

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2191

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2191

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2191

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 1/26/07

Recorder Job Number: 2039, 2040

Committee Clerk Signature

Monica Spaulding

Minutes:

Roll was taken and all members were present.

Sen. Dever, Chairman, opened the hearing on SB 2191.

Robert Evans, Secretary for the North Dakota Veterans Coordinating Council, introduced the bill. See attachment # 1.

Senator Dever asked if the people stationed at the air bases are to be included in the benefits described in SB 2191

Robert said it is his intention to include everyone going back to the Vietnam era. All stateside or noncombat veterans would receive the bonus of \$12.50 per month.

Senator Dever asked if this was just North Dakota residents being considered.

Robert said it included ND residents and people who file a ND income tax return.

Senator Dever mentioned that the fiscal note is for \$7,000,000.00.

Robert said it is quite a high number. He referred to the 6612 Air Force personnel listed on the testimony. That includes the people stationed at the bases in North Dakota that are not residents of North Dakota.

Senator Dever asked if it is the intent of the bill to bonus those people who are stationed at the air bases in North Dakota but are not residents of North Dakota.

Robert said, no, they are not to be included. This is only for North Dakota residents.

Senator Dever said that is the biggest share.

Robert said the majority of the people at our air bases are from out of state.

Senator Dever asked if they are included on the fiscal note.

Robert said they are included in the fiscal note and the fiscal note is probably wrong.

Senator Dever said it probably isn't wrong.

Senator Horne asked for clarification. Someone who is a resident of ND and is stationed at the air base in Grand Forks would get paid \$50.00 per month for as long as he is in the military.

Robert said that if you were on active duty and served during the time spelled out in the bill, you would get a bonus of \$50.00 per month for your time of service. This is the same formula used during the Vietnam War.

Senator Horne asked if the dates include the time of the Iraqi conflict

Robert said that is correct.

Senator Oehlke asked if someone was in service during a time there was no conflict, would they get a bonus.

Robert said that is correct. It is only for the period stipulated in the bill.

Senator Dever said it seems there needs to be some serious reconciliation between SB 2115 and SB 2191. He asked if the bill would be reworked and would meet the intent to include the residents of ND in the bonus but not the non-residents serving at the air bases, would that be amenable to them.

Robert said it would.

There was discussion of possible changes to reconcile the two bills.

Lyle Schuchard, Secretary for the Administrative Committee on Government Affairs and member of the Workforce Development Council for North Dakota, representing the 60,000+

veterans from North Dakota, spoke in favor of the bill. He explained that the Administrative Committee on Government Affairs consists of 15 members, three from each of the service organizations. American Legion, VFW, DAV, AmVets, and Vietnam Veterans of America. He recommends a do pass.

Bob Hanson, Commissioner of Veterans' Affairs from North Dakota, spoke in support of SB 2191. See attachment # 2.

Opposition: -

Neutral: -

Dave Sprynzynatyk, Adjutant General, asked the committee if he could address the issue of the fiscal note. He affirmed that the numbers he has are the same as what Robert Evans had.

8600 times \$900.00 would even be a little higher than what is in the fiscal note. This is based on the information they got from the Dept. of Defense and the number of people who have joined the military back to December of 1992.

Senator Dever mentioned there are about 7000 Air Force personnel at the base in Grand Forks. A certain unknown number will retire and take advantage of this. (I couldn't hear the tape.)

Dave Sprynzynatyk said that is correct and those people were not added into the estimates for the fiscal note. He feels that there may be only a handful that qualify.

There was discussion about having taken out the definition of resident and the need to possibly put it back in now.

There was discussion of what would make them eligible for the \$50.00 per month bonus. This proposed bonus was compared to the bonuses offered for previous wars. Residency requirements in relation to bonus eligibility in Section 7 were discussed.

The discrepancy between Robert Evans' estimate of 2500 ND residents qualifying for this bonus and Dave Sprynzynatyk's estimate of 8684 qualifying was discussed.

Senator Marcellais asked when a veteran had to only serve 30 days to qualify for veterans' benefits. He always thought it was 180 days of active duty. The definition on line 7 page 2 says only 30 days.

Robert said that the ND State Law says 30 days. It doesn't follow the federal guidelines of 180 days in this case.

Senator Nelson asked if people could declare residency in ND after they join the service to take advantage of this benefit.

Dave Sprynzynatyk said according to Section 7 they would have to be a resident prior to joining the military.

Senator Dever asked about the language that was struck on SB 2115.

Dave Sprynzynatyk said yes because of how the eligibility was defined. The language in SB 2115 was to make sure that the people living out of state who had served in the ND National Guard would be eligible.

Senator Dever asked where the fund stands right now. Is it at around \$5,000,000.00?

Dave Sprynzynatyk said last legislative session \$5,000,000.00 was put into the veterans' bonus program. To date approximately \$2,100,000.00 has been spent. They expect by the end of the biennium about \$2,500,000.00 will have been spent. In SB 2115 the eligibility period was extended to June 30th, 2009. Right now there is a sunset on the program of June 30th, 2007.

Due to being at war they have asked for it to be extended. If it is not extended, it will be over on June 30th of this year. Even if it gets extended, it is likely they will be back to ask for it to be extended another two years.

Senator Dever reminded the committee that any bills with a fiscal note are due out of committee by February 2nd. He assigned a subcommittee to look into this. He asked who Dave would suggest they should consult with.

Dave Sprynzynatyk said Dave Thiele would be a good resource.

Senator Dever asked if Mr. Evans or Mr. Hanson had any suggestions of who could serve on the subcommittee.

Chairman Dever closed the hearing on SB 2191.

The committee will act on the bill after the subcommittee reports back to them.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2191

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 2/01/07

Recorder Job Number: 2626

Committee Clerk Signature

Theresa Spaulding

Minutes:

All members of the committee were present.

Chairman Dever opened discussion on SB 2191.

Senator Dever mentioned that part of the concern the committee had had when they considered the bill was that it had to be reconciled with SB 2115. He mentioned the committee had asked Colonel Thiele to draft an amendment. Colonel Thiele put together a hoghouse amendment. Senators Dever and Marcellais had consulted with John Walstad in Legislative Council who felt the bill as it was would be a problem to reconcile with SB 2115. Senator Dever presented the hoghouse bill to the committee. Senator Dever explained that under the provisions of this bill a veteran would receive \$50.00 per month for time spent stateside in preparation to going to a war zone, and \$100.00 per month for the time spent in a war zone. He understands a war zone as Iraq, Kuwait, Afghanistan, or any other place where an expeditionary medal or campaign badge is appropriate, maybe including Kosovo and Bosnia. He clarified that active military components received the bonus only when they are in the war zone. The hoghouse says that each active component veteran who is a resident of North Dakota and was a resident of North Dakota at the time of enlistment is entitled to \$50.00 per month for each month for stateside service since September 11, 2001. The veterans are

already getting \$100.00 per month for the time spent in a war zone, and this bill would add the provision for the veteran to be paid \$50.00 per month for the months of stateside service.

There was discussion about the possible fiscal impact as addressed in attachment #1, page 2.

The committee felt there needed to be an amendment to SB 2191 to reconcile SB 2191 and SB 2115.

There was some discussion about the periods of service this hoghouse bill would affect as referred to in attachment #1, page 2.

Senator Dever commented that the military is different now than it was when there was a draft in place. Now joining the military is more of a career choice.

There was some discussion about what military personnel make, whether they pay taxes on it, and what the beneficiaries get when a military personnel dies. The committee discussed what the intent of the money is: to cover burial costs, to help families adjust, or to say thank you?

The committee felt the intent was to say thank you to the family.

Senator Dever mentioned that when he got out of the service many insurance companies were unwilling to insure the veterans who were coming out.

Senator Lee mentioned we definitely want to support our military but she struggles with every one is getting an ongoing monthly bonus. There was discussion that it is a lump sum and that it does have maximums set.

Senator Marcellais said the Guards and Reserves were getting a bonus but it was leaving out the active military. This bill would make it equitable to them.

There was discussion about how SB 2115 would affect this bill if SB 2115 passes.

