

FISCAL NOTE
Requested by Legislative Council
01/06/2017

Bill/Resolution No.: HB 1171

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(16,400)		\$(16,400)
Expenditures						
Appropriations						

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 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).*

HB1171 extends tuition waiver benefits at state institutions of higher education to stepchildren of firefighters and peace officers killed in the line of duty.

- 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.*

Section 1, subsection 4 clarifies the definition of "survivor" of a peace officer or firefighter killed in the line of duty as both biological and adopted children. The section also adds stepchildren under the age of twenty-one in the definition of survivors eligible for free tuition at state institutions of higher education.

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.*

The cost of expanding tuition waiver benefits to stepchildren of firefighters or peace officers killed in the line of duty appears to be minimal.

The NDUS has provided one tuition waiver in each of the last two years to children of firefighters or peace officers killed in the line of duty. If one stepchild were to attend an NDUS research institution, the tuition waiver would be approximately \$8,200 per year, or \$16,400 per biennium. If the stepchild attended a regional university or community college, the cost would be lower.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

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Date Prepared: 01/12/2017

2017 HOUSE EDUCATION

HB 1171

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1171
1/16/2017
Job 26953

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to extending the benefits of free tuition at state institutions of higher education to a stepchild of a peace officer killed in the line of duty.

Minutes:

Attachment 1

Chairman- Mark S. Owens: opens hearing on HB 1171

Representative Beadle: (see attachment 1 for testimony)

Rep. Pat D. Heinert: do you know if died in the line of duty and killed in the line of duty under North Dakota law is the same thing.

Representative Beadle: I believe it would be the same thing, I did not take the verbiage verbatim, from the century code. My impression would be if they died in the line of duty whether it was killed or let's say they had a heart attack due to over exertion, I believe it would fall under the same classification.

Chairman- Mark S. Owens: any other questions. Anyone else in favor of house bill 1171

Katy Fitsimmons: We do not have anything prepared or my who office is in senate appropriations right now, and we see no objections to this bill whatsoever, and since it is a just a housekeeping bill we would like to see this move forward. I will stand for any questions if you have any.

Chairman- Mark S. Owens: any testimony for HB 1171, any testimony against HB 1171, any neutral testimony against HB 1171. Closing the hearing for HB 1171.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1171
1/16/2017
Job 26951

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to extending the benefits of free tuition at state institutions of higher education to a stepchild of a peace officer killed in the line of duty.

Minutes:

No attachments

Chairman- Mark S. Owens: (00:01) Vice Chairman- Cynthia Schreiber-Beck you were talking about the definition of veteran and there will be different here as far as step-child and what not. Did you and Rep. Brandy Pyle want to look into that a little bit more.

Vice Chairman- Cynthia Schreiber-Beck: I think we should, and that other question whether or not the. Campus police.

Rep. Pat D. Heinert: Campus Police if they are considered a legitimate law enforcement agency which means they have to have gone through the process of becoming named a law enforcement agency by that campus and all of their officers have had to attend in the licensing process, then they would be considered a licensed law enforcement officer in the state of North Dakota. Which would put them under this category then. But not every campus has that, some have campus security force.

Vice Chairman- Cynthia Schreiber-Beck: That was my question too, that security is different than campus police which I recognize, but do you thing all the campuses across would bear true police officers that are trained to be qualified under this house bill.

Rep. Pat D. Heinert: I don't know, because some have changed in the last couple of years, I know BSC has gone from a campus security to a full fledge law enforcement, NDSU has one, UND has one. I am not sure about the other campuses. If there are then they would be minimal in size.

Chairman- Mark S. Owens: So the question would be if they are a law enforcement agency like UND, then they are covered as state law enforcement, otherwise your question was do we include the security force, because they are not law enforcement and I will leave that up to your research for the committee.

Rep. Rich S. Becker: Point of information, UND just in recent months converted back to having the authority to do arrest not just on campus, but they also have over reach. Before they could not make an arrest across the street if it was not in their jurisdiction.

