

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2060

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

SB 2060
January 14, 2011
12912

☐ Conference Committee

Committee Clerk Signature

Katie Oliver

Explanation or reason for introduction of bill/resolution:

Relating to honor guard leave for state employees.

Minutes:

No testimony attached

Vice Chairman Sorvaag opened the public hearing on Senate Bill 2060. There was no one present to speak in favor, opposition or a neutral position on the bill. With that the hearing was closed. The committee opted to delay action on the bill until a later date.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

SB 2060
January 20, 2011
13148

☐ Conference Committee

Committee Clerk Signature

Kate Oliver

Explanation or reason for introduction of bill/resolution:

Relating to honor guard leave for state employees

Minutes:

No testimony attached

Chairman Dever opened the floor to committee work on SB 2060. When the bill was originally heard there was no one in attendance to present the bill to the committee. After discussing the options at their disposal the committee decided to set SB 2060 aside to give Senator Lyson, the bill's prime sponsor, opportunity to talk to the committee.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee Missouri River Room, State Capitol

SB 2060
February 10, 2011
14326

☐ Conference Committee

Committee Clerk Signature

Kate Oliver

Explanation or reason for introduction of bill/resolution:

Minutes:

No testimony attached

Chairman Dever opened the floor to discussion of SB 2060.

Senator Cook: Approved absence would come across either one of those times. Not sick or personal leave. That is the policy change here; they still have the leave to use as they wish.

Senator Nelson: Some businesses already do this; Bobcat does this in their smaller communities.

Senator Cook: We do this already they just have to take personal leave.

There was a motion made by Senator Berry with a second by Senator Nelson.

Senator Berry: My thought is that what we owe our Veterans. Can we expand personal leave? I'm not trying to open this up to make trouble and I think they are just asking for what is appropriate. I find it worthwhile thing to be given the rights thereof.

Chairman Dever: It does say in the bill it 'may' grant a request.

Vice Chairman Sorvaag: We have to remember that there are areas where this will be beneficial. I don't think that you are going to alleviate the problem in the entire state but it will be helpful in the larger cities.

Chairman Dever: This most likely affects Bismarck more than any other city.

Senator Cook: National Guard will provide honor guard for all funerals.

Senator Nelson: From what I have seen at funerals is that the honor guard is people my age or older but you hear that they want to get younger people involved but they have kids and families and want to spend their with them.

Senator Berry: I think that the word 'may' is important and that discretion.

There was no further discussion, roll was taken and the motion passed 7-0 with Senator Berry carrying the bill to the floor.

FISCAL NOTE
Requested by Legislative Council
03/10/2011

Bill/Resolution No.: SB 2060

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 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 estimated cost for 50 employees with an average salary of \$44,998 would be \$21.49 per hour. For the maximum hours (24) per year this would be \$515.76 per employee. For 50 employees the total estimated cost would be \$25,788. Rep. Grande asked us to prepare the fiscal note assuming 50 employees.

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.*

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.*

Name:	Laurie Sterioti Hammeren	Agency:	OMB - HRMS
Phone Number:	701-328-4735	Date Prepared:	03/11/2011

2060

Date: 2-10-11
Roll Call Vote #: 12011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.Senate Government and Veteran's Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do PassMotion Made By BennySeconded By Nelson

Senator	Yes	No	Senator	Yes	No
Chairman Dever	<u>Y</u>		Senator Marcellais	<u>Y</u>	
Vice Chairman Sorvaag	<u>X</u>		Senator Nelson	<u>Y</u>	
Senator Barry	<u>X</u>				
Senator Cook	<u>X</u>				
Senator Schaible	<u>X</u>				

Total (Yes) 7No 0

Absent _____

Floor Assignment Benny

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

REPORT OF STANDING COMMITTEE

SB 2060: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2060 was placed on the Eleventh order on the calendar.

2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2060

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2060
March 10, 2011
15284

☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to honor guard leave for state employees

Minutes:

Chairman Bette Grande opened the hearing on SB 2060.

Lyle Schuchard, Chairperson, Administrative Committee on Veterans' Affairs, appeared. **Attachment 1.**

Chairman Bette Grande: Why don't I have a fiscal note on this bill?

