

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2314

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2314
2/7/2019
32348

- Subcommittee
 Conference Committee

Committee Clerk Signature : Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to the accreditation of county veterans' service officers & the definition of a veteran for purposes of veterans' relief & rehabilitation & veterans' preference.

Minutes:

Att #1 – e-mailed after hearing

Chairman Davison: Let's open SB2314.

Sen. Judy Lee, Dist. 13, W. Fargo: I am here to introduce this bill. They are an important resource to N.D. There is a great disparity between counties in the number of people served. As we look at the definitions. I visited with a long term legislator who was in the military a long time. He made some suggestions. That is why the additions on page 1, line 13. The reason that county veterans is crossed out and veterans service officer is there, is not to eliminate the good people working in the counties, but to allow the network of people who are providing how best to provide these services. To have some flexibility and latitude, to best provide the services and that means everywhere. Maybe a couple of counties can collaborate. By deleting the political subdivisions name will enable those people involved in these decisions, which included veterans. It talks about all service officers and employees of a veteran's service office must be accredited by the National Association of County Veterans Service Offices; or the department of Veteran Affairs within 6 months of appointment or employment. There has been recommendation that should be made 12 months. How long do you want someone to be working without accreditation, you need to decide. Some training can be done on line. In section 3, we clarified that a veteran is (a) it is defined in a certain subsection, (b) is an honorable discharged from national guard or reserve unit located within N.D. and has completed a minimum of 20 years of service or served in a combat zone. The service in a combat zone was an addition recommended by our legislative colloques. It does not negate the regular army people, but we just thought they should be defined. That is the thrust of this bill.

Chairman Davison: On page 2, line 7, you changed 'actively cooperate' to 'shall cooperate'.

Sen. Lee: That was recommended by L.C. It was semantics. (6.04)

Chairman Davison: Thank you.

Sen. Richard Marcellais, Dist.9, Rollette County: I am here in support of SB2314. I have a different reason for taking 'county' out of the bill itself. We have Tribal service officers, so I believe that may be a reason for taking 'county' out. They did miss line 2, county is still in there. That should be removed. Do an amendment and leave as veteran's service officers? I am the tribal veterans service officer for the Turtle Mountain band of Chippewa tribe. I have attended the training that is mentioned in the bill itself within a 6-month period. (8.15) It is very extensive and a good training. We have meetings every 6 months to keep us up to date. We meet in Fargo in October and we meet in Bismarck in March. Any questions?

Sen. Kristin Roers: Do you have an opinion about Sen. Lee's comment about the 6 months' vs the 12 month? (8.47)

Sen. Richard Marcellais: Either one works, I think. 6 months is not too fast.

Lonnie Wangen, Commissioner of Veterans Affairs, N.D.: I am in support. I can clarify some issues on this bill. On page 1, line 13, it says in the definition is 37.01.40. That is referenced in various section of the law. If you don't serve the 180 days and meet the definition of veteran, you won't qualify for the grant to loan program. (10.36) Some veterans went off to basic training or guard and are injured are being serviced with the VA, but not a veteran. A vet may get surgery on an injured body part during their service, but not complete the service. The VA will not replace the teeth they pulled out because they are not eligible. These people met fiscal asset levels which are pretty low. We have worked with that for several years and just want to add that in just for that section. (11.48) The county officers got together and decided to take 'county' out to include tribal. My concern is that we have no say in tribal matters. They have their own independent nation. Are we causing confusion with American Legion and VFW, and DAV? Am concerned with that wording. With the employee part, the association wanted you to add their assistant county service officers. On the 6-month requirement, if a county loses a service office officer, the timing may not coincide with the national training. The counties need to get the training in their budget and be able to get to the training. As far as Dept. of Veterans Affairs goes, as soon as someone is hired in a county, we arrange to have a week long training with our department usually within the first few weeks of employment. The section with veteran's preference, these are good changes. If you are in N.D. national guard but live in Moorhead, MN, you cannot use the veteran's preference. We have been at war since 1990. (15.40) The national guard part is new. That is just to show if you served 20 years in the guard, let them have employment preference. The combat zone is not necessary because you are considered a vet if you served in a combat zone anyway. (16.24) Any questions?

Sen. Kristin Roers: Do you see a solution in the tribal wording would effect that piece of it.

Lannie: We cannot mandate that for them to go to training and be accredited. The intention was not to exclude the tribal service officers. We just do not have the authority to do that.

Chairman Davison: More in favor?

Jim Nelson, Legislative Dir. for N.D. Veterans Council: We support the whole heartedly.

