

**2023 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1212**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1212  
1/26/2023

Relating to benefits for surviving spouses of disabled veterans; and to provide an effective date.
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Chairman Schauer called the meeting to order at 3:11 PM.

Chairman Austen Schauer, Vice Chairman Bernie Satrom, Reps. Landon Bahl, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, and Mary Schneider present. Rep. Cory present.

### **Discussion Topics:**

- Eligibility of benefits
- Agent Orange

Rep. Schreiber-Beck introduced HB 1212 with supportive testimony and proposed an amendment, 23.0350.01002, #16990, #16991, #16992.

Lonnie Wangen, Commissioner of the North Dakota Department of Veterans Affairs, offered testimony in support of bill, #15638.

### **Additional written testimony:**

Mary Vetter, ND Association of County and Tribal Veterans Service Officers, #16706.

Chairman Schauer adjourned the meeting at 3:28 PM.

*Phillip Jacobs, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1212  
1/27/2023

Relating to benefits for surviving spouses of disabled veterans; and to provide an effective date.

Chairman Schauer called the meeting to order at 11:29 AM.

Chairman Austen Schauer, Vice Chairman Bernie Satrom, Reps. Landon Bahl, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, and Mary Schneider present. Rep. Cory present.

### Discussion Topics:

- Committee action

Representative Satrom moved a do pass on HB 1212.

Representative schneider seconded.

Roll call vote:

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Steve Vetter	Y

Motion carries 13-0-0. Representative Schneider will carry the bill.

Chairman Schauer adjourned the meeting at 11:31 AM.

*Phillip Jacobs, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1212: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)**  
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB  
1212 was placed on the Eleventh order on the calendar.

**2023 SENATE AGRICULTURE AND VETERANS AFFAIRS**

**HB 1212**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1212  
3/3/2023

A bill relating to benefits for surviving spouses of disabled veterans; and to provide an effective date.

9:30 AM Chairman Luick called the meeting to order.

Members present: Chairman Luick, Vice Chairman Myrdal, Senator Lemm, Senator Weston. Members absent: Senator Hogan, Senator Weber.

### Discussion Topics:

- Disabled Veterans
- Surviving spouses
- Compensation
- Denials

9:30 AM Cindy Schreiber-Beck, District 25 Representative from Sargent County, testified in support verbally and written. # 21281

9:34 AM Lonnie Wangen, Commissioner, North Dakota Department of Veterans Affairs, testified in support verbally and written. # 21320  
Also provided explanation of the amendment.

9:43 Chairman Luick closed hearing.

9:43 AM Senator Lemm moved to adopt the amendment LC 23.0350.01003.

9:43 AM Senator Myrdal seconded the motion.

Roll call vote:

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	A
Senator Randy D. Lemm	Y
Senator Mark F. Weber	A
Senator Kent Weston	Y

Motion passed 4-0-2 to Adopt the amendment to SB 1212.

9:44 AM Senator Lemm moved a DO PASS SB 1212 AS AMENDED.

9:45 AM Senator Myrdal seconded the motion.

Roll call vote:

<b>Senators</b>	<b>Vote</b>
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	A
Senator Randy D. Lemm	Y
Senator Mark F. Weber	A
Senator Kent Weston	Y

Vote: 4-0-2 Motion DO PASS AS AMENDED.

Senator Lemm will carry the bill.

9:46 AM Chairman Luick adjourned the hearing.

*Brenda Cook, Committee Clerk*

March 3, 2023

AGC  
3-3-23  
(11)

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1212

Page 3, line 10, after "department" insert "at no cost to the qualifying veteran or surviving spouse or any other distinctive or vanity plate purchased from the department by the qualifying veteran or surviving spouse"

Renumber accordingly



**REPORT OF STANDING COMMITTEE**

**HB 1212: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1212 was placed  
on the Sixth order on the calendar. This bill does not affect workforce development.