Chairman- Mark S. Owens: you are talking about the supreme court ruling dealing with jurisdictions and joint powers agreements, there is a senate bill to handle that. At the time we are referring to the first responders bill, trying to get the definitions correct. Vice Chairman- Cynthia Schreiber-Beck and Rep. Brandy Pyle were talking about the differences from surviving child and step child vs the veteran. They will look into that, and campus security.

Rep. Bill Oliver: as Rep. Pat D. Heinert and myself I was a police commissioner up in New Town, and my question is this. Because I was on a reservation does a reservation officers having been through the federal law enforcement training, are they considered state qualified. If they were killed in the line of duty would their dependents have this benefit also.

Chairman- Mark S. Owens: Would they be considered BIA officers.

Rep. Bill Oliver: No, no. Three affiliated tribes does not acknowledge the BIA for any officers.

Rep. Denton Zubke: as long as they are employed by a state law enforcement agency

Rep. Bill Oliver: but they are not a state law enforcement agency

Rep. Denton Zubke: but they are employed through sub divisions

Rep. Bill Oliver: no they are not

Rep. Denton Zubke: New Town is a sovereign nation

Rep. Bill Oliver: it's a sovereign nation, sovereignty.

Rep. Dennis Johnson: They don't qualify then.

Chairman- Mark S. Owens: BIA is federal, and they will not qualify.

Rep. Bill Oliver: Because they are not a political subdivision, that's what I wanted to know.

Rep. Dennis Johnson: the question that representative Rep. Pat D. Heinert had when they talk about death does that have to be spelled out a little more, I would assume that accidental death is death. Would you have to say if it is natural or unnatural.

Chairman- Mark S. Owens: Thank you I believe that was part of the definition discussion these two also had. It was all about the definition of that and stepchild, because it is defined differently for the veterans then what we read here.

Rep. Pat D. Heinert: There is some language under workforce safety, and their acceptance of the benefit on the death whether it is a line of duty death as not for when they are doing their research, they can possibly look into that as well.

Chairman- Mark S. Owens: You mean if it's a line of duty death vs cutting the grass. My question was if it was a line of duty death by an infliction due to someone they were chasing or they just happen to be at work and they get a heart attack, that is still on duty so I was going back and forth on that myself.

Rep. Pat D. Heinert: Under work force safety identifies both those sides, it identifies the side of the presumptive clause which says if a heart attack or something like that would happen off-duty on-duty it would be presumed to be because of the job, but there is also a section where they hand out the benefits of the surviving spouse in a line of duty death and that calls for high risk situations, fire department after 20 min after the fire call, those types of things.

Chairman- Mark S. Owens: On the veteran side for example they do distinguish between killed in action vs you die later. So many days after you are wounded you die it is still killed in action, as opposed to you come home and you are 100% disabled and you die.

Rep. Ron Guggisberg: As far as the firefighter on-duty death, the state right now as a firefighter death benefit is like \$5,000, and that includes line of duty. If you fell off the roof of a building and had some internal organ damage and died two weeks later that would be counted, but also within 48 hours of a training or call, any cardiac arrest is considered in the line of duty. For the federal benefit I think it is \$350,000 that they consider cardiac arrest within 24 hours' line of duty.

Chairman- Mark S. Owens: I believe the focus was to be consistent in our definition of killed or die, and step children and adopted child that sort of thing. I will happily turn that over to the two of you to feather out if you wish. Is there any further discussion. They will bring back to committee what they get.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

1171
1/17/2017
Job 27019

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to extending benefits of free tuition at state institutions of higher education to a stepchild of a peace officer killed in the line of duty.

Minutes:

Attachment 1.

Rep. Brandy Pyle: (audio very soft) introduces amendment.

Chairman- Mark S. Owens: based on your discovery would you like to; would you like to motion it for an amendment. We will motion and add the amendment once we have it, we can do it without it, but we like this and we won't change this. It is better if we can see it.

Rep. Brandy Pyle: so the first two line is if you want to be, or consider eligibility on residency. I know we have officers, and firefighter workers who live in another state, but work for an entity here in North Dakota. The question or not is. The other thing was to define the (very soft audio).

Chairman- Mark S. Owens: what if they are on a desk and die on duty from a heart attack, well they are on duty.