Senator Oehlke made a motion to amend SB 2191.

Senator Marcellais seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Page 3

Senate Government and Veterans Affairs Committee

Bill/Resolution No. 2191

Hearing Date: 2/01/07

The committee wanted to see the revised fiscal note before they voted on SB 2191.

The committee will wait to act on this bill.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2191

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 2/02/07

Recorder Job Number: 2706

Committee Clerk Signature

Veronica Spaulding

Minutes:

All members of the committee were present.

Chairman Dever opened discussion on SB 2191.

The bill is before them as amended, the hoghouse amendment. The committee held it until they could see the fiscal note. Senator Dever mentioned that until amendments are adopted on the floor, they don't generate a fiscal note. In lieu of a fiscal note, see attachment # 1.

Senator Dever asked where in the world do people now earn the Expeditionary and Campaign Medals?

Colonel responded it is in the Theater of Operations, where they have determined that there is some form of combat operations ongoing. Right now the Theater of Operations is in Iraq, Afghanistan and the surrounding areas.

Senator Dever asked if that was a federal designation.

Colonel Thiele responded in the affirmative.

There was some discussion about who would be considered in the war zone.

Senator Dever raised a question. Should people who now voluntarily enlist and get paid much more than they used to be paid be getting the same benefits as veterans who served under much different circumstances? Since active components veterans are included while they are

in those areas that include the awards that are being discussed, should they also be included in their station elsewhere?

There was some discussion of the pay and the fringe benefits that the military receive.

Senator Lee mentioned that the guard used to not get called up like they are being called now and they are putting in some long tours of duty. There is a great deal of commitment and most of the people are not full time. They are trying to carry on with their jobs, etc. while keeping their commitment to the Guard.

There was discussion of the length of deployments and who would qualify for the bonuses and what the max is that they could receive for multiple tours of duty. They discussed the details of the life insurance available to the military.

Senator Horne asked whether there was an ending date on this amendment.

Colonel Thiele said that it is going from biennium to biennium. This will carry them through 2009 and they will come back with another request in two years especially if the current conflict in Iraq is not resolved.

Colonel Thiele explained that the hoghouse amendment attempts to add the active component in the non combat environment to receive the \$50.00 per month after 9/11/2001.

Senator Dever asked if they would have to receive an Expeditionary Medal to get the bonus.

Colonel Thiele said they would not have to receive an Expeditionary Medal, they would get it just for having been in during that time.

There was discussion about exactly who would get paid this bonus, what status would you have to have to be eligible.

Bob Hanson remarked that the army in Vietnam was not a volunteer army. The military that served 7 years or more were not entitled to any bonus. If there is a concern about the active component being included he suggested they be excluded. If you do that then some people

wouldn't get the combat bonus either. He doesn't feel we should differentiate between active and reserve.

Senator Dever mentioned that the service of every veteran is greatly appreciated and wanted to make sure that has been expressed by this committee to those who have been representing veterans groups.

Senator Marcellais made a motion to pass SB 2191 as amended and rerefer it to appropriations.

The motion was seconded by Senator Oehlke.

Senator Horne remarked that he didn't feel qualified to be voting on this. He is not a veteran and doesn't know the feelings that go with service to your country and being deployed.

Senator Dever said he can appreciate the angst and assured Senator Horne he would respect him either way.

Senator Lee said she shared the same struggles in addition to the fact that she would like to see the fiscal note and doesn't like to leave that to appropriations. She agreed with what had previously been said.

Senator Dever said he voted no to demonstrate the anguish of the committee (I couldn't hear the recording.)

Roll Call Vote: Yes 5 No 1 Absent 0

Carrier: Marcellais

FISCAL NOTE
Requested by Legislative Council
02/15/2007

Amendment to: Engrossed
SB 2191

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$250,000			
Appropriations			\$250,000			

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The engrossed bill will provides \$250,000 from the general fund to the Adjutant General for matching grants for the maintenance and repair of political subdivision-owned armories and a related report to the Budget Section.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

none

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

\$250,000 for matching grants for the maintenance and repair of political subdivision-owned armories.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The engrossed bill will provides \$250,000 from the general fund to the Adjutant General for matching grants for the maintenance and repair of political subdivision-owned armories.

Name:	LTC Dave Thiele	Agency:	Office of the Adjutant General
Phone Number:	333-2009	Date Prepared:	02/15/2007

FISCAL NOTE
Requested by Legislative Council
02/05/2007

Amendment to: SB 2191

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$4,300,000			
Appropriations			\$4,300,000			

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The engrossed bill will limit the expansion of the veteran's bonus program for active component stateside service (non-combat zone) to that occurring after September 11, 2001. Each resident service member would be eligible for \$50 per month up to \$900.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

none

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

\$50 per month with a cap of \$900 for any active duty service outside theater of operations since 9/11/2001.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The cost from 2001 forward will be 420 to 500 (total service members from North Dakota who join the military each year) X \$900 per year or \$378,000 to \$450,000 per year. At 8 years (2001 through 2009) funding necessary will be \$3.02 mil to \$3.6 mil. What is unknown is how many will qualify that joined prior to 9.11 and remained on active duty after 9.11. Best estimate is another 3 years, which is the normal minimum enlistment period. This will add \$1.1 mil to \$1.35 mil to the total. The amendment as drafted will not allow a service member to become a resident after initial enlistment to qualify for the program.

As proposed, the necessary general fund appropriation is \$4.3 mil to \$4.95 mil.

Name:	LTC Dave Thiele	Agency:	Office of the Adjutant General
Phone Number:	333-2009	Date Prepared:	02/08/2007

FISCAL NOTE
Requested by Legislative Council
01/16/2007

Bill/Resolution No.: SB 2191

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$7,000,000			
Appropriations			\$7,000,000			

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Adds resident active duty service outside theater of operations (combat zone) to bonus program. \$50 per month with cap of \$900.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

\$50 per month with a cap of \$900 for any active duty service outside theater of operations.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Information from US Army, Military Entrance Processing Station (MEPS) Fargo and NDNG indicate between 420 and 500+ active duty per year from North Dakota. Retroactive to Dec 1992 and payable through 2009 with passage of SB 2115. $420 \text{ and } 500 \times 17 \text{ years} \times \$900 = 6.426 \text{ million and } 7.65 \text{ million respectively}$. Based on history of program 7.0 million should be adequate to cover claims. There are slightly more than 7,000 Air Force personnel assigned to Grand Forks and Minot AFBs. It is reasonable that a certain number (unknown) will declare ND residency to take advantage of the program. This could increase the cost of the program.

Name:	LTC Dave Thiele	Agency:	Office of the Adjutant General
Phone Number:	333-2009	Date Prepared:	01/25/2007

Attach #1

PROPOSED AMENDMENTS TO SENATE BILLS 2191

Page 1, Line 1, after "A BILL" replace the remainder of the bill with "for an act to amend and reenact section 37-28-03 of the North Dakota Century Code, relating to the payment of military adjusted compensation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

SECTION 1. AMENDMENT. Section 37-28-03 of the North Dakota Century Code is amended and reenacted as follows:

37-28-03. Payment of adjusted compensation for domestic and foreign service. Each national guard or reserve component resident veteran mobilized stateside is entitled to fifty dollars for each month or major fraction thereof for domestic service not to exceed \$900.00. Each active component veteran who is a resident of North Dakota, and was a resident of the state of North Dakota at the time of initial enlistment into the armed forces, is entitled to fifty dollars for each month or major fraction thereof, for stateside service since September 11, 2001, not to exceed \$900. Each national guard, reserve, or active component resident veteran of foreign service who received the expeditionary medal or campaign badge is entitled to one hundred dollars for each month or major fraction thereof not to exceed \$1,800.00. Combined totals for stateside and foreign service may not exceed \$1,800. If the veteran received a purple heart for foreign service, the veteran is entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted compensation. If the veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter to which the veteran would have been entitled. Applications for adjusted compensation may be filed with the adjutant general through June 30, ~~2007~~ 2009 or in the case of a soldier mobilized on June 30, ~~2007~~ 2009 not later than six months after the end of the mobilization period of service.

