconded

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Pass motion on HB1271.

Motion carried with a vote of 21 yeas, 0 neas, and 2 absences. Rep Meier will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the discussion on HB1271.

Date: **February 15, 2005**
Roll Call Vote #: **● 1**

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1271

House Appropriations - Full Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken **DO PASS**

Motion Made By **Rep Brusegaard** Seconded By **Rep Carlisle**

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	X		Rep. Jeff Delzer	AB	
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Gulleson	X		Rep. James Kerzman	AB	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	X				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson	X				

Total Yes **21** No **0**

Absent **2**

Floor Assignment **Rep Meier**

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

REPORT OF STANDING COMMITTEE (410)
February 16, 2005 6:00 a.m.

Module No: HR-31-3030
Carrier: L. Meier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1271, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1271 was placed on the Eleventh order on the calendar.

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1271

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1271**

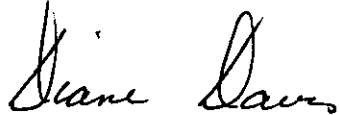
Senate Government and Veterans Affairs

Business and Conference Committee

Hearing Date March 3, 2005

Tape Number	Side A	Side B	Meter #
1	x		3130-6208
1		x	0-87

Committee Clerk Signature



Chairman Krebsbach opens hearing on **HB 1271**

Relating to tuition waivers for dependents of veterans.

(meter #3130)

Representative RaeAnn Kelsch - Introduced this bill and would like a do pass.

John Jacobson - See written testimony. In support of.

Ron Otto - Veteran Service Office- See written testimony. Although state law mirrors federal law in this case it does not cover stepchildren. Said that stepchildren have fallen through the cracks. Higher Ed does not have an objection to this because it will have little impact.

Senator Krebsbach - Asked if they included in Federal law.

Otto - Stated yes.

(meter #4375)

Lt. Col. Dave Thiele - National Guard - In favor of this bill. Said this bill also corrects children of divorce that reside in the state.

There was some discussion on who is eligible for tuition waivers.

Senator Syverson - Wanted resident defined and should this be addressed in the bill.

Thiele - Thought that is all covered in the bill.. This was followed by discussion on home of record.

Senator Syverson - Said he would continue to be skeptical.

Thiele - Said he doesn't see any loopholes.

(meter # 5600)

Senator Krebsbach - Asked in case of divorce, children would be eligible and so would any step children.

Thiele - Replied as long as they are residents of ND.

Pat Seeworth - Council for State Board of Higher Education and University System - In support of this bill. He also mentioned the attached fiscal note, said it does not apply any more since amendments have taken care of it.

Closed hearing on 1271.

(meter #6208 - end of tape 1, side A)

(side B)

Senator Nelson moved do pass

Senator Brown - seconded

Senator Syverson will carry

Date: 3/3/05

Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1271

Senate **Government and Veterans Affairs**

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *No Pass*

Motion Made By *Senator Nelson*

Seconded By *Senator Brown*

Senators	Yes	No
Karen K. Krebsbach, Chairman	X	
Richard L. Brown, Vice Chairman	X	
Judy Lee	X	
John O. Syverson	X	

Senators	Yes	No
Carolyn Nelson	X	

Total (Yes) *5* No *0*

Absent *0*

Floor Assignment *Senator Syverson*

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

REPORT OF STANDING COMMITTEE (410)
March 3, 2005 4:44 p.m.

Module No: SR-39-4121
Carrier: Syverson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1271, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1271 was rereferred to the Appropriations Committee.

2005 SENATE APPROPRIATIONS

HB 1271

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1271

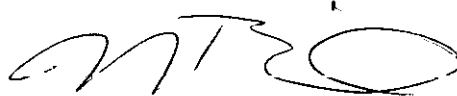
Senate Appropriations Committee

Conference Committee

Hearing Date 03/16/08

Tape Number	Side A	Side B	Meter #
1	X		151-1500

Committee Clerk Signature



Minutes: **Chairman Holmberg** opened the hearing on HB 1271.

Rep. Raeann Kelsch, District 34 appeared in support of HB 1271. Rep Kelsch is the prime sponsor of HB 1271. Rep. Kelsch stated that this bill will add a step child to for the tuition waiver. Rep. Kelsch also stated that the initial fiscal note was much higher, but now it has been lowered.