Rep. Pat D. Heinert: Under the federal standards for the national law enforcement act, they have to have been in a law enforcement perspective they would have had to be in a situation of extreme stress to be considered a line of duty death, and I believe the state of North Dakota has adopted for WSI very similar procedures, and my officer that died in 2011 died of a heart attack at the end of a chase, and a physical arrest, and we had to file an appeal with WSI and we immediately won that appeal before it was even over because of that.

Chairman- Mark S. Owens: this line of duty may help you out there.

Rep. Andrew Marschall: is there a board within the police department or something that determines a line of duty determination.

Rep. Pat D. Heinert: There is no board, but how its determined is through WSI and adopted by the state and or the national standards. Typically, we go off the national standards because that is the same firefighters as they have distinct language nationally that says whether they are going to get the insurance policy or not. And if they get that typically the state will accept that as a line of duty death, as the feds have.

Chairman- Mark S. Owens: ok, well that sound like you may want to have a little discussion, and Kyle can help you out on that. Let's just cover two more bills, and we will call it.

Rep. Ron Guggisberg: Do we know what they are using now for these definitions, because if I understand it right, Representative Beadle bill is just to add stepchild, and if they were already using something and it was working for them I would hate to start moving stuff around.

Chairman- Mark S. Owens: That is a very good point

Rep. Ron Guggisberg: It would be a good addition to clean up this language, it's going to affect very few people, fortunately if somebody dies in the line of duty they are taken care of, and this is a small piece of that, I would hate to start moving definitions around and we affected the worker's compensation benefit or the \$350,000 federal benefit.

Rep. Pat D. Heinert: Mr. Chair I believe that Representative Beadle made the comment that they have gone to the higher Ed board in reference to the Moser family step daughters and they had accepted them, saying that they would get the letter saying that they did get the educational benefit, he just wanted to clarify it in law, that a step child would get that, and the other point under the definitions there are a member of the state or political subdivision, it doesn't matter where they live, in the Moser case he did live in Minnesota, but he worked for Fargo police department, and that is where he gave his life.

Chairman- Mark S. Owens: I will ask the committee, but I agree there is no sense in us digging deep into this, we should just deal with what is in front of us, rather than start making changes. We run into this problem every session, we see something and we want to adjust it, correct it or improve it, and we tend to do this. We can talk about this tomorrow, and I will let you and the Vice Chair decide if you even want to deal with the amendment dealing with a section that is not actually here, and that was what I was going to say about another bill that we want to focus on what it is doing, so I and I will let you decide that. Kyle you are off the hook for now.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1171
1/18/2017
Job 27083

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to extending benefits of free tuition at state institutions of higher education to a stepchild of a peace officer killed in the line of duty.

Minutes:

No Attachments

Rep. Brandy Pyle: On the proposed bill within the code there is a definition that defines the firefighter, police officer. And those definitions are for the. There is a microphone problem. In the section that relates to those definitions we do not see the word survivor. I have just a small amendment proposed to use instead of using the word dependent to survivor, because it was a word used under another code. (soft audio).

Chairman- Mark S. Owens: do you make a motion for an amendment? I have a motion for an amendment from Rep. Brandy Pyle, and Rep. Bill Oliver seconds the motion. We are just making the change from dependent to survivor.

Rep. Longmuir: I have a question, in the amendment we talk about emergency medical services personnel, that is not anywhere else in the bill.

Chairman- Mark S. Owens: that is already in code, this is not new and that is the problem it references definitions as survivor and yet the act that says free tuition reference the dependent. I am sure we can work around that, but just to forego the argument Rep. Brandy Pyle suggested to make sure the language is the same. Is there any further discussion?

Rep. Pat D. Heinert: the only issue I see with this is we are definitely changing who we are talking about in this bill, by going to dependent to survivor. Because a survivor we are talking about step children that an officer or firefighter that does have on a full time basis, they are not dependent on that person, I think we would have to go back and look at, I think that is why on the original bill number 4 they redefine survivor for the purposes of this section.