Jerry Samuelson, McKenzie County Veterans Service Officer: I am retired navy. Lannie has brought in many organizations. This bill gives service officers another option. Accreditation is very important. I am a full time service officer. My county has had an increase of 40% in veterans in two years. I don't think I have ever missed a training in 21 years. Any questions?

Chairman Davison: Thank you and appreciate your work. Any agency testimony? Any opposed? Close the hearing. (21.03)

Att. #1 – Henry Gerving, Mary Vetter – e-mailed after hearing

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2314
2/7/2019
32398

- Subcommittee
 Conference Committee

Committee Clerk Signature : Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to the accreditation of county veterans' service officers & the definition of a veteran for purposes of veterans' relief & rehabilitation & veterans' preference.

Minutes:

Chairman Davison: Guess we do not have anything on this right now.

Chairman Davison went on to appoint a subcommittee to discuss SB2126, SB2127, and SB2306. Sen. Erin Oban, Vice Chair Meyer, and himself will be on the subcommittee. (1.45)

Chairman Davison: We need the information by Thursday morning.

Done (4.40)

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2314
2/14/2019
32752

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to the accreditation of county veterans' service officers & the definition of a veteran for purposes of veterans' relief & rehabilitation & veterans' preference.

Minutes:

Att # 1 and #2 – Sen. Elkin

Chairman Davison: Look at SB2314.

Sen. Jay Elkin: (see att#1 and #2) This bill is in reference to bringing in the national guard reserve and treating them with veterans' preference and veterans' benefits. Explained the amendment. They wanted to still get preference even if they were discharged early and got hurt. (1.46) They could apply for vets' preference in the private sector. Under section 3 is where we concentrate our efforts. We are removing N.D. resident and stating that an individual who is a veteran by definition, it allows for N.D. guards member to get benefits if they live in S.D. or M.N.

Sen. Kristin Roers: At the bottom of page 1, I understand the removing 'and employees of', but I had written and assistant VSO. With the wording 'all veteran officers'. Would it only be 'the' and not the assistants?

Sen. Richard Marcellais: Correct.

Sen. Kristin Roers: We talked about including assistant VSO. Would that be better?

Sen. Richard Marcellais: I do not have that luxury. I am it. There are some larger areas that have assistants. It is only the veterans service officer that needs to be certified.

Sen. Kristin Roers: To be able to complete the actual paperwork, do you need to be certified?

Sen. Richard Marcellais: No.

Sen. Kristin Roers: Sen. Lee shared with me that she chose 6 months, not to be difficult, but she felt if you are getting paid to do the work, you should be trained.

Sen. Jay Elkin: I have been asked by the Association of County Veterans to move it back to 12 months. Many times counties hire these employees, and there may be a probation for 3-4 months. They did not feel that was enough time with the 6 months. At one time in Code, it was open ended. (6.11)

Sen. Richard Marcellais: 6 months is the probation period for the hiring of the vets service officers. A year is sufficient to get the training. (6.32)

Sen. Kristin Roers: Having the word 'county' in there, does that effect Tribal?

Sen. Richard Marcellais: As the commissioner testified, he has no jurisdiction over the tribal veterans' officer. We would not fit under this bill. He just assists tribal with claims and benefits, etc. (7.13)

Chairman Davison: I think the 12 month is proper number. She can have another crack when it goes to the House.

Sen. Jay Elkin: I move to adopt amendment 19.1120.02002.

Sen. Richard Marcellais: I second.

Chairman Davison: Any more discussion? Take roll: **YES -- 7 NO -- 0 -0-absent**
Amendment passes.

Sen. Jay Elkin: I move a DO PASS as AMENDED. **Sen. Richard Marcellais:** I second.

Chairman Davison: Take the roll: **YES -- 7 NO -- 0 -0-absent**
The DO PASS as AMENDED – passed. Sen. Jay Elkin will carry the bill.

Done (10.15)

February 11, 2019

SK
(20)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2314

Page 1, line 17, remove the overstrike over "~~County veterans~~"

Page 1, line 17, remove "Veterans"

Page 1, line 19, remove the overstrike over "~~county~~"

Page 1, line 20, remove the overstrike over "~~county~~"

Page 1, line 21, remove the overstrike over "~~county~~"

Page 1, line 24, after "All" insert "county"

Page 1, line 24, remove "and employees of"

Page 2, line 1, remove "veterans' service offices"

Page 2, line 2, replace "six" with "twelve"

Page 2, line 3, remove the overstrike over "~~county~~"

Page 2, line 7, after "The" insert "county"

Page 2, line 10, remove the overstrike over "~~county~~"

Renumber accordingly

2-14-19

Date:
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2314

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 19.1120.02002

- 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 Sen. Elkin Seconded By Sen. Marcellais

Senators	Yes	No	Senators	Yes	No
Chair Davison	/		Sen. Oban	/	
Vice Chair Meyer	/		Sen. Marcellais	/	
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 7 No 0

Absent -0-

Floor Assignment _____

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

2-14-19

Date:
Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES SB 2314
BILL/RESOLUTION NO.