Page 3, line 10, after "department" insert "at no cost to the qualifying veteran or surviving spouse or any other distinctive or vanity plate purchased from the department by the qualifying veteran or surviving spouse"

Renumber accordingly

**TESTIMONY**

**HB 1212**

HB 1212

North Dakota Department of Veterans Affairs  
Lonnie Wangen-Commissioner

1/26/2023

**House Government and Veterans Affairs Committee**  
**68<sup>th</sup> Legislative Session**  
**Representative Schauer-Chair**

Chairman Schauer and House Government and Veterans Affairs Committee,

Please accept this testimony in support of HB 1212

**Intent of this bill:**

Allow certain surviving spouses of a veteran who died of service-connected injuries or illnesses to be eligible for current ND benefits if the veteran have lived longer

- Tuition waiver NDCC 15-10-18.3
- Motor vehicle license plate NDCC 39-04-18 (2)(j)
- Property tax credit NDCC 57-02-08.8
- Vehicle excise tax NDCC 57-40.3-04

Allow 100% disabled veterans and surviving spouse who are eligible for DAV license plate an option to pay for a specialty or vanity license plate. (amendment).

**Need for bill:**

- Service connected presumptives have been added after death of veteran from that presumptive injury or illness. Example “Blue Water Navy”.
- Veterans and service members sometimes die before a service connection or rating is completed by Federal VA
  - If a veteran had lived long enough to gain this eligibility and applied for the benefits the surviving spouse would have been eligible
- VA determines eligibility for Dependency and Indemnity Compensation (DIC) for surviving spouse.
  - To include eligibility if re-married by a certain age

**Outcome**

- The surviving spouse, which were the intention of the above benefits, will now have clear eligibility.
- Clear language for ND agencies to utilize in determining eligibility
- VA DIC letter utilized to prove eligibility
  - Federal VA verify eligibility

**Fiscal Note:**

- Very small fiscal note expected

Thank you for your consideration.

Lonnie Wangen Commissioner-NDDVA

**TESTIMONY IN SUPPORT**

**HB 1212 Benefits for Veterans Spouses:  
Government and Veterans Affairs Committee  
January 26, 2023, 2:45PM  
Pioneer Room**

Chair Schauer, Vice-Chair Satrom and members of the Committee on Government and Veterans Affairs:

I am Mary Vetter, and I currently serve on the Executive/Legislative Committee with the North Dakota Association of County and Tribal Veterans Service Officers. 52 of the 53 counties and the 4 Tribal Nations belong to the Association.

The Association is looking for assistance with Legislative changes related to veterans' benefits. There are new public laws called the **Blue Water Navy Vietnam Veterans Act of 2019** and **The Pact Act**, signed into law August of 2022, that also includes the **Camp Lejeune Justice Act**. These laws have expanded VA healthcare and benefits for generations of veterans and their survivors.

I would be happy to go into detail about the new law, but what we really want to share are the changes, and how it affects the surviving spouse in Richland County and the state of North Dakota. In my office they have all been females.

Determined by Veterans Administration, Dependency, and Indemnity Compensation (DIC) is a tax-free benefit paid to eligible survivors of military Servicemembers who died in the line of duty and eligible survivors of Veterans, whose death resulted from a service-related injury or disease. Survivors of this benefit receive a summary benefit letter on a yearly basis from the VA. (Attached A)

In North Dakota, many rules currently apply that do not allow the survivors to obtain benefits. The current percentage of survivors, by a considerable amount, are woman. I have attached examples of some of the Departments included. The State Tax Commissioner, (attached B) and The Department of Transportation (attached C).

The reasons the Survivors, vastly women, are being denied is due to the language. With the new public laws, the Veterans Administration is adjudicating claims for veterans who may have never been service connected and are now deceased, resulting from a disease caused by their military service. It is impossible to allow the survivors to access North Dakota benefits mentioned above, due to the current language.

As a member of the Executive/Legislative Committee with the North Dakota Association of County and Tribal Veterans Service Officers, we are asking for the process to be simplified this Legislative session. If the survivor has a summary of benefits letter, (attached A) the VA has determined they have met the regulations to qualify for benefits.

**Page 2**

The Association's goal is to simplify the process by changing the language in all North Dakota Departments by making it uniform as below.

- Providing the VA Summary of Benefits Letter would allow the surviving spouses to access the North Dakota Veterans benefits.

We want to thank you for your continued advocacy for veterans and their families.

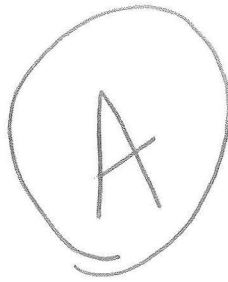
Please feel free to contact me with any questions.