Vice Chairman- Cynthia Schreiber-Beck: your step children may be surviving you, but they are not depended on you, and we had that discussion about step children, because in

a lot of cases there is an additional parent that shares custody, responsibility or financial care.

Rep. Pat D. Heinert: Mr. Chair in the case of the testimony officer Moser had custody of the two girls, they were living with them on a continuous basis, and I think we missed the other side of that of what happens when they are not living with the person on a continuous basis.

Rep. Bill Oliver: I had out intern investigate a little bit of that, that was my big question to that, are they living here, are they out of state, where are they. Kyle has informed me that higher education has said that each case that is brought for a dependent to receive this scholarship, because it does not happen very often, each individual case is decided at that time, I think as it sits without the amendment it would be ok. But with the amendment it actually gives us more definition, I know that opens up a can of worms, but like higher Ed said they do not have very many of these.

Rep. Mary Johnson: Also part of the century code says that step parents have a duty of support to their minor step children, and they are age restricting this to the age of 21. Whether they have been emancipated at 16 and have been working and paying their own rent. The time might come to where they are dependent on that firefighter or law enforcement personnel for tuition. I think because of the age restrictions, I have no problem with step child, and then in 15 the one that was handed out it starts off with for survivor of firefighter, and you are changing dependent to survivor, and survivor is specifically defined. I think this all works pretty well.

Rep. Brandy Pyle: on page one line.

Rep. Denton Zubke: I don't understand why we have to add this amendment, when it looks to me like the bill here is pretty complete, I mean the survivor was in there, it is not being added.

Chairman- Mark S. Owens: because it says in the beginning that education for survivors of, I agree now. I don't believe we need to change dependent to survivor later in the, because all it is doing is doing is further defining survivor, and we don't even need this section we just need the bill as it is, but we have a motion before us for an amendment, and we have a second.

Vice Chairman- Cynthia Schreiber-Beck: this is already in code, so you are saying.

Chairman- Mark S. Owens: because it opens up, and it talks about, it's for the survivors, it links the definition of survivor there, and then it further talks about as long the dependent is eligible, and it has already linked the dependent to the term survivor.

Rep. Mary Johnson: but then it should have that definition for dependent.

Chairman- Mark S. Owens: Trust me, that is in the code 500 time, it is already in the century code many times.

Rep. Mary Johnson: Well that changes up this whole bill, because now if we are talking about dependent survivors.

Chairman- Mark S. Owens: we are talking about survivors, and it further defines dependents. Dependents are eligible like spouse, children, and step children. We do not need to further define it, I don't think, and you have the amendment in front of you so you can vote on it.

Rep. Denton Zubke: my opinion on this is we are defining step child, and we are subsequently adding step child into the definition of survivor. And then we are not changing anything else in the bill, I think the amendment is not necessary and I am against it.

Rep. Rich S. Becker: I think where we are at after a lengthy, but good discussion, I was just going to suggest if Rep. Brandy Pyle would retract her amendment, and then we can go on and vote.

Rep. Ron Guggisberg: to me it seems that the big change with the amendment is the addition of emergency medical services personnel, and which I am good with I think they should be covered as well, but when we add that language in there that changes what the intent of the bill was, I think we should discuss that.

Chairman- Mark S. Owens: that is already in code, if we do not do anything, that is already in code.

Rep. Brandy Pyle: the only thing that changes in the proposed amendment is dependent and survivor.

Rep. Ron Guggisberg: I am looking at the code now the code is talking about emergency medical services.

Chairman- Mark S. Owens: We are talking about the code, so only emergency personnel as defined by the code apply to that term.

Rep. Ron Guggisberg: Thank you Mr. Chairman I am caught up

Chairman- Mark S. Owens: calling on Rep. Mary Johnson.

Rep. Mary Johnson: this is entirely confusing and it should go back upstairs perhaps for some explanatory language, should dependent be included in the definition of survivor, um now in survivor we are excluding emergency medical personnel, which we are intending to do, because we are only talking about peace officers and firefighter although it only says peace officers up at the top here. I think Rep. Brandy Pyle can work her magic, and make this all straight. I would argue a whole bunch of stuff if my kid did not get my stepchild did not get free tuition because of all this mish mash.