Senate Government and Veterans Affairs 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 Sen. Elkin Seconded By Sen. Marcellais

Senators	Yes	No	Senators	Yes	No
Chair Davison	/		Sen. Oban	/	
Vice Chair Meyer	/		Sen. Marcellais	/	
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Elkin

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

REPORT OF STANDING COMMITTEE

SB 2314: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2314 was placed on the Sixth order on the calendar.

Page 1, line 17, remove the overstrike over "**County veterans**"

Page 1, line 17, remove "**Veterans**"

Page 1, line 19, remove the overstrike over "~~county~~"

Page 1, line 20, remove the overstrike over "~~county~~"

Page 1, line 21, remove the overstrike over "~~county~~"

Page 1, line 24, after "All" insert "county"

Page 1, line 24, remove "and employees of"

Page 2, line 1, remove "veterans' service offices"

Page 2, line 2, replace "six" with "twelve"

Page 2, line 3, remove the overstrike over "~~county~~"

Page 2, line 7, after "The" insert "county"

Page 2, line 10, remove the overstrike over "~~county~~"

Re-number accordingly

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2314

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2314
3/15/2019
#33823

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart -typed by Jeanette Cook

Explanation or reason for introduction of bill/resolution:

Relating to the accreditation of county veterans' service officers and the definition of a veteran for purposes of veterans' relief and rehabilitation and veterans' preference.

Minutes:

Attachments 1-3

Chairman Kasper opened the hearing on Engrossed SB 2314.

Senator Judy Lee appeared in support. Attachment 1. (1:12-4:23)

Rep. C. Johnson: On the last line of the bill it states, "or has served in a combat zone." If there is military that has served less than 20 years and has not served in a combat zone, do they NOT qualify for this?

Senator Lee: That is the way it is now for guard and reserves.

Lonnie Wangen, Commissioner of Veterans' Affairs, appeared in support of SB 2314. This entire bill came from the North Dakota Association of County and Tribal Veterans' Service Office. We are not actually changing the definition of a veteran in Century Code. The North Dakota Century Code Core definition of a veteran is in Chapter 37-14-01.1. It is very close or mirrors the federal definition of a veteran. In each other section of the Century Code depending on the benefits that are there, more or less is added to the core definition. In this portion, the veterans aid loan, the grant program, and the post war trust fund fall under this. We have run into problems. If you take off to serve your country or join the North Dakota National Guard or Army, go off to AIT, and break your leg or lose your leg, then you didn't do the 180 days or the term that you were called up for. You get medically discharged, and the VA is going to take care of you as far as the leg is concerned, but you are not a veteran according to North Dakota. When we go back and look, a few times a year, we will get a veteran that is not eligible for our grant program. They have low income and very low assets. They go to the VA to have surgery or a procedure on that service connected portion of their body, and they have bad teeth. They pull out their teeth, so they can do the surgery because of the infections. Then they come to us to try to get dentures, and we have to tell them that they are not a veteran. This has happened a few times. We tried to change it; the Attorney General said that we could. We go back and are told, no, it is not there. So, simply adding

to whom the United States Veterans' Administration is assigned a service related disability rating, would allow us to serve those veterans just under Chapter 14. It would allow them to take advantage of our loan program and most importantly our grant program. If you are really low income and have low assets, this would change the quality of life for a handful of veterans in North Dakota every year. It doesn't look like it will cause any other issues or problems.

Copies of portion of Code provided by the law intern. See attachments #2-3.

Chairman Kasper: If an individual that is serving on active duty would become disabled, are they going to be eligible, even if they are not qualifying in the future, under the old definition for full hospital and dental benefits from the VA?

Mr. Wangen: No, this just for North Dakota's grant loan program. We can't do anything with the Federal VA.

Chairman Kasper: They are not going to get dental benefits?

Mr. Wangen: They will through us. The VA doesn't provide dental benefits unless you are 100% disabled. A 10% or 50% disabled veteran loses his leg and has to have surgery, we can now step in and help them out.

Rep. Rohr: What would be the minimum years of service, since there is active and inactive?

Mr. Wangen: If you go off to boot camp or are in guard training and hurt your limb, you will be connected by the VA. They will cover that. But you are not a veteran according to North Dakota Century Code. We want to add that in, so we can help them with the other programs we have in the state.

Rep. Rohr: It is important then, that the military branch gives them this diagnosis?

