

# Legislation 2013

As discussed and voted on at November 2011, March 2012, and June 29 2012 ACOVA meetings  
As discussed and voted on at NDVCC June 29 2012

## **Bill Number: 1**

## **Melvin Norgard Trust**

NDCC:

Origination of Bill: **ACOVA**

Approved by ACOVA: November 18, 2011

Approved by NDVCC: June 28, 2012

Carry bill:

Sponsor:

Drafting: AG's office

1. Melvin Norgard Oil bequest: To remove the ability of the ND legislature to appropriate these funds. To allow ND Governing Board to utilize funds as needed.

Notes: 8/20/2012: NDAG's office. Get Ralph Metcalfs input? Write to keep legislators from having ability to remove general funds and add oil funds.

Write this to have legislators only approve what Governing board suggests.

Legislators Have final approval on spending-but choose from what governing board presents as options.

## **Bill Number: 2**

## **Remember our Veterans Plate**

NDCC:

Origination of Bill: **ACOVA**

Approved by ACOVA: November 18, 2011

Approved by NDVCC: June 28, 2012

Carry bill:

Sponsor:

Drafting: AG's office

2. Remember our Veterans License plate (John Hanson's): Would establish a "Remember our Veterans" license plate with the Boonie Stomper on it. Funds to go to PWTF

:



**Bill Number: 3**

**Remove 50% from property tax exemption**

NDCC: 57-02-08.8 (1)

Origination of Bill: **ACOVA**

Approved by ACOVA: March 30, 2012

Approved by NDVCC: June 28, 2012

Carry bill:

Sponsor:

Drafting: AG's office DONE

3. Remove 50% from property tax exemption: Would allow all ND resident veterans with 10% or higher disability ratings to apply for that percent of exemption from the first Five Thousand Four hundred dollars for taxable valuation of the fixtures, buildings and improvements of a disabled veteran..."NDCC 57-02-08.8 (1)

**Bill Number: 4**

**\$2 Million for PWTF**

NDCC: 37-14-14

Origination of Bill: **ACOVA**

Approved by ACOVA: November 18, 2012

Approved by NDVCC: June 28, 2012

Carry bill:

Sponsor:

Drafting: AG's office

4. PWTF add \$2,000,000. : Would be a bill to add a one-time \$2,000,000 of General Fund money to the PWTF principal balance. ND CC37-14-14

**Bill Number: 5**

**Remove PWTF biennium restriction**

NDCC: 37-14-14

Origination of Bill: **ACOVA**

Approved by ACOVA: March 29, 2012

Approved by NDVCC: **Not discussed yet**

Carry bill:

Sponsor:

Drafting: AG's office

5. PWTF remove the biennium earned and used wording that was added in 2011.  
**NDCC37-14-14. 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.

This is in direct contrast to the ND Constitution.

**Bill Number: 6**

**Change tuition free from 100% to 50-100% disabled**

NDCC: 15-10-18.3

Origination of Bill: **ACOVA**

Approved by ACOVA: March 29, 2012

Approved by NDVCC: June 28, 2012

Carry bill:

Sponsor:

Drafting: AG office

6. Tuition-Free for dependents- add 50% to 90% disabled to have that percent deducted from tuition costs. Would change from the required 100% disabled veteran to allow 50 to 90% disabled veterans have the percentage of their disability deducted from the cost of tuition and fees.

**Bill Number: 7**

**Funding for NSO's at Fargo RO**

NDCC: N/A – NDDVA budget

Origination of Bill: VFW

Approved by ACOVA: June 29, 2012

Approved by NDVCC: June 28, 2012

Carry Bill:

Sponsor:

Drafting: NDVCC

7. Funding for NSO's: Add funding to support the Veteran Service Organizations Veteran Service officers located at the Federal VA's Regional Office in Fargo. Specifically American Legion and VFW. Would be grants or funding through the ND DVA.
  - a. Grants for Service organizations or
  - b. Funding for ND-DVA to add staff to cover these organizations.
    - b.i. Organizations would pay training cost.
    - b.ii. Organizations would provide attorney for ACOVA.

