

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2286

2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee

Missouri River Room, State Capitol

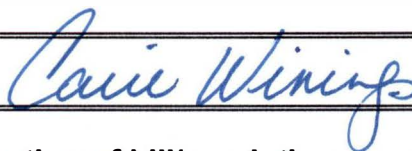
SB 2286

02/07/2013

Job Number 18460

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act relating to an Indian veteran representative; and to provide an appropriation.

Minutes:

Chairman Dever: Opened the hearing on SB 2286.

Senator Marcellais: See Attachment #1 for testimony as sponsor and in support.

(2:35) Senator Cook: You mentioned Rolette County; the first sentence of the bill talks about the county in which the most enrolled members of a particular tribe reside, I assume the answer is Rolette County?

Senator Marcellais: That is correct.