Mr. Wangen: That is correct.

Mr. Wangen: Section 3 is another section of law where there is a definition of a veteran. In reality, that does go back to the core definition 37-01-40 which we are not changing. All this one does is remove a couple of key words which help us out. It removes the residence requirement. It allows people to get back in North Dakota and get a job. The other word is "wartime". We have been at war since 1990. Removing "wartime" will make it a lot easier for our agencies to provide veterans' preference points in hiring. It will also make it open to more veterans. They also want to add the National Guard. They are over 60% of our military strength. They should be recognized as veterans, even if they are not called up.

Rep. Rohr: The National Guard and Reservists have not been part of this definition in the past?

Mr. Wangen: If you have never been called up, even if you have served 30 years, you are not considered a veteran in North Dakota.

Rep. Rohr: If you add number to those who are eligible, will that increase your budget numbers?

Mr. Wangen: This is just for Century Code 37-19.1, which addresses veterans' preference for hiring.

There was no further support for SB 2314.

There was no oppositional or neutral testimony on SB 2314.

The hearing was closed on SB 2314.

Rep. Schauer moved a DO PASS on Engrossed SB 2314.

Rep. Laning seconded the motion.

A roll call vote was taken: Yes 12 No 0 Absent 2

The motion carried.

Rep. Johnston will carry SB 2314.

Date: 3-15-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2314**

House Government and Veterans Affairs 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. Schauer Seconded By Rep. Laning

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson	X	
Vice Chair Vicky Steiner	X		Rep. Mary Schneider	X	
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	A				
Rep. Vernon Laning	X				
Rep. Scott Louser	A				
Rep. Karen Rohr	X				
Rep. Austen Schauer	X				
Rep. Steve Vetter	X				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Johnston

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

REPORT OF STANDING COMMITTEE

SB 2314, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2314 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2314

SB 2314
2-7-15
AH +1
PS 1

North Dakota Association of County and Tribal Veterans Service Officers Legislative Testimony regarding Good morning Mr. or Madam Chairman and honorable members of the committee, thank you for allowing me to speak on behalf of the North Dakota Association of County and Tribal Veterans Service Officers SB 2314:

As an Association the reasons we support the bill:

- The North Dakota Department of Veterans Affairs provides excellent training with materials to all newly appointed County Veterans Service Officers.
- The North Dakota Department of Veterans Affairs provides bi-annual training/education to the County Veterans Service Officers.
- The North Dakota Department of Veterans Affairs provides daily support and assists with set up and support on the client management database used across the state.
- The accreditation with the National Association is of County Veterans Officers requires out of state travel and lodging that can be a financial burden for counties and are not able to provide daily support to the County Veterans Service Offices.

In closing, the North Dakota Association of County and Tribal Veterans Service Officers support this bill with the following amendments:

- **Page 1 starting on line 17.** Please add the word county, where all areas of county is struck out. By removing the word "County" from the verbiage this may be interpreted as requiring the VFW, DAV and American Legion VSO's to be accredited. That is not the intent.
- **Page 1 line 24 continued on Page 2 line 1.** Please remove "and employees of veterans' service offices". The administrative employees of County offices do not necessarily assist claimants in the preparation, presentation, and prosecution of claims for benefits and therefore do not need to be accredited
- **Page 2 line 2.** Please add the words North Dakota to the department of Veterans Affairs. This is to clarify North Dakota Department of Veterans Affairs not be confused with Veterans Affairs on the Federal level.
- **Page 2 line 2.** Please change to within 24 months. This allows the County Veterans Service Officer time to obtain the needed funding and time for registration to attend training.
- **Page 2 line 18-21.** Please remove this information. Refer to page 2 line 14-17. That is our intent.

Thank you,

e-mailed in after hearing

Henry Gerving Mary Vetter
President and Vice President of North Dakota County and Tribal Veterans Service Officers

SB 2314
2-14-19
AH #1
Pyl

Introduced by

Senators J. Lee, Dever, Marcellais

Representatives Owens, Pyle, Westlind

Elkin

1 A BILL for an Act to amend and reenact sections 37-14-01.1 and 37-14-18 and subsection 8 of
2 section 37-19.1-01 of the North Dakota Century Code, relating to the accreditation of county
3 veterans' service officers and the definition of a veteran for purposes of veterans' relief and
4 rehabilitation and veterans' preference.

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

6 **SECTION 1. AMENDMENT.** Section 37-14-01.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **37-14-01.1. Definition of veteran.**

9 As used in this chapter, "veteran" means an individual who served in the armed forces of
10 the United States on federal active duty for:

- 11 1. For reasons other than training and who has been discharged under other than
12 dishonorable conditions; or
- 13 2. To whom the United States veterans administration has assigned a service-connected
14 disability rating.