John L. Jacobsen, Legislative Committee ND Veterans Coordinating Council appeared in support of HB 1271. Written testimony was provided, see appendix I. Mr. Jacobsen submitted his testimony and asked for support.

Pat Seaworth, Attorney State Board of Higher Education, University System stated that there are two fiscal notes, attached to the bill and neither of them reflect the estimated cost. This would impact one existing student and possible one more. The estimation of 10 or 12 students, in inaccurate, so this fiscal impact would be minimal. He also stated that the board supports this bill.

Sen. Kilzer: Is this step children at the time of death?

Mr. Seaworth: Yes, eligibility is at the time of death also if the veteran is totally and permanently disabled.

Mr. Seaworth also stated that campuses have the authority to grant the waiver with out legislation. This bill was introduced on behalf of a student who was denied this waiver because she was a step child and not a biological on of a veteran.

Sen. Christmann (931): How long do we pay for the tuition?

Mr. Seaworth: We currently pay for 8 semesters of until a Bachelors Degree is obtained. There is another bill out there that would increase that to 10 semesters or 5 years.

Ron Otto, explained the background of the bill, stating that a student from Oliver Co, lost her father at age 2. Her mother remarried a veteran, and that man has been the students father ever since. This designation made the family eligible for chapter 35 benefits through the federal government, it includes step children under the federal guidelines.

Sen. Andrist (1283): There is a federal benefit as well, does the college not get the federal benefit if the provide the so called free ride, how does that work?

Mr. Otto: The federal benefit is moneys, it is very much like the GI bill. It is unrelated to college. You have to be in college or an approved trade school to draw that benefit.

No further questions were asked of Mr. Otto.

A **Do Pass** motion was made by Sen. Andrist, seconded by Sen. Christmann. A roll call vote was taken, 13 yeas, 0 nays, and 2 absent votes were recorded. The bills carrier will be Sen. Syverson.

Chairman Holmberg closed hearing on HB 1271.

Date 3-15-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~38~~ 271

Senate **SENATE APPROPRIATIONS**

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

A

Seconded By

C

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG	/		SENATOR KRAUTER		
VICE CHAIRMAN BOWMAN	/		SENATOR LINDAAS	/	
VICE CHAIRMAN GRINDBERG	/		SENATOR MATHERN	/	
SENATOR ANDRIST	/		SENATOR ROBINSON	/	
SENATOR CHRISTMANN	/		SEN. TALLACKSON	/	
SENATOR FISCHER	/				
SENATOR KILZER	/				
SENATOR KRINGSTAD	/				
SENATOR SCHOBINGER	/				
SENATOR THANE	/				

Total (Yes)

13

No

0

Absent

2

Floor Assignment

GVA

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

REPORT OF STANDING COMMITTEE (410)
March 16, 2005 9:06 a.m.

Module No: SR-48-5120
Carrier: Syverson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1271, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
Engrossed HB 1271 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1271

Government and Veterans Affairs Committee
Rep. Mark S. Owens District 18
Testimony on HB 1271

Mr. Chairman and Distinguished members of Government and Veterans Affairs.

I stand here today in support of HB 1271 both as written and with recommended amendments. A number of states have similar laws each with different degrees of qualifications.

The focus of any parent is to offer to their family opportunities that afford them a continuous expectation of an improved life style. A part of this goal for many is defending the beliefs and values we hold as a nation, state, and community that represent our way of life.

However, in some cases this dedication to community costs them the ability to provide opportunities to their family members on their own once they have served the public need. The cost is not always measured as 100% or total disability. While a number of veterans are recognized with service connected disabilities between 0% and 30%, achieving 50% service connected disabilities usually results in a condition or group of conditions that none of us would volunteer to possess on our own. Additionally, due to the life style necessary to serve our country, an often overlooked cost to veterans both men and women is the lost of their marriage during their service. As a result, a number of veterans remarry in many cases to partners with children of their own.

With this in mind, I request the committee consider during their discussion two changes to HR 1271.

The addition of step-children as both supported and qualifying children of the veteran and the change from total disability to 50% or greater as qualifying conditions.

210 2nd Ave. NW
Mandan, ND 58554

Lucy Rova, Secretary

Morton / Oliver Veterans Service



Ronald D. Otto
Service Officer

701-667-3365
Fax 701-667-3284

email:rotto@state.nd.us

ND Legislature
State Capitol
Bismarck ND

For the record my name is Ronald D. Otto (Ron) and I am the Morton/Oliver County Veterans Service Officer.

