

**2013 HOUSE EDUCATION**

**HB 1272**

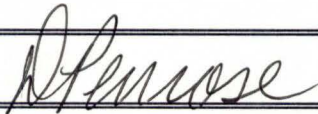
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1272  
January 28, 2013  
17839

☐ Conference Committee

Committee Clerk Signature



## Minutes:

**Ch. Nathe:** We will open the hearing on HB 1272.

**Sen. Mac Schneider:** Support, explained the bill for Rep. Mock who can't be here today. This bill would enable a dependent of a veteran eligible for in-state tuition under ND law. Under the GI bill, a veteran can transfer GI bill benefits to a dependent; however, those benefits will only pay in-state tuition (see attached #1). This bill would qualify that dependents of veterans are eligible for in-state tuition. We think it is a simple way to stand by those who have really done so much for our country and all of us. This would allow us to stand by their kids and help them get an affordable education at some of our institutions here in ND.

**Ch. Nathe:** This is for spouses.

**Sen. Schneider:** If you follow Ms. Blackburn's testimony, that spouse is included under the current language of the code, but dependents are not. It would seem that this would clarify that a spouse or a dependent, on line 22 of page 1, would both be eligible for in-state tuition.

**Ch. Nathe:** These would be for active members who are living outside the state borders, so they are living in Moorhead but serving with a unit in Fargo.

**Sen. Schneider:** Yes, I would see someone who went to UND, maybe moved to Iowa or Florida, so they have ND roots, but their service has taken them outside the state, they put down roots there but want to give their kids the same opportunities that they had, a good affordable education at UND or NDSU.

**Rep. B. Koppelman:** Where in the code does it define dependents for this section.

**Sen. Schneider:** I don't know if dependent is defined. We have the definition section, resident/non-resident for tuition purposes defined here. If dependent is not defined in the code, it would just be the plain English definition that would control, and so maybe that's the hang up here, that school administrators have taken dependent to only mean spouse.

**Ch. Nathe:** On page 1, line 18, it says an individual who graduated from a ND high school, FT active duty member, member of the ND Guard, a veteran. Is this somebody who is in Iowa or Illinois, who graduated from ND.

**Sen. Schneider:** They would be covered under existing language. It's the dependents of those people who moved out of state for purposes of their service or otherwise, that would be covered here. If the son of a person from Amidon, who is a veteran, who now wants to go back and follow in his father's footsteps at UND.

**Ch. Nathe:** But the son would be living in Amidon with him, unless the son is living in CO.

**Sen. Schneider:** The hypothetical dad is from Amidon, the son lives in Hawaii.

**Rep. Rust:** As I see it, the changes in the bill are on the 2<sup>nd</sup> page, because the rest of it is current language. The changes are #3 a veteran is defined in section 37-01-40. The other change is "and a spouse of any other individual who is a resident".

**Ch. Nathe:** Correct.

**Sen. Schneider:** That's the operative language, line 1, page 2.

**Ch. Nathe:** Did you see the fiscal note on this bill.

**Sen. Schneider:** It is not attached to my bill.

**Ch. Nathe:** The fiscal note for the 13-15 biennium is \$675,000, 15-17 biennium is \$725,000.

**Rep. B. Koppelman:** Under section 2, not in new language but in existing language as I read it, it says a resident student for tuition purposes means, under "e" it says a spouse or dependent of a FT active duty. Is this relating to people who are no longer FT active duty, they are veterans but they don't qualify for the disabled veteran. Is that what this is trying to hit.

**Sen. Schneider:** This would not apply to FT active duty member of the armed forces. These are truly veterans, those who have been retired.

**Rep. Meier:** Was this in Code before.

**Sen. Schneider:** It seems as though there was an understanding that dependents were covered under this section of the code and reading through Ms. Blackburn's testimony, it seems that school administrators have made the decision that dependents are not covered under the Code. Hopefully this small change will clarify that.

**Ch. Nathe:** Thank you. Further testimony in support. Testimony in opposition. We will hold the hearing open for Rep. Mock to return.

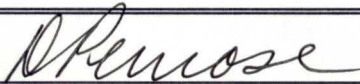
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1272  
January 30, 2013  
18014

☐ Conference Committee

Committee Clerk Signature



## Minutes:

**Ch. Nathe:** We will continue the hearing on HB 1272.

**Rep. Mock:** Sponsor, support. This was brought to our attention. They had been past residents of Grand Forks, were in the military, transferred out of the state to KY, where they've since retired. Her husband is recognized as a veteran, she is an attorney. Their daughter wanted to attend UND and they found that UND and the university system had given in-state tuition for spouses and dependents of veterans. That was a typo on the university website. When asked about it, they had to clarify that the language was not in statute to extend that benefit to dependents and spouses of veterans, but from the time they had seen that and to when they received clarification, had come to the university, toured the campus, and wanted to attend UND. Her father transferred his GI bill to her and unfortunately restrictions on the GI bill, they will only reimburse the highest cost of in-state tuition. The current law, and the bill would rectify this, in-state tuition is given to residents of the state. But as far as military personnel, it can be extended to spouses and dependents of active duty members of our armed forces. It can be extended spouses and dependents of members of the military are killed in action, and then to spouses and dependents of members of our National Guard, but it does not extend to a veteran. That's what this bill would cover. It would add the language on page 2, line 1, a veteran as defined in section 37-01-40.

**Ch. Nathe:** There was an example of a retired veteran and his dependents live in Iowa, they would be eligible under this bill.

**Rep. Mock:** Under this bill, a spouse or dependent of a veteran. Veterans right now have that benefit. So if you are a veteran of our armed forces, you are granted in-state tuition regardless of where you live. However, as in this case, if the veteran transfers the GI bill to a spouse or dependent, that benefit does not extend to their family. They are not eligible for in-state tuition. This would extend the definition to spouses and dependents of veterans as defined in chapter 37-01-40.

**Ch. Nathe:** Thank you.

**Rep. D. Johnson:** I think this bill was originally a bill that I sponsored in 1995, that if you were a veteran from ND, you could come back to ND and get in-state tuition.

**Capt. Michelle Hagel, National Guard:** The reserve component is made up of two parts, the National Guard and the Reserves. Obviously the National Guard is covered under the current law. You can run into problems with the reserves, depending on your intent, is for the traditional reserve members. If you are a FT reserve member, you have a very persuasive argument that you are covered under D1, because FT reserve members are active duty members under Title 10. If you are PT reserve member, meaning 1 weekend a month, 2 weeks out of the year, you will live out-of-state and you drill at a reserve unit located in ND. Under 1 and 2, you would not be covered because you are not a FT active member and you're not a member of a National Guard unit. So unless you qualify as a veteran or you have reciprocity, you wouldn't qualify for in-state tuition, in my opinion.

**Ch. Nathe:** On the fiscal note, it shows a pretty hefty amount. They are assuming that it would include 150 students system-wide. Do you have any background on that.

**Capt. Hagel:** I do not.

**Ch. Nathe:** Thank you. The fiscal note it shows that the 2013-15 biennium is \$675,000 and the 2015-17 biennium is at \$725,000. It says in the revenues, the fiscal note assumes approx. 150 students system-wide, based on current limited experience and information at various non-resident MN contiguous tuition rate categories. They think it may higher but aren't sure. Are we looking at 150 students, 250 or 25.

**Lonnie Wanger, Commissioner of Veterans Affairs in ND:** You're speaking of the fiscal note as it speaks without adding the reservists, as the bill is now.

**Ch. Nathe:** Yes.

**Lonnie Wanger:** Looking at the fiscal note briefly, I would imagine that they are looking at the difference between a resident and non-resident on the rates. They probably aren't taking into consideration is prior to this, the GI couldn't be transferred to your spouse or dependents. This is something that happened in the last few years. So in reaction to that, all of a sudden we have spouses that fall into the same category. As was testified earlier, then they aren't going to get that rate and that's going to keep a lot of people from using the GI bill in ND because of the difference that they have to pay. I would have to say that the impact this bill would have would increase the number of students going to the schools, rather than cost the schools more. They would get the in-state resident tuition instead of out-of-state tuition, but would have more students that are eligible and would be attending these schools rather than going to a private school that will make up the difference or a Yellow Ribbon program school that will waive the difference for them. Where it talks about the National Guard members in here, as it states here, it is just for the National Guard, it doesn't include the reservists. I ask that you consider amending it to include the reservists. We do have Marine reservists in Wahpeton, ND; Navy reservists in Fargo and we have Army reservists here in Bismarck. We do have a lot



**of reservists and I believe the idea was that they be covered also, but under this bill they are not considered.**

**Ch. Nathe: If you could make up those amendments and get them to Rep. Mock, we will take a look at them. Any further testimony in support or opposition. We will close the hearing.**

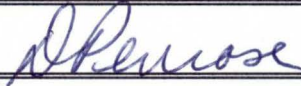
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1272  
February 4, 2013  
18229

☐ Conference Committee

Committee Clerk Signature



## Minutes:

**Ch. Nathe:** We will take a look at HB 1272. This bill would give spouses and dependents the in-state tuition rates. The veterans are covered. This would expand the coverage to spouses and dependents. What are the committee's wishes.

**Rep. Rust:** I am all for the veteran and all for allowing the veteran as much as we can, because of what the person does for us. However, I worry about expanding the circle and as such I will probably stay with the veteran, but I don't know if I'm necessarily in favor of expanded circle.

**Rep. Mock:** From what we learned, I believe it was Capt. Hagel had spoken that a lot of this is a result of the expansion of the GI bill, to allow the GI bill to be transferred to a spouse or dependent of the veteran who had the GI bill and that had occurred in 2007. That's where this is really coming from, is that the GI bill is transferred to spouses and dependents, but the GI bill will only pay for the highest amount of in-state tuition that a resident pays. For anything that lives outside the reciprocity circle, if they want to come to UND, they would be paying the full out-of-state tuition and the GI bill would only cover in-state tuition up to that amount. So that individual would not likely come to UND because the GI bill would not cover the cost of their education. I think another thing that we wanted to look into was that there are reserve forces that were not covered. I believe John Jacobson was an advocate for the veteran services and mentioned that there are potentially half a dozen or dozen reserve forces members who are assigned to one of the three reserve force bases in ND, but may live outside of the state. That was another issue that we had learned of with the introduction of this bill.

**Ch. Nathe:** So this would expand coverage to those reserve forces, spouses and dependents also. I question the extension to spouses and dependents. I understand the connection with the GI bill, but just because they don't cover the out-of-state rates doesn't mean we have to.

**Rep. Mock:** We would have to amend it to include reserve forces. I don't know if I believe that the fiscal note is entirely accurate because it talks about MN residents, but MN residents have reciprocity. So it looks to me that the higher education, Laura Glatt, had used numbers that include all out-of-state, outside of ND, students that

would be coming to a ND university and may qualify. I would like to talk with Anita in LC, to get clarification on the fiscal note.

Ch. Nathe: We will take this up tomorrow. Please bring your amendments at that time. We will adjourn for now.



# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1272  
February 6, 2013  
18414

☐ Conference Committee

Committee Clerk Signature



## Minutes:

**Ch. Nathe:** Let's take a look at HB 1272.

**Rep. Mock:** Explained the amendments. I visited with Anita, LC and Capt. Hagel from the National Guard and we had worked out some language to really address the fiscal note. The fiscal note adds the language that any spouse or dependent of a veteran would be granted in-state tuition, regardless of the state in which they reside. Laura Glatt, NDUS, had brought up in the fiscal note, was that anybody that lives outside of ND, who may be attending a ND institution if they are the spouse or dependent of a veteran. Simply put, they would qualify for in-state tuition. So if you are a MN resident that attends the UND you are receiving reciprocity but now if this were to pass, that if you were the spouse or dependent of a veteran, you would get in-state tuition. So that was Laura Glatt's assumption when she compiled the fiscal note, was that you would have in her case, anywhere from 150 or beyond students who would now be eligible for in-state tuition, who otherwise would not be. The intent of the bill was to provide language to allow those who receive the GI bill as a gift from a veteran. If you have a spouse or dependent of a veteran, as of 2008, Congress amended the GI bill to allow spouses and dependents to receive that GI bill and attend a college. However, they don't cover tuition beyond the maximum charged in-state tuition. The language was amended, 1002 and the other handout was the amendment in context (see #1). On page 2, line 1, it adds, after a veteran is defined as, it includes provided that the veteran is eligible to transfer entitlement under the post-911 Veterans Education Assistance Act of 2008. This means that this would only apply if that person has the GI bill to their name and chooses to attend a ND university or college with the GI bill. It would only apply to those few who reside out of ND but attend ND colleges or universities with the GI bill. The other language in the amendment, came at the request of Mr. Jacobson, who represents AMVETS, VFW and American Legion and other organizations. They mentioned that the National Guard is included in current law, but we have three reserve force bases in ND and that while they are stationed in ND in some cases, those individual may reside outside of the ND but continue to do their 1 weekend a month/2 weeks in summer, in our state. While that number is significantly low, they said our current law does not allow them to get in-state tuition themselves or have the spouse or dependent use it at all. Perhaps an oversight kept it from being in the law. This amendment would allow in-state tuition for a member of the armed force reserve component stationed in this state, and to extend that same benefit to the spouses

and dependents just as we do with National Guard units. This bill would have a very low fiscal impact, and only apply to a handful of individuals, but it would certainly amend our law to be in compliance with the GI bill that was passed in 2008. I move the amendments to HB 1272.

Rep. J. Kelsh: Second the motion.

Rep. B. Koppelman: I don't have a problem with the first 2 amendments. I am a little concerned about #4, about what is printed on lines 3, 4 and 5 on page 2, under subsection 4. I think that's where a lot of the cost comes in and although I don't have a problem with using the GI bill when it comes to a primary person, I am not sure that I would like to see that extended to spouses.

Ch. Nathe: Opening it up to spouses and dependents, I'm not really concerned with that. As far as covering the reservists, I don't have a problem with that. I would rather leave it as is, but make the two changes regarding the reservists.

Rep. Mock: I just want to make clear that the GI bill, as it was amended in Congress, and states are adjusting this, would not be able to be used in ND by anybody outside of our state. If you are a spouse or dependent of a veteran and they did not attend college but gave the GI bill to the spouse or dependent, if you wanted to come to the UND, or any college in ND, you would not be able to use the GI bill in our state. I think that was why we adjusted this. That GI bills are not applicable to ND and therefore they are not coming to our colleges using that GI bill.

Rep. B. Koppelman: I don't believe that statement is entirely true. It doesn't prevent them from using the GI bill, it prevents them from using the GI bill in conjunction with the in-state tuition amount. I think they can still use the GI bill and pay the difference between in-state that is reimbursed and the out-of-state amount.

Ch. Nathe: We will take a roll call vote on the amendment.

2 YES 9 NO 1 ABSENT

DO NOT PASS ON THE AMENDMENT

Rep. B. Koppelman: I move that we amend the amendments by striking page 2, line 1 after 37-01-40, insert "provided the veteran is eligible to transfer entitlement under the post-911 Veterans Educational Assistance Act of 2008". I would like to remove that from the amendment sheet and propose the rest of the amendments.

Ch. Nathe: We are talking about the first two paragraphs, where we add a member of armed forces reserve component stationed in this state, page 1 line 21, page 2, line 1.

Rep. B. Koppelman: Yes. We might still need to include the renumbering.

Ch. Nathe: Yes, it would be both of those sections.

Rep. Meier: Second the motion.

**Ch. Nathe:** We will take a voice vote. Motion carried. We have the bill before us as amended.

**Rep. J. Kelsh:** I move a Do Pass as amended.

**Rep. B. Koppelman:** Second the motion.

**Rep. Rust:** I am all for benefits that go to veterans; I admire the work they do. My problem is one of expanding the circle and will vote no on the bill.

**Ch. Nathe:** I share the same sentiment.

**Rep. Mock:** I want to clarify. The amendment was that the bill will now state that any service man or woman, who is a FT active duty member of, a member of the armed forces reserve component stationed in the state. I want to clarify that's the bill, and it would also be to their spouse or dependent. If you are a member of the armed reserve forces and you are stationed outside ND that the bill will now make sure that you get in-state tuition as the service man or woman, who is a member of the reserve forces. This will allow the individual in the reserve forces.

**Ch. Nathe:** The bill still expands it to spouses and dependents the way the bill is written.

**Rep. Mock:** But right now, a member of the reserve forces would not be granted in-state tuition. The bill would correct that problem. I just wanted to make sure that was clear.

**Ch. Nathe:** Clerk will take the roll call vote.

**5 YES 6 NO 2 ABSENT DO PASS AS AMENDED MOTION FAILED**

**Rep. Rust:** I move a Do Not Pass as amended.

**Rep. Schatz:** Second the motion.

**8 YES 4 NO 1 ABSENT DO NOT PASS AS AMENDED MOTION CARRIED**

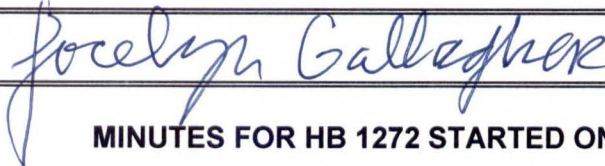
**CARRIER:** Rep. D. Johnson

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1272  
February 11, 2013  
18750

☐ Conference Committee

  
**MINUTES FOR HB 1272 STARTED ON RECORDING AT 12:42 ON JOB 18750**

**Chairman Nathe:** Next bill is HB 1272.

I talked to Rep. Mock and he has come across information on the bill and mainly the amendments that we did not talk about during the committee, I want to bring this bill 1272 back before the committee. Rep. Mock will speak to the amendments and information he has found.

**Chairman Nathe:** We need to re-consider our actions.

**Rep. Kelsch:** I move we re-consider our actions by which we did not pass 1272.

**Rep. Meier:** Second.

**Chairman Nathe:** Now we have HB 1272 back to us as a do not pass but let's put the recommendation aside for now.

**Rep. Mock:** (14:06) He went over the amendments from last week. The concern was over the fiscal note and whether or not we were expanding beyond a circle not originally covered.

**Rep Rust:** (20:20) The veteran is given money and if he doesn't use it he can transfer it to spouse or children, if he uses it, no transfer. So if he uses part of it, then only part left can be transferred?

**Rep. Mock:** If only a portion is used then a portion can be transferred.

**Rep. Mock:** (22:05) He spoke to the fiscal note.

**Rep. Meier:** (23:13) Had you checked with university system being we not in compliance how much revenue was used by students?

**Rep. Mock:** There was no \$ amount we've been able to collect on how much students have paid.

**Rep. Kelsh:** Is there a time limit on it?

**Rep. Mock:** Up to the GI Bill, it's a federal qualification.

**Chairman Nathe:** There must be time constraint.

**Rep. Koppelman:** I move we re-amend and accept Rep. Mock's amendment as proposed.

**Chairman Nathe:** We have a do pass on amendment from Rep. Koppelman, second by Rep. Kelsh.

**Rep. Mock:** Clarify the amendment labeled 1002 in its entirety.

**Chairman Nathe:** Voice vote all in favor say I, all opposed, amendment passes.

**Chairman Nathe:** Now we have before us HB 1272 re-amended.

**Rep. Koppelman:** I move a do pass.

**Chairman Nathe:** A do pass, re-amended on HB 1272 by Rep. Koppelman, second by Rep. Kelsh.

**Chairman Nathe:** Amendment passes, Rep. Johnson will carry the bill.

Question was asked to Chairman Nathe, would that be referred or would it be re-referred?

**Chairman Nathe:** Re-referred to appropriations, no it would not need to be referred to appropriations, no, does not need to be re-referred.



**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/15/2013**

Bill/Resolution No.: HB 1272

- 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				\$(675,000)		\$(725,000)
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).*

Expands the definition of veteran dependent for resident tuition purposes from only active duty military and members of ND National Guard to include all honorably discharged /wartime veterans, regardless of residency, similar to current veteran and spouse provisions.

- 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.*

Expands the number of students eligible for resident tuition rate, thereby reducing revenues due to the assessment of a reduced rate (charge the resident instead of higher non-resident rates).

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.*

Reduces tuition revenue collections due to the assessment of lower resident rate instead of non-resident rates. The fiscal note assumes approximately 150 students systemwide based on current limited experience and information, at various non-resident, MN, contiguous, etc.) tuition rate categories. However, it is difficult to predict the number of increased enrollments that may materialize as a result of this change. The impact could be significantly higher. It could also result in additional total enrollments and increased overall revenues if a sufficient number of students enroll that otherwise would not have enrolled in the NDUS at the higher tuition rates.

- 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.*

**Name:** Laura Glatt

**Agency:** ND University System Office

**Telephone:** 701-328-4116

**Date Prepared:** 01/19/2013

February 6, 2013

YK  
2/7/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1272

Page 1, line 20, overstrike "a" and insert immediately thereafter "the"

Page 1, line 20, overstrike "unit"

Page 1, line 20, remove "or"

Page 1, line 21, after "(3)" insert "A member of the armed forces reserve component stationed in this state; or

(4)"

Page 1, line 24, overstrike "a" and insert immediately thereafter "the"

Page 1, line 24, overstrike "unit"

Page 2, line 1, after "(3)" insert "A member of the armed forces reserve component stationed in this state;

(4)"

Page 2, line 2, replace "(4)" with "(5)"

Page 2, line 4, replace "(5)" with "(6)"

Renumber accordingly

VLC  
2/11/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1272

Page 1, line 20, overstrike "a" and insert immediately thereafter "the"

Page 1, line 20, overstrike "unit"

Page 1, line 20, remove "or"

Page 1, line 21, after "(3)" insert "A member of the armed forces reserve component stationed in this state; or

(4)"

Page 1, line 24, overstrike "a" and insert immediately thereafter "the"

Page 1, line 24, overstrike "unit"

Page 2, line 1, after "(3)" insert "A member of the armed forces reserve component stationed in this state;

(4)"

Page 2, line 1, after "37-01-40" insert ", provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301]"

Page 2, line 2, replace "(4)" with "(5)"

Page 2, line 4, replace "(5)" with "(6)"

Renumber accordingly

Date: 2/6/13

Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 1272

House

EDUCATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Amendment of Rep. Mock

Action Taken: ☐ Do Pass ☐ Amended ☐ Rerefer to Appropriations

☐ Do Not Pass ☐ Adopt Amendment

Motion Made By Rep. Mock Seconded By Rep. Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe		✓	Rep. Bob Hunsakor		✓
Rep. Mike Schatz			Rep. Jerry Kelsh	✓	
Rep. Joe Heilman			Rep. Corey Mock	✓	
Rep. Brenda Heller		✓			
Rep. Dennis Johnson		✓			
Rep. Ben Koppelman		✓			
Rep. Lisa Meier		✓			
Rep. Karen Rohr		✓			
Rep. David Rust		✓			
Rep. John Wall					

TOTAL (YES) 2 (NO) 8 (ABSENT) 1

FLOOR ASSIGNMENT \_\_\_\_\_

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

Amendment Motion fails

Date: 2/6/13

Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 1272

House

EDUCATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Amendment of Rep. Koppelman

Action Taken: ☒ Do Pass ☐ Amended ☐ Rerefer to Appropriations

☐ Do Not Pass ☐ Adopt Amendment

Motion Made By Rep. Koppelman Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe			Rep. Bob Hunsakor		
Rep. Mike Schatz			Rep. Jerry Kelsh		
Rep. Joe Heilman			Rep. Corey Mock		
Rep. Brenda Heller					
Rep. Dennis Johnson					
Rep. Ben Koppelman					
Rep. Lisa Meier					
Rep. Karen Rohr					
Rep. David Rust					
Rep. John Wall					