15 **SECTION 2. AMENDMENT.** Section 37-14-18 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **37-14-18. County veterans' Veterans' service officer - Appointment - Duties.**

18 The board of county commissioners of each county of the state of North Dakota shall
19 appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county
20 veterans' service officer. The veterans' affairs commissioner may work directly with county
21 veterans' service officers. An individual may serve as a county veterans' service officer in more
22 than one county. The appointment must be made with the prior advice of the commissioner of
23 veterans' affairs, and in accordance with veterans' preference as provided in section
24 37-19.1-02. ~~By August 1, 2011, all county~~ All county veterans' service officers and employees of

SB 2314
2-14-19
AH #7
pg 2

Sixty-sixth
Legislative Assembly

1 veterans' service offices must be accredited by the national association of county veterans'
2 service officers or the department of veterans' affairs within ~~six~~twelve months of appointment or
3 employment. It is the duty of the county veterans' service officer to become acquainted with the
4 laws, both state and federal, enacted for the benefit of returning servicemen and servicewomen
5 to assist ~~such~~the returning members of the armed forces in the presentation, proof, and
6 establishment of ~~such~~the claims, privileges, and rights as they members have. ~~It also is the duty~~
7 ~~of the county~~The county veterans' service officer ~~to actively~~shall cooperate with and ~~to~~
8 coordinate the activities of the state and federal agencies within the county ~~which~~ the officer
9 serves to facilitate their operation and ensure promptness in the solution of the problems
10 concerned with the re-establishment of returning servicemen and servicewomen in civilian
11 pursuits. A county veterans' service officer may not serve as a conservator for an individual ~~who~~
12 is receiving benefits or services from the department of veterans' affairs or the United States
13 department of veterans' affairs, except if the individual is the spouse or an immediate family
14 member of the officer.

15 **SECTION 3. AMENDMENT.** Subsection 8 of section 37-19.1-01 of the North Dakota
16 Century Code is amended and reenacted as follows:

- 17 8. "Veteran" means a ~~North Dakota resident~~an individual who is a wartime;
18 a. Is a veteran as defined in subsection 21 of section 37-01-40; or
19 b. Has been honorably discharged from the national guard or a reserve unit located
20 within North Dakota and:
21 (1) Has completed a minimum of twenty years of service; or
22 (2) Served in a combat zone.

19.1120.02002
Title.

Prepared by the Legislative Council staff for
Senator Elkin

February 11, 2019

SB 2314
2-14-19
AH #2
PSI

PROPOSED AMENDMENTS TO SENATE BILL NO. 2314

Page 1, line 17, remove the overstrike over "~~County veterans~~"

Page 1, line 17, remove "Veterans"

Page 1, line 19, remove the overstrike over "eounty"

Page 1, line 20, remove the overstrike over "eounty"

Page 1, line 21, remove the overstrike over "eounty"

Page 1, line 24, after "All" insert "county"

Page 1, line 24, remove "and employees of"

Page 2, line 1, remove "veterans' service offices"

Page 2, line 2, replace "six" with "twelve"

Page 2, line 3, remove the overstrike over "eounty"

Page 2, line 7, after "The" insert "county"

Page 2, line 10, remove the overstrike over "eounty"

Renumber accordingly

(For Lee, Judy)

#1
SB 2314
3-15-19

Scratch Pad for: SB 2314

SB 2314
House Government & Veterans Affairs Committee
March 15, 2019

SB 2314 provides for some improvements in the definition of a veteran so that more services are available to certain members of the military, as well as addressing the requirements for a qualified county veterans services officer.

In Section 1, individuals who have served in the armed services and to whom the US veterans administration has assigned a service-connected disability rating are added to the definition of "veteran". This enables those with a disability to qualify for benefits which have been denied in the past.

In Section 2, the county veterans services officer must complete the training and be accredited by the national association of county veterans' services officers or, and this is an addition, the ND department of veterans' affairs within 12 months of appointment or employment. There is training available at both the national and state level, and it is important that the CVSOs are familiar with the enrollment processes for benefits. The CVSO cannot use the electronic enrollment programs, unless certified, so it is imperative that the training be completed in order to be able to do one's job properly. I had asked for six months, but the Senate amended it to 12.

In Section 3, one who has been honorably discharged from the national guard or a reserve unit located in North Dakota and who has either completed a minimum of 20 years of service or has served in a combat zone are added in order to qualify for services.

ND has one of the highest rates of deployed guard and reserve members, and a retired career military officer who serves in the House recommended this change to recognize the service of those who have been deployed to war zones. Some, as we know, have been deployed several times.