February 2, 2007

JB
2-2-7

PROPOSED AMENDMENTS TO SENATE BILL NO. 2191

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 37-28-03 of the North Dakota Century Code, relating to the payment of military adjustment compensation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-28-03 of the North Dakota Century Code is amended and reenacted as follows:

37-28-03. Payment of adjusted compensation for domestic and foreign service. Each national guard or reserve component resident veteran mobilized stateside is entitled to fifty dollars for each month or major fraction thereof for domestic service, not to exceed nine hundred dollars. Each active component veteran who is a resident of North Dakota, and who was a resident of North Dakota at the time of initial enlistment into the armed forces, is entitled to fifty dollars for each month or major fraction of a month for stateside service since September 11, 2001, not to exceed nine hundred dollars. Each national guard, reserve, or active component resident veteran of foreign service who received the expeditionary medal or campaign badge is entitled to one hundred dollars for each month or major fraction thereof, not to exceed one thousand eight hundred dollars. Combined totals for stateside and foreign service may not exceed one thousand eight hundred dollars. If the veteran received a purple heart for foreign service, the veteran is entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted compensation. If the veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter to which the veteran would have been entitled. Applications for adjusted compensation may be filed with the adjutant general through June 30, ~~2007~~ 2009, or in the case of a soldier mobilized on June 30, ~~2007~~ 2009, not later than six months after the end of the mobilization period of service."

Renumber accordingly

Date : 2-1-07
Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 219/amendment

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken amendment

Motion Made By Oehlke Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

hoghouse amendment

Date : 2-2-07
Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2191

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number as amended

Action Taken

do pass and re refer to appropriations

Motion Made By

Marcellais

Seconded By

Oehlke

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman		✓	Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 5 No 1

Absent 0

Floor

Assignment

Marcellais

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

REPORT OF STANDING COMMITTEE

SB 2191: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2191 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 37-28-03 of the North Dakota Century Code, relating to the payment of military adjustment compensation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-28-03 of the North Dakota Century Code is amended and reenacted as follows:

37-28-03. Payment of adjusted compensation for domestic and foreign service. Each national guard or reserve component resident veteran mobilized stateside is entitled to fifty dollars for each month or major fraction thereof for domestic service, not to exceed nine hundred dollars. Each active component veteran who is a resident of North Dakota, and who was a resident of North Dakota at the time of initial enlistment into the armed forces, is entitled to fifty dollars for each month or major fraction of a month for stateside service since September 11, 2001, not to exceed nine hundred dollars. Each national guard, reserve, or active component resident veteran of foreign service who received the expeditionary medal or campaign badge is entitled to one hundred dollars for each month or major fraction thereof, not to exceed one thousand eight hundred dollars. Combined totals for stateside and foreign service may not exceed one thousand eight hundred dollars. If the veteran received a purple heart for foreign service, the veteran is entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted compensation. If the veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter to which the veteran would have been entitled. Applications for adjusted compensation may be filed with the adjutant general through June 30, ~~2007~~ 2009, or in the case of a soldier mobilized on June 30, ~~2007~~ 2009, not later than six months after the end of the mobilization period of service."

Renumber accordingly

2007 SENATE APPROPRIATIONS

SB 2191

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2191

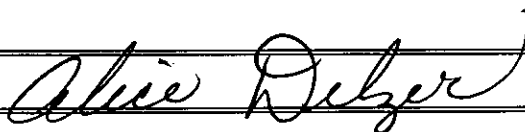
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 02-08-07

Recorder Job Number: 3228

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2191 on February 8, 2007 relating to the payment of military adjustment compensation.

Senator Dever, District 32, Bismarck introduced the SB 2191. He made comments addressing SB 2115 as well. Referred to the Vet Bonus Program and the benefits Veterans or service people receive.

Joe Morrisette, OMB gave information regarding the federal government involvement and explained the dollar amount in both SB 2115 and SB 2191. He also talked about the out of state residents who are members of our National Guard or Reserves.

Questions were asked concerning out of state vets, if the Veteran's Organizations support of this bill, does this bill only apply to active duty since 911, questions concerning the National Guard involvement, bonus programs, and the appropriations requested for this bill.

Chairman Holmberg requested the Subcommittee, which consists of **Senator Grindberg, Chairman, Senators Wardner and Lindaas, as they are the Subcommittee members of SB 2016** to look into this bill further.

The hearing on SB 2191 was closed.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2191

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 02-13-07

Recorder Job Number: 3464

Committee Clerk Signature

Minutes:

Chairman Holmberg opened the hearing on SB 2191 on February 13, 2007 relating to military adjustment compensation.

Senator Grindberg passed out the amendments and explained them to the committee. He is recommending a do not pass and explained his reasoning behind that. Senator Krauter had addressed an issue in subcommittee and we visited the whole issue of providing some funding for armories across the state with matching funds. We had a brief discussion regarding this matter with the Adj. General. The sponsors of the bill were ok with this committee moving toward a do not pass recommendation. It was the desire of one of the sponsors to meld this request for renovations into that bill. That is the amendment to hoghouse SB 2191.

Don Wolf, Legislative Council stated he misunderstood you. He thought you wanted this added on to SB 2191 not hoghoused to the amendments.

Senator Grindberg stated just to be sure we are doing things in the proper formate the core question we discussed yesterday is a hoghouse with this language on the bill. Our plan was to work with the original sponsors of the bill that they supported this concept as well so we thought that is how we proceed.

Chairman Holmberg stated if you understand the amendment the only change would be it would be dolled up as a hoghouse rather than as is, all in favor of the amendment say aye.

Do we have a do pass as amended.

Senator Grindberg moved a DO PASS AS AMENDED.

Senator Krauter had questions regarding the armories in the different cities and funding concerning them. (12.33)

Senator Grindberg stated we didn't spend any time in the subcommittee pertaining to that particular aspect of the bill. This is the same language that is in a house bill. We will replicate the House bill and send it back over. So if the House bill passes it we're going to get it because of the fiscal impact.

Senator Mathern made suggestions concerning the amendment.

Senator Grindberg stated he is not opposed to that, and looking at the other members of the subcommittee, they are ok with it.

Chairman Holmberg stated that is what the new amendment would be. All in favor of the new amendment say aye. Could we have a motion for a do pass as amended.

Senator Grindberg moved a DO PASS AS AMENDED, seconded by Senator Christmann.

A roll call vote was taken resulting in 13 yeas, 0 nays, 1 absent. The motion carried.

Senator Wardner will carry the bill.

The hearing closed on SB 2191.

JB
2-13-07

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2191

Page 1, line 2, after "compensation" insert "; to provide for a report to the budget section; and to provide an appropriation for armory repairs"

Page 1, after line 22, insert:

"SECTION 2. APPROPRIATION - REPORT TO BUDGET SECTION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of distributing on an equal-matching basis grants of up to \$25,000 per political subdivision for the maintenance and repair of political subdivision-owned armories, for the biennium beginning July 1, 2007, and ending June 30, 2009. Projects must be approved and funds distributed based on rules adopted by the adjutant general. Priority must be given to those major maintenance and repair projects for which the local political subdivision contributes the highest ratio of political subdivision funds for each dollar of state funds request. Before approval of a project by the adjutant general under the matching grant program, the adjutant general shall conduct a major repair and maintenance needs survey of all political subdivision-owned armories and provide a written report of the survey results and project recommendations for the biennium to the budget section of the legislative council. A political subdivision receiving a grant shall manage the maintenance or repair project."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a section appropriating \$250,000 from the general fund to the Adjutant General for matching grants for the maintenance and repair of political subdivision-owned armories and a related report to the Budget Section.

Date: 2/13/07
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2191

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken New Amended

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm			Senator Aaron Krauter		
Senator Bill Bowman, V Chrm			Senator Elroy N. Lindaas		
Senator Tony Grindberg, V Chrm			Senator Tim Mathern		
Senator Randel Christmann			Senator Larry J. Robinson		
Senator Tom Fischer			Senator Tom Seymour		
Senator Ralph L. Kilzer			Senator Harvey Tallackson		
Senator Karen K. Krebsbach					
Senator Rich Wardner					

Total (Yes) ✓ No _____

Absent _____

Floor Assignment _____

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

Date: 2/13/07
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2181

Senate Appropriations

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

do pass as amended.