TOTAL (YES) \_\_\_\_\_ (NO) \_\_\_\_\_ (ABSENT) \_\_\_\_\_

FLOOR ASSIGNMENT \_\_\_\_\_

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

Voice Vote - Carried

Date: 2/6/13Roll Call Vote #: 32013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTESBILL/RESOLUTION NO. 1272

House

EDUCATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:

☒ Do Pass☒ Amended☐ Rerefer to Appropriations☐ Do Not Pass☐ Adopt AmendmentMotion Made By Rep. Kelsh Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe		✓	Rep. Bob Hunsakor	✓	
Rep. Mike Schatz		✓	Rep. Jerry Kelsh	✓	
Rep. Joe Heilman			Rep. Corey Mock	✓	
Rep. Brenda Heller		✓			
Rep. Dennis Johnson		✓			
Rep. Ben Koppelman	✓				
Rep. Lisa Meier	✓				
Rep. Karen Rohr		✓			
Rep. David Rust		✓			
Rep. John Wall					

TOTAL (YES) 5 (NO) 6 (ABSENT) 2

FLOOR ASSIGNMENT \_\_\_\_\_

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

Motion Failed



Date: 2/6/13

Roll Call Vote #: 4

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 1272

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13.0393.01003 02000

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

Motion Made By Rep. Rust Seconded By Rep. Schatz

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor	✓	
Rep. Mike Schatz	✓		Rep. Jerry Kelsh		✓
Rep. Joe Heilman	✓		Rep. Corey Mock		✓
Rep. Brenda Heller	✓				
Rep. Dennis Johnson	✓				
Rep. Ben Koppelman		✓			
Rep. Lisa Meier		✓			
Rep. Karen Rohr	✓				
Rep. David Rust	✓				
Rep. John Wall					

TOTAL (YES) 8 (NO) 4 (ABSENT) 1

FLOOR ASSIGNMENT Rep. Johnson

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

*Motion Carried*

Date: 2/11/13Roll Call Vote #: 12013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTESBILL/RESOLUTION NO. 1272House EDUCATION Committee☐ Check here for Conference CommitteeLegislative Council Amendment Number 13.0393.01002 03000Action Taken: ☒ Do Pass ☒ Amended ☐ Rerefer to Appropriations☐ Do Not Pass ☐ Adopt AmendmentMotion Made By Rep. Koppelman Seconded By Rep. Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor	✓	
Rep. Mike Schatz	✓		Rep. Jerry Kelsh	✓	
Rep. Joe Heilman			Rep. Corey Mock	✓	
Rep. Brenda Heller	✓				
Rep. Dennis Johnson	✓				
Rep. Ben Koppelman	✓				
Rep. Lisa Meier	✓				
Rep. Karen Rohr	✓				
Rep. David Rust	✓				
Rep. John Wall					

TOTAL (YES) 11 (NO) 0 (ABSENT) 2FLOOR ASSIGNMENT Rep. Johnson

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

**REPORT OF STANDING COMMITTEE**

**HB 1272: Education Committee (Rep. Nathe, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 20, overstrike "a" and insert immediately thereafter "the"

Page 1, line 20, overstrike "unit"

Page 1, line 20, remove "or"

Page 1, line 21, after "(3)" insert "A member of the armed forces reserve component stationed in this state; or

(4)"

Page 1, line 24, overstrike "a" and insert immediately thereafter "the"

Page 1, line 24, overstrike "unit"

Page 2, line 1, after "(3)" insert "A member of the armed forces reserve component stationed in this state;

(4)"

Page 2, line 1, after "37-01-40" insert ", provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301]"

Page 2, line 2, replace "(4)" with "(5)"

Page 2, line 4, replace "(5)" with "(6)"

Renumber accordingly

**2013 SENATE EDUCATION**

**HB 1272**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee  
Missouri River Room, State Capitol

HB 1272  
3-19-13  
20120

☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 15-10-19.1 of the North Dakota Century Code, relating to resident tuition for spouses and dependents of veterans

## Minutes:

You may make reference to "attached testimony."

**Chairman Flakoll:** opened the hearing on HB 1272

**Representative Cory Mock:** I wish to introduce HB 1272. This bill is to clarify the intent of a 2009 piece of legislation at the request of the University System. It was SB 2082 in 2009. (Written Testimony #1, #2, and #3 attached) Ended written at 3:55

In August 2009 you could transfer your GI bill to a spouse or dependent if you were eligible. The transferability is attachment #2. Under current ND law, we don't define in-state tuition as the spouse or dependent of a veteran. Current law defines resident students as an individual who lives here, over the age of 18, graduated from a ND high school. An individual is a ND resident for tuition purposes if they are full time active duty member of the armed forces, a member of the National Guard unit, or a veteran. That was in response to the 2009 Senate bill. The language related to a veteran was not included in the spouse or dependent section. It was not in compliance with the department of defense and veteran affairs. It will affect very few individuals but it is important feature for members assigned to ND reserve units. The fiscal note should have been modified.

**Senator Luick:** The portion you covered on line 21 page 1, could you go into detail about that? If they come into the state, are they automatically getting the benefits of this program even if they are here for one day?

**Rep. Mock:** The language is that if an individual has been assigned to a North Dakota reserve forces unit, they would receive the same benefits as any member of the North Dakota National Guard or current active duty members across the country. It is just identifying and clearly defining reserve forces.

**Senator Luick:** Do we have any numbers for those?

**Rep. Mock:** I don't have the numbers. I was told it is minimal.

**Chairman Flakoll:** The fiscal note is a reference to 120. Would that apply to those assigned to serve in North Dakota but sent overseas?

**Rep. Mock:** Anyone who is assigned to a North Dakota unit would be eligible to those benefits. Under current law family members are given the benefits of in-state tuition but reserve forces are not. The armed forces don't cover a lot of individuals. We wanted the intent to be clear.

**Chairman Flakoll:** The system office reports waivers. Would this be in the category of waivers?

**Rep. Mock:** In those extenuating circumstances, they may have been awarded waivers to apply. The University System said this should reduce the waivers.

**Chairman Flakoll:** In terms of dependents, how does it apply if a person has a child of 23 years old not living in the home?

**Rep. Mock:** A dependent is a minor so if they are over 18 they will already be covered.

**Vice Chairman Schaible:** Reviewing the history of this bill, we are on the 3000 version but there is no 2000 version. What happened?

**Rep. Mock:** The 1000 did not include the armed forces and it was just opened up to all spouses and dependents of veterans. Because the committee wanted to tighten the language up and extend the benefit to the armed reserve forces, we offered an amendment. There was confusion and only a portion of the amendment was adopted on page 1 line 21 and page 2 line 2. We did not add the language on p. 2 line 3 in the 2000 version. The bill because of the fiscal note and confusion was given a Do Not Pass. The committee reconsidered their previous actions and brought the bill back and further amended.

**Senator Heckaman:** How can this merge with HB 1104 that we already passed?

**Rep. Mock:** I believe we included that on line 6 of page 2. If that does not cover the current version of Senate Bill 1104 I would be happy to include the language to make sure the differences are reconciled.

**John Jacobsen, Legislative Committee Member of the North Dakota Veteran's Coordinating Council:** I wish to testify in support of HB 1272. (Written testimony #4 attached)

**Lonnie Wangen, Commissioner of Veteran's Affairs for North Dakota:** I do support this bill. I will answer the question about the dependent. They have to use the GI bill by the time they are 24 as a children of a veteran. There is no time limit for the spouse of a veteran.

**Senator Luick:** What about disabled children? Is there a limit to that?



**Lonnie Wangen:** As I understand it, dependent children are always covered.

**Chairman Flakoll** closed the hearing on HB 1272

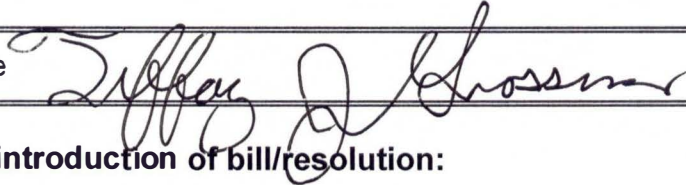
# 2013 SENATE STANDING COMMITTEE MINUTES

**Senate Education Committee**  
Missouri River Room, State Capitol

HB 1272  
3-19-13  
20122

☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 15-10-19.1 of the North Dakota Century Code, relating to resident tuition for spouses and dependents of veterans

## Minutes:

You may make reference to "attached testimony."

**Chairman Flakoll:** opened the hearing on HB 1272

**Senator Heckaman:** We passed HB 1104 which has specific language for the NDUS on who is considered a resident and a non-resident when you have an employee of the University System. What do we need to add to cover it?

**Anita Thomas, Legislative Council:** I did a quick highlight and it looks like 1272 is more extensive. If you did nothing other than pass HB 1272, after session we would combine the two. The major difference is the reference to an employee verses a benefited employee. That would be the only real conflict.

**Chairman Flakoll:** You think if our intent was to have a benefited employee, to have benefited on this bill.

**Anita Thomas, Legislative Council:** That would be helpful.

**Chairman Flakoll:** We will have Molly do that one.

**Anita Thomas, Legislative Council:** I would be happy to work with Molly on doing that.

**Senator Heckaman:** I am looking forward on HB 1219 and is there any way that can also be merged in here? That is the death of a disabled veteran.

**Anita Thomas, Legislative Council:** There is no need to reconcile the third bill with this.

**Chairman Flakoll:** Is the intent of the committee to have the amendments drafted to a benefited?

**Senator Heckaman:** I would ask that our intern do that.

**Chairman Flakoll:** We will wait until they draft it. It is a little complicated. There may be some language pulled over from 1104. The intent is the only substantive change is the benefited employee.

**Chairman Flakoll:** Closed the hearing on HB 1272

# 2013 SENATE STANDING COMMITTEE MINUTES

**Senate Education Committee**  
Missouri River Room, State Capitol

HB 1272  
3-20-13  
20199

☐ Conference Committee

Committee Clerk Signature

## **Explanation or reason for introduction of bill/resolution:**

A BILL for an Act to amend and reenact section 15-10-19.1 of the North Dakota Century Code, relating to resident tuition for spouses and dependents of veterans

## **Minutes:**

You may make reference to "attached testimony."

**Chairman Flakoll** opened the hearing on HB 1272

**Anita Thomas, Legal Council:** Passed out amendment (Attachment #1) and the marked up version (attachment #2) The amendment reflects HB 1104 and HB 1272. We have combined them. We are dealing with the resident and non-resident student. The resident student retains some of the requirements currently in law. We added a benefited employee of the North Dakota University System and we separated spouse and dependent so you can see we are talking about the spouse of a full time active duty member.

**5:01 Senator Poolman:** I would move the Flakoll amendments 13.0393.03001

**Senator Heckaman:** Second

**Senator Heckaman:** This clarifies the bill. I think it is a good product for employees and dependents and spouses.

**A roll call vote was taken to adopt the amendment to engrossed HB 1272: 6 yeas, 0 neas, 0 absent**

**Vice Chairman Schaible:** Move Do pass as amended to engrossed HB 1272 and re-referred to appropriations

**Senator Poolman:** Second

**A roll call vote was taken for a Do Pass as amended to engrossed HB 1272 and re-referred to appropriations: 6 yeas, 0 neas, 0 absent**

**Senator Marcellais:** will carry

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/12/2013**

Amendment to: HB 1272

- 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				\$(515,000)		\$(555,000)
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).*

Expands the definition of resident for tuition purposes for veterans.

- 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.*

Expands the number of students eligible for resident tuition rate, thereby reducing revenues due to the assessment of a reduced rate (charge the resident instead of higher non-resident rates). The engrossed version, while still increasing the eligible pool, is likely to be a net reduction in the eligible pool, when compared to the original bill as introduced.

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.*

Reduces tuition revenue collections due to the assessment of lower resident rate instead of non-resident rates. The fiscal note assumes approximately 120 students systemwide based on current limited experience and information, at various non-resident, MN, contiguous, etc.) tuition rate categories. However, it is difficult to predict the number of increased enrollments that may materialize as a result of this change.