Mary Vetter CVSO  
Richland Veterans Service Office  
413 3rd Ave North  
Wahpeton, ND 58075  
Phone 701-642-7807  
Fax 701-642-7808  
[maryvetter@co.richland.nd.us](mailto:maryvetter@co.richland.nd.us)



**Department of  
Veterans Affairs**

PO BOX 5365  
JANESVILLE WI 53547-5365



December 15, 2020

Veteran's Name:

WAHPETON ND 58075

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to survivors of Veterans to use in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter replaces VA Form 20-5455, and is considered an official record of your VA entitlement.

**--America is Grateful to You for Your Sacrifice--**

Our records contain the following information:

**Personal Claim Information:**

The claim number shown on our records is:

You are a survivor of the Veteran

**Military Information:**

The character(s) of discharge and service date(s) of the Veteran include:

Army, Honorable, 29-Apr-1968 - 28-Apr-1971

(There may be additional periods of service not listed above)

**VA Benefits Information:**

You are in receipt of: DEPENDENCY AND INDEMNITY COMPENSATION

The effective date of the last change to your current award was: 01-DEC-2019

Your current monthly award amount is:

The Veteran died as a result of a service-connected disability: Yes

You should contact your state or local office of Veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of Veterans' affairs are available at <http://www.va.gov/statedva.htm>.

**Need Additional Information or Verification?**

If you have any questions about this letter or need additional verification of VA benefits, please call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the federal relay number is 711. Send electronic inquiries through the Internet at <https://iris.custhelp.va.gov/>.

Sincerely yours,

Regional Office Director

Enclosure(s): What Things Affect Your Rights To Payment

NE201221



**APPLICATION FOR DISABLED VETERANS PROPERTY TAX CREDIT**  
 OFFICE OF STATE TAX COMMISSIONER  
 SFN 24770 (6-2021)

**Disabled Veteran of United States Armed Forces with Service Connected Disability of 50 Percent or More or Extra - Scheduler Rating that Brings the Total Disability Rating to 100 Percent**

This application must be filed with the county auditor by February 1 of the first year for which the credit is claimed. A person shall furnish to the assessor or other assessment officials when requested to do so, any information which is believed will support the claim for credit for any subsequent year. A qualifying disabled veteran who acquires the homestead during the year may apply for credit for the portion of the year during which the veteran owns the homestead.

Property Number:  
 Property Owner:  
 Property Address:



Legal Description

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Is this property the applicant's homestead? Yes  No  Taxable valuation of the homestead: \$ \_\_\_\_\_

Enter the percentage of the veteran's disability compensation rating or unemployability rating for service-connected disabilities as certified by the Department of Veterans Affairs for the purpose of applying for a property tax credit. \_\_\_\_\_%

The applicant is a: Disabled veteran  Unremarried surviving spouse of a disabled veteran   
 Unremarried spouse receiving DVA dependency and indemnity compensation   
 (100 percent credit)

Marital status: Married  Single

Which of the following would best describe the type of ownership of the homestead property (check only one):

- |   |   |
|---|---|
| A. Is recorded in your (and spouse's) name as owner <input type="checkbox"/>    | D. Is held under a life estate in property <input type="checkbox"/> |
| B. Is being purchased by you under a contract for deed <input type="checkbox"/> | E. Is held in a revokable trust <input type="checkbox"/>            |
| C. Is held in joint tenancy with one other than spouse <input type="checkbox"/> |   |

**Credit Claimed Pursuant to North Dakota Century Code Section 57-02-08.8**  
**Instructions**

Provide a copy of the DD Form 214 showing veteran's honorable discharge from active military service if claiming credit for first time. (This document is confidential.)

Provide a certificate from the Department of Veterans Affairs certifying to the percentage of service-connected disability or unemployability rating when claiming credit for the first time, or if the veteran receives a change in the percentage of certified rated service-connected disability. (This document is confidential.)

I make application for real property tax credit for the year \_\_\_\_\_ on the property described above and, in compliance with North Dakota Century Code § 57-02-14.1, certify the information is accurate to the best of my knowledge and belief.

Note: N.D.C.C. § 12.1-11-02 provides that making a false statement in a governmental matter is punishable as a Class A misdemeanor.