My purpose in appearing here to day is to support HB 1271 as amended. In the course of my duties and in my 17 year career as a full time veterans service officer I have had the opportunity to assist countless veterans, their widows and their dependants in the pursuit of veterans, dependants and survivor benefits, one of which is education benefits.

Survivor and dependant education benefits come under "Title 38, Chapter 35" of the USC (United States Code) and "Part 3" of the CFR (Code of Federal Regulations). In assisting the family of a totally disabled veteran a year ago I became aware that the State of North Dakota did not grant tuition waiver to a member of a veteran's family, because the child was the stepchild of the veteran. This child lost her natural father at the age of 2 and her mother remarried a Vietnam veteran who was subsequently adjudicated totally disabled through the Veterans Administration. Although the federal government recognized the close family relationship and granted education benefits to this child, the state of North Dakota, through the Higher Ed department did not afford this young lady the tuition waiver that is afforded to her siblings. I feel this is wrong and needs to be corrected in order to prevent this situation from occurring again.

This bill was spawned by the North Dakota County Veterans Service Officers Association and has their unanimous support, in addition to the North Dakota Veterans Coordinating Council. I ask for your support.

Sincerely

Ronald D. Otto

spouse of a veteran who died on or after January 1, 1957, who was married to the veteran:

(1) Before the expiration of 15 years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated, or

(2) For 1 year or more, or

(3) For any period of time if a child was born of the marriage, or was born to them before the marriage.

(Authority: 38 U.S.C. 1304)

(d) *Child born.* The term *child born of the marriage* means a birth on or after the date of the marriage on which the surviving spouse's entitlement is predicated. The term *born to them before the marriage* means a birth prior to the date of such marriage. Either term includes a fetus advanced to the point of gestation required to constitute a birth under the law of the jurisdiction in which the fetus was delivered.

(e) *More than one marriage to veteran.* For periods commencing on or after January 1, 1958, where a surviving spouse has been married legally to a veteran more than once, the date of the original marriage will be used in determining whether the statutory requirement as to date of marriage has been met.

(Authority: 38 U.S.C. 103(b))

[26 FR 1567, Feb. 24, 1961, as amended at 27 FR 6498, July 10, 1962; 32 FR 13224, Sept. 19, 1967; 40 FR 16064, Apr. 9, 1975; 40 FR 48680, Oct. 17, 1975; 41 FR 18300, May 3, 1976; 44 FR 22718, Apr. 17, 1979; 54 FR 31829, Aug. 2, 1989; 56 FR 5756, Feb. 13, 1991; 56 FR 57986, Nov. 15, 1991; 65 FR 3392, Jan. 21, 2000]

§ 3.55 Reinstatement of benefits eligibility based upon terminated marital relationships.

(a) *Surviving spouse.* (1) Remarriage of a surviving spouse shall not bar the furnishing of benefits to such surviving spouse if the marriage:

(i) Was void, or

(ii) Has been annulled by a court having basic authority to render annulment decrees, unless it is determined by the Department of Veterans Affairs that the annulment was obtained through fraud by either party or by collusion.

(2) On or after January 1, 1971, remarriage of a surviving spouse terminated prior to November 1, 1990, or terminated by legal proceedings commenced prior to November 1, 1990, by an individual who, but for the remarriage, would be considered the surviving spouse, shall not bar the furnishing of benefits to such surviving spouse provided that the marriage:

(i) Has been terminated by death, or

(ii) Has been dissolved by a court with basic authority to render divorce decrees unless the Department of Veterans Affairs determines that the divorce was secured through fraud by the surviving spouse or by collusion.

(3) On or after October 1, 1998, remarriage of a surviving spouse terminated by death, divorce, or annulment, will not bar the furnishing of dependency and indemnity compensation, unless the Secretary determines that the divorce or annulment was secured through fraud or collusion.

(Authority: 38 U.S.C. 1311(e))

(4) On or after December 1, 1999, remarriage of a surviving spouse terminated by death, divorce, or annulment, will not bar the furnishing of benefits relating to medical care for survivors and dependents under 38 U.S.C. 1713, educational assistance under 38 U.S.C. chapter 35, or housing loans under 38 U.S.C. chapter 37, unless the Secretary determines that the divorce or annulment was secured through fraud or collusion.