- 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.*

**Name:** Laura Glatt

**Agency:** ND University System Office

**Telephone:** 701-328-4116

**Date Prepared:** 02/13/2013



**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/15/2013**

Bill/Resolution No.: HB 1272

- 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				\$(675,000)		\$(725,000)
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).*

Expands the definition of veteran dependent for resident tuition purposes from only active duty military and members of ND National Guard to include all honorably discharged /wartime veterans, regardless of residency, similar to current veteran and spouse provisions.

- 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.*

Expands the number of students eligible for resident tuition rate, thereby reducing revenues due to the assessment of a reduced rate (charge the resident instead of higher non-resident rates).

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.*

Reduces tuition revenue collections due to the assessment of lower resident rate instead of non-resident rates. The fiscal note assumes approximately 150 students systemwide based on current limited experience and information, at various non-resident, MN, contiguous, etc.) tuition rate categories. However, it is difficult to predict the number of increased enrollments that may materialize as a result of this change. The impact could be significantly higher. It could also result in additional total enrollments and increased overall revenues if a sufficient number of students enroll that otherwise would not have enrolled in the NDUS at the higher tuition rates.

- 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.*

**Name:** Laura Glatt

**Agency:** ND University System Office

**Telephone:** 701-328-4116

**Date Prepared:** 01/19/2013

March 20, 2013

*JB*  
*3/20/13*

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1272

Page 1, line 23, after "A" insert "benefited employee of the North Dakota university system;

f. The"

Page 1, line 23, overstrike "or dependent"

Page 2, line 6, replace "An" with "A benefited"

Page 2, line 6, overstrike "any institution of higher education in this state"

Page 2, line 7, after "~~any~~" insert "the North Dakota university system"

Page 2, line 9, overstrike "f." and insert immediately thereafter "g."

Page 2, line 9, after "~~person~~" insert "A dependent of:

- (1) A full-time active duty member of the armed forces;
- (2) A member of the North Dakota national guard;
- (3) A member of the armed forces reserve component stationed in this state;
- (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301];
- (5) A benefited employee of the North Dakota university system; or
- (6) Any other individual who is a resident for tuition purposes;

h."

Page 2, line 11, overstrike "g." and insert immediately thereafter "i."

Renumber accordingly

Date: 3-20-13

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 1272

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13 0313.0308

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By

Poolman

Seconded By

Heckaman

Senators	Yes	No	Senator	Yes	No
Chairman Tim Flakoll	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Senator Joan Heckaman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Donald Schaible	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Senator Richard Marcellais	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Larry Luick	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Senator Nicole Poolman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 3-20-13

Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 1272

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13.039303 081

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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Senator Joan Heckaman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vice Chairman Donald Schaible	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Senator Richard Marcellais	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Larry Luick	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Senator Nicole Poolman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Marcellais

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

**REPORT OF STANDING COMMITTEE**

**HB 1272, 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 1272 was placed on the Sixth order on the calendar.

Page 1, line 23, after "A" insert "benefited employee of the North Dakota university system;

f. The"

Page 1, line 23, overstrike "or dependent"

Page 2, line 6, replace "An" with "A benefited"

Page 2, line 6, overstrike "any institution of higher education in this state"

Page 2, line 7, after "any" insert "the North Dakota university system"

Page 2, line 9, overstrike "f." and insert immediately thereafter "g."

Page 2, line 9, after "~~person~~" insert "A dependent of:"

- (1) A full-time active duty member of the armed forces;
- (2) A member of the North Dakota national guard;
- (3) A member of the armed forces reserve component stationed in this state;
- (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301];
- (5) A benefited employee of the North Dakota university system; or
- (6) Any other individual who is a resident for tuition purposes;

h."

Page 2, line 11, overstrike "g." and insert immediately thereafter "i."

Renumber accordingly



**2013 SENATE APPROPRIATIONS**

**HB 1272**

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

HB 1272  
March 28, 2013  
Job # 20585

☐ Conference Committee

Committee Clerk Signature

*Rose Lening*

### Explanation or reason for introduction of bill/resolution:

A BILL relating to resident tuition for spouses and dependents of veterans.

### Minutes:

Testimony attached # 1-2

Legislative Council - Becky J. Keller  
OMB - Tammy Dolan

**Chairman Holmberg** opened the hearing on HB 1272. Roll call was taken.  
Fiscal note dated 3/21/13

### **Representative Corey Mock, District 42**

Bill Sponsor

Testified in favor of HB 1272. Engrossed HB 1272 removes a perceived loophole following the passage of the 2009, SB 2082. The intention was to give those who qualified for the GI Bill (10 years of service) the ability to attend the University of North Dakota and pay all the costs. He explained. It advertised on the University System that North Dakota was in compliant with the Post 9/11 GI Bill. We found out there was a problem in the transferability situation. Century code did not grant instate tuition for the dependence or spouses of a veteran. Engrossed HB 1272 adds the language on page 2 beginning on line 4 and on line 14 that you are granted instate tuition if you are a spouse or dependent of a veteran as defined in century code.

Testimony attached # 1 - Post-9/11 GI Bill: Transferability

Testimony attached # 2 - Heather L.W. Blackburn testimony

He explained the House amendments (7:30)

**Senator Mathern:** What was the vote of the Senate Education Committee?

**Representative Mock:** They supported the bill unanimously. 7-0-0

**Vice Chairman Bowman:** First fiscal note came in at \$675,000 in other funds. The next \$515,000 in other funds and the current fund is \$515,000 of general funds. How and why the moving of funds?

**Representative Mock:** Explained the fiscal note.

**Senator Carlisle** asked Becky Keller for a clarification on other funds.

**Becky Keller, Legislative Council:** The negative \$515,000 is the tuition they will not get. The \$515,000 positive is the general fund appropriation they will need to recoup that loss.

**Representative Mock:** When we passed the original version in 2009, the fiscal note that was prepared at that time was to expand it to all veterans. It was \$750,000 and there was no request for a general fund appropriation. There was another fund for \$750,000 for all veterans and recipient of a GI Bill.

**Chairman Holmberg** thanked him and asked for anyone else to testify.

**Lonnie Wangen, Commissioner of Veterans Affairs of North Dakota**  
Testified in favor of HB 1272 (14:22).

**Senator Carlisle:** It passed the House without a dissenting vote.

**Senator Mathern** moved a Do Pass.

**Senator Carlisle** seconded the motion.

**A roll call vote was taken. Yea: 11    Nay: 0    Absent: 2**

**The bill goes back to the Education committee and Senator Marcellais will carry the bill on the floor.**

**FISCAL NOTE**  
**Requested by Legislative Council**  
**03/21/2013**

Amendment to: HB 1272

- 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				\$(515,000)		\$(555,000)
Expenditures						
Appropriations			\$515,000		\$555,000	

- 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 the definition of resident for tuition purposes for veterans. Senate amendments merge HB1104 (which has already been passed and signed by the Governor), adding NDUS benefitted employees, but does not make other substantive changes.

- 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.*

Expands the number of students eligible for resident tuition rate, thereby reducing revenues due to the assessment of a reduced rate (charge the resident instead of higher non-resident rates). The engrossed and re-engrossed versions, while still increasing the eligible pool, are likely to be a net reduction in the eligible pool, when compared to the original bill as introduced. No changes to the fiscal note have been made to reflect the merger of HB1104, as HB1104 did not have a dollar 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.*

Reduces tuition revenue collections due to the assessment of lower resident rate instead of non-resident rates. The fiscal note assumes approximately 120 students systemwide based on current limited experience and information, at various non-resident, MN, contiguous, etc.) tuition rate categories. However, it is difficult to predict the number of increased enrollments that may materialize as a result of this change. HB1104, which has been merged with 1272 in the Senate amendments, would impact about 25-30 NDUS employees per year, who live outside the state of ND. This change will simply reduce the number of waivers currently being recorded for NDUS employees, to reflect the difference between non-resident and resident tuition.

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.*

An additional general fund appropriation is necessary to offset the loss of revenue to the NDUS. This was inadvertently missed in other fiscal notes on HB1272. The Senate amendments did not create the need for the additional general fund appropriation, since it should have been reflected in earlier notes.

**Name:** Laura Glatt

**Agency:** ND University System Office

**Telephone:** 701-328-4116

**Date Prepared:** 03/22/2013

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/12/2013**

Amendment to: HB 1272

- 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				\$(515,000)		\$(555,000)
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).*

Expands the definition of resident for tuition purposes for veterans.

- 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.*

Expands the number of students eligible for resident tuition rate; thereby reducing revenues due to the assessment of a reduced rate (charge the resident instead of higher non-resident rates). The engrossed version, while still increasing the eligible pool, is likely to be a net reduction in the eligible pool, when compared to the original bill as introduced.

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.*

Reduces tuition revenue collections due to the assessment of lower resident rate instead of non-resident rates. The fiscal note assumes approximately 120 students systemwide based on current limited experience and information, at various non-resident, MN, contiguous, etc.) tuition rate categories. However, it is difficult to predict the number of increased enrollments that may materialize as a result of this change.

- 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.*

**Name:** Laura Glatt

**Agency:** ND University System Office

**Telephone:** 701-328-4116

**Date Prepared:** 02/13/2013

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/15/2013**

Bill/Resolution No.: HB 1272

- 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				\$(675,000)		\$(725,000)
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).*

Expands the definition of veteran dependent for resident tuition purposes from only active duty military and members of ND National Guard to include all honorably discharged /wartime veterans, regardless of residency, similar to current veteran and spouse provisions.

- 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.*

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**Name:** Laura Glatt

**Agency:** ND University System Office

**Telephone:** 701-328-4116

**Date Prepared:** 01/19/2013

Date: 3.28-13

Roll Call Vote # 1

**2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 1272

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken      ☐ Adopt Amendment      ☒ Do Pass  
                          ☐ Do Pass as Amended      ☐ Do Not Pass

Motion Made By Mather      Seconded By Carlisle

Senators	Yes	No	Senator	Yes	No
Chairman Ray Holmberg	<input checked="" type="checkbox"/>		Senator Tim Mather	<input checked="" type="checkbox"/>	
Co-Vice Chairman Bill Bowman	<input checked="" type="checkbox"/>		Senator David O'Connell		
Co-Vice Chair Tony Grindberg	<input checked="" type="checkbox"/>		Senator Larry Robinson	<input checked="" type="checkbox"/>	
Senator Ralph Kilzer	<input checked="" type="checkbox"/>		Senator John Warner		
Senator Karen Krebsbach	<input checked="" type="checkbox"/>				
Senator Robert Erbele	<input checked="" type="checkbox"/>				
Senator Terry Wanzek	<input checked="" type="checkbox"/>				
Senator Ron Carlisle	<input checked="" type="checkbox"/>				
Senator Gary Lee	<input checked="" type="checkbox"/>				

Total      (Yes) 11      No 0

Absent 2

Floor Assignment Education Marcellais

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

**REPORT OF STANDING COMMITTEE**

**HB 1272, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1272, as amended, was placed on the Fourteenth order on the calendar.

**2013 CONFERENCE COMMITTEE**

**HB 1272**



# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Education Committee Pioneer Room, State Capitol

HB 1272  
April 17, 2013  
21203

☒ Conference Committee

Committee Clerk Signature



### Minutes:

Ch. Meier: We will call the conference committee meeting to order. All members are present. We have a quorum. We will ask the Senate to explain their amendments. The reason HB 1272 was amended, was that there was information in HB 1104 that was amended into HB 1272. Let's take a moment and come back to that.

Rep. Mock: I compared the version of HB 1272 with the Senate amendments, the version that we have before us with HB 1104. I did some comparisons line by line, to show which language came from the original version that the House had passed out of HB 1272 and what language was added in to reconcile with the bill that had already been signed by the Governor. Since I've already done that, I would be happy to go through that. The reason that the language was moved into 1272 is because 1104 had already been signed by the Governor, when you had 1272 before you. The concern, as I understood it, was if we had signed 1272 and passed it as it was before you, it may have undone the changes that were made in 1104 related to benefited employees of the University System and how it restructured the categories. When you see 1104 before you, this has already been filed with the Secretary of State and is law.