Motion Made By

Grundberg

Seconded By

Christmann

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes)

14

No

Absent

Floor Assignment

Wardner

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

REPORT OF STANDING COMMITTEE

SB 2191, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2191 was placed on the Sixth order on the calendar.

Page 1, line 2, after "compensation" insert "; to provide for a report to the budget section; and to provide an appropriation for armory repairs"

Page 1, after line 22, insert:

"SECTION 2. APPROPRIATION - REPORT TO BUDGET SECTION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of distributing on an equal-matching basis grants of up to \$25,000 per political subdivision for the maintenance and repair of political subdivision-owned armories, for the biennium beginning July 1, 2007, and ending June 30, 2009. Projects must be approved and funds distributed based on rules adopted by the adjutant general. Priority must be given to those major maintenance and repair projects for which the local political subdivision contributes the highest ratio of political subdivision funds for each dollar of state funds request. Before approval of a project by the adjutant general under the matching grant program, the adjutant general shall conduct a major repair and maintenance needs survey of all political subdivision-owned armories and provide a written report of the survey results and project recommendations for the biennium to the budget section of the legislative council. A political subdivision receiving a grant shall manage the maintenance or repair project."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a section appropriating \$250,000 from the general fund to the Adjutant General for matching grants for the maintenance and repair of political subdivision-owned armories and a related report to the Budget Section.

2007 HOUSE POLITICAL SUBDIVISIONS

SB 2191

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. SB 2191

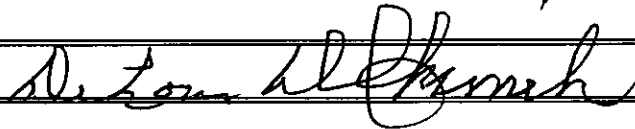
House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: March 1, 2007

Recorder Job Number: 4197

Committee Clerk Signature



Minutes:

Chairman Herbel opened the hearing on SB 2191.

Senator Dever: You may wonder why the bill was heard in so many places. Just to explain what has happened. When introduced it was a veteran's bonus bill. It came out of the Senate veteran's affairs committee as a veteran's bonus bill. It was hog housed to make it simple. It was amended in the appropriations committee as you see it now to provide funding for maintenance facilities for National Guard facilities around the state. We have a veteran's bonus program that was put in place in 2005 to provide \$50/month to National Guard and army reserve shoulders. When they are called to active duty they are taken away from their home to a war zone. They receive \$50 while they are state side per month and \$100 per month while they are in a war zone. Members of the active component receive \$100 while they are in the war zone. They do not receive the \$50 while they are state side. So we had two veteran bonus bills in this session. One was regarding the program as it is and the other one was to address that inequity that some veterans see between the National Guard and the active component. The bill now stands as it is and I just wanted to explain that. I understand there may be an effort to amend that back to its previous version. The bill was amended before it went to the floor as a maintenance facility; it was amended to say that, that would have had a

fiscal note on it of seven million dollars. It was amended to only go forward from 911, which left the fiscal note of 4.3 million dollars. I think the actions of the appropriations committee and the senate was because of that fiscal note. I think it is important to go forward with this bill. I understand there was a house bill to do this same thing as it is now or to revert back to the original bill and send it to appropriations and take a good look at that situation. Discussed military pay and housing and how it has changed.

Rep. Lee Kaldor: I found it very interesting checking on the Senate Journal. As I understand it the GVA Committee in the Senate passed the bill as it was originally created near unanimous and then the parties involved, the National Guard, Reserves and veterans agreed to the amendments that changed to the post 911. Was there any discussion on the floor to why this is happening? Is it just because of the money?

Senator Dever: Yes, I think it was because of the money.

Rep. Kari Conrad: The people in the combat zone will get the bonus. The people not in the combat zone won't get the bonus?

Senator Dever: That is true for stateside duty. Stateside is defined as any place that is not a war zone. If you were in Korea that falls into the same situation.

Rep. Kari Conrad: We have had people who have gone from Linton to Minot. They are in the National Guard; they go and work at the Minot Air Force Base so people at the Minot Air Force Base can go to combat zones. We have all had situations where people have been retrained and sent to Germany so the people from Germany can go to the combat zone. I don't see the distinction. We are at war and we use our resources and our people where needed to get the job done. Why are we making a distinction on this?

Senator Lyson: I am here on the bill I sponsored. This is not the bill I sponsored. I know what is in this bill is also a necessity for the armories and their repairs. I would like to see the bill back to where it was originally.

Rep. Steve Zaiser: Why did they hog house this?

Senator Lyson: I don't know. I think it was money. Came out of committee with all do pass and then out of appropriations with this.

Chairman Herbel: What was the fiscal note with this?

Senator Lyson: I think it started at 7 million and ended up with 4 million.

Ward Koeser: City of Williston Mayor: (See testimony #1)

Rep. Donald Dietrich: Why has your revenue decreased and what other sources of income do you have coming in on your armory?

Ward Koeser: I can't answer why was it decreased? I believe it was state funding issues over the years. All the other armories in the state are facing similar situations. We do use that facility. The Chamber of Commerce and Motor Vehicle Department rents space in there. It is not a profitable building, but it is an important facility in our community.

Chairman Herbel: What are the instances where you would have the armory there.

Ward Koeser: The Chamber of Commerce, Motor Vehicle Department division rents a space. We would have the school rent space sometimes. We don't have a lot of use for it because the facility is not very modern, as you can imagine when it was built in the early 60s and if we could improve that it may help us find more renters for the facility.

Don Frye, Mayor for City of Carrington: (see testimony #2) Our facility is different from Williston since we have a high level of use. We have an agreement with the school district.

They provide rent and have volley ball and basketball games in the armory. The boy and girl

scouts also use the facility and we lease it out to other organizations. The local REC and local telephone cooperative have used it. That is part of why we think it is a good investment.

Rep. Donald Dietrich: Has your rent from the National Guard decreased too?

Don Frye: Actually ours has been stable since 1988 and has not increased. I can give you an example of why that is a serious problem. In 2004 the heating of that facility cost about \$11,000. In 2006 it cost \$18,250. We have spent an additional \$7000 just to maintain the heat in that facility. The lease agreement was signed in 1988 and expires in 2013. The legislature has set the rent we are receiving.

Gary Sund: City of Dickinson Administrator: Our armory was built in about 1970 and it is starting to show its age. We are involved right now in a study that will greatly improve the energy efficiency of the building through another state law program. We are expecting it to be a great improvement and saving to the armory. It does not stop the need for improvements as the building ages. We also have seen a reduction that is coming from the National Guard. Our facility is primarily used by the National Guard and Dickinson Park District. We don't charge the District rent since they are part of the city anyway.

Rep. Kim Koppelman: What is the history of the armories? Are they owned by the city or constructed by the city?

Gary Sund: I understand it is a partnership between the city, state and National Guard. It is money from the federal government and the local government has to pay a portion of the initial construction cost. I am sure the National Guard can give you the percentage. I am sure the National Guard can give you the exact numbers.

Dave Anderson: The armories were originally built on 75-25% share with the federal government. The agreement that we had a 25 year lease renewable for another 25 years that we would lease the space back from the city. Basically it was a city facility.

Chairman Herbel: How many armories are there in the state?

Dave Anderson: There are eighteen.

Chairman Herbel: Are there any that are not owned by the cities?

Dave Anderson: Yes, there are. We have a number, 6 I believe are state owned. They are in the bigger cities and owned by the National Guard. The rent in fact in 85 did decrease. From the records the governor asked all the state agencies a percentage in budget. Since then the guard has submitted an increase in various sessions, but it has not been approved.

Rep. Louis Pinkerton: Explain the shared expenses.