(Authority: 38 U.S.C. 103(d))

(5) On or after January 1, 1971, the fact that a surviving spouse has lived with another person and has held himself or herself out openly to the public as the spouse of such other person shall not bar the furnishing of benefits to him or her after he or she terminates the relationship, if the relationship terminated prior to November 1, 1990.

(6) On or after October 1, 1998, the fact that a surviving spouse has lived with another person and has held himself or herself out openly to the public as the spouse of such other person will not bar the furnishing of dependency and indemnity compensation to the surviving spouse if he or she ceases living with such other person and holding

himself or herself out openly to the public as such other person's spouse.

(Authority: 38 U.S.C. 1311(e))

(7) On or after December 1, 1999, the fact that a surviving spouse has lived with another person and has held himself or herself out openly to the public as the spouse of such other person will not bar the furnishing of benefits relating to medical care for survivors and dependents under 38 U.S.C. 1713, educational assistance under 38 U.S.C. chapter 35, or housing loans under 38 U.S.C. chapter 37 to the surviving spouse if he or she ceases living with such other person and holding himself or herself out openly to the public as such other person's spouse.

(Authority: 38 U.S.C. 103(d))

(8) On or after January 1, 1971, the fact that benefits to a surviving spouse may previously have been barred because his or her conduct or a relationship into which he or she had entered had raised an inference or presumption that he or she had remarried or had been determined to be open and notorious adulterous cohabitation, or similar conduct, shall not bar the furnishing of benefits to such surviving spouse after he or she terminates the conduct or relationship, if the relationship terminated prior to November 1, 1990.

(b) *Child.* (1) Marriage of a child shall not bar the furnishing of benefits to or on account of such child, if the marriage:

(i) Was void; or

(ii) Has been annulled by a court having basic authority to render annulment decrees, unless it is determined by the Department of Veterans Affairs that the annulment was obtained through fraud by either party or by collusion.

(2) On or after January 1, 1975, marriage of a child terminated prior to November 1, 1990, shall not bar the furnishing of benefits to or for such child provided that the marriage:

(i) Has been terminated by death, or

(ii) Has been dissolved by a court with basic authority to render divorce decrees unless the Department of Veterans Affairs determines that the di-

vorce was secured through fraud by either party or by collusion.

(Authority: 38 U.S.C. 103; 105 Stat. 424, 106 Stat. 4322)

CROSS REFERENCES: Evidence. See §§ 3.206 and 3.207. Termination of marital relationship or conduct. See § 3.215.

[58 FR 32444, June 10, 1993, as amended at 60 FR 52863, Oct. 11, 1995; 64 FR 30245, June 7, 1999; 65 FR 43700, July 14, 2000]

§ 3.56 [Reserved]

§ 3.57 Child.

(a) *General.* (1) Except as provided in paragraphs (a)(2) and (3) of this section, the term *child* of the veteran means an unmarried person who is a legitimate child, a child legally adopted before the age of 18 years, a stepchild who acquired that status before the age of 18 years and who is a member of the veteran's household or was a member of the veteran's household at the time of the veteran's death, or an illegitimate child; and

(i) Who is under the age of 18 years; or

(ii) Who, before reaching the age of 18 years, became permanently incapable of self-support; or

(iii) Who, after reaching the age of 18 years and until completion of education or training (but not after reaching the age of 23 years) is pursuing a course of instruction at an approved educational institution. For the purposes of this section and § 3.667, the term "educational institution" means a permanent organization that offers courses of instruction to a group of students who meet its enrollment criteria. The term includes schools, colleges, academies, seminaries, technical institutes, and universities, but does not include home-school programs.

(Authority: 38 U.S.C. 101(4)(A), 104(a))

(2) For the purposes of determining entitlement of benefits based on a child's school attendance, the term *child* of the veteran also includes the following unmarried persons:

(i) A person who was adopted by the veteran between the ages of 18 and 23 years.

(ii) A person who became a stepchild of the veteran between the ages of 18

and 23 years and who is a member of the veteran's household or was a member of the veteran's household at the time of the veteran's death.

(3) Subject to the provisions of paragraphs (c) and (e) of this section, the term *child* also includes a person who became permanently incapable of self-support before reaching the age of 18 years, who was a member of the veteran's household at the time he or she became 18 years of age, and who was adopted by the veteran, regardless of the age of such person at the time of adoption.