Application is: Approved  Disapproved

Percentage approved \_\_\_\_\_ %

x Eligible Taxable value \$ \_\_\_\_\_

Taxable value of credit \$ \_\_\_\_\_

\_\_\_\_\_  
 Applicant Date

\_\_\_\_\_  
 Assessor or Director of Tax Equalization Date

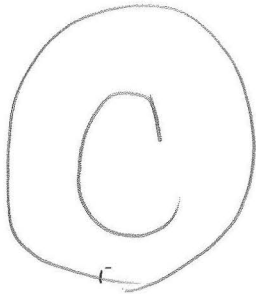
B

**57-02-08.8. Property tax credit for disabled veterans**

1. A disabled veteran of the United States armed forces with an armed forces service-connected disability of fifty percent or greater 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, who was discharged under honorable conditions or who has been retired from the armed forces of the United States, or the unremarried surviving spouse if the disabled veteran is deceased, is eligible for a credit applied against the first eight thousand one hundred dollars of taxable valuation of the person's homestead owned and occupied by the disabled veteran or unremarried surviving spouse equal to the percentage of the disabled veteran's disability compensation rating or unemployability rating for service-connected disabilities as certified by the department of veterans' affairs for the purpose of applying for a property tax credit. An unremarried surviving spouse who is receiving department of veterans' affairs dependency and indemnity compensation receives a one hundred percent credit as described in this subsection.
2. If two disabled veterans are married to each other and living together, their combined credits may not exceed one hundred percent of eight thousand one hundred dollars of taxable valuation of the homestead. If a disabled veteran co-owns the homestead property with someone other than the disabled veteran's spouse, the credit is limited to that disabled veteran's interest in the homestead, to a maximum amount calculated by multiplying eight thousand one hundred dollars of taxable valuation by the disabled veteran's percentage of interest in the homestead property and multiplying the result by the applicant's certified disability percentage or unemployability rating.
3. A disabled veteran or unremarried surviving spouse claiming a credit under this section for the first time shall file with the county auditor an affidavit showing the facts herein required, a description of the property, and a certificate from the United States department of veterans affairs, or its successor, certifying to the amount of the disability. The affidavit and certificate must be open for public inspection. (Note: These documents are confidential under N.D.C.C. § 37-18-11 and may not be disclosed to the public.) A person shall thereafter furnish to the assessor or other assessment officials, when requested to do so, any information which is believed will support the claim for credit for any subsequent year.
4. For purposes of this section, and except as otherwise provided in this section, "homestead" has the meaning provided in section 47-18-01 except that it also applies to a person who otherwise qualifies under the provisions of this section whether the person is the head of the family.
5. This section does not reduce the liability of a person for special assessments levied upon property.
6. A credit under this section terminates at the end of the taxable year of the death of the applicant.
7. The board of county commissioners may cancel the portion of unpaid taxes that represents the credit calculated in accordance with this section for any year in which the qualifying owner has held title to the homestead property. Cancellation of taxes for any year before enactment of this section must be based on the law that was in effect for that tax year.







WAHPETON ND 58075-3402

15-Oct-2021

Letter Id:

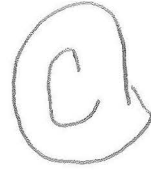
The Motor Vehicle Division received your Application and Claim for Motor Vehicle Tax Refund. The application and supporting documentation have been reviewed and, at this time, unless additional supporting documentation is available, the Motor Vehicle Division is unable to approve the refund due to the following:

As the surviving spouse you are able to retain the DAV excise tax exemption and registration exemption for one vehicle. We will need documentation from the Department of Veterans Affairs that verifies was eligible with a 100 percent service-connected disability or having an extra-schedular rating to include unemployability. Please return the additional information along with the Application and Claim for Motor Vehicle Tax Refund and letter from the Department of Veteran's Affairs dated December 15, 2020.

If available, additional supporting documentation may be submitted for review in conjunction with this letter and all original documentation submitted.

If you have any questions please call 701-328-2725.

# DAV Plates



To be eligible the US Department of Veteran Affairs office must sign a certification letter stating the applicant is 100 percent service related disabled or attesting eligibility under Public Law 663 of the 79th Congress.