Lyle Schuchard: I don't know.

Rep. Lisa Meier: Did you have a request from state employees to actually have this bill submitted?

Lyle Schuchard: Yes, we did from the department of transportation employees' association. I had worked there for 40 years and they knew me and asked me if we would take this bill and we did that for them.

Rep. Lisa Meier: Do we have kind of an idea of how many individuals we would be looking at for state leave?

Lyle Schuchard: I don't know. If they took a poll of how many would actually join honor guards if this was to take effect, I do not know that.

Rep. Lisa Meier: Do we know how many state employees right now are part of the honor guard?

Lyle Schuchard: I don't know that. I think they did take a survey. I can get that for you. The amount of time they ask for here is very small. We did 103 appearances last year and so the amount of days they are asking for is minimal. It is only going to allow them to do maybe ten.

John Jacobsen, Chairman, Legislative Committee of the North Dakota Veterans' Coordinating Council, appeared in support. **Attachment 2.** I know the VFW also has an honor guard and they performed about 120 burials last year. Their members are not employed. They are all retirees but they are all getting to that age where they say we need replacements so if we could offer the working veterans an opportunity to perform on the honor guard, they would do so.

Senator Stan Lyson, District 1, appeared in support. I have been on the honor guard in Williston since 1963 and I have been the commander of the firing squad since 1974. Last summer it seemed like we had a lot of funerals. We had seven people in the firing squad and I would look down there and I would see two people younger than the World War II veteran. We have been trying to recruit, and some of the people that we recruited worked for the state. Pretty soon they said they couldn't come anymore because we have to take vacation time. Can't we give a veteran a celebration of a great funeral? That is why I brought this bill forward. You cannot believe what it does for the family.

Rep. Bill Amerman: I believe this is a good bill. We already in our bargaining union agreement where I work at Bobcat have similar language because of the hardships trying to find honor guards just for the reasons you mentioned. All we do is put in a leave of absence. We can take the full eight hours off to spend with the family or do whatever. In the rural areas sometimes there is some travel involved. What you are proposing we have already in the private sector.

Senator Stan Lyson: This is something we should look at and think of yourself. I bet everybody sitting here has somebody that was in the military. This is important to me and should be important to everybody else.

Rep. Glen Froseth: In regard to the two hours per day this might work in the cities but it probably doesn't work in the rural areas. Would it be any objection to just making it 24 working hours per calendar year?

Senator Stan Lyson: I have no problem with that whatsoever.

There was some joking between Rep. Froseth and Senator Lyson whether the uniform still fits.

Senator Stan Lyson: We developed our own uniform for our firing squad because it is army, navy, marine, air force, everybody there. If we have everybody there, we come up with 24 people.

There was no one in opposition or neutral to this bill.

The hearing was closed.

Later on the bill was opened up for discussion.

Chairman Bette Grande: We talked about the fiscal note and whether there should have been one or not. It is a very minimal type thing where you are talking about two hours here

or there. The tough part of drawing up a fiscal note is we don't know who it is that would do the honor guard so you can't determine what the salary is. I asked to take an estimate across the board of 50 employees and give me a midrange salary and calculate that out. I thought she was going to do it on 50 hours but I don't see it. It would be an estimate cost of about \$26,000. I don't think it is worth trying to ask her to draw up a fiscal note.

Rep. Bill Amerman: Tell me if you read this like I do, approved absence from work, with pay, of up to two working hours per day. They get paid for two hours, but if it was up to the department or whoever their boss was to take as much time as needed and they took four hours, they still get paid for two? Does it say they only get two hours period and they those two hours they get paid.

Chairman Bette Grande: Each time they go on an honor guard time, they can get paid for two hours. They might be gone for four, but they are only going to get paid for two. They can do that up to 24 working hours per calendar year. I am leaning toward what Rep. Froseth said and that is just maybe making it carte blanche. If you are going to do this, you get 24 hours a year.

Rep. Glen Froseth: I was thinking of changing the two to four hours. In rural areas we don't have that many but we do have a few state employees. In our town the funeral might be in the church in town but the burial might be in Minot cemetery. They are probably going to have to take the whole day off, but at least it would involve a half day. A lot of times the burial is 40 to 50 miles away from the town where the service was held. Burial might be in the vets' cemetery that is located in Mandan.