Sen. Luick: In the changes that we've made in 1272, is there anything in your opinion then that is conflicting at this point.

Rep. Mock: Let's take a look at the 4000 version of 1272, and you have 1104 off to the side, you can use that to reference. On the 4000 version, line 10-20 is all clean up language. That is all consistent in 1272 from the very beginning, just changing a person to individual and changing the context. The House added on line 21, a member of the armed forces reserve component stationed in the state that was from the House amended version of 1272 and is still consistent with the Senate version. Line 22 is clean up. Line 23 is from 1104. That is, subsection (e) of 1104 where we just added a benefited employee of the NDUS is considered a resident for tuition purposes. The reason there is if you have a benefited employee of the NDUS that works at the State College of Science in Wahpeton and lives in Breckenridge, that they would be eligible to take continuing education classes at the college and not have to pay above the resident tuition rate. It is just a residency; they figured there were a handful of individuals who had fallen under that category. That was the reason that 1104 was introduced and passed. That language is just transferring into 1272. Line 24 on page 1 is again clean up language, subsection (f). Then we get into page 2, lines 1 and 2, clean up language. This is the spouse of ... category. Lines 3-6 are in the House version of 1272 related to the member of the armed forces reserve

component and a veteran who is eligible for the post-911 GI bill. Line 7-9 again, 1104 language and clean up, again benefited employee of the NDUS. Line 10 is the 1104 version where we separated into the dependent category. Lines 11-12 are clean up/1104 version. Lines 13-16 are 1272 as it passed the House. Lines 17-18 are again 1104. The rest of the bill is clean up, just for changing the word individual and text.

Ch. Meier: Basically, this bill is just a meld of what we passed in 1272 along with HB 1104, what was already signed by the Governor.

Rep. Mock: Yes, correct. Our concern, as the chairman of the Senate Education Committee had said, we did not want to pass the second 1272 and incidentally or accidentally remove the changes that were made in 1104. We just moved that language into 1272 for consistency purposes.

Sen. Schaible: Is there anything in 1272 that is beneficial or added to.

Rep. Mock: HB 1104 was a bill that only addressed benefited employees of the university system. HB 1272 was introduced to bring our Code into compliance with the post-911 GI bill, so that individuals, who had had the GI bill that wanted to attend a NDUS college or university within the system, would then be able to use that GI bill without having to pay out-of-pocket. It's not only for veterans but also the spouses and dependents of the veterans if they were awarded or transferred to their name. HB 1272, in its effect, brings us into compliance with the Dept. of Defense and the post-911 GI bill. The language the Senate amended into it just makes sure that 1104 was not undone. There are no substantive changes between 1272 with the Senate amendments and passed it, versus the House version. It is the same language and same changes by policy.

Ch. Meier: There is an appropriation with this bill, too. Does that change the appropriation with melding 1104 into 1272.

Rep. Mock: No, the appropriation was again, as heard in both the House and Senate, the appropriation is merely just an estimated loss of tuition if students were to be eligible to use their GI bill. However, some of the Veterans Affairs individuals think the fiscal note may not accurately reflect the students that would have otherwise come to ND to use their GI bill, but turned away because they didn't want to pay out of pocket. The fiscal note has not been changed at all.

Ch. Meier: I think the changes were reasonable. I don't see a problem with the bill currently. If the committee is ready I would entertain a motion.

Rep. Rohr: I move that the House accede to the Senate amendments.

Sen. Schaible: Second the motion. 6 YES 0 NO 0 ABSENT  
HOUSE ACCEDE TO THE SENATE AMENDMENTS  
CARRIER: Rep. Meier, Sen. Marcellais

Rep. Meier: The conference committee is concluded.

# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Education Committee Pioneer Room, State Capitol

HB 1272  
April 18, 2013  
21259

☒ Conference Committee

Committee Clerk Signature
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### Minutes:

Ch. Meier: We will call the conference committee meeting to order. All members are present. We have a quorum. The reason we are coming back to the conference committee after passing this bill out yesterday was when we got back to the House chamber, Laura Glatt informed us that there was a mistake on the engrossed bill.

Rep. Mock: I move that we reconsider our actions whereby the House acceded to the Senate amendments.

Rep. Rohr: Second the motion.

Ch. Meier: Voice vote, motion carried. We now have the bill before us and I would like to ask Laura Glatt to explain why we should make an additional amendment, to remove on page 2, line 18 to remove (e).

Laura Glatt, NDUS: In comparing the versions of the bill, I found that there was a substantive change and I wasn't sure if it was intentional or not. As Rep. Meier indicated, on page 2, line 18, you see it falls under the new subsection related to dependents. Basically, under current state statute, a dependent of a FT active duty member of the Armed forces is currently in statute, so on line 11 that's currently in Code. A dependent of a ND National Guard member is a current part of statute. Lines 13 and 14 are new and as suggested that was the purpose of this bill, was to bring it into compliance with the post-911 GI bill. Then line 17, that was covered in HB 1104, which was merged with this bill. In current statute, an employee's spouse of a ND University System is considered a resident for tuition purposes. The employee themselves was not. That was what we were trying to fix. Basically line 17 is a current part of statute. The substantive change took place was on line 18. This would basically say that "a dependent of any other individual who was deemed a resident for tuition purposes" so anybody covered in subsection 2 of this bill, their dependent would be a resident for tuition. Let me provide an example, if I grew up in ND and graduated from a ND high school but moved away to Colorado, and I lived there for 20 years and I want my son or daughter to return to ND to go to college, the bill as it stands now, would make that dependent eligible for resident tuition. I'm not sure if that was what you had intended or not. For us, it's hard for us to predict how many current students would now qualify for resident rate vs. non-resident and it's hard to predict how many additional students we might pick up. Certainly, I'm sure your interest is in how many and by how much we might be impacted. Quite honestly, we don't track that data so we would



have a hard time giving you any projections. Currently, dependents are limited to members of FT active duty armed forces, National Guard or one of our employees; that's it. If you are a dependent in one of those three categories, you qualify for resident tuition. You don't qualify under the other provisions of section 2 in the bill. It does open it pretty broadly.

Sen. Schaible: I'm looking at the .01002 version which has the existing language. It seems to me, on page 2, line 8, it seems like the original language was already there and it was just some clarifications on that. Where is the change from the existing to current.

Laura Glatt: I don't have a copy of that bill draft. The way it appears to me, you're right. Again, even in this bill they reconfigured the current statute so it's kind of hard to track, even in this version, at the bottom, that subsection you're referring to does reference a spouse or dependent. That doesn't appear to be new language. I think where the substantive change took place is in line 8 of this bill, where it was reworded and added new language, that now it reads with the new language, "any other individual who's a resident for tuition purposes". That's where the material change takes place.

Sen. Schaible: I don't have a problem addressing it if it is a problem, but the question I have is what the changes that this session has made to that language, is that different or was it just clarification, or just an issue that we need to look at separately.

Laura Glatt: If it might help, I'm going to give you the section of the current statute (see attached 1). I think if you read that, in particular, I've circled the item, I think it's probably more clear. I think the confusion took place when LC drafted the bill and they tried to clean up outdated language, perhaps reorganize it in a way that they flow to make better sense. I think it was just a drafting error that no one caught on the front end, when they broke them out in subsections. The new language related to dependent is accurate for spouses in the current statute, but the dependent provision got expanded and we were unclear whether that was intentional or not.

Sen. Schaible: If we remove line 18, what exemption would we be removing. Who is this going to affect.

Laura Glatt: If you remove line 18, it won't affect anybody in the current statute. Those dependents that are currently eligible under the current statute would continue to be eligible if you remove line 18. Line 18 expands the pool beyond where we are today.

Sen. Schaible: Who does that expand to.

Laura Glatt: If you go back to page 1 of the bill, section 2, this is the criteria that we use to decide whether a student is a resident for tuition. So 2(a) says that if you are an individual who has resided in the state for 12 months, basically you qualify as a resident tuition. This bill would say that their dependents are also eligible for resident tuition. The example I was using is on line 18, item (c). If you graduated from a ND high school, regardless of whether or not you have lived here in the last 20 years or not, you're considered a resident for tuition purposes. This change would now make their dependents eligible for resident tuition.

Ch. Meier: I think that clearly defines in my mind why you had concerns and I hope it does for the committee members as well. Any further questions for Ms. Glatt. Thank you. What are the committee's wishes.

Rep. Mock: I move that we remove line 18 on page 2 so that we would be back at the intent of the bill with the language of HB 1104 as it was signed by the Governor, reconciled so that we don't make any unintended changes to the law. I move that the House accede to the Senate Amendments and further amend to remove line 18, page 2.

Sen. Luick: Second the motion.

Rep. Meier: We will take a roll call vote.

**6 YES 0 NO 0 ABSENT**

**CARRIERS: Rep. Meier & Sen. Marcellais**

\*The motion was made by the House to accede to Senate amendments and further amend, but that was incorrect.

The correct motion that should have been made was as follows and was approved by Vonette Richter:

**That the Senate recede from Senate amendments as printed on pages 1149 and 1150 of the House Journal and pages 830-831 of the Senate Journal and that Engrossed House Bill No. 1272 be amended as follows: (see Proposed Amendments to Engrossed HB 1272).**

**FISCAL NOTE**  
**Requested by Legislative Council**  
**04/19/2013**

Amendment to: HB 1272

- 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				\$(515,000)		\$(555,000)
Expenditures						
Appropriations			\$515,000		\$555,000	

- 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 the definition of resident for tuition purposes for veterans. Senate amendments merge HB1104 (which has already been passed and signed by the Governor), adding NDUS benefitted employees, but does not make other substantive changes.

- 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.*

Expands the number of students eligible for resident tuition rate, thereby reducing revenues due to the assessment of a reduced rate (charge the resident instead of higher non-resident rates). The engrossed and re-engrossed versions, while still increasing the eligible pool, are likely to be a net reduction in the eligible pool, when compared to the original bill as introduced. No changes to the fiscal note have been made to reflect the merger of HB1104, as HB1104 did not have a dollar 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.*

Reduces tuition revenue collections due to the assessment of lower resident rate instead of non-resident rates. The fiscal note assumes approximately 120 students systemwide based on current limited experience and information, at various non-resident, MN, contiguous, etc.) tuition rate categories. However, it is difficult to predict the number of increased enrollments that may materialize as a result of this change. HB1104, which has been merged with 1272 in the Senate amendments, would impact about 25-30 NDUS employees per year, who live outside the state of ND. This change will simply reduce the number of waivers currently being recorded for NDUS employees, to reflect the difference between non-resident and resident tuition.



- 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.*

An additional general fund appropriation is necessary to offset the loss of revenue to the NDUS. This was inadvertently missed in other fiscal notes on HB1272. The Senate amendments did not create the need for the additional general fund appropriation, since it should have been reflected in earlier notes.

**Name:** Laura Glatt

**Agency:** ND University System Office

**Telephone:** 701-328-4116

**Date Prepared:** 04/19/2013

**FISCAL NOTE**  
**Requested by Legislative Council**  
**03/21/2013**

Amendment to: HB 1272

- 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.*

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	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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**Name:** Laura Glatt

**Agency:** ND University System Office

**Telephone:** 701-328-4116

**Date Prepared:** 03/22/2013

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/12/2013**

Amendment to: HB 1272

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**Name:** Laura Glatt

**Agency:** ND University System Office

**Telephone:** 701-328-4116

**Date Prepared:** 02/13/2013

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/15/2013**

Bill/Resolution No.: HB 1272

- 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.*

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Cities			
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**Name:** Laura Glatt

**Agency:** ND University System Office

**Telephone:** 701-328-4116

**Date Prepared:** 01/19/2013

March 20, 2013

1/8/13  
C. Flakoll

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1272

That the Senate recede from its amendments as printed on pages 1149 and 1150 of the House Journal and pages 830 and 831 of the Senate Journal and that Engrossed House Bill No. 1272 be amended as follows:

Page 1, line 23, after "A" insert "benefited employee of the North Dakota university system;

f. The"

Page 1, line 23, overstrike "or dependent"

Page 2, line 6, replace "An" with "A benefited"

Page 2, line 6, overstrike "any institution of higher education in this state"

Page 2, line 7, after "~~any~~" insert "the North Dakota university system"

Page 2, line 9, overstrike "f." and insert immediately thereafter "g."