The SFN 2872 Application for Certificate of Title form must be completed, signed, and returned with the certification letter. There is no annual license fee.

- Qualified veterans are eligible for two excise (sales) tax exempt vehicles licensed with the DAV license plate at a time.
- Plates may not be displayed on a vehicle with a gross weight equal to or exceeding 26,000 lbs.
- An un-remarried surviving spouse MAY retain one DAV plate for their own use.
- Vehicles displaying the distinctive DAV license plate may park in designated handicap parking spots in North Dakota. NDCC 39-01-15 No additional placards required.
- Disabled American Veteran Mobility Impaired Plates may be requested: To be eligible an applicant must qualify under both the DAV and Mobility Impaired qualifications.

## Exempt from registration fees

NDCC 39-04-18 (2) (j).

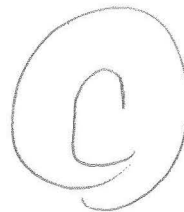
Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight owned and operated by a **disabled veteran** under the provisions of Public Law 79-663 [38 U.S.C. 3901], a disabled veteran who has a one hundred percent service-connected disability as determined by 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 either a distinctive license plate or a standard plate that does not identify the veteran as a veteran or disabled veteran which is issued by the department. This exemption applies to no more than two such motor vehicles owned by a disabled veteran at any one time. A surviving spouse of a disabled veteran who has not remarried and who is receiving department of veterans' affairs dependency and indemnity compensation retains the exemption of the deceased veteran who qualified under this subdivision for one vehicle.

Visit the ND Department of Transportation FAQ for more information on Disabled American Veteran (DAV) Plates

## Exempt from Vehicle Excise (Sales) Tax

NDCC 39-04-19 (3)

Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.



23.0350.01002  
Title.

Prepared by the Legislative Council staff for  
Representative Schreiber-Beck  
January 17, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1212

Page 3, line 10, after "department" insert "at no cost to the qualifying veteran or surviving spouse or any other distinctive or vanity plate purchased from the department by the qualifying veteran or surviving spouse"

Renumber accordingly

23.0350.01002

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1212**

Introduced by

Representatives Schreiber-Beck, McLeod, Mitskog, O'Brien, Pyle

Senators Hogan, Lee, K. Roers

1 A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2, subdivision j of  
2 subsection 2 of section 39-04-18, subsection 1 of section 57-02-08.8, and subsection 1 of  
3 section 57-40.3-04 of the North Dakota Century Code, relating to benefits for surviving spouses  
4 of disabled veterans; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 15-10-18.2 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 1. "Dependent" for purposes of section 15-10-18.3 means:
  - 9 a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran"
  - 10 is defined in section 37-01-40, who was killed in action or died from wounds or
  - 11 other service-connected causes, has a one hundred percent service-connected
  - 12 disability as determined by the department of veterans' affairs, has an
  - 13 extra-schedular rating to include individual unemployability that brings the
  - 14 veteran's total disability rating to one hundred percent as determined by the
  - 15 department of veterans' affairs, died from service-connected disabilities, was a
  - 16 prisoner of war, or was declared missing in action;
  - 17 b. A child, stepchild, spouse, widow, or widower of a veteran, as defined in section
  - 18 37-01-40, who was killed in action or died from wounds or other service-
  - 19 connected causes, has a one hundred percent service-connected disability as
  - 20 determined by the department of veterans' affairs, has an extra-schedular rating
  - 21 to include individual unemployability that brings the veteran's total disability rating
  - 22 to one hundred percent as determined by the department of veterans' affairs,
  - 23 died from service-connected disabilities, was a prisoner of war, or was declared
  - 24 missing in action, provided the spouse, widow, or widower, or the child's or

1                   stepchild's other parent, has been a resident of this state and was a resident of  
2                   this state at the time of death or determination of total disability of the veteran; or  
3           c.    A child, stepchild, spouse, widow, or widower of a veteran, as defined in section  
4                   37-01-40, who was killed in action or died from wounds or other service-  
5                   connected causes, has a one hundred percent service-connected disability as  
6                   determined by the department of veterans' affairs, has an extra-schedular rating  
7                   to include individual unemployability that brings the veteran's total disability rating  
8                   to one hundred percent as determined by the department of veterans' affairs,  
9                   died from service-connected disabilities, was a prisoner of war, or was declared  
10                  missing in action, provided the spouse, widow, or widower, or the child's or  
11                  stepchild's other parent, establishes residency in this state and maintains that  
12                  residency for a period of five years immediately preceding the spouse's, widow's,  
13                  widower's, child's, or stepchild's enrollment at an institution under the control of  
14                  the state board of higher education; or