Dave Anderson: We have a percentage that would allow, based on the federal mission; are able to support our training, equipment and our facility with a share of federal funds. It is a share partnership based on regulations with the federal government of 75%-25% based on our state and federal mission. We are available to the Governor to support state active duty.

Rep. Louis Pinkerton: The state pays 25% and the federal pays 75%?

Dave Anderson: No that was the original agreement when the buildings were originally built. The agreement then was that it would be turned over to the city for city management and ownership, but we would then have the ability to rent from that facility for the next 50 years.

Rep. Louis Pinkerton: Where does your rent come from?

Dave Anderson: That is state funding.

Rep. Louis Pinkerton: So 100% of the rent comes from the state?

Dave Anderson: There is no reimbursement from the federal government. They are city owned armories.

Rep. Kim Koppelman: How much time does the Guard spend in these facilities?

Dave Anderson: That varies based on the cities. Many cities use though thoroughly by various agencies within the city.

Rep. Steve Zaiser: Does your needs supersede all other needs?

Dave Anderson: Yes and no. If for an emergency because of a national emergency we would supersede the schedule. For routine schedules we work that out.

Opposition: None

Hearing Closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. SB 2191

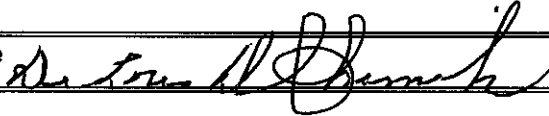
House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4294

Committee Clerk Signature



Minutes:

Chairman Herbel reopened the hearing on SB 2191.

Rep. Lee Kaldor: Went over the proposed amendment. I was asked by Senator Nelson to have these amendment drafted to consider. We heard from Senator Lyson and Dever that the bill had been hog housed. The original bill was a bonus for all active duty residences of ND since 911. That was also a compromise that was developed in the Senate and the Government of Veterans Affairs Committee. The appropriations committee modified the bill. The journal doesn't show what actually happened. The journal is being corrected. The original bill and the underscored language shows that any active duty resident will receive a \$50 bonus for any month or major fraction of a month of stateside service since September 11, 2001; not to exceed \$900. The mobilization into a war zone, they are limited to \$1800. There are some questions about the fiscal note that was provided in the Senate. The fiscal note showed there was a 4.3 million cost. There is some question about that based on the number of veterans or the number of individuals eligible for this and the recognition of a cap. This was the intent of the bill sponsors and I do not have any problem with the existing bill and I support the existing bill with the \$250,000 appropriated for the armories. I think this is an important enough issue that we should know what about the original bill. Our veterans are serving in harms way and

some are serving stateside, but they are all supporting the same effort. They are deserving of our help. SB 2115 is a Guard bonus for a non-resident. This bill is for resident ho may be in active duty in the armed services and I realize we don't have all the answers here. We can rely upon the fiscal note if we want to 4.3 million dollars, but I felt it was important enough that we should bring this to the committee and discuss it.

Motion Made to move the amendment by Rep. Lee Kaldor to move the amendment

Seconded By Rep. Kari Conrad

Discussion:

Rep. Lee Kaldor: The Guard is mobilized much more than usual, but I think we should recognize the active members of the service as well. The fiscal note I am not sure about.

(Governor's information #2).was handed out. The Guard said they are neutral; they said it is our decision and I believe it is our decision. Whether or not we should do this and whether or not we can afford this. I would like the Appropriations have a chance to deal with this again.

Rep. Chris Griffin: What is the fraction in the language?

Rep. Lee Kaldor: More than half.

Rep. Kari Conrad: I would like to see this go to the appropriations committee. I think it needs to be looked at more carefully.

Rep. Steve Zaiser: I would hope we would look at this with serious consideration. Certainly that be concluded with looking at the fiscal note. Certainly we do support the troops. They come home and we are very supportive, but it wanes as time goes on and I think they could use a little help.

Rep. Lawrence Klemin: I was not here during the hearing. In view of the written testimony and letters that we provided at the hearing it looks like we had a hearing on armories. Could someone tell me if we had a hearing on the subject of this amendment?

Chairman Herbel: We had a hearing on armories; not on appropriations for bonuses.

Rep. Steve Zaiser: The two senate sponsors did explain what had happened in the senate and what their original bill did in our hearing.

Chairman Herbel: but the hearing itself was on armories.

Rep. Kim Koppelman: Rep. Lee Kaldor look at your amendment. As I look at them and the fiscal note. Your amendment looks like the first engrossment. Do you know what the history of that is?

Rep. Lee Kaldor: In the original bill they did in the amendment process they amended it to those who had served from September 11, 2001 and used that as the break point. So anyone serving from 9-11 on would be eligible.

Rep. Kim Koppelman: Did the original bill have the 7 million dollars on it?

Rep. Lee Kaldor: The original bill had a 7 million fiscal note and that was the reason they made the amendment.

Rep. Kim Koppelman: So appropriations made the change down to 4 million dollars.

Rep. Lee Kaldor: The original bill did not contain the armory section.

Rep. Lawrence Klemin: I am really concerned about the process here. We are dealing with a third engrossment. It seems like we had a hearing on this bill in the house on the subject of armories and now we are attempting to amend it with maybe the first or second engrossment because it is not the same as the original bill and we are proposing an amendment that is drafted at the request of a senator that is being now submitted to us. It just seems like there is something wrong with this process. I do not think it is in line with the rules.

Rep. Kim Koppelman: There must be a reason that bill died in the senate and I was curious what the reason was. Since he testified at the original hearing I would ask him to come back since he has not had a chance to testify. Course it is up to the chair what to do.

Chairman Herbel: We are not going to take any further testimony. We are discussing the amendment and we know what the amendment does.

Rep. Lee Kaldor: It is a good question about the process. I am not so sure I like it better than the next person. This is what happened in the senate and I guess this is what I am trying to do is undo the hog house to some degree. I think this is where we are. We have a right to offer amendments to obviously help the bill sponsors.

Voice vote failed.

Rep. Steve Zaiser: I would like to request a individual vote

Chairman Herbel: Denied the request, we have a majority. We are going to hold the bill because there is some questions on the armory portion until next week.

Hearing closed.

**(included additional testimony handed out from Garry Opp, Mayor, city of Oakes
City of Rugby and Maybille city Armory expenses)**

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. SB 2191

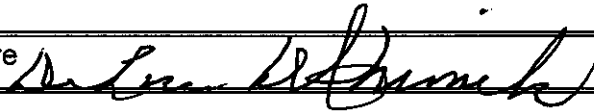
House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4714

Committee Clerk Signature



Minutes:

Chairman Herbel reopened the hearing on SB 2191. Is a bill to appropriate funds to repair for armories?

Do Not Pass Motion Made by Rep. Kim Koppelman Seconded By Rep. Donald Dietrich

Discussion:

Rep. Kim Koppelman: I certainly support the intent here and I realize that armories are a very important part of the arenas that they are in. I just think we are facing that point in the session where we are choosing between good ideas and good. Even though we have a lot of surplus we have spent allot more than we have. The house has already moved on this issue and defeated it and we should stay the course and do the same.

Chairman Herbel: I am one of those people that have an armory in my community. The armory does belong to the city. I am not so sure that the State should be funding a city owned project. It probably won't be popular at home as I would like it to be, but I think there are other issues that are more important so I am going to support the do not pass.

Rep. Steve Zaiser: I would propose an amendment to the bill.

Chairman Herbel: We have a motion on the floor.

Rep. Kari Conrad: Rep. Steve Zaiser had his hand up before Rep. Kim Koppelman

Chairman Herbel: Rep. Kim Koppelman had the floor. Further discussion? Hearing none we will take the roll call for a do not pass.

Vote: 7 Yes 6 No 1 Absent Carrier: Rep. Kim Koppelman

Hearing closed.

Discussed parliamentary procedure because of Rep. Steve Zaiser concerns.