Page 2, line 9, remove the overstrike over "A"

Page 2, line 9, after "~~person~~" insert "dependent of:

- (1) A full-time active duty member of the armed forces;
- (2) A member of the North Dakota national guard;
- (3) A member of the armed forces reserve component stationed in this state;
- (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301]; or
- (5) A benefited employee of the North Dakota university system;

h."

Page 2, line 11, overstrike "g." and insert immediately thereafter "i."

Renumber accordingly



# 2013 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

Supply side -  
2nd level -

Committee: House Education

Bill/Resolution No. 1272 as (re) engrossed

Date: 4-17-13 / 4/18

Roll Call Vote #: 1

- Action Taken**
- ☒ HOUSE accede to Senate amendments
  - ☒ HOUSE accede to Senate amendments and further amend
  - ☐ SENATE recede from Senate amendments
  - ☐ SENATE recede from Senate amendments and amend as follows

House/Senate Amendments on H/SJ page(s) 1149 - 1150

☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) \_\_\_\_\_ was placed on the Seventh order  
of business on the calendar

Motion Made by: Rohr 4/17 4/18 Seconded by: Schnaible 4/17 4/18 yes

Representatives	4/17	4/18	Yes	No		Senators	4/17	4/18	Yes	No
Rep. Meier	✓	✓	✓		X	Sen. Luick	✓	✓	✓	
Rep. Rohr	✓	✓	✓		X	Sen. Schnaible	✓	✓	✓	
Rep. Mock	✓	✓	✓		X	Sen. Marcellais	✓	✓	✓	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Meier Senate Carrier Marcellais

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**REPORT OF CONFERENCE COMMITTEE**

**HB 1272, as engrossed:** Your conference committee (Sens. Luick, Schaible, Marcellais and Reps. Meier, Rohr, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1149-1150, adopt amendments as follows, and place HB 1272 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1149 and 1150 of the House Journal and pages 830 and 831 of the Senate Journal and that Engrossed House Bill No. 1272 be amended as follows:

Page 1, line 23, after "A" insert "benefited employee of the North Dakota university system;

f. The"

Page 1, line 23, overstrike "or dependent"

Page 2, line 6, replace "An" with "A benefited"

Page 2, line 6, overstrike "any institution of higher education in this state"

Page 2, line 7, after "~~any~~" insert "the North Dakota university system"

Page 2, line 9, overstrike "f." and insert immediately thereafter "g."

Page 2, line 9, remove the overstrike over "A"

Page 2, line 9, after "~~person~~" insert "dependent of:"

- (1) A full-time active duty member of the armed forces;
- (2) A member of the North Dakota national guard;
- (3) A member of the armed forces reserve component stationed in this state;
- (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301]; or
- (5) A benefited employee of the North Dakota university system;

h."

Page 2, line 11, overstrike "g." and insert immediately thereafter "i."

Renumber accordingly

Engrossed HB 1272 was placed on the Seventh order of business on the calendar.

**2013 TESTIMONY**

**HB 1272**

#1

January 22, 2013

Representative Corey Mock  
District 42  
Grand Forks, North Dakota

RE: In-State Tuition for the Children of Active Duty Military, Veterans and Retired Military

Dear Representative Mock:

My name is Heather L. W. Blackburn. I am a University of North Dakota alumni (BA -1991, JD-1995) currently living in Owensboro, Kentucky. I am married to Major James Blackburn and we have one daughter, Samantha, age 16 and currently a junior at Owensboro High School. She is in the top 10 percent of her class, a student leader, athlete, and community volunteer. My husband served three tours in Afghanistan and two in Iraq as an IMA (Individual Mobilization Augmentee) reservist. He has been away from our family for most of the past six years. His role as an IMA is that although he is a reservist, he is attached to an active duty Security Police unit at Moody Air Force Base, Georgia. He has filled in for both overseas and stateside assignments because the manpower has been stretched so thin through two wars. I am proud of his service and our family would gladly make the sacrifice if called upon again.

My husband has transferred his GI Bill to Samantha and her dream was to bring her GI Bill to the University of North Dakota. When we first started researching UND, the website indicated it offered in-state tuition to the children of active duty military or veterans. We did a campus tour and my daughter fell in love with the university. We make frequent trips to North Dakota, even in the winter, and we love it and hope to return someday. I was excited that she would be attending my alma mater.

Sometime later, I checked the UND website and discovered that the in-state tuition for the children of veterans had been removed. When I called the UND military coordinator, I was informed that the word "dependent" as defined by the North Dakota Century Code, meant "spouse," not "children," and thus, Samantha would no longer qualify for in-state tuition. My daughter was heartbroken since the GI Bill will only pay the highest amount of tuition for an in-state institution, thus putting UND very likely out of her reach.

I am asking that you consider restoring the children of veterans as qualifiers for in-state tuition. While it definitely affords those children an opportunity for an excellent North Dakota education, I believe it benefits North Dakota as well as this will continue to attract and keep talented, bright people to one of the best places in the country. I am a firm believer that everything I am is because I was born and raised in North Dakota. I would very much like my daughter to experience North Dakota as well.

Thank you for your time and attention to this matter. Please feel free to contact me if you have any questions, concerns, and thoughts. I can be reached on my cell 270-244-0315, home 270-852-4860 or work 270-687-7040

Very truly yours,

Heather L. W. Blackburn, Esquire  
2015 Saint Elizabeth Street, Owensboro, KY 42301

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1272

Page 1, line 20, overstrike "a" and insert immediately thereafter "the"

Page 1, line 20, overstrike "unit"

Page 1, line 20, remove "or"

Page 1, line 21, after "(3)" insert "A member of the armed forces reserve component stationed in this state; or

(4)"

Page 1, line 24, overstrike "a" and insert immediately thereafter "the"

Page 1, line 24, overstrike "unit"

Page 2, line 1, after "(3)" insert "A member of the armed forces reserve component stationed in this state;

(4)"

Page 2, line 1, after "37-01-40" insert ", provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301]"

Page 2, line 2, replace "(4)" with "(5)"

Page 2, line 4, replace "(5)" with "(6)"

Renumber accordingly

Sixty-third  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1272

Introduced by

Representatives Mock, Amerman, Beadle, Fehr, Gruchalla

Senator Dever

1 A BILL for an Act to amend and reenact section 15-10-19.1 of the North Dakota Century Code,  
2 relating to resident tuition for spouses and dependents of veterans.

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

4 **SECTION 1. AMENDMENT.** Section 15-10-19.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15-10-19.1. Nonresident and resident student for tuition purposes defined.**

- 7 1. A "nonresident student" for tuition purposes means any student other than a resident  
8 student.
- 9 2. A "resident student" for tuition purposes means:
  - 10 a. ~~A person~~An individual whose guardian, custodial parent, or parents are legal  
11 residents of this state and have resided in this state for twelve months, or a  
12 dependent child whose custodial parent moved into the state with the intent to  
13 establish legal residency for a period of years within the last twelve months  
14 immediately prior to the beginning of the academic term;
  - 15 b. ~~A person~~An individual of age eighteen or over who is a legal resident of this state  
16 and has resided in this state after reaching age eighteen for twelve months  
17 immediately prior to the beginning of the academic term;
  - 18 c. ~~A person~~An individual who graduated from a North Dakota high school;
  - 19 d. (1) A full-time active duty member of the armed forces; ~~a;~~  
20 (2) A member of ~~the~~ North Dakota national guard ~~unit, or a;~~ ~~or~~  
21 (3) A member of the armed forces reserve component stationed in this state; or  
22 (4) A veteran, as defined in section 37-01-40;
  - 23 e. A spouse or dependent of a:
    - 24 (1) ~~A~~ full-time active duty member of the armed forces ~~or a;~~

- 1                   (2) A member of ~~a~~the North Dakota national guard ~~unit~~ or of an;
- 2                   (3) A member of the armed forces reserve component stationed in this state;
- 3                   (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to
- 4                   transfer entitlement under the Post 9-11 Veterans Educational Assistance
- 5                   Act of 2008 [38 U.S.C. 3301];
- 6                   ~~(4)(5)~~ An employee of any institution of higher education in this state, ~~and a~~
- 7                   ~~spouse of any; or~~
- 8                   ~~(5)(6)~~ Any other individual who is a resident for tuition purposes;
- 9                   f. ~~A person~~An individual who was a legal resident of this state for at least three
- 10                   consecutive years within six years of the beginning of the academic term; or
- 11                   g. A child, widow, or widower of a veteran as defined in section 37-01-40 who was
- 12                   killed in action or died from wounds or other service-connected causes, was
- 13                   totally disabled as a result of service-connected causes, died from
- 14                   service-connected disabilities, was a prisoner of war, or was declared missing in
- 15                   action.
- 16                   3. A temporary absence from the state for vacation or other special or temporary
- 17                   purposes may not be considered an abandonment of residency in this state, provided
- 18                   a residence is maintained in this state during the temporary absence. However, a
- 19                   student who leaves the state and resides in another state for a period of months is not
- 20                   considered a resident of this state during those months if the student does not
- 21                   maintain a place of residence in this state during the student's absence.



#2



## EDUCATION AND TRAINING

### POST-9/11 GI BILL: TRANSFERABILITY

#### WHAT IS TRANSFERABILITY?

The Post-9/11 GI Bill allows service members (officer or enlisted, Active Duty or Selected Reserve), on or after August 1, 2009, to transfer unused education benefits to immediate family members (spouse and children). The service member must have at least six years of service, and commit to an additional four years of service in order to transfer benefits to a spouse or child. Because of the potential impact of this benefit on recruiting and retention, transferability policy is determined by the Department of Defense (DoD) and the military services.

The following DoD Fact Sheet on Post-9/11 GI Bill can be found by clicking this link.

#### DEPARTMENT OF DEFENSE FACT SHEET ON POST-9/11 GI BILL TRANSFERABILITY

While the Post-9/11 GI Bill offers a very generous post-service education benefit, a special provision of the program allows career service members the opportunity to share their education benefits with immediate family members.

The department has established the policies and procedures for this important program. These policies and procedures are described below:

#### APPLICATION PROCEDURES

The effective date of any transfer will be no earlier than August 1, 2009, regardless of application date. All applications will be submitted through the milConnect website, located [here](#).

Service members will be able to securely access this site with a Common Access Card, a DoD Self Service User ID, or a DFAS PIN.

#### ELIGIBLE INDIVIDUALS

Any member of the Armed Forces (Active Duty or Selected Reserve, officer or enlisted) on or after August 1, 2009, who is eligible for the Post-9/11 GI Bill, and:

- Has at least 6 years of service in the Armed Forces on the date of election and agrees to serve 4 additional years in the Armed Forces from the date of election.

Disabilities determined by VA to be related to your military service can lead to monthly non-taxable compensation, enrollment in the VA health care system, a 10-point hiring preference for federal employment and other important benefits. Ask your VA representative or Veterans Service Organization representative about Disability Compensation, Pension, Health Care, Caregiver Program, Career Services, Educational Assistance, Home Loan Guaranty, Insurance and/or Dependents and Survivors' Benefits.