15           d.    A widow or widower of a veteran, as defined in section 37-01-40, who is receiving  
16                  United States department of veterans affairs dependency and indemnity  
17                  compensation and satisfies the residency requirement in subdivision a, b, or c.  
18                  For purposes of this subdivision, sufficient proof of receipt of United States  
19                  department of veterans affairs dependency and indemnity compensation includes  
20                  correspondence directed to a qualifying veteran's widow or widower by the  
21                  United States department of veterans affairs which indicates the widow or  
22                  widower is a survivor of the qualifying veteran and is in receipt of United States  
23                  department of veterans affairs dependency and indemnity compensation.  
24                  For purposes of this subsection, if the determination of disability or  
25                  service-connected death occurs subsequent to the qualifying veteran's death through  
26                  application of a law that renders a surviving spouse of a qualifying veteran eligible for  
27                  United States department of veterans' affairs disability and indemnity compensation,  
28                  the determination for purposes of qualification as a dependent under this subsection is  
29                  presumed to precede the veteran's death.

30           **SECTION 2. AMENDMENT.** Subdivision j of subsection 2 of section 39-04-18 of the North  
31    Dakota Century Code is amended and reenacted as follows:

1           j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms]  
2           registered gross weight owned and operated by a disabled veteran under the  
3           provisions of Public Law 79-663 [38 U.S.C. 3901], a disabled veteran who has a  
4           one hundred percent service-connected disability as determined by the  
5           department of veterans' affairs, or a disabled veteran who has an extra-schedular  
6           rating to include individual unemployability that brings the veteran's total disability  
7           rating to one hundred percent as determined by the department of veterans'  
8           affairs is entitled to display either a distinctive license plate or a standard plate  
9           that does not identify the veteran as a veteran or disabled veteran which is  
10          issued by the department at no cost to the qualifying veteran or surviving spouse  
11          or any other distinctive or vanity plate purchased from the department by the  
12          qualifying veteran or surviving spouse. This exemption applies to no more than  
13          two such motor vehicles owned by a disabled veteran at any one time. A  
14          surviving spouse of a disabled veteran ~~who has not remarried and~~ who is  
15          receiving United States department of ~~veterans'~~veterans affairs dependency and  
16          indemnity compensation ~~retains~~ is eligible for the exemption of the ~~deceased~~  
17          ~~veteran who qualified~~ under this subdivision for one vehicle. If the determination  
18          of disability or service-connected death occurs subsequent to the qualifying  
19          veteran's death through application of a law that renders a surviving spouse of a  
20          qualifying veteran eligible for United States department of veterans affairs  
21          disability and indemnity compensation, the determination for purposes of the  
22          exemption under this subdivision is presumed to precede the veteran's death.  
23          Sufficient proof of receipt of United States department of veterans affairs  
24          dependency and indemnity compensation includes correspondence directed to a  
25          surviving spouse of a qualifying veteran by the United States department of  
26          veterans affairs which indicates the surviving spouse is a survivor of the  
27          qualifying veteran and is in receipt of United States department of veterans affairs  
28          dependency and indemnity compensation.

29          **SECTION 3. AMENDMENT.** Subsection 1 of section 57-02-08.8 of the North Dakota  
30          Century Code is amended and reenacted as follows:



1           1. A disabled veteran of the United States armed forces with an armed forces  
2           service-connected disability of fifty percent or greater or a disabled veteran who has  
3           an extra-schedular rating to include individual unemployability that brings the veteran's  
4           total disability rating to one hundred percent as determined by the department of  
5           veterans' affairs, who was discharged under honorable conditions or who has been  
6           retired from the armed forces of the United States, or the ~~unremarried~~ surviving  
7           spouse if the disabled veteran is deceased, is eligible for a credit applied against the  
8           first eight thousand one hundred dollars of taxable valuation of the homestead owned  
9           and occupied by the disabled veteran or ~~unremarried~~ surviving spouse equal to the  
10          percentage of the disabled veteran's disability compensation rating for  
11          service-connected disabilities as certified by the department of veterans' affairs for the  
12          purpose of applying for a property tax credit. ~~An unremarried~~A surviving spouse who is  
13          receiving United States department of veterans'veterans affairs dependency and  
14          indemnity compensation receives a one hundred percent credit as described in this  
15          subsection. If the determination of disability or service-connected death occurs  
16          subsequent to the qualifying veteran's death through application of a law that renders  
17          a surviving spouse of a qualifying veteran eligible for United States department of  
18          veterans affairs disability and indemnity compensation, the determination for purposes  
19          of the credit under this subsection is presumed to precede the veteran's death.  
20          Sufficient proof of receipt of United States department of veterans affairs dependency  
21          and indemnity compensation includes correspondence directed to a surviving spouse  
22          of a qualifying veteran by the United States department of veterans affairs which  
23          indicates the surviving spouse is a survivor of the qualifying veteran and is in receipt of  
24          United States department of veterans affairs dependency and indemnity  
25          compensation.

26           **SECTION 4. AMENDMENT.** Subsection 1 of section 57-40.3-04 of the North Dakota  
27   Century Code is amended and reenacted as follows:

28           1. Any motor vehicle acquired by, or leased and in the possession of, a resident disabled  
29           veteran under the provisions of Pub. L. 79-663 [38 U.S.C. 3901], a resident disabled  
30           veteran who has a one hundred percent service-connected disability as determined by  
31           the department of veterans' affairs, or a resident disabled veteran who has an

1 extra-schedular rating to include individual unemployability that brings the veteran's  
2 total disability rating to one hundred percent as determined by the department of  
3 veterans' affairs who registers, or is eligible to register, the vehicle with a distinctive  
4 license plate issued by the department of transportation under subdivision j of  
5 subsection 2 of section 39-04-18. ~~An unremarried~~A surviving spouse who is receiving  
6 United States department of ~~veterans'~~veterans affairs dependency and indemnity  
7 compensation ~~retains~~is eligible for the exemption of the deceased, ~~qualifying veteran~~  
8 in this subsection. If the determination of disability or service-connected death occurs  
9 subsequent to the qualifying veteran's death through application of a law that renders  
10 a surviving spouse of a qualifying veteran eligible for United States department of  
11 veterans affairs disability and indemnity compensation, the determination for purposes  
12 of the exemption under this subsection is presumed to precede the veteran's death.  
13 Sufficient proof of receipt of United States department of veterans affairs dependency  
14 and indemnity compensation includes correspondence directed to a surviving spouse  
15 of a qualifying veteran by the United States department of veterans affairs which  
16 indicates the surviving spouse is a survivor of the qualifying veteran and is in receipt of  
17 United States department of veterans affairs dependency and indemnity  
18 compensation.

19 **SECTION 5. EFFECTIVE DATE.** Section 3 of this Act is effective for taxable years  
20 beginning after December 31, 2022. Section 4 of this Act is effective for taxable events  
21 occurring after June 30, 2023.

Introduction and Support Testimony HOUSE BILL 1212  
 Government and Veterans Affairs Committee January 26, 2023 2:45PM Pioneer Room

Chair Schauer, Vice-Chair Satrom and members of the Committee on Government and Veterans Affairs:

For the record, I am Cindy Schreiber-Beck, District 25 Representative that includes Richland County and the very southern portion of Sargent County.

This bill is at the request of the Veterans Service Officer in Richland County and address the problem that North Dakota Veterans Benefits language is preventing surviving spouses from obtaining benefits. The goal of the bill is to simplify the process -- ***by accepting the Veterans Administration Summary of Benefits Letter, a surviving spouse could access North Dakota benefits***

With new public laws, the Veterans Administration is adjudicating claims for veterans whose disability/disease was not deemed service connected (during their lifetime or at the time of death) and are now deceased, with their death resulting from a disease that is now deemed a disease caused by their military service.

With the following changes in the current North Dakota laws, surviving spouses would be able to access benefits.