(Authority: 38 U.S.C. 101(4)(A))

(b) *Stepchild*. The term means a legitimate or an illegitimate child of the veteran's spouse. A child of a surviving spouse whose marriage to the veteran is deemed valid under the provisions of §3.52, and who otherwise meets the requirements of this section is included.

(c) *Adopted child*. Except as provided in paragraph (e) of this section, the term means a child adopted pursuant to a final decree of adoption, a child adopted pursuant to an unrescinded interlocutory decree of adoption while remaining in the custody of the adopting parent (or parents) during the interlocutory period, and a child who has been placed for adoption under an agreement entered into by the adopting parent (or parents) with any agency authorized under law to so act, unless and until such agreement is terminated, while the child remains in the custody of the adopting parent (or parents) during the period of placement for adoption under such agreement. The term includes, as of the date of death of a veteran, such a child who:

(1) Was living in the veteran's household at the time of the veteran's death, and

(2) Was adopted by the veteran's spouse under a decree issued within 2 years after August 25, 1959, or the veteran's death whichever is later, and

(3) Was not receiving from an individual other than the veteran or the veteran's spouse, or from a welfare organization which furnishes services or assistance for children, recurring contributions of sufficient size to con-

stitute the major portion of the child's support.

(Authority: 38 U.S.C. 101(4))

(d) *Definition of child custody*. The provisions of this paragraph are for the purpose of determining entitlement to improved pension under §§3.23 and 3.24.

(1) Custody of a child shall be considered to rest with a veteran, surviving spouse of a veteran or person legally responsible for the child's support if that person has the legal right to exercise parental control and responsibility for the welfare and care of the child. A child of the veteran residing with the veteran, surviving spouse of the veteran who is the child's natural or adoptive parent, or person legally responsible for the child's support shall be presumed to be in the custody of that individual. Where the veteran, surviving spouse, or person legally responsible for the child's support has not been divested of legal custody, but the child is not residing with that individual, the child shall be considered in the custody of the individual for purposes of Department of Veterans Affairs benefits.

(2) The term *person legally responsible for the child's support* means a person who is under a legally imposed obligation (e.g., by statute or court order) to provide for the child's support, as well as a natural or adoptive parent who has not been divested of legal custody. If the child's natural or adoptive parent has remarried, the stepparent may also be considered a person legally responsible for the child's support. A child shall be considered in the joint custody of his or her stepparent and natural or adoptive parent so long as the natural or adoptive parent and the stepparent are not estranged and residing apart, and the natural or adoptive parent has not been divested of legal custody. When a child is in such joint custody the combined income of the natural or adoptive parent and the stepparent shall be included as income of the person legally responsible for support under §3.24(c).

(3) A person having custody of a child prior to the time the child attains age 18 shall be considered to retain custody of the child for periods on and after the child's 18th birthday, unless the person

is divested of legal custody. This applies without regard to when a child reaches the age of majority under applicable State law. This also applies without regard to whether the child was entitled to pension prior to age 18, or whether increased pension was payable to a veteran or surviving spouse on behalf of the child prior to the child's 18th birthday. If the child's custodian dies after the child has attained age 18, the child shall be considered to be in custody of a successor custodian provided the successor custodian has the right to exercise parental control and responsibility for the welfare and care of the child.

(Authority: 38 U.S.C. 501, 1521(c), 1541(c))

(e) *Child adopted under foreign law*—
(1) *General*. The provisions of this paragraph are applicable to a person adopted under the laws of any jurisdiction other than a State. The term *State* is defined in 38 U.S.C. 101(20) and also includes the Commonwealth of the Northern Mariana Islands. The term *veteran* includes, for the purposes of this paragraph, a Commonwealth Army veteran or new Philippine Scout as defined in 38 U.S.C. 3566.

(2) *Adopted child of living veteran*. A person residing outside any of the States shall not be considered to be a legally adopted child of a veteran during the lifetime of the veteran unless all of the following conditions are met.

(i) The person was less than 18 years of age at the time of adoption.

(ii) The person is receiving one-half or more of the person's support from the veteran.

(iii) The person is not in the custody of the person's natural parent unless the natural parent is the veteran's spouse.

(iv) The person is residing with the veteran (or in the case of divorce following adoption, with the divorced spouse who is also a natural or adoptive parent) except for periods during which the person is residing apart from the veteran for purposes of full-time attendance at an educational institution or during which the person or the veteran is confined in a hospital, nursing home, other health-care facility, or other institution.