U.S. Department  
of Veterans Affairs



- Has at least 10 years of service in the Armed Forces (Active Duty and/or Selected Reserve) on the date of election, is precluded by either standard policy (service or DoD) or statute from committing to 4 additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute, or
- Is or becomes retirement eligible during the period from August 1, 2009, through August 1, 2013. A service member is considered to be retirement eligible if he or she has completed 20 years of Active Duty or 20 qualifying years of reserve service.

### **ELIGIBLE FAMILY MEMBERS**

An individual approved to transfer an entitlement to educational assistance under this section may transfer the individual's entitlement to:

- The individual's spouse.
- One or more of the individual's children.
- Any combination of spouse and child.
- A family member must be enrolled in the Defense Eligibility Enrollment Reporting System (DEERS) and be eligible for benefits, at the time of transfer to receive transferred educational benefits.
- A child's subsequent marriage will not affect his or her eligibility to receive the educational benefit; however, after an individual has designated a child as a transferee under this section, the individual retains the right to revoke or modify the transfer at any time.
- A subsequent divorce will not affect the transferee's eligibility to receive educational benefits; however, after an individual has designated a spouse as a transferee under this section, the eligible individual retains the right to revoke or modify the transfer at any time.



## ATURE OF TRANSFER

An eligible Service member may transfer up to the total months of unused Post-9/11 GI Bill benefits, or the entire 36 months if the member has used none. Family member use of transferred educational benefits is subject to the following:

- Spouse:
  - May start to use the benefit immediately.
  - May use the benefit while the member remains in the Armed Forces or after separation from Active Duty.
  - Is not eligible for the monthly housing allowance or books and supplies stipend while the member is serving on Active Duty.
  - Can use the benefit for up to 15 years after the service member's last separation from Active Duty.
- Child:
  - May start to use the benefit only after the individual making the transfer has completed at least 10 years of service in the Armed Forces.
  - May use the benefit while the eligible individual remains in the Armed Forces or after separation from Active Duty.
  - May not use the benefit until they have attained a secondary school diploma, or equivalency certificate, or reached 18 years of age.
  - Is entitled to the monthly housing allowance and books and supplies stipend even though the eligible individual is on Active Duty.
  - Isn't subject to the 15-year ending date, but may not use the benefit after 26 years of age.

For more information, call toll-free 1-888-442-4551 (1-888-GI BILL 1) or visit our website



#1

January 22, 2013

Representative Corey Mock  
District 42  
Grand Forks, North Dakota

RE: In-State Tuition for the Children of Active Duty Military, Veterans and Retired Military

Dear Representative Mock:

My name is Heather L. W. Blackburn. I am a University of North Dakota alumni (BA -1991, JD-1995) currently living in Owensboro, Kentucky. I am married to Major James Blackburn and we have one daughter, Samantha, 16 and currently at Junior at Owensboro High School. She is in the top 10 percent of her class, a student leader, athlete, and community volunteer. My husband served three tours in Afghanistan and two in Iraq as an IMA (Individual Mobilization Augmentee) reservist. He has been away from our family for most of the past six years. His role as an IMA is that although he is a reservist, he is attached to an active duty Security Police unit at Moody Air Force Base, Georgia. He has filled in both overseas and stateside when the manpower was stretched so thin through two wars. I am proud of his service and our family would gladly make the sacrifice if called up on again.

My husband has transferred his GI Bill to Samantha and her dream was to bring her GI Bill to the University of North Dakota. When we first started researching UND, the website indicated it offered in-state tuition to the children of active duty military or veterans. We did a campus tour and my daughter fell in love with the campus. We make frequent trips to North Dakota, even in the winter, and we love it and hope to return someday. I was excited that she would be attending my alma mater.

Sometime later, I checked the UND website and discovered that the in-state tuition for the children of veterans had been removed. When I called the UND military coordinator, I was informed that the word "dependent" as defined by the North Dakota Century Code, meant "spouse" not children and thus, Samantha would no longer qualify for in-state tuition. My daughter was heartbroken since the GI Bill will only pay the highest amount of tuition for an in-state institution, thus putting UND very likely out of her reach.

I am asking that you consider restoring the children of veterans as qualifiers for in-state tuition. While it definitely affords those children an opportunity for an excellent North Dakota education, I believe it benefits North Dakota as well as this will continue to attract and keep talented, bright people to one of the best places in the country. I am a firm believer that everything I am is because I was born and raised in North Dakota. I would very much like my daughter to experience North Dakota as well.

Thank you for your time and attention to this matter. Please feel free to contact me if you have any questions, concerns, and thoughts. I can be reached on my cell 270-244-0315, home 270-852-4860 or work 270-687-7040

Very truly yours,

Heather L. W. Blackburn, Esquire  
2015 Saint Elizabeth Street,  
Owensboro, KY 42301

Sixty-third  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1272**

Introduced by

Representatives Mock, Amerman, Beadle, Fehr, Gruchalla

Senator Dever

- 1 A BILL for an Act to amend and reenact section 15-10-19.1 of the North Dakota Century Code,  
2 relating to resident tuition for spouses and dependents of veterans.

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

4 **SECTION 1. AMENDMENT.** Section 15-10-19.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15-10-19.1. Nonresident and resident student for tuition purposes defined.**

- 7 1. A "nonresident student" for tuition purposes means any student other than a resident  
8 student.
- 9 2. A "resident student" for tuition purposes means:
- 10 a. ~~A person~~An individual whose guardian, custodial parent, or parents are legal  
11 residents of this state and have resided in this state for twelve months, or a  
12 dependent child whose custodial parent moved into the state with the intent to  
13 establish legal residency for a period of years within the last twelve months  
14 immediately prior to the beginning of the academic term;
- 15 b. ~~A person~~An individual of age eighteen or over who is a legal resident of this state  
16 and has resided in this state after reaching age eighteen for twelve months  
17 immediately prior to the beginning of the academic term;
- 18 c. ~~A person~~An individual who graduated from a North Dakota high school;
- 19 d. (1) A full-time active duty member of the armed forces; ~~a;~~  
20 (2) A member of ~~athe~~ the North Dakota national guard unit; ~~or a;~~  
21 (3) A member of the armed forces reserve component stationed in this state; or  
22 (4) A veteran, as defined in section 37-01-40;
- 23 e. A benefited employee of the North Dakota university system;
- 24 f. A~~The~~ spouse or dependent of a;

- 1           (1) A full-time active duty member of the armed forces of a;  
2           (2) A member of atthe North Dakota national guard unit or of an;  
3           (3) A member of the armed forces reserve component stationed in this state;  
4           (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to  
5           transfer entitlement under the Post 9-11 Veterans Educational Assistance  
6           Act of 2008 [38 U.S.C. 3301];  
7           (5) AA benefited employee of any institution of higher education in this state,  
8           and a spouse of anythe North Dakota university system; or  
9           (6) Any other individual who is a resident for tuition purposes;  
10          f.g. A personA dependent of:  
11           (1) A full-time active duty member of the armed forces;  
12           (2) A member of the North Dakota national guard;  
13           (3) A member of the armed forces reserve component stationed in this state;  
14           (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to  
15           transfer entitlement under the Post 9-11 Veterans Educational Assistance  
16           Act of 2008 [38 U.S.C. 3301];  
17           (5) A benefited employee of the North Dakota university system; or  
18           (6) Any other individual who is a resident for tuition purposes;  
19          h. An individual who was a legal resident of this state for at least three consecutive  
20           years within six years of the beginning of the academic term; or  
21          g-i. A child, widow, or widower of a veteran as defined in section 37-01-40 who was  
22           killed in action or died from wounds or other service-connected causes, was  
23           totally disabled as a result of service-connected causes, died from  
24           service-connected disabilities, was a prisoner of war, or was declared missing in  
25           action.  
26          3. A temporary absence from the state for vacation or other special or temporary  
27           purposes may not be considered an abandonment of residency in this state, provided  
28           a residence is maintained in this state during the temporary absence. However, a  
29           student who leaves the state and resides in another state for a period of months is not  
30           considered a resident of this state during those months if the student does not  
31           maintain a place of residence in this state during the student's absence.

#3

## **Senate Education Committee Testimony on SB 2082**

**Pat Seaworth, General Counsel  
North Dakota University System  
January 12, 2009**

Chairman Freborg and members of the Senate Education Committee:

SB 2082, introduced at the request of the State Board of Higher Education, amends North Dakota Century Code section 15-10-19.1 by adding all veterans to the list of those who qualify as residents for tuition purposes at North Dakota University System institutions. With this amendment, anyone who served on continuous active military duty for 24 months (or the full period for which the person was ordered to active duty, if less than 24 months) and who was discharged under other than dishonorable conditions, would qualify for resident tuition rates, regardless of legal residency.

This legislation recognizes veterans for their service and may encourage veterans from other states considering higher education options to include NDUS institutions in their considerations. It is a logical response to the Post-9/11 Veterans Education Assistance Act of 2008 (the "New GI Bill"). That act provides expanded educational benefits, including payment of full tuition, not to exceed the most expensive state institution resident tuition rate. A number of state higher education systems and institutions in other states have taken or are considering similar action.

Although it is difficult to calculate a good estimate of fiscal impact, we believe the impact will be small. Veteran's status is not a required field on admissions applications and we don't have solid data on numbers of veterans now enrolled. Students can disclose this status voluntarily and based on self-disclosures, we know that at least 1,600 current students are veterans, of whom more than 1,000 are North Dakota residents. Many of the other veterans are residents of Minnesota or other states in the region with tuition rates established under a reciprocity agreement or regional educational compact.

Mr. Chairman and committee members, the State Board of Higher Education and North Dakota University System request your support of and favorable action on SB 2082.

Contact: Pat Seaworth (328-4169 or [pat.seaworth@ndus.edu](mailto:pat.seaworth@ndus.edu))

## NORTH DAKOTA VETERANS COORDINATING COUNCIL

My name is John Jacobsen. I am a member of the Legislative Committee of the North Dakota Veterans Coordinating Council. The Coordinating Council is made up of 15 members, 3 from each of the five veterans' organizations in North Dakota.

American Legion

AMVETS

Disabled American Veterans

Veterans of Foreign Wars

Vietnam Veterans of America

It is the policy of the Coordinating Council to support legislation that will benefit the welfare of the members of the Armed Forces. The committee **MUST** concur totally, that is all 15 members must agree on the legislation to be supported or else it does not get the support.

In this case, I have been instructed to recommend to this legislative committee that a "DO PASS" on HB 1272 is supported by the Veterans Coordinating Council.

March 19, 2013

#2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1272

Page 1, line 23, after "e." insert "A benefited employee of the North Dakota university system;

f."

Page 1, line 23, overstrike the second "A" and insert immediately thereafter "The"

Page 1, line 23, overstrike "or dependent"

Page 2, line 6, replace "An" with "A benefited"

Page 2, line 6, overstrike "any institution of higher education in this state"

Page 2, line 7, after "~~any~~" insert "the North Dakota university system"

Page 2, line 9, overstrike "f." and insert immediately thereafter "g."

Page 2, line 9, after "~~person~~" insert "A dependent of:

- (1) A full-time active duty member of the armed forces;
- (2) A member of the North Dakota national guard;
- (3) A member of the armed forces reserve component stationed in this state;
- (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301];
- (5) A benefited employee of the North Dakota university system; or
- (6) Any other individual who is a resident for tuition purposes;

h."

Page 2, line 11, overstrike "g." and insert immediately thereafter "i."