Chairman- Mark S. Owens: it makes perfect sense to me now, they are adding step child that is all they are doing. Without step child before this was the way it existed, ok. The code says that there was free tuition for higher education institutions for survivors of firefighters and emergency medical personnel, and peace officers. If a firefighter or service personnel as defined by this piece of code, dies because of direct injury while engaged on performance

and under circumstances, enrolment to any undergraduate degree or certificate in North Dakota must be allowed to attain a bachelor's degree or certificate as long as the dependent is eligible. And we no longer need survivor there, because not we are talking about, we have already defined survivor as being those dependents, even though the word dependent is not there it does not matter.

Rep. Mary Johnson: I would definitely yes, it does matter.

Chairman- Mark S. Owens: Well it has not mattered all these years, and I don't think it still matters now for me personally.

Rep. Mary Johnson: They are surviving, on a meaning that was understood many years ago, and take it up 10-20 years from now. Survivor here excludes emergency medical personnel, but survivor of dependent her, but not over here.

Chairman- Mark S. Owens: it does not exclude it; this is a definition only.

Rep. Mary Johnson: This is a survivor definition, and that term is used over here, but this just says peace officers and firefighters, and this one includes emergency medical personnel, and the code says.

Chairman- Mark S. Owens: I appreciate your comments and your view. We have a motion and a second on the amendment, we need to take up the amendment first. Voice vote being conducted for the amendment. Roll Call being done for amendment motioned by Rep. Brandy Pyle and seconded by Rep. Bill Oliver. Motioned failed 5-8-1. Rep. Corey Mock absent.

Rep. Denton Zubke: motions to pass un amended bill HB 1171.

Chairman- Mark S. Owens: Rep. Denton Zubke motions to pass, and Rep. Brandy Pyle seconds the motion. 13-0-1. Rep. Corey Mock is absent, and Rep. Pat D. Heinert will carry this bill.

Amendment for HB 1171

On Page 1 Line 22 insert:

SECTION 2. AMENDMENT. Section 15-10-18.5 of the North Dakota Century Code is amended and reenacted as follows:

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~~ survivor 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.

Date: 1/18/17

Roll Call Vote # 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1171

House Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Pyle Seconded By Rep. Oliver

Representatives	Yes	No	Representatives	Yes	No
Chairman- Mark S. Owens		✓	Rep. Andrew Marschall	✓	
Vice Chairman- Cynthia Schreiber-Beck	✓		Rep. Bill Oliver	✓	
Rep. Rich S. Becker		✓	Rep. Brandy Pyle	✓	
Rep. Pat D. Heinert		✓	Rep. Matthew Ruby		✓
Rep. Dennis Johnson		✓	Rep. Denton Zubke		✓
Rep. Mary Johnson	✓		Rep. Ron Guggisberg		✓
Rep. Donald W. Longmuir		✓	Rep. Corey Mock	AB	
	2	5		3	3

Total (Yes) 5 No 8

Absent Mock

Floor Assignment Rep. _____

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

Date: 1/18/17

Roll Call Vote # 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1171

House Education Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Zubke Seconded By Rep. Pyle

Representatives	Yes	No	Representatives	Yes	No
Chairman- Mark S. Owens	✓		Rep. Andrew Marschall	✓	
Vice Chairman- Cynthia Schreiber-Beck	✓		Rep. Bill Oliver	✓	
Rep. Rich S. Becker	✓		Rep. Brandy Pyle	✓	
Rep. Pat D. Heinert	✓		Rep. Matthew Ruby	✓	
Rep. Dennis Johnson	✓		Rep. Denton Zubke	✓	
Rep. Mary Johnson	✓		Rep. Ron Guggisberg	✓	
Rep. Donald W. Longmuir	✓		Rep. Corey Mock	AD	

Total (Yes) 13 No 0

Absent Rep. Mock

Floor Assignment Rep. Heinert

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

REPORT OF STANDING COMMITTEE

HB 1171: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1171 was placed on the Eleventh order on the calendar.