I encourage the House Government and Veterans Affairs committee to give SB 2314 a favorable review and permit our military servicemen and women to be eligible for appropriate services and be assisted by capable veterans' service officers.

SB 2314
3-15-19
2
p. 1

**CHAPTER 37-14
VETERANS' RELIEF AND REHABILITATION**

37-14-01. Veterans' aid commission - Appointment - Qualifications - Secretary.

Repealed by S.L. 1971, ch. 344, § 25.

37-14-01.1. Definition of veteran.

As used in this chapter, "veteran" means an individual who served in the armed forces of the United States on federal active duty for reasons other than training and who has been discharged under other than dishonorable conditions.

37-14-02. Term of members - Removal.

Repealed by S.L. 1971, ch. 344, § 25.

37-14-03. Veterans' aid fund.

The state treasurer shall keep in the state treasury the separate trust fund known as the veterans' aid fund. Disbursements from such fund must be made as provided in this chapter.

37-14-03.1. Additional appropriation for 1945.

Repealed by S.L. 1971, ch. 344, § 25.

37-14-03.2. Additional appropriation for 1947.

Repealed by S.L. 1971, ch. 344, § 25.

37-14-03.3. Revolving fund.

The moneys in the permanent revolving fund of the veterans' aid fund are available for:

1. Making loans to any veteran and to a surviving spouse of a veteran if the spouse has not remarried;
2. Collecting loans if in the opinion of the department a person has the financial means to repay and that person deliberately refuses to repay; and
3. Paying administrative expenses related to the making and collection of loans made from the fund.

37-14-03.4. Interest and income from postwar rehabilitation fund to become part of aid fund.

Repealed by S.L. 1971, ch. 344, § 25.

37-14-03.5. Interest and income from postwar rehabilitation fund to become part of revolving fund.

Repealed by S.L. 1971, ch. 344, § 25.

37-14-04. Veterans' aid fund - Purpose.

The purpose of the veterans' aid fund is to make loans to any veteran and to a surviving spouse of a veteran if the spouse has not remarried. A qualified applicant may be permitted to receive more than one loan providing the total amount of all loans does not exceed five thousand dollars.

37-14-05. Application for aid.

A qualified person may apply to the department of veterans' affairs in such form as it provides, either while the applicant is waiting for relief or assistance from another agency, state or federal, or for further assistance for the applicant's education, or otherwise.

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37-14-06. Department may provide aid.

If the department of veterans' affairs is satisfied that an applicant is a veteran or the surviving spouse of a veteran and has not remarried, and that the applicant is a citizen and resident of this state, and that the applicant meets the criteria set forth in rules adopted pursuant to section 37-14-10 regarding qualifications to obtain a loan, the department may loan to the applicant a sum from the veterans' aid fund not to exceed five thousand dollars. Additional loans may be made to an applicant if the applicant still meets the loan criteria and if the total of all loans does not exceed five thousand dollars. If an applicant is provided more than one loan, the amounts will be consolidated into one payment.

37-14-07. Repayment to be made to aid fund.

Upon the granting of an application and at the time of disbursement, the applicant, or the applicant's legal agent, shall execute a loan agreement with the department of veterans' affairs that within a specified period of not to exceed four years from the date of the receipt of the last item of the advancement, the applicant will repay to the state for the use of the veterans' aid fund the full amount of all advancements made to the applicant with interest as provided in rules adopted under section 37-14-10, but not to exceed ten percent annually. One-half of the interest must be waived if timely repayment is made to the fund as set forth in rules adopted pursuant to section 37-14-10. The department may take necessary legal action to collect, compromise, or settle loans if in the opinion of the department the person has the financial means to repay, and the person deliberately refuses to do so. The department may release from financial liability any person it determines is financially unable to repay the loan through no fault of the person. The department may assess and collect a late payment penalty as provided in section 47-14-05.

37-14-08. How payments are made.

All payments or other expenditures approved by the department of veterans' affairs must be made upon vouchers approved by the office of the budget.

37-14-09. Records - Biennial report.

The department of veterans' affairs shall keep full records and files of all transactions, applications, advancements, and business pertaining to the veterans' aid fund. The department may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04.

37-14-10. Committee may adopt rules.

The administrative committee on veterans' affairs may make and promulgate such reasonable rules and regulations as may be necessary and proper to administer the provisions of this chapter relating to the veterans' aid fund. In any hearings or action taken under the provisions of this chapter, the provisions of chapter 28-32 do not apply.

37-14-11. Payment of expenses - Limitation.

The department of veterans' affairs may expend for any purpose necessary to the proper administration of this chapter sums not to exceed the amount appropriated therefor by the legislative assembly. Vouchers must be issued in the manner provided in this chapter.