(3) *Adopted child of deceased veteran*. A person shall not be considered to have been a legally adopted child of a veteran as of the date of the veteran's death and thereafter unless one of the following conditions is met.

(i) The veteran was entitled to and was receiving for the person a dependent's allowance or similar monetary benefit payable under title 38, United States Code at any time within the 1-year period immediately preceding the veteran's death; or

(ii) The person met the requirements of paragraph (e)(2) of this section for a period of at least 1 year prior to the veteran's death.

(4) *Verification*. In the case of an adopted child of a living veteran, the requirements of paragraphs (e)(2)(ii), (iii) and (iv) of this section are for prospective application. That is, in addition to meeting all of the requirements of paragraph (e)(2) of this section at the time of initial adjudication, benefits are not payable thereafter for or to a child adopted under the laws of any jurisdiction other than a State unless the requirements of paragraphs (e)(2)(ii), (iii) and (iv) of this section continue to be met. Consequently, whenever Department of Veterans Affairs benefits are payable to or for a child adopted under the laws of any jurisdiction other than a State, and the veteran who adopted the child is living, the beneficiary shall submit, upon Department of Veterans Affairs request, a report, or other evidence, to determine if the requirements of paragraph (e)(2)(ii), (iii), and (iv) of this section were met for any period for which payment was made for or to the child and whether such requirements will continue to be met for future entitlement periods. Failure to submit the requested report or evidence within a reasonable time from date of request may result in termination of benefits payable for or to the child.

(Authority: 38 U.S.C. 101(4), 501)

CROSS REFERENCES: Improved pension rates. See §3.23. Improved pension rates; surviving children. See §3.24. Child's relationship. See §3.210. Helplessness. See §3.403(a)(1). Helplessness. See §3.503(a)(3).

School attendance. See § 3.667. Helpless children—Spanish-American and prior wars. See § 3.950.

[44 FR 45935, Aug. 6, 1979 and 45 FR 1878, Jan. 9, 1980, as amended at 45 FR 25391, Apr. 15, 1980; 49 FR 47003, Nov. 30, 1984; 65 FR 12116, Mar. 8, 2000]

§ 3.58 Child adopted out of family.

A child of a veteran adopted out of the family of the veteran either prior or subsequent to the veteran's death is nevertheless a *child* within the meaning of that term as defined by § 3.57 and is eligible for benefits payable under all laws administered by the Department of Veterans Affairs.

CROSS REFERENCE: Veteran's benefits not apportionable. See § 3.458.

[26 FR 1568, Feb. 24, 1961]

§ 3.59 Parent.

(a) The term *parent* means a natural mother or father (including the mother of an illegitimate child or the father of an illegitimate child if the usual family relationship existed), mother or father through adoption, or a person who for a period of not less than 1 year stood in the relationship of a parent to a veteran at any time before his or her entry into active service.

(b) Foster relationship must have begun prior to the veteran's 21st birthday. Not more than one father and one mother, as defined, will be recognized in any case. If two persons stood in the relationship of father or mother for 1 year or more, the person who last stood in such relationship before the veteran's last entry into active service will be recognized as the *parent*.

(Authority: 38 U.S.C. 101(5))

[26 FR 1568, Feb. 24, 1961, as amended at 44 FR 45935, Aug. 6, 1979]

§ 3.60 Definition of "living with".

For the purposes of determining entitlement to pension under 38 U.S.C. 1521, a person shall be considered as living with his or her spouse even though they reside apart unless they are estranged.

(Authority: 38 U.S.C. 1521(h)(2))

[44 FR 45935, Aug. 6, 1979]

ADMINISTRATIVE

§ 3.100 Delegations of authority.

(a) Authority is delegated to the Under Secretary for Benefits and to supervisory or adjudicative personnel within the jurisdiction of the Veterans Benefits Administration designated by the Under Secretary to make findings and decisions under the applicable laws, regulations, precedents, and instructions, as to entitlement of claimants to benefits under all laws administered by the Department of Veterans Affairs governing the payment of monetary benefits to veterans and their dependents, within the jurisdiction of Compensation and Pension Service.