**Bill Number: 8**

**USERRA for SAD orders**

NDCC:

Origination of Bill: NDDVA, ACOVA

Approved by ACOVA: 6/29/2012

Approved by NDVCC: **Not discussed yet**

Carry bill: NDNG?

Sponsor:

Drafting: National Guard

1. USERRA- does not apply to SAD orders: Working with NDNG on this: Would add USERRA language to ensure that service members are covered under USERRA laws during State Active Duty call ups in North Dakota.

**Bill Number: 9**

**Two FTE for NDDVA**

NDCC: N/A NDDVA budget

Origination of Bill: NDDVA, ACOVA

Approved by ACOVA: June 29, 2012

Approved by NDVCC: **Not discussed yet**

Carry bill:

Sponsor:

Drafting: AG's office

2. FTE- training and NSO for ND-DVA
  - a. If not approved in Governor's budget. Would add two FTE's to the ND DVA to cover NSO work at the VA RO in Fargo and an additional Training position in the ND DVA main office in Fargo.
  - b. Passed ACOVA

**Bill Number: 10**

**Veterans license plate fees-reduced**

NDCC:

Origination of Bill: Representative **Gary Paur**, **NDDVA, ACOVA**

Approved by ACOVA: June 29 2012

Approved by NDVCC: June 28, 2012

Carry bill: Commissioner

Sponsor: Representative Gary Paur

Drafting: Gary Paur will have Legislative Council draft.

3. 212-0940: Friday 3:11PM Senator Gary Paur Veterans plates and costs- take a look at those to see what we could get waived, gold star, purple heart, vanity etc. put together and bring to ACOVA. Be happy to sponsor the bill.
  - a. Gold Star
    - a.i. Remove fees for having this plate
    - a.ii. Remove fee for personalized plates
  - b. POW
    - b.i. No fees?
    - b.ii. Remove fee for personalized plates
  - c. DAV
    - c.i. Un remarried spouse to continue 1 plate
  - d. Purple Heart
    - d.i. Allow 100% Disabled to have Purple heart on DAV plate if qualified
    - d.ii. Fees the same as DAV plates

**Bill Number: 11****CVSO as Conservator**

NDCC: 37-14-18

Origination of Bill: **NDDVA, ACOVA**

Approved by ACOVA: June 29, 2012

Approved by NDVCC: **Not discussed**

Carry bill: Commissioner

Sponsor:

Drafting: AG's office. Done

4. CVSO's as conservators-removed. See: NDCC 37-14-18

**Bill Number: 12****Tuition for dependents-100% @ time of death**

NDCC: 15-10-18.3

Origination of Bill: **NDDVA, ACOVA**

Approved by ACOVA: June 29, 2012

Approved by NDVCC: **Not Discussed**

Carry bill: Commissioner

Sponsor:

Drafting: AG's office

5. Free tuition for non-service connected death: If a veteran is 100% P&T disabled, that veterans eligible dependents are allowed free tuition at ND state schools of higher education. If Veteran dies of non-Service connected causes (such as a car accident) the law does not address the surviving dependents of this disabled Veteran. This bill would ensure that the dependents that would have been provided the benefit is the Veteran had not died will still be afforded this benefit.
  - a. Add: 100% P&T at time of death. NDCC 15-10-18.3

**Bill Number: 13****ND Legal Services funding-Veterans Preference**

NDCC:

Origination of Bill: **NDDVA, ACOVA**

Approved by ACOVA: June 29, 2012

Approved by NDVCC: **Not Discussed**

Carry bill: Commissioner

Sponsor:

Drafting: NDVCC and Legal Services

6. Legal Services to have funding for Veterans Preference appeals: Would allow General Fund dollars for the ND Legal Services to provide legal services to Veterans in Veterans Preference Appeals with the ND Court of Appeals. (have had one appeal in the last 4 years-not very common to go to the ND Court of Appeals)

**Bill Number: 14**                      **Improved CVSO accreditation & training**

NDCC:

Origination of Bill: ACOVA

Approved by ACOVA: 11/18/2011

Approved by NDVCC: **No** 06/28/2012-VFW and DAV opposed

Carry bill:

Sponsor:

1. CVSO accreditation and training standards (bring back HB 1429)
  - a. Make ND DVA Commissioner in charge of setting CVSO accreditation and training Standards. This would increase the accreditations required from only NACVSO by adding AMVETS, American Legion, DAV, ND DVA and VFW. Would also require CVSO's to take the Federal VA's online Training "TRIP" and all required LMS training to gain access to VA web Based applications such as Virtual VA, Share and MapD and SEP.

**Bill Number: 15**                      **Veterans Flag**

NDCC:

Origination of Bill:

Approved by ACOVA: **NO** Voted down November 18, 2012

Approved by NDVCC: **Not discussed**

Carry bill:

Sponsor:

**Bill Number: 16**                      **Income tax exemption for military retirement pay**

NDCC:

Origination of Bill:

Approved by ACOVA: **NO** Voted down November 18, 2012

Approved by NDVCC: YES June 28, 2012

Carry bill:

Sponsor:

**Bill Number: 17**                      **Free Annual Fishing license 50%**

NDCC:

Origination of Bill:

Approved by ACOVA: **Not discussed**

Approved by NDVCC: YES June 28, 2012

Carry bill:  
Sponsor:

**Bill Number: 18**                      **Free- reduced tuition for Veterans**

NDCC:  
Origination of Bill:  
Approved by ACOVA: New- not yet discussed  
Approved by NDVCC:  
Carry Bill:  
Sponsor:  
Drafting: Balliet

**Bill Number:**                      **Funding for HeartSprings**

NDCC:  
Origination of Bill:  
Approved by ACOVA: New-not yet discussed  
Approved by NDVCC:  
Carry Bill:  
Sponsor:

**Bill Number:**                      **Funding for Veterans Upward Bound**

NDCC:  
Origination of Bill:  
Approved by ACOVA: New-not yet discussed  
Approved by NDVCC:  
Carry Bill:  
Sponsor:

**CHAPTER 15-10**  
**THE STATE BOARD OF HIGHER EDUCATION**

**15-10-18.2. Definitions.**

1. "Dependent" for purposes of section 15-10-18.3 means:
  - a. A child, stepchild, spouse, widow, or widower of a resident veteran, as

"veteran" is defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, died from service-connected disabilities, was a one hundred percent disabled veteran at time of death, was a prisoner of war, or was declared missing in action;

- b. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, died from service-connected disabilities, was a one hundred percent disabled veteran at time of death, was a prisoner of war, or was declared missing in action, provided the child's other parent has been a resident of this state and was a resident of this state at the time of death or determination of total disability of the veteran; or
  
- c. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, died from service-connected disabilities, was a one hundred percent disabled veteran at time of death, was a prisoner of war, or was declared missing in action, provided the child's other parent establishes residency in this state and maintains that residency for a period of five years immediately preceding the child's or stepchild's enrollment at an institution under the control of the state board of higher education.



**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 reestablishment 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, or unless the conservator is appointed by the county under chapter 11-21.

# License plates

## Gold Star

**\*\*Remove all additional fees for having this plate.**

### **39-04-10.14. North Dakota gold star number plates - Definition - Description - Fee.**

1. The director may issue distinctive number plates to a surviving spouse, parent, including stepmother, stepfather, parent through adoption, and foster parent who stands or stood in loco parentis, grandparents, child, including stepchild and child through adoption, and sibling, including half-brother and half-sister, of a member of the armed forces of the United States who died while serving on active duty during a time of military conflict. The director shall issue a number plate under this section upon receiving:

a. Payment of all other fees required under this chapter for registration of a motor vehicle;

b. ~~Payment of an initial fee of fifteen dollars, of which ten dollars is to be deposited in the highway tax distribution fund and five dollars is to be deposited in the veterans' cemetery maintenance fund; and~~

c. ~~Verification of subsequent payments of an annual surcharge of ten dollars paid to the adjutant general.~~