37-14-12. Decision of department appealable.

The department of veterans' affairs may grant or refuse an application for relief or assistance from financial assistance programs under the control of the department under policies set by the administrative committee on veterans' affairs. The committee shall adopt and establish an appeal process. The department's decisions are appealable to an appeals committee appointed by the chairman of the administrative committee. A hearing before the appeals committee may be closed upon request of the applicant. An applicant who requests a closed hearing may invite to that hearing any two representatives and the applicant's spouse or one other family member. Each decision of the appeals committee must give the reasons for granting or refusing an application for relief or assistance. The decision of the appeals

committee is final. The record of the hearing, including the identity of the applicant, is an exempt record.

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37-14-13. Commissioners' compensation - Executive secretary.

Repealed by S.L. 1971, ch. 344, § 25.

37-14-14. Veterans' postwar trust fund.

The veterans' postwar trust fund is a permanent trust fund of the state of North Dakota and consists of moneys transferred or credited to the fund under this chapter and other laws. Investment of the fund is the responsibility of the state treasurer who shall invest the fund only in those legal investments authorized by section 21-10-07. All income received from investments is to be utilized only for programs of benefit and service to veterans or their dependents, and all income earned in a biennium is appropriated to the administrative committee on veterans' affairs on a continuing basis in the following biennium and not in the biennium the income is earned for expenditure on these programs as authorized by law.

37-14-15. Rehabilitation fund expended as directed by legislative assembly.

Repealed by S.L. 1971, ch. 344, § 25.

37-14-16. Appropriation.

Omitted.

37-14-16.1. 1945 appropriation.

Omitted.

37-14-16.2. 1947 appropriation.

Omitted.

37-14-17. Investment of rehabilitation fund.

Repealed by S.L. 1971, ch. 344, § 25.

37-14-18. County veterans' service officer - Appointment - Duties.

The board of county commissioners of each county of the state of North Dakota shall appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county veterans' service officer. The veterans' affairs commissioner may work directly with county veterans' service officers. An individual may serve as a county veterans' service officer in more than one county. The appointment must be made with the prior advice of the commissioner of veterans' affairs, and in accordance with veterans' preference as provided in section 37-19.1-02. By August 1, 2011, all county veterans' service officers must be accredited by the national association of county veterans' service officers. It is the duty of the county veterans' service officer to become acquainted with the laws, both state and federal, enacted for the benefit of returning servicemen and servicewomen to assist such returning members of the armed forces in the presentation, proof, and establishment of such claims, privileges, and rights as they have. It also is the duty of the county veterans' service officer to actively cooperate with and to coordinate the activities of the state and federal agencies within the county which the officer serves to facilitate their operation and ensure promptness in the solution of the problems concerned with the re-establishment of returning servicemen and servicewomen in civilian pursuits. A county veterans' service officer may not serve as a conservator for an individual who is receiving benefits or services from the department of veterans' affairs or the United States department of veterans' affairs, except if the individual is the spouse or an immediate family member of the officer.

37-14-19. Salary and expenses of county veterans' service officer.

The county veterans' service officer must be paid such monthly salary for full-time or part-time work as the board of county commissioners deems commensurate with the needs of

the situation, together with actual living expenses when absent from the officer's established office upon official business in an amount not exceeding that allowed to state officials, upon itemized statements submitted by the officer and supported by subvouchers or receipts as provided by section 21-05-01 and the officer's actual transportation expenses, which may not exceed the amounts provided by section 54-06-09, and must be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, verified by the officer's affidavit and supported by subvouchers or receipts as provided by section 21-05-01.

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management and budget, shall make semiannual transfers from the general fund appropriation for the maintenance of the national guard to the national guard operating fund.

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37-01-39. Expenditure of funds.

All expenditures of funds for the maintenance and operation of the national guard and the office of the adjutant general must be made upon vouchers signed and approved by the adjutant general or such other officer or official as may be designated by the adjutant general. Upon approval of such vouchers by the office of the budget, warrant-checks must be prepared by the office of management and budget for signature by the state auditor and state treasurer in accordance with such approved vouchers.

37-01-39.1. Unit funds - Maintenance and expenditure.

Each unit of the North Dakota national guard, upon approval of the adjutant general, is authorized to maintain a nonreverting unit fund for purposes as prescribed by federal law and regulations relating to unit funds of the federal military forces and to pay petty operating, equipment, and supply costs incurred by the individual units. All funds transferred by the adjutant general to the unit fund must be deposited in the unit fund and are hereby appropriated for the maintenance and operation of the unit funds. Unit funds may be expended upon authorization of the unit fund custodian designated by the adjutant general under guidelines established by the adjutant general.