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2191

Page 1, line 1, after "Act" insert "to amend and reenact section 37-28-03 of the North Dakota Century Code, relating to the payment of military adjustment compensation;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 37-28-03 of the North Dakota Century Code is amended and reenacted as follows:

37-28-03. Payment of adjusted compensation for domestic and foreign service. Each national guard or reserve component resident veteran mobilized stateside is entitled to fifty dollars for each month or major fraction thereof for domestic service, not to exceed nine hundred dollars. Each active component veteran who is a resident of North Dakota, and who was a resident of North Dakota at the time of initial enlistment into the armed forces, is entitled to fifty dollars for each month or major fraction of a month for stateside service since September 11, 2001, not to exceed nine hundred dollars. Each national guard, reserve, or active component resident veteran of foreign service who received the expeditionary medal or campaign badge is entitled to one hundred dollars for each month or major fraction thereof, not to exceed one thousand eight hundred dollars. Combined totals for stateside and foreign service may not exceed one thousand eight hundred dollars. If the veteran received a purple heart for foreign service, the veteran is entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted compensation. If the veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter to which the veteran would have been entitled. Applications for adjusted compensation may be filed with the adjutant general through June 30, ~~2007~~ 2009, or in the case of a soldier mobilized on June 30, ~~2007~~ 2009, not later than six months after the end of the mobilization period of service."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides for the payment of military veteran bonuses.

Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2191

House Political Subdivisions

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Moved General

Motion Made By

Kadchor

Seconded By

Conrad

[illegible]

Total (Yes)

No

Absent

Floor Assignment

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

Date: 3-8-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 582191

House Political Subdivisions

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep. Koppelman Seconded By Rep. Dietrich

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman	✓		Rep. Kari Conrad		✓
Rep. Dwight Wrangham-V. Chair	✓		Rep. Chris Griffin		✓
Rep. Donald Dietrich	✓		Rep. Lee Kaldor		
Rep. Patrick Hatlestad		✓	Rep. Louis Pinkerton		✓
Rep. Nancy Johnson	✓		Rep. Steve Zaiser		✓
Rep. Lawrence Klemin	✓				
Rep. Kim Koppelman	✓				
Rep. William Kretschmar		✓			
Rep. Vonnie Pietsch	✓				

Total (Yes) 7 No 6

Absent 1

Floor Assignment Rep. Koppelman

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2007 3:40 p.m.

Module No: HR-44-4791
Carrier: Koppelman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2191, as reengrossed: Political Subdivisions Committee (Rep. Herbel, Chairman)
recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING).
Reengrossed SB 2191 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2191

Attach #1 page 1

Chairman Dever and Senators;

My name is Robert Evans; I am the Secretary for the North Dakota Veterans Coordinating Council, State Adjutant for the Disabled American Veterans and the Williams County Veterans Service Officer. I am here today to ask for your support for the passage of SB 2191 state bonus equity for those active duty service men and women now serving in locations other than a combat zone.

I know you have heard from the Adjutant General in regards to the continued state bonus for those serving, but let me assure you that the General is not speaking for the active duty service people. We in the council pride ourselves in the fact that we try to encompass all veterans in our proposals. In looking at SB 2115 the National Guard is proposing to expand the bonus program to those individuals who are presently members of the North Dakota National Guard and are not residents of North Dakota. As the General states it is a needed retention tool. They are also excluding those individuals presently on active duty serving in a non-combat zone, i.e. (National Guard mobilized stateside is entitled to receive \$50 each month.) nowhere does it mention the active duty non-combat service member who is receiving nothing. We are only asking for the state of North Dakota to be fair to its resident service people.

In a response from Senator Conrad's office requesting numbers of active duty service people, we received the following numbers; please refer to attachment #1.

Air Force:	6,612
Army:	1,044
Coast Guard:	55
Marines:	331
Navy:	642

Total: 8,684

It is our contention that a realistic number of resident service members is in the neighborhood of 2,500. This includes those entering service from North Dakota and those filing state income tax. An example of this is the North Dakota service member at the time serving on active duty at Minot Air Force Base as a maintenance ground crew member on the B-52, who gets deployed with the aircraft to England for bombing missions over Iraq and Afghanistan, even though she is overseas, she is not in a combat zone, thus no state bonus. It would also include those individuals in other instate and overseas locations not specified as combat zones.

In the past North Dakota has provided a WWII Bonus: Domestic service - \$12.50 per month; Foreign Service \$17.50 per month. Korea: \$12.50 and \$17.50 respectively. Vietnam: \$12.50 and \$17.50 respectively. It wasn't until Gulf War I that those who served in a non-combat role were excluded. I can honestly say that the bonus bill for Gulf I and the bonus for OIF, OEF period were not written with the North Dakota Veterans Coordinating Council input. This bill also excluded service members as stated in the

*Operation
Iraqi
Enduring
Freedom*

Attach #1 page 2

above paragraph and those with service over seven years of duty, (career soldiers.) Some of who have since returned to North Dakota even though they were eliminated.

If we are to recruit these service men and women from North Dakota back to this state why are we not using the same guidelines for them?

ACTIVE DUTY MEMBERS FROM NORTH DAKOTA*
(April 4, 2006)

attach pg 3

	ENLISTED	OFFICER	WARRANT	TOTAL
AIR FORCE	5601	1011		6612
ARMY	821	192	31	1044
COAST GUARD	40	11	4	55
MARINE CORPS	291	37	3	331
NAVY	<u>528</u>	<u>114</u>	—	<u>642</u>
	7280	1365	38	8684

* Received from the office of Senator Kent Conrad who received them from the Department of Defense.

ND Bonuses
WWII to Present

attach #1 pg 4

WWII Bonus: "Each veteran shall be paid for. . . "Domestic Service: \$12.50 for each month or major fraction thereof; Foreign Service: \$17.50 for each month or major fraction thereof; **Maximum amount allowed:** No maximum

Korean Bonus: "Each veteran shall be paid for. . . "Domestic Service: \$12.50 for each month or major fraction thereof; Foreign Service: \$17.50 for each month or major fraction thereof; **Maximum amount allowed:** No maximum

Vietnam Bonus: "Each veteran shall be paid for. . . "Domestic Service: \$12.50 for each month or major fraction thereof; Foreign Service: \$17.50 for each month or major fraction thereof; **Maximum amount allowed:** \$1600.00.

Gulf War Adjusted Compensation:

"Veteran" means a member of the regular active duty armed forces of the United States who performed honorable and faithful service at any time during a period of service in theatre or area of armed conflict, who was a resident of North Dakota, and who has not received a bonus or adjusted compensation from another state for the same period of service." Domestic Service: Nothing. Foreign Service: \$100.00 for each month or major fraction thereof; **Maximum amount allowed:** \$1000.00 except if awarded Purple Heart then \$2500.00 in lieu of monthly payments.

"Veteran" means a member of the national guard or reserve component who was activated under 10 U.S.C. 673 or 10 U.S.C. 673(b) and who completed honorable and faithful service of more than 30 days on active duty in the armed forces of the United States at any time during the period of service, who was a resident of the state of North Dakota, and who has not received bonus or adjusted compensation from another state for period of service." Domestic Service: \$50.00 for each month or major fraction thereof; Foreign Service: \$100.00 for each month or major fraction thereof; **Maximum amount allowed:** \$1000.00 except if awarded Purple Heart then \$2500.00 in lieu of monthly payments.

Iraqi/Afghanistan/9-11 Adjusted Compensation:

"Veteran" means a member of the national guard or reserve component who was activated under 10 U.S.C. 12302 and who completed honorable and faithful service of more than 30 days on active duty in the armed forces of the United States at any time during the period of service, or active component member awarded the expeditionary medal or campaign badge for service after December 5, 1992, and who was a resident of the state of North Dakota, and who has not received bonus or adjusted compensation from another state for period of service."

National Guard or reserve component member bonus: Domestic service: \$50.00 per month; Foreign service: Must have received expeditionary medal or campaign badge; \$100.00 per month.

Active component member: Domestic service: Nothing. Foreign service: Must have received expeditionary medal or campaign badge; \$100.00 per month.