2. ~~The department shall collect the fees and the ten dollar surcharge under this section.~~

~~The department shall report to the legislative assembly on the funds collected under this section during each legislative session. The department shall pay the funds collected for the veterans' cemetery and adjutant general to the adjutant general monthly. Within ten days of receipt of the funds, the adjutant general shall deposit five dollars of each initial fee in the veterans' cemetery maintenance fund and shall apportion the ten dollar surcharge and deposit five dollars in the veterans' cemetery trust fund and five dollars in the veterans' cemetery maintenance fund in the state treasury. The state treasurer may invest the fund in the same manner as the state investment board is authorized to make investments. At the request of the adjutant general, the interest in the veterans' cemetery trust fund must be deposited in the veterans' cemetery maintenance fund for the purpose of funding salaries and maintenance of the veterans' cemetery.~~

3. Plates issued under this section must bear a gold star emblem logo on the left side of the plate and the letters "GS" before the number. The director shall cooperate with the director of the department of veterans' affairs to design the gold star emblem logo. The director may issue one set of plates per eligible owner of a passenger motor vehicle or a truck the registered gross weight of which does not exceed twenty thousand pounds [9071.85 kilograms].

4. On request of the director, the department of veterans' affairs shall certify those surviving family members of deceased members of the United States armed forces listed above as eligible to receive the plates.

5. Once declared eligible for a gold star plate, the department may not remove the eligibility of a surviving family member.

6. Once a plate number is issued to an eligible family member, the department may not assign the plate to another eligible person.

## POW

### **39-04-18. Motor vehicles exempt from registration fees - Reciprocal use of state highways by foreign licensed motor vehicles.**

2. The following motor vehicles may be operated upon the highways, roads, and streets of this state without being registered, under such limitations as are herein specified; provided, however, that whenever the department determines that it is to the best interest of the state of North Dakota and determines by reciprocal agreement or otherwise that as great or greater privileges are not granted North Dakota residents while traveling in other states or territories, the department may cancel or limit the application of any exception to residents or motor vehicles from such other state or territory:

o. Passenger motor vehicles, house cars, or pickup trucks not exceeding twenty thousand pounds [9071.84 kilograms] registered gross weight owned and operated by a resident who, while serving in the United States armed forces, was a prisoner of war and has received an honorable discharge from the United States armed forces; provided, however, that the vehicles display a distinctive license plate issued by the department upon the payment of five dollars. This exemption also applies to any passenger motor vehicle, house car, or pickup truck not exceeding twenty thousand pounds [9071.84 kilograms] registered gross weight subsequently purchased or acquired by such a former prisoner of war; provided, that the exemption provided by this subdivision is allowed only with respect to one motor vehicle owned by such a former prisoner of war at any one time.

## Purple Heart

There is an initial fee of \$15.00 (\$5 goes to Veterans Cemetery maintenance fund) to receive the Veterans' Number plates, with an annual fee thereafter of \$10.00 (\$5.00 goes to Veterans Cemetery trust fund and \$5 to Veterans Cemetery maintenance fund). Personalized Veterans' Number plates are an annual fee of \$25.00 in addition to the annual fee of \$10.00 and the yearly license fees.

### **39-04-10.10. North Dakota veterans' number plates.**

1. The director may issue distinctive number plates to individuals eligible for interment in the North Dakota veterans' cemetery. The director shall issue a number plate under this section upon receiving:

- a. Payment of all other fees required under this chapter for registration of a motor vehicle;
- b. Payment of an initial fee of fifteen dollars of which ten dollars is to be deposited in the highway tax distribution fund and five dollars is to be deposited in the veterans' cemetery maintenance fund; and

c. Verification of subsequent payments of an annual surcharge of ten dollars paid to the adjutant general.