37-01-40. Veteran and wartime veteran defined - Uniform service dates for wartime veterans.

1. A "veteran" is an individual who has served on continuous federalized active military duty for one hundred eighty days or the full period for which the individual was called or ordered to active military duty for reasons other than training, and who was discharged or released under other than dishonorable conditions. A discharge reflecting "expiration of term of service" or "completion of required service" or words to that effect qualifies the shorter term of service as making the individual a veteran.
2. A "wartime veteran" is an individual who served in the active military forces, during a period of armed conflict or who received the armed forces expeditionary or other campaign service medal during an emergency condition and who was discharged or released under other than dishonorable conditions. "Wartime veteran" also includes an individual who died in the line of duty in the active military forces, as determined by the armed forces.
3. Period of service dates for a wartime veteran begins with the date of any declaration of war by the Congress of the United States or presidential proclamation beginning hostilities or the beginning of an emergency condition recognized by the issuance of a presidential proclamation or a presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to presidential executive order and ending on a date prescribed by presidential proclamation or concurrent resolution of the Congress of the United States and dates determined by the United States department of defense.
4. Current uniform period of service dates for periods of armed conflict include:
 - a. The period beginning December 7, 1941, through December 31, 1946, known as World War II;
 - b. The period beginning June 27, 1950, through January 31, 1955, known as the Korean war;
 - c. The period beginning August 5, 1964, through May 7, 1975, known as the Vietnam war;
 - d. The period beginning August 2, 1990, through January 2, 1992, known as the gulf war; and
 - e. The period beginning September 11, 2001, and ending on a date prescribed by presidential proclamation or by Congress as the last day of operation Iraqi freedom or operation enduring freedom, whichever occurs later.

5. The department of veterans' affairs shall maintain a list of all period of service dates for emergency conditions in which the armed forces expeditionary medal has been awarded.

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37-01-41. Claims against the national guard.

1. Any individual injured by an activity of the North Dakota national guard may submit a claim to the adjutant general. As used in this section, "claim" means a monetary demand upon the state for personal injury or property damage arising from activities of the national guard while on state active duty.
2. The adjutant general may approve a claim for less than two thousand five hundred dollars. If the claim is approved by the adjutant general, the adjutant general shall apply to the emergency commission for an amount from the contingency fund sufficient to pay the claim. It must be conclusively presumed upon the receipt of such application by the emergency commission that an emergency exists, and the commission shall direct the transfer of the requested amount to the adjutant general from the contingency fund. The adjutant general, upon receipt of the transfer from the contingency fund, shall pay the claim.
3. The adjutant general shall forward any claim exceeding two thousand five hundred dollars to the emergency commission with the adjutant general's recommendation. If the claim is approved by the emergency commission, it must be conclusively presumed that an emergency exists, and the commission shall direct the transfer of the approved amount to the adjutant general from the contingency fund. The adjutant general, upon receipt of the transfer from the contingency fund, shall pay the claim.
4. Decisions of the adjutant general or the emergency commission partially or totally denying a claim may not be appealed to any court of this state.
5. Claims may not be submitted to the legislative assembly unless the claim has been partially or totally denied by the adjutant general or the emergency commission.

37-01-42. Honorary high school diplomas - Veterans of World War II and Korean and Vietnam conflicts.

1. Any World War II veteran who did not receive a high school diploma may apply for an honorary high school diploma, provided:
 - a. The veteran entered the United States armed forces between September 16, 1940, and December 31, 1946, prior to completing the necessary high school graduation requirements; and
 - b. The veteran was honorably discharged from the United States armed forces.
2. Any Korean conflict veteran who did not receive a high school diploma may apply for an honorary high school diploma, provided:
 - a. The veteran was a member of the United States armed forces between June 27, 1950, and January 31, 1955; and
 - b. The veteran was honorably discharged from the United States armed forces.
3. Any Vietnam conflict veteran who did not receive a high school diploma may apply for an honorary high school diploma, provided:
 - a. The veteran entered the United States armed forces between February 28, 1961, and May 7, 1975; and
 - b. The veteran was honorably discharged from the United States armed forces.
4. In order to receive an honorary high school diploma, the veteran or a representative of the veteran shall complete an application on a form prescribed by the superintendent of public instruction. A county veterans' service officer shall certify the veteran's status as an honorably discharged veteran who served during the qualifying period to the superintendent of public instruction. The superintendent of public instruction shall forward the application to the school district in which the veteran last attended school before induction. If the school district no longer exists, the application must be forwarded to the school district that has jurisdiction. If a school district decides not to issue a diploma under this program, the veteran may apply to the superintendent of public instruction for the diploma.