2017 SENATE EDUCATION

HB 1171

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1171
3/13/2017
Job Number 29066

- Subcommittee
 Conference Committee

Committee Clerk Signature

Sandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to extending the benefits of free tuition at state institutions of higher education to a stepchild of a peace officer killed in the line of duty.

Minutes:

Chairman Schaible: Call the hearing to order for 1171.

Repr. Beadle: District 27. This bill before you just makes a simple change to statute to reflect the reality of many family dynamics today. This bill adjusts the state board of higher education chapter of the Century Code and adjusts the definition sections of 15-10-18.5, which is the free tuition in ND institutions for survivors of firefighters, and emergency medical personnel or peace officers. As a step-child myself, I can vouch for the family make-up is evolved and how oversites can sometimes creep up. This bill seeks to include step-children to the statute for purposes for survivor's benefits. I urge the committee for a do pass on 1171. I stand for any questions.

Chairman Schaible: Any other testimony if favor of, opposition to, agency?

Richard Rothaus: State Board of Higher Ed. I am here to testify neutral. In general, the State Board of Higher Ed. does not like legislative grants of free attendance to the colleges and universities. In this particular case this fixes an obvious gap and corrects an oversight, so we have no objections

Chairman Schaible: With this exemption put in, is going to open up some unperceived consequences that we don't want?

Richard Rothaus: Because it is for officers killed in the line of duty, we feel that that number and hopefully forever, is so small that it a hair we would never have to split.

Chairman Schaible: This is just for law enforcement peace officer, not for emergency or fireman?

Richard Rothaus: It is peace officer killed in the line of duty, and the definition does include firefighters and peace officers.

Chairman Schaible: Any other questions? Other testimony? Committee?

Senator Rust: I move for a Do Pass.

Senator Oban: I second.

Chairman Schaible: We have a motion and second for a Do Pass for 1171. Clerk take roll. 6 Yeas, 0 Nay, 0 Absent.

Senator Oban will carry.

Date: 3-13-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1171

Senate Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Place on Consent Calendar
 Reconsider _____

Motion Made By Rust Seconded By Oban

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	✓		Senator Oban	✓	
Vice-Chairman Rust	✓				
Senator Davison	✓				
Senator Kannianen	✓				
Senator Vedaa	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Oban

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

REPORT OF STANDING COMMITTEE

HB 1171: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1171 was placed on the
Fourteenth order on the calendar.

2017 TESTIMONY

HB 1171

Attachment 1

1/16/17

HB 1171

16 January 2017

HB 1171

House Education Committee

Good Morning Chairman Owens and members of the House Transportation Committee. This bill before you seeks to make a simple change to statute to reflect the reality of many family dynamics today. This bill adjusts the State Board of Higher Education Chapter of the century code and adjusts the definitions section of 15-10-18.5, which is the Free tuition in North Dakota institutions for survivors of firefighters, emergency medical services personnel or peace officers.

As a stepchild myself, I can vouch for how the family makeup has evolved and how oversights can sometimes creep up. Last session, we had bills that went through IBL that dealt with including step children in cases of maternity leave and employees use of sick days. Both of which passed unanimously. This bill, seeks to include step children in statute for the purposes of survivors benefits.

As you are all aware, we unfortunately lost Officer Jason Moszer in Fargo last year, who was killed in the line of duty. Officer Moszer left behind his wife Rachel, and his two step children. At the time, there was some confusion over whether or not Officer Moszer's step children would be able to receive the tuition award that our university system provides, as the century code didn't state so. Our Chancellor was very quick to write a letter to the family to ensure that they would indeed be guaranteed this benefit to our state institutions, and I commend him for it. In order to ensure that this issue doesn't arise again, or to ensure that any less high profile case doesn't slip the cracks, I thought this legislation would be worth giving a look to, and giving a unanimous green light to.

Thank you Mr. Chairman.

Attachment 1

HB 1117

4/17/17

Amendment for HB 1171

On Page 1 Line 22 insert:

SECTION 2. AMENDMENT. Section 15-10-18.5 of the North Dakota Century Code is amended and reenacted as follows:

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~~ survivor 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.

Proposed amendment