2. The department shall collect the fees and the ten dollar surcharge under this section. The department shall report to the legislative assembly on the funds collected under this section during each legislative session. The department shall pay the funds collected under subdivisions b and c of subsection 1 to the adjutant general monthly, who then, within ten days of receipt of the funds, shall deposit five dollars of each initial fee in the veterans' cemetery maintenance fund and the ten dollar surcharge shall be divided with five dollars being deposited in the veterans' cemetery trust fund and five dollars being deposited in the veterans' cemetery maintenance fund in the state treasury. Investment of the fund is the responsibility of the state treasurer who shall have full authority to invest the fund only in the same manner as the state investment board is authorized to make investments. At the request of the adjutant general, the interest in the veterans' cemetery trust fund must be deposited in the veterans' cemetery maintenance fund for the purpose of funding salaries and maintenance of the veterans' cemetery.

3. The veterans' cemetery trust fund may accept funds from private and federal sources.

### **Personalized plates-**

**\*\*Remove fees for personalized plates for POW and Gold Star plates.**

#### **39-04-10.3. Personalized plates.**

The department may, in its discretion, provide special license plates marked with not more than seven numerals, letters, or ampersands, or combinations of numerals, letters, and ampersands, at the request of the registrant, upon application therefor and, with the exception of POW and Gold Star plates, payment of an additional fee of twenty-five dollars per registration period. The department shall make the special license plates authorized by this section available for motor vehicles registered under section 39-04-10.6, trailers, travel trailers, and motorcycles. The fee for the special license plates issued under this section for vehicles registered under section 39-04-10.6 is a one-time fee of one hundred dollars. The special license plates for motorcycles may contain not more than six numerals, letters, or ampersands, or a combination of not more than six numerals, letters, and ampersands. In the event of sale or transfer of the vehicle, the owner must remove the special license plates in accordance with section 39-04-36. Upon payment of the applicable transfer fee, the special license plates may be transferred to a replacement motor vehicle.

**Add un-remarried surviving spouse to this code??**

#### **39-04-18. Motor vehicles exempt from registration fees - Reciprocal use of state highways by foreign licensed motor vehicles.**

1. Except as provided in this section, every motor vehicle as defined in section 39-01-01, trailer or semitrailer designed to be towed by a truck or truck tractor, and farm trailer operated or intended to be operated upon any highway, road, or street in this state must be registered annually with the department. Any vehicle being operated on highways, roads, or streets of this state must display license plates as furnished by the department upon payment of the fees prescribed in this chapter. Upon satisfactory proof to the department that a motor vehicle owned by a resident of this state was not used upon any of the highways of this

state in any one or more years, the motor vehicle may be registered upon payment of the registration fee for the current year. Any resident of the state of North Dakota, serving in the armed forces of the United States for a period of time greater than one year, may relicense any motor vehicle owned by the veteran without paying any fee or penalties for the intervening years when the vehicle was not licensed, providing the veteran shows by suitable affidavit that the vehicle was not in use during any year in which it was not licensed. The vehicle must be licensed for the license fee applicable to the month of the year in which application for license is made.

2. The following motor vehicles may be operated upon the highways, roads, and streets of this state without being registered, under such limitations as are herein specified; provided, however, that whenever the department determines that it is to the best interest of the state of North Dakota and determines by reciprocal agreement or otherwise that as great or greater privileges are not granted North Dakota residents while traveling in other states or territories, the department may cancel or limit the application of any exception to residents or motor vehicles from such other state or territory:

j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight owned and operated by a disabled veteran under the provisions of Public Law 79-663 [38 U.S.C. 3901], **a former prisoner of war**, a disabled veteran who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or a disabled veteran who has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs is entitled to display a distinctive license plate issued by the department upon the payment of a fee of five dollars. **An unremarried surviving spouse who is receiving department of veterans' affairs dependency and indemnity compensation retains the exemption of the deceased, qualifying veteran in this subsection.** This exemption applies to no more than two such motor vehicles owned by a disabled veteran at any one time.

**John Deibert** 701-338-2953: ANZIO (beach served in Italy).

100% disabled has purple Heart.

Wants purple heart at DAV plate rate.

Veterans Court?

Money for ND Legal Services to help Veterans