Renumber accordingly



**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1104  
(Education Committee)  
(At the request of the North Dakota University System)

AN ACT to amend and reenact subsection 2 of section 15-10-19.1 of the North Dakota Century Code, relating to the definition of nonresident and resident student for tuition purposes.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 15-10-19.1 of the North Dakota Century Code is amended and reenacted as follows:

2. A "resident student" for tuition purposes means:

- a. A person whose guardian, custodial parent, or parents are legal residents of this state and have resided in this state for twelve months, or a dependent child whose custodial parent moved into the state with the intent to establish legal residency for a period of years within the last twelve months immediately prior to the beginning of the academic term;
- b. A person of age eighteen or over who is a legal resident of this state and has resided in this state after reaching age eighteen for twelve months immediately prior to the beginning of the academic term;
- c. A person who graduated from a North Dakota high school;
- d. A full-time active duty member of the armed forces, a member of a North Dakota national guard unit, or a veteran as defined in section 37-01-40;
- e. ~~A spouse or dependent of a full-time active duty member of the armed forces or a member of a North Dakota national guard unit or of an employee of any institution of higher education in this state, and a spouse of any other resident for tuition purposes~~A benefitted employee of the North Dakota university system;
- f. The spouse of:
  - (1) A full-time active duty member of the armed forces;
  - (2) A member of a North Dakota national guard unit;
  - (3) A benefitted employee of the North Dakota university system; or
  - (4) Any other individual deemed a resident for tuition purposes;
- g. A dependent of:
  - (1) A full-time active duty member of the armed forces;
  - (2) A member of a North Dakota national guard unit; or
  - (3) A benefitted employee of the North Dakota university system;
- f.h. A person who was a legal resident of this state for at least three consecutive years within six years of the beginning of the academic term; or

- g.i. A child, widow, or widower of a veteran as defined in section 37-01-40 who was killed in action or died from wounds or other service-connected causes, was totally disabled as a result of service-connected causes, died from service-connected disabilities, was a prisoner of war, or was declared missing in action.

- (1) Registered for voting, or voted in this state;
  - (2) Being an unemancipated minor during such period of residence, had lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this section; or
  - (3) If not registered for voting in this state, not registered for voting in another state; or
- d. Has been a resident of this state for the ten years prior to the request for tuition waiver.

**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 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 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.

**15-10-18.4. Definitions.**

For purposes of section 15-10-18.5:

1. "Firefighter" means a person who is a member of a paid or volunteer fire department that is a part of, or administered by, this state, any political subdivision of this state, or a rural fire protection district.
2. "Peace officer" means any person who is employed by a state law enforcement agency or a political subdivision of the state who is charged with the prevention and detection of crime and the enforcement of the criminal laws of the state, and who has full power of arrest.
3. "Survivor" means the children under the age of twenty-one and the spouse of a firefighter or peace officer at the time of the firefighter's or peace officer's death.

**15-10-18.5. Free tuition in North Dakota institutions of higher education for survivor of firefighter, emergency medical services personnel, or peace officer.**

If a firefighter, an emergency medical services personnel as defined under section 23-27-04.3, or a peace officer dies as a direct result of injuries received while engaged in the performance of official duties under circumstances dangerous to human life, the survivor, 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 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 may not include costs for aviation flight charges or expenses.

**15-10-19. Nonresident student for tuition purposes defined - Exceptions.**

Repealed by S.L. 1993, ch. 166, § 2.

**15-10-19.1. Nonresident and resident student for tuition purposes defined.**

1. A "nonresident student" for tuition purposes means any student other than a resident student.
2. A "resident student" for tuition purposes means:
  - a. A person whose guardian, custodial parent, or parents are legal residents of this state and have resided in this state for twelve months, or a dependent child whose custodial parent moved into the state with the intent to establish legal

residency for a period of years within the last twelve months immediately prior to the beginning of the academic term;

- b. A person of age eighteen or over who is a legal resident of this state and has resided in this state after reaching age eighteen for twelve months immediately prior to the beginning of the academic term;
  - c. A person who graduated from a North Dakota high school;
  - d. A full-time active duty member of the armed forces, a member of a North Dakota national guard unit, or a veteran as defined in section 37-01-40;
  - e. A spouse or dependent of a full-time active duty member of the armed forces or a member of a North Dakota national guard unit or of an employee of any institution of higher education in this state, and a spouse of any other resident for tuition purposes;
  - f. A person who was a legal resident of this state for at least three consecutive years within six years of the beginning of the academic term; or
  - g. A child, widow, or widower of a veteran as defined in section 37-01-40 who was killed in action or died from wounds or other service-connected causes, was totally disabled as a result of service-connected causes, died from service-connected disabilities, was a prisoner of war, or was declared missing in action.
3. A temporary absence from the state for vacation or other special or temporary purposes may not be considered an abandonment of residency in this state, provided a residence is maintained in this state during the temporary absence. However, a student who leaves the state and resides in another state for a period of months is not considered a resident of this state during those months if the student does not maintain a place of residence in this state during the student's absence.

**15-10-20. Tuition at model schools in higher educational institutions - Attendance authorized by district school board.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-21. Military instruction required.**

Repealed by S.L. 1991, ch. 162, § 1.

**15-10-22. Course in cooperatives required.**

Repealed by S.L. 1991, ch. 162, § 1.

**15-10-23. Lease of building sites on educational institution grounds.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-24. Monthly statements of institutional expenditures and payroll to board of higher education.**

Repealed by S.L. 1973, ch. 132, § 6.

**15-10-25. Abstracts of expenditures and payroll to the office of management and budget.**

Repealed by S.L. 2001, ch. 162, § 7.

**15-10-25.1. Out-of-state travel by persons employed by the institutions under the control of the board of higher education.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-26. Appropriations.**

Repealed by S.L. 1965, ch. 120, § 6.

## EDUCATION AND TRAINING



### POST-9/11 GI BILL: TRANSFERABILITY

Rep. Corey Mock #1  
HB 1272  
3-28-13

#### WHAT IS TRANSFERABILITY?

The Post-9/11 GI Bill allows service members (officer or enlisted, Active Duty or Selected Reserve), on or after August 1, 2009, to transfer unused education benefits to immediate family members (spouse and children). The service member must have at least six years of service, and commit to an additional four years of service in order to transfer benefits to a spouse or child. Because of the potential impact of this benefit on recruiting and retention, transferability policy is determined by the Department of Defense (DoD) and the military services.

The following DoD Fact Sheet on Post-9/11 GI Bill can be found by clicking this link.

#### DEPARTMENT OF DEFENSE FACT SHEET ON POST-9/11 GI BILL TRANSFERABILITY

While the Post-9/11 GI Bill offers a very generous post-service education benefit, a special provision of the program allows career service members the opportunity to share their education benefits with immediate family members.

The department has established the policies and procedures for this important program. These policies and procedures are described below:

#### APPLICATION PROCEDURES

The effective date of any transfer will be no earlier than August 1, 2009, regardless of application date. All applications will be submitted through the milConnect website, located [here](#).

Service members will be able to securely access this site with a Common Access Card, a DoD Self Service User ID, or a DFAS PIN.

#### ELIGIBLE INDIVIDUALS

Any member of the Armed Forces (Active Duty or Selected Reserve, officer or enlisted) on or after August 1, 2009, who is eligible for the Post-9/11 GI Bill; and:

- Has at least 6 years of service in the Armed Forces on the date of election and agrees to serve 4 additional years in the Armed Forces from the date of election.

Disabilities determined by VA to be related to your military service can lead to monthly non-taxable compensation, enrollment in the VA health care system, a 10-point hiring preference for federal employment and other important benefits. Ask your VA representative or Veterans Service Organization representative about Disability Compensation, Pension, Health Care, Caregiver Program, Career Services, Educational Assistance, Home Loan Guaranty, Insurance and/or Dependents and Survivors' Benefits.



U.S. Department  
of Veterans Affairs



- Has at least 10 years of service in the Armed Forces (Active Duty and/or Selected Reserve) on the date of election, is precluded by either standard policy (service or DoD) or statute from committing to 4 additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute, or
- Is or becomes retirement eligible during the period from August 1, 2009, through August 1, 2013. A service member is considered to be retirement eligible if he or she has completed 20 years of Active Duty or 20 qualifying years of reserve service.

### **ELIGIBLE FAMILY MEMBERS**

An individual approved to transfer an entitlement to educational assistance under this section may transfer the individual's entitlement to:

- The individual's spouse.
- One or more of the individual's children.
- Any combination of spouse and child.
- A family member must be enrolled in the Defense Eligibility Enrollment Reporting System (DEERS) and be eligible for benefits, at the time of transfer to receive transferred educational benefits.
- A child's subsequent marriage will not affect his or her eligibility to receive the educational benefit; however, after an individual has designated a child as a transferee under this section, the individual retains the right to revoke or modify the transfer at any time.
- A subsequent divorce will not affect the transferee's eligibility to receive educational benefits; however, after an individual has designated a spouse as a transferee under this section, the eligible individual retains the right to revoke or modify the transfer at any time.



## ATURE OF TRANSFER

An eligible Service member may transfer up to the total months of unused Post-9/11 GI Bill benefits, or the entire 36 months if the member has used none. Family member use of transferred educational benefits is subject to the following:

- Spouse:

- May start to use the benefit immediately.
- May use the benefit while the member remains in the Armed Forces or after separation from Active Duty.
- Is not eligible for the monthly housing allowance or books and supplies stipend while the member is serving on Active Duty.
- Can use the benefit for up to 15 years after the service member's last separation from Active Duty.

- Child:

- May start to use the benefit only after the individual making the transfer has completed at least 10 years of service in the Armed Forces.
- May use the benefit while the eligible individual remains in the Armed Forces or after separation from Active Duty.
- May not use the benefit until they have attained a secondary school diploma, or equivalency certificate, or reached 18 years of age.
- Is entitled to the monthly housing allowance and books and supplies stipend even though the eligible individual is on Active Duty.
- Isn't subject to the 15-year ending date, but may not use the benefit after 26 years of age.

For more information, call toll-free 1-888-442-4551 (1-888-GI BILL 1) or visit our website

at [www.va.gov](http://www.va.gov)



Heather Blackburn  
HB 1272  
3-28-B

#2

January 22, 2013

Representative Corey Mock  
District 42  
Grand Forks, North Dakota

RE: In-State Tuition for the Children of Active Duty Military, Veterans and Retired Military

Dear Representative Mock:

My name is Heather L. W. Blackburn. I am a University of North Dakota alumni (BA -1991, JD-1995) currently living in Owensboro, Kentucky. I am married to Major James Blackburn and we have one daughter, Samantha, 16 and currently at Junior at Owensboro High School. She is in the top 10 percent of her class, a student leader, athlete, and community volunteer. My husband served three tours in Afghanistan and two in Iraq as an IMA (Individual Mobilization Augmentee) reservist. He has been away from our family for most of the past six years. His role as an IMA is that although he is a reservist, he is attached to an active duty Security Police unit at Moody Air Force Base, Georgia. He has filled in both overseas and stateside when the manpower was stretched so thin through two wars. I am proud of his service and our family would gladly make the sacrifice if called up on again.

My husband has transferred his GI Bill to Samantha and her dream was to bring her GI Bill to the University of North Dakota. When we first started researching UND, the website indicated it offered in-state tuition to the children of active duty military or veterans. We did a campus tour and my daughter fell in love with the campus. We make frequent trips to North Dakota, even in the winter, and we love it and hope to return someday. I was excited that she would be attending my alma mater.

Sometime later, I checked the UND website and discovered that the in-state tuition for the children of veterans had been removed. When I called the UND military coordinator, I was informed that the word "dependent" as defined by the North Dakota Century Code, meant "spouse" not children and thus, Samantha would no longer qualify for in-state tuition. My daughter was heartbroken since the GI Bill will only pay the highest amount of tuition for an in-state institution, thus putting UND very likely out of her reach.

I am asking that you consider restoring the children of veterans as qualifiers for in-state tuition. While it definitely affords those children an opportunity for an excellent North Dakota education, I believe it benefits North Dakota as well as this will continue to attract and keep talented, bright people to one of the best places in the country. I am a firm believer that everything I am is because I was born and raised in North Dakota. I would very much like my daughter to experience North Dakota as well.

Thank you for your time and attention to this matter. Please feel free to contact me if you have any questions, concerns, and thoughts. I can be reached on my cell 270-244-0315, home 270-852-4860 or work 270-687-7040

Very truly yours,

Heather L. W. Blackburn, Esquire  
2015 Saint Elizabeth Street,  
Owensboro, KY 42301