(b) Authority is delegated to the Director, Compensation and Pension Service, and to personnel of that service designated by him to determine whether a claimant or payee has forfeited the right to gratuitous benefits or to remit a prior forfeiture pursuant to the provisions of 38 U.S.C. 6103 or 6104. See § 3.905.

(Authority: 38 U.S.C. 512(a))

[29 FR 7547, June 12, 1964, as amended at: 31 FR 14455, Nov. 10, 1966; 37 FR 10442, May 23, 1972; 53 FR 3207, Feb. 4, 1988; 60 FR 18335, Apr. 11, 1995; 61 FR 20727, May 8, 1996]

§ 3.102 Reasonable doubt.

It is the defined and consistently applied policy of the Department of Veterans Affairs to administer the law under a broad interpretation, consistent, however, with the facts shown in every case. When, after careful consideration of all procurable and assembled data, a reasonable doubt arises regarding service origin, the degree of disability, or any other point, such doubt will be resolved in favor of the claimant. By reasonable doubt is meant one which exists because of an approximate balance of positive and negative evidence which does not satisfactorily prove or disprove the claim. It is a substantial doubt and one within the range of probability as distinguished from pure speculation or remote possibility. It is not a means of reconciling actual conflict or a contradiction in the evidence. Mere suspicion or doubt as to the truth of any statements submitted, as distinguished from impeachment or contradiction by

evidence or known facts, is not justifiable basis for denying the application of the reasonable doubt doctrine if the entire, complete record otherwise warrants invoking this doctrine. The reasonable doubt doctrine is also applicable even in the absence of official records, particularly if the basic incident allegedly arose under combat, or similarly strenuous conditions, and is consistent with the probable results of such known hardships.

(Authority: 38 U.S.C. 501)

[50 FR 34458, Aug. 26, 1985, as amended at 66 FR 45730, Aug. 29, 2001]

§ 3.103 Procedural due process and appellate rights.

(a) *Statement of policy.* Every claimant has the right to written notice of the decision made on his or her claim, the right to a hearing, and the right of representation. Proceedings before VA are *ex parte* in nature, and it is the obligation of VA to assist a claimant in developing the facts pertinent to the claim and to render a decision which grants every benefit that can be supported in law while protecting the interests of the Government. The provisions of this section apply to all claims for benefits and relief, and decisions thereon, within the purview of this part 3.

(b) *The right to notice—(1) General.* Claimants and their representatives are entitled to notice of any decision made by VA affecting the payment of benefits or the granting of relief. Such notice shall clearly set forth the decision made, any applicable effective date, the reason(s) for the decision, the right to a hearing on any issue involved in the claim, the right of representation and the right, as well as the necessary procedures and time limits, to initiate an appeal of the decision.

(2) *Advance notice and opportunity for hearing.* Except as otherwise provided in paragraph (b)(3) of this section, no award of compensation, pension or dependency and indemnity compensation shall be terminated, reduced or otherwise adversely affected unless the beneficiary has been notified of such adverse action and has been provided a period of 60 days in which to submit evidence for the purpose of showing

that the adverse action should not be taken.

(3) *Exceptions.* In lieu of advance notice and opportunity for a hearing, VA will send a written notice to the beneficiary or his or her fiduciary at the same time it takes an adverse action under the following circumstances:

(i) An adverse action based solely on factual and unambiguous information or statements as to income, net worth, or dependency or marital status that the beneficiary or his or her fiduciary provided to VA in writing or orally (under the procedures set forth in § 3.217(b)), with knowledge or notice that such information would be used to calculate benefit amounts.

(ii) An adverse action based upon the beneficiary's or fiduciary's failure to return a required eligibility verification report.

(iii) Evidence reasonably indicates that a beneficiary is deceased. However, in the event that VA has received a death certificate, a terminal hospital report verifying the death of a beneficiary or a claim for VA burial benefits, no notice of termination (contemporaneous or otherwise) will be required.

(iv) An adverse action based upon a written and signed statement provided by the beneficiary to VA renouncing VA benefits (see § 3.106 on renouncement).

(v) An adverse action based upon a written statement provided to VA by a veteran indicating that he or she has returned to active service, the nature of that service, and the date of reentry into service, with the knowledge or notice that receipt of active service pay precludes concurrent receipt of VA compensation or pension (see § 3.654 regarding active service pay).

(vi) An adverse action based upon a garnishment order issued under 42 U.S.C. 659(a).