- Amend and reenact subsection 1 of section 15-10-18.2
  - Higher Education / Definitions
- Amend and reenact subdivision j of subsection 2 of section 39-04-18
  - Motor Vehicle Registration / Motor Vehicles Exempt from Registration Fees
- Amend and reenact subsection 1 of section 57-02-08.8
  - General Property Assessment / Property Tax Credit for Disabled Veterans – Certification - Distribution
- Amend and reenact subsection 1 of section 57-40.3-04
  - Taxation / Motor Vehicle Excise Tax

In all sections, the changes are similar.

*For purposes of this subdivision, sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a qualifying veteran's widow or widower by the United States department of veterans affairs which indicates the widow or widower is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation. For purposes of this subsection, if the determination of disability or service - connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans' affairs disability and indemnity compensation, the determination for purposes of qualification as a dependent under this subsection is presumed to precede the veteran's death.*

The fiscal note estimates a loss of revenues of \$32,214 in the 2023-2025 biennium and \$5,964 in the 2025-2027 biennium.

An amendment to the bill is attached with the request to amend the bill and I respectfully request a favorable recommendation from the committee.

Introduction and Support Testimony HOUSE BILL 1212  
Senate Agriculture and Veterans Affairs Committee

Chair Luick, Vice-Chair Myrdal and members of the Senate Agriculture and Veteran Affairs Committee:

For the record, I am Cindy Schreiber-Beck, District 25 Representative that includes Richland County and the very southern portion of Sargent County.

This bill is at the request of the Veterans Service Officer in Richland County and address the problem that North Dakota Veterans Benefits language is preventing surviving spouses from obtaining benefits. The goal of the bill is to simplify the process -- **by North Dakota accepting the Veterans Administration Summary of Benefits Letter, a surviving spouse could access North Dakota benefits.**

With new public laws, the Veterans Administration is adjudicating claims for veterans whose disability/disease was not deemed service connected (during their lifetime or at the time of death) and are now deceased, with their death resulting from a disease that is now deemed a disease caused by their military service.

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- Amend and reenact subsection 1 of section 57-40.3-04
  - Taxation / Motor Vehicle Excise Tax

In all sections, the changes are similar.

*For purposes of this subdivision, sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a qualifying veteran's widow or widower by the United States department of veterans affairs which indicates the widow or widower is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation. For purposes of this subsection, if the determination of disability or service - connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans' affairs disability and indemnity compensation, the determination for purposes of qualification as a dependent under this subsection is presumed to precede the veteran's death.*

The fiscal note estimates a loss of revenues of \$32,214 in the 2023-2025 biennium and \$5,964 in the 2025-2027 biennium.

I respectfully request a favorable consideration from the committee.

Thank you, Mr. Chairman.

HB 1212

North Dakota Department of Veterans Affairs  
Lonnie Wangen-Commissioner

3/03/2023

**Senate Agriculture and Veterans Affairs Committee**  
**68<sup>th</sup> Legislative Session**  
**Senator Luick-Chair**

Chairman Luick and Senate Agriculture and Veterans Affairs Committee,

Please accept this testimony in support of HB 1212

**Intent of this bill:**

Allow certain surviving spouses of a veteran who died of service-connected injuries or illnesses to be eligible for current ND benefits if the veteran have lived longer

- Tuition waiver NDCC 15-10-18.3
- Motor vehicle license plate NDCC 39-04-18 (2)(j)
- Property tax credit NDCC 57-02-08.8
- Vehicle excise tax NDCC 57-40.3-04

Allow 100% disabled veterans and surviving spouse who are eligible for DAV license plate an option to pay for a specialty or vanity license plate. (amendment).

**Need for bill:**

- Service connected presumptives have been added after death of veteran from that presumptive injury or illness. Example “Blue Water Navy”.
- Veterans and service members sometimes die before a service connection or rating is completed by Federal VA
  - If a veteran had lived long enough to gain this eligibility and applied for the benefits the surviving spouse would have been eligible
- VA determines eligibility for Dependency and Indemnity Compensation (DIC) for surviving spouse.
  - To include eligibility if re-married by a certain age

**Outcome**

- The surviving spouse, which were the intention of the above benefits, will now have clear eligibility.
- Clear language for ND agencies to utilize in determining eligibility
- VA DIC letter utilized to prove eligibility
  - Federal VA verify eligibility

**Fiscal Note:**

- Very small fiscal note expected

Thank you for your consideration.

Lonnie Wangen Commissioner-NDDVA