Maximum amount: \$1800.00, or \$2500.00 if awarded Purple Heart in lieu of monthly payments.

attach. #2

Testimony - SB 2191
Senate Government & Veterans Affairs Cmt.
Bob Hanson, Commissioner,
ND Dept. of Veterans' Affairs
January 26, 2007

Chairman Dever, members of the committee. I am Bob Hanson, commissioner of veterans' affairs for North Dakota. I support SB 2191.

SB 2191 is a simple bill. It's an equity bill. It's needed legislation. It will allow all North Dakotans who serve on active duty in our Armed Forces to receive a bonus for service in either the states or overseas or both.

What this bill wants to do is nothing new when it comes to our state's commitment to our sons and daughters who serve our country in uniform during a period of war.

It was done for our North Dakota troops who served in WWII, Korea and Vietnam wars. Our state's sons and daughters who are fighting the current conflicts are all wearing the uniforms of our armed services. They deserve the same treatment as was given their forefathers. So why then aren't our current active component members being given equal treatment to those who served in previous wars, and our National Guard and Reserve members?

When this is brought out to the public, there is disbelief. I've been told we don't need two classes of warriors in times like this. We didn't do it in previous wars and shouldn't do it now.

Our troops can be called upon at anytime to go into a combat zone or to a support base in any corner of the globe to do their job. We should do all we can to recognize and honor their contributions to keeping America and the world free wherever they may be serving.

In closing, I want to thank Senators Lyson, Dever and Potter and Representatives Carlisle and Martinson for taking action to correct this inequity by sponsoring this bill.

I respectfully encourage your positive support for this legislation.

Thank you.

Dever, Dick D.

From: Thiele, David LTC NGND [david.thiele@us.army.mil]
Sent: Thursday, February 01, 2007 10:57 AM
To: Dever, Dick D.; Marcellais, Richard
Cc: Sprynczynatyk, General David A.
Subject: RE: Veterans bonus bill

Attachments: PROPOSED AMENDMENTS TO SENATE BILS 2191.doc



**PROPOSED
AMENDMENTS TO SEN.**

Senators: Here is my attempt at an amendment. I don't think it runs afoul of 2115 but have your clerk talk to leg council pls to make sure we are doing this correctly.

Cost is higher than I originally would have expected. Cost for just those who enlisted in the current years will be 420 to 500 X \$900 per year or \$378,000 to \$450,000 per year. At 8 years (through 2009) funding necessary will be 3.6 mil to 3.02 mil. What is unknown is how many will qualify that joined prior to 9.11 and remained on active duty after 9.11. Best guess is another 3 years which is normal minimum enlistment period with an additional cost of 1.1 mil to 1.35 mil. Total is then 4.3 mil to 4.95 mil. v/r Dave

-----Original Message-----

From: Dever, Dick D. [mailto:ddever@nd.gov]
Sent: Wednesday, January 31, 2007 4:29 PM
To: Thiele, David LTC NGND
Cc: Marcellais, Richard
Subject: RE: Veterans bonus bill

Dave:

I should have contacted you. I thought the General was asking you to draw up amendments. SB 2192 and SB 2115 address some of the same sections of the code. The two bills will need to be reconciled.

General Sprynczynatyk thought it would be possible to make some changes that would drop the fiscal note to about \$ 2.5 million. I understand now that members of the National Guard and Reserves receive the bonus for the time they spend away from their duty post, which means the time they spend in a war zone and the time they spend preparing to go to the war zone. I also understand that full time military receive the bonus for time they spend in the war zone, only. I do not have a problem with that.

I would be interested in knowing how the bonus was constructed during the Vietnam War.

We need to get all money bills out of committee by Friday. If we could at least talk tomorrow, I would appreciate it. We will need to have the bill adjusted A.S.A.P.

I am copying Senator Marcellais on this e-mail because he and I are the sub-committee working on this bill.

Thanks,

Dick

-----Original Message-----

From: Thiele, David LTC NGND [mailto:david.thiele@us.army.mil]
Sent: Wednesday, January 31, 2007 2:35 PM

To: Dever, Dick D.
Subject: Veterans bonus bill

Senator: I have not prepared anything on SB 2191. MG Spry indicated he volunteered me to provide technical assistance but I haven't heard from anyone on the issue. Do you want me to work something up? If so what is the current goal? Just let me know what you want and I'll put something together. Thanks Dave

PS: great floor speech today on 2041!!

Dave Thiele
LTC, NDARNG
Joint Staff Judge Advocate
(701) 333-2009

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attach #1

MEMORANDUM FOR: SENATE GOVERNMENT AND VETERANS AFFAIRS
COMMITTEE

attach #1

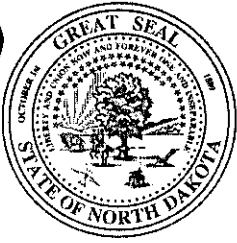
SUBJECT: FISCAL NOTE-- PROPOSED AMENDMENT SB 2191

The proposed amendment will limit the expansion of the veteran's bonus program for active component stateside service to that occurring after September 11, 2001. Each resident service member would be eligible for \$50 per month up to \$900.

The cost for just those who enlist from 2001 forward will be 420 to 500 (total service members from North Dakota who join the military each year) X \$900 per year or \$378,000 to \$450,000 per year. At 8 years (2001 through 2009) funding necessary will be \$3.02 mil to \$3.6 mil. What is unknown is how many will qualify that joined prior to 9.11 and remained on active duty after 9.11. Best estimate is another 3 years which is normal minimum enlistment period which will add \$1.1 mil to \$1.35 mil to the total. The amendment as drafted will not allow a service member to become a resident after initial enlistment to qualify for the program.

As proposed, the necessary general fund appropriation is \$4.3 mil to \$4.95 mil.

H 2



— State of — North Dakota

Office of the Governor

John Hoeven
Governor

2007-09 Military Initiatives

➤ Tuition Assistance

- ✓ 2,000,000 to sustain the goal of 100% tuition assistance to National Guard Members.
- ✓ Expand the program to include trade schools.

➤ Continue and Expand State Veterans Bonus program

- ✓ \$5,000,000 Veterans' Bonus Program, which pays \$100 per month for overseas and \$50 per month stateside service, up to \$1,800 and \$900 respectively. Provided \$2,500 for heirs of those who died in service or received a purple heart.
- ✓ Includes non-North Dakota residents who serve in ND National Guard Units.

➤ State Funding for Social Workers

- ✓ \$320,000 Ensures funding for Licensed Social Workers to assist families and service members with all phases of deployment.

➤ Child Custody

- ✓ Requires that child custody arrangements revert to pre-mobilization agreements.

➤ Recruiting and Retention-\$400,000

- ✓ State commissioning bonus for junior officers.
- ✓ Continue and expand ND 500 bonus program.
- ✓ Special Skill Membership Bonus for selected military specialties.

➤ Funeral Protest Restrictions

- ✓ Requires a 300 foot buffer zone between protestors and any funeral service.

Increase in death Benefit
HB1291 increased from 2500 → 5000

CITY OF RUGBY

OFFICERS

Dale G. Niewoehner, Mayor
Karla Harmel, Auditor/Administrator
Mark J. Butz, Attorney
Robert Walls, Chief of Police
James Frueh, Municipal Judge
William Hartl, Chief, Fire Department
Dr. H.L. Seiler, Health Officer
Jerome Voeller, Building Inspector



COUNCIL MEMBERS

FIRST WARD

Steven Brossart - Bruce Rheault

SECOND WARD

David Bednarz - Gerry Jacobson

THIRD WARD

Jay Burkhartsmeier - Selmer Jelsing

FOURTH WARD

Monte M. Schneibel - Jeremy Wentz

223 South Main
Rugby, North Dakota 58368
Phone 776-6181
FAX 776-6645

March 1, 2007

SB 2191

House Political Subdivisions Committee

Committee Members:

I am writing in support of **Senate Bill 2191** to provide appropriation to the adjutant general for maintenance and repair of political subdivision-owned armories through matching grants.

The City of Rugby was fortunate enough to receive matching grant funds in 2002 for approximately \$8,000.00 for some minor upgrades to windows, bathrooms, flooring, lighting and doors. However, as Rugby's armory is 50 years old, it is still in need of serious modernization.