(Authority: 38 U.S.C. 501(a))

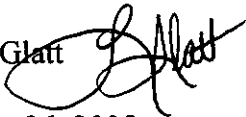
(4) *Restoration of benefits.* VA will restore retroactively benefits that were reduced, terminated, or otherwise adversely affected based on oral information or statements if within 30 days of the date on which VA issues the notification of adverse action the beneficiary or his or her fiduciary asserts,

NORTH DAKOTA

UNIVERSITY SYSTEM

The Vital Link to a Brighter Future

TO: Members, House Government and Veterans Affairs Committee

FROM: Laura Glatt 

DATE: January 26, 2005

RE: HB1271 Revised Fiscal Estimate

Recently, during a hearing on HB1271, a suggestion was made to expand the tuition waiver provisions of the bill to include dependents of all veterans with a 50% or greater disability. The committee asked that we compute the estimated fiscal impact of this proposed change. That estimate is provided below. The NDUS does not support an expansion of the waiver provisions outlined in this bill, unless an additional general fund appropriation is provided to cover the cost and lost revenue resulting from the waiver expansion.

Based on information I received from Mr. Gene Kouba, Veteran's Affairs Office, it is estimated there are over 1,430 veterans with a disability rating of 50-90%. Based on the current statutory provisions, which provide waivers for dependents of qualified veterans who are 100% disabled, the NDUS provides approximately 100 waivers annually. According to the Veterans Affairs Office data, there are currently 332 one hundred percent disabled veterans in ND. This means that there is currently one waiver per each 3.33 qualified veterans. Applying this same ratio to the potential expanded pool of 1,430 veterans will result in an estimated additional 430 waivers per year at a cost to the NDUS of \$4.0 million in 2005-07 and \$4.7 million in the 2007-09 biennium. An additional general fund appropriation to the NDUS in the amount of \$4.0 million in the 2005-07 biennium will be required to cover the additional costs of serving these students and to help offset the lost tuition revenue from these waivers.

I hope this answers your questions. Please feel free to contact me if you need any additional information. I can be reached at 328-4116 or by email at laura.glatt@ndus.nodak.edu

State Capitol - 600 E. Boulevard Ave., Dept. 215, Bismarck, ND 58505-0230
Phone: 701.328.2960 • Fax: 701.328.2961
E-mail: NDUS.office@ndus.nodak.edu • Web: www.ndus.nodak.edu

The North Dakota University System is governed by the State Board of Higher Education and includes:
Bismarck State College • Dickinson State University • Lake Region State College • Mayville State University •
Minot State University • Minot State University-Bottineau Campus • North Dakota State College of Science •
North Dakota State University • University of North Dakota • Valley City State University • Williston State College.

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1271

Page 1, line 17 after "state" insert "and was a resident of this state at the time of death or determination of total disability of the veteran"

Page 1, line 4, replace "bidding preferences" with "rejection of bids"

Page 1, remove lines 6 through 23

Page 2, remove lines 1 through 16

Page 2, replace lines 19 ^{through} ~~with~~ 27 with:

The language from Representative Gulleson's amendment *starting w/*
"State Contracts" &
ending w/ 3. If two...US

AND

4. The office of management and budget or any other state entity authorized to accept bids for any service shall reject the bid of a bidder that indicates that the work will be performed outside the United States if it appears to be in the best interest of the state to have the work performed within the United States.

North Dakota Veteran's Coordinating Council

My name is John L. Jacobsen. I am the chairman of the Legislative Committee of the North Dakota Veterans Coordinating Council. I am a member of both the VFW and the American Legion. I am also a member of the VFW National Legislative Committee. We work directly with our Members of Congress on legislation at the national level.

The NDVCC membership is comprised of 15 members representing the five (5) veterans' organizations in the state. (3 from each organization) They are:

- American Legion
- AMVETS
- Disabled American Veterans (DAV)
- Veterans of Foreign Wars (VFW)
- Vietnam Veterans of America (VVA)

These organizations represent approximately 61,000 veterans currently living in North Dakota.

I am a member of the Legislative Committee of the NDVCC. I am not a member of the NDVCC but report directly to them. In order for the Legislative Committee to support any bill brought up before our Legislature, concurrence must be unanimous, that is all 5 organizations must agree that we should support the bill. An organization with 2 no votes can eliminate our support of the bill.

I have been instructed to ask you to support this bill.
Thank you.