Rep. Lisa Meier: Doesn't the honor guard just attend the burial?

Chairman Bette Grande: I have seen it both ways.

Rep. Glen Froseth: We probably should leave it to 24 hours per calendar year.

Chairman Bette Grande: Get rid of the two working hours and that way if you have somebody that has to go to a longer one that is fine. If you have one that only needs two hours, the agencies will just have to work around what the honor guard wishes are on that.

Rep. Ron Guggisberg: If we approve this, will the department that this employee works for be reimbursed somehow for the employee being gone? When you are talking about small towns and if they only have a couple state employees and they are on the honor guard and they are going to a lot of funerals, will they be reimbursed? In a small town we could use these state employees all the time as an honor guard but their boss is going to have to pay somebody to fill in for them or something.

Chairman Bette Grande: I would say that what this is going to do is it is going to come from within the budget. If you grant this employee the two hour leave, they are going to find it in their leave hours that are inside in each agency's budget. If we force this off of reimbursement out of some general fund pocket, then I am going to be forced to go get a very specific fiscal note. Maybe the request of the committee is that in two years' time we receive a report back from human resources that states how this bill worked.

Rep. Karen Karls: We brought up the veterans' cemetery and being that is so close by, we could have quite a drain but they may have their own team of veterans in place already that does most of those. I am not sure.

There were a couple of speakers who were inaudible.

Chairman Bette Grande: They already work from.

Vice Chairman Randy Boehning: I don't think it is going to be a drain on any agency for dollar wise. They are just going to take off two hours and go to that and come back to work. They are not going to have anybody fill in for them. It is going to have to be at the agency head to approve it anyway. If they need the person and have a storm and they need the roads plowed and they need the person, he is going to have to stay and work. I think they will work around it.

Rep. Roscoe Streyle: We have enough state employees. They will be able to cover.

Discussion was closed on this bill.

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2060
March 17, 2011
15637

☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to honor guard leave for state employees

Minutes:

Chairman Bette Grande opened the discussion on SB 2060. They talk about two working hours per day up to 24 working hours per calendar year. Do we need to try to have a little more flexibility in here? I am thinking with pay up to 24 hours per working calendar. Get rid of the two hour thing.

Vice Chairman Randy Boehning: I move the amendment on Line 7 to cross out starting after comma of up to two working hours per day.

Chairman Bette Grande: I just feel like that flexibility as Rep. Froseth had brought up during the discussion that you get out in a rural area it is going to be kind of hard to get back and forth in the two hour timeframe. Maybe you have enough people that you can make some kind of shifting with that. The employer is going to have to just stay on top of it and work through that.

Rep. Karen Rohr seconded the motion.

A voice vote was taken. Motion carried.

Rep. Mark Sanford made a motion for a Do pass as amended.

Rep. Vicky Steiner seconded the motion.

DO PASS AS AMENDED, 11 YEAS, 0 NAYS, 2 ABSENT. Rep. Karen Karls is the carrier of this bill.

The committee was looking over the fiscal note on this bill.

Rep. Mark Sanford: These folks would already be paid so it is not an extra cost.

Chairman Bette Grande: I don't think this has fiscal impact.

Rep. Bill Amerman: Maybe what they are going on is if this bill wasn't passed and they let them off, they wouldn't have been paid for those hours. Right? Now they are going to get paid for those hours.

Chairman Bette Grande: It would already be their salary. It is not like it is added money. Let us do it this way. Whoever I assign as carrier, I am going to hold the bill for a day. I am going to run it past Rep. Delzer and if it has to be rereferred to appropriations, we will take that up tomorrow and put that on there, but I don't think this has to go to appropriations.