In the past year, our building committee reviewed the structure and solicited estimates for upgrades and repairs. Our gravest concern is the heating system, especially with the rising cost of fuel. But the cost to purchase and install an off peak electrical boiler is over \$50,000.00. The estimated cost of new doors and windows is \$18,234.00, the cost of new flooring is \$21,708.00, and the cost of a new security system is \$12,310.00.

The City of Rugby has budgeted \$10,000.00 for building upgrades in 2007, but the high cost of these upgrades makes it virtually impossible to fund any of these projects.

In the past year, the City of Rugby has spent \$7,095.00 for improved lighting and emergency exit signs, and we will continue to dedicate funds to the renovation and maintenance of this building. But as city budgets become increasingly strapped, we find it more and more difficult to fund major repairs.

This is the home of Attachment 2 of the 132nd Quartermaster Company of the National Guard, who deserve the best we can provide, as they serve their state and country in the war on terrorism. Over a dozen soldiers in this state have given their lives for this cause, and the least we can do is provide them with safe, secure and modern facilities in which to train.

We realize the tremendous burdens placed on state funding, and appreciate your efforts in building stronger cities, and sincerely hope that you will recommend passage of this bill.

Thank you!

Sincerely,

Karla Harmel

City Auditor/Administrator

MAYVILLE CITY ARMORY EXPENSES AND RECIEPTS FOR THE YEAR 2005 - 2006

2005 REVENUES AND EXPENDITURES

2006 YTD REVENUES AND EXPENDITURES

EXPENSES

SALARIES	\$3,840.00	\$4,000.00
WORKER'S COMP.	\$124.03	\$79.58
UNEMPLOYMENT	\$17.40	\$29.29
STATE FIRE AND TORNADO	\$799.62	\$853.59
ELECTRICITY	\$8,031.29	\$8,236.16
FUEL - HEATING	\$3,409.16	\$4,681.90
TELEPHONE	\$629.93	\$600.00
REPAIRS	\$1,418.52	\$597.40
CLEANING SUPPLIES	\$2,026.81	\$1,365.48
MAINTENANCE	\$216.19	\$73.01
MISC.	\$262.45	\$111.74
NEW ARMORY DOORS & LOCKS	\$10,095.54	\$375.00
FURNACE WORK AND HEATERS	\$0.00	\$4,678.48

TOTALS

\$30,870.94

\$25,681.63

REVENUES

ARMORY RENT - STATE	\$9,256.00	\$9,256.00
ARMORY RENT - OTHER	\$6,130.00	\$3,240.00

\$15,386.00

\$12,496.00

The drill floor area needs a new furnace. No funds available at this time.

SB 2191
House Government & Veterans Affairs
March 1, 2007

Garry Opp
Mayor, City of Oakes

The City of Oakes requests your consideration of a grant fund in the amount of \$250,000 to improve the Oakes Armory and other armories. Our facility plays a major role in activities for our community. We are requesting financial assistance to upkeep the building to meet the needs of our residents.

The Oakes Armory was built in 1957. Many additional improvements have been made including a roof replacement and a new front door entry in 2002 with the help of a similar grant fund that was passed in 2001 (HB 1215).

This building serves multiple purposes for our residents and provides space for many community activities. It is the home of the Co A (-) 142nd ECB (HV). The Oakes Public School uses the facility as a second gymnasium to hold practices, games, and other activities. The Prairie Twisters, our local gymnastics team, also uses the building for practices and performances. The list of uses includes many other activities and fundraisers including the annual Oakes Chamber of Commerce Santa Night and annual 4-H Family Carnival.

The building is in need of numerous repairs and improvements to extend the building's life and assure the school and other organizations in town the continued use of the facility. Our major concern for the building is heating costs. To help maintain efficient heating the roof is in need of insulation, the electrical wiring will need to be upgraded and windows will need to be replaced. In addition, a new heating source will need to be installed. Other repairs and improvements include retiling the gymnasium floor, replacing doors, and minor cosmetic upgrades.

The following are estimated costs according to our local businesses:

Ceiling Insulation.....	\$30,000.00
Electrical Wiring & Lighting Upgrade.....	\$10,000.00
Windows	\$10,000.00
 Total Costs.....	 \$50,000.00
 City Share (50%)	 \$25,000.00



POST OFFICE BOX 1306
WILLISTON, NORTH DAKOTA 58802-1306
PHONE (701) 577-8100
FAX (701) 577-8880
TDD (800) 366-6888
(State Relay)

(1)

CITY OF *Williston* NORTH DAKOTA

February 23, 2007

House Political Subdivisions Committee
State Capitol
Bismarck, North Dakota

RE: SB 2191

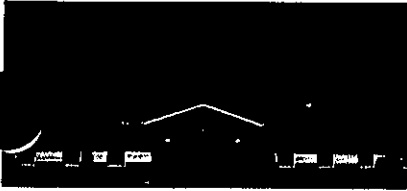
Dear Representative Herbel and Committee Members:

The City of Williston is very pleased to see SB 2191 which would allow a matching grant of \$25,000 for maintenance and repair of political subdivision-owned armories. The Williston armory was built in the early 1960's. A building of this age requires considerable maintenance, and the City of Williston has not been able to budget for all of the necessary improvements. The rental received from the Office of Adjutant General has in fact decreased from \$12,000 annually in 1985 to \$9,256 and has remained constant for the last several years.

There are many renovations that we would like to make in the National Guard area of the building, and such a grant would mean the difference between a band-aid approach and an actual improvement to the area. The Williston City Commission asks that you recommend passage of SB 2191 to allow our cities to improve these facilities so important to the North Dakota National Guard and their training. Our National Guard members deserve the best facilities that can be provided.

Sincerely,

E. Ward Koeser
President of the Board of Commissioners



City of Carrington

2

"The Central City"

Donald Frye, Mayor
Heather Carr, Auditor
(701)652-2911

103 10th Ave N
PO Box 501
Carrington, ND 58421

March 1, 2007
SB 2191
House Political Subdivisions Committee

Committee Members:

In 1942 the City of Carrington, The North Dakota National Guard and the State of North Dakota formed a partnership related to the construction of the first phase of the present Armory to address our state and national needs during World War Two.

In 1953 that partnership was once again used to complete the second phase of construction on the Carrington Armory to again meet the needs of our state and nation during the Cold War. This phase represents the present day exterior view of the Carrington Armory.

Today I am asking that you once again renew that partnership related to armories and their future in North Dakota. By passing House Bill 1361

Since 1997 over \$250,000 has been invested in improvements and upgrades to the Carrington Armory. These have been done to improve the facility and to provide a home that will serve the needs of the North Dakota National Guard, The State of North Dakota and our Nation. The North Dakota National Guard completed a portion of these improvements and the City of Carrington appreciates their commitment to the local North Dakota National Guard Unit and our City. A small amount of investments were made as of a result of legislation that was provided in 2001 to assist cities and the North Dakota National Guard in addressing needs of these facilities. But the majority of the responsibility has fallen to our City and the local taxpayers

During the past ten years alone the following projects have been complete to maintain and improve the facility.

1. A New roof- \$46,500.
2. Air conditioning and heating improvements in the National Guard office area- \$7,000
3. Up graded main floor lighting project- \$4,2000.
4. Installation of security cameras- \$4,800
5. Installation of new steel doors and security gates- \$4,000
6. Construction of new storage rooms for equipment-\$7,100
7. Remodeled office space and training rooms-\$14,500
8. Paved parking facilities for guard equipment-\$1,000
9. Construction of new bathrooms, showers and the main floor of armory for training and other uses- \$153,000.
10. Training rooms for the Guard and staff offices completed and paid entirely by the Guard.

These are just some of the larger projects. In addition the City of Carrington has made many repairs that are part of a buildings everyday needs.

Today we are asking that you once again renew that partnership that was begun in 1942 in providing matching fund support for our North Dakota armories.

Mayor Donald Frye

A handwritten signature in cursive script, appearing to read "Donald Frye", with a long horizontal flourish extending to the right.

City of Carrington