March 17, 2011

VR
3/17/11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2060

Page 1, line 7, remove "up to two working hours"

Page 1, line 8, remove "per day"

Renumber accordingly

Date: 3-17-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2060

House GOVERNMENT AND VETERAN AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By

Boehning

Seconded By

Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande			Bill Amerman		
Vice Chairman Randy Boehning			Ron Guggisberg		
Glen Froseth			Lonny Winrich		
Karen Karls					
Lisa Meier					
Gary Paur					
Karen Rohr					
Mark Sanford					
Vicky Steiner					
Roscoe Streyle					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Voice vote
to accept
Boehning amendment
motion
carried*

Date: 3-17-11
Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2060

House GOVERNMENT AND VETERAN AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sanford Seconded By Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman	✓	
Vice Chairman Randy Boehning	✓		Ron Guggisberg		
Glen Froseth			Lonny Winrich	✓	
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Karls

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

REPORT OF STANDING COMMITTEE

SB 2060: Government and Veterans Affairs Committee (Rep. Grande, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2060 was placed
on the Sixth order on the calendar.

Page 1, line 7, remove "up to two working hours"

Page 1, line 8, remove "per day"

Renumber accordingly

2011 TESTIMONY

SB 2060

Attachment 1
2060

**TESTIMONY ON SB 2060
2:30PM FORT UNION ROOM
GOVERNMENT & VETERANS AFFAIRS COMMITTEE
LYLE SCHUCHARD, CHAIRPERSON
ND AMINISTRATIVE COMMITTEE ON VETERANS' AFFAIRS
MARCH 28, 2011**

GOOD MORNING MADAM CHAIRMAN GRANDE AND COMMITTEE MEMBERS. I AM LYLE SCHUCHARD CHAIRMAN OF THE ADMINISTRATIVE COMMITTEE ON VETERANS AFFAIRS. SB 2060 WOULD ALLOW STATE EMPLOYEES 24 HOURS OF PAID LEAVE PER YEAR TO PARTICIPATE IN AN HONOR GUARD FOR A FUNERAL SERVICE OF A VETERAN.

AS CAPTAIN OF THE BISMARCK AMVETS COMUNITY HONOR GUARD I CAN TESTIFY THAT RECRUITING NEW MEMBERS FOR HONOR GUARDS IS AN ON GOING TASK THAT HAS BECOME MORE DIFFICULT EACH YEAR. AS OLDER MEMBERS RETIRE FROM THE HONOR GUARDS A NUMBER OF VETERANS ORGANIZATIONS HAVE HAD TO SHUT DOWN THEIR OPERATIONS.

IF PASSED THIS BILL WOULD BE AN INCENTIVE FOR VETERANS IN STATE EMPLOYMENT TO JOIN A HONOR GUARD AND PROVIDE A MUCH NEEDED AND WELL DESERVED MILITARY SERVICE TO DECEASED VETERANS AND ALSO PROVIDE A DEGREE OF CLOSURE TO THEIR FAMILIES.

THE ACOVA HAS VOTED TO APPROVE PASSAGE OF SB 2060 AND I ASK THE COMMITTEE TO GIVE FAVORABLE CONSIDERATION TO THIS BILL.

I WILL TRY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

THANK YOU FOR ALLOWING ME TO TESTIFY TODAY.

Attachment 2
2060

TESTIMONY ON SB 2060 - ND VETERANS COORDINATING COUNCIL.

A veteran is an individual that has signed a blank check in the amount of and up to including his or her life for their country. Good morning, my name is John L. Jacobsen. I am the Chairman of the Legislative Committee of the North Dakota Veterans Coordinating Council. I am also a member of the American Legion and the Veterans of Foreign Wars.

I served in the North Dakota National Guard and the US Army Reserve for a total of 30 years. I retired in 1995 as a Colonel. I was mobilized for Active Duty in 1991 during Operation Desert Shield/Desert Storm. Like all mobilizations, I left my home and family to serve in the Persian Gulf, stationed in the United Arab Emirates.

The Coordinating Council is made up of 15 members, 3 from each of the five Veterans Organizations in North Dakota:

- American Legion
- AMVETS
- Disabled American Veterans
- Veterans of Foreign Wars
- Vietnam Veterans of America

It is the policy of the Coordinating Council to support legislation that will benefit the welfare of the members of the Armed Forces. The committee MUST concur totally, that is all 15 members must agree on the legislation to be supported or else it does not get the support.

In this case, I have been instructed to recommend to this legislative committee that a "DO PASS" on SB 2060 is supported by the membership of the Veterans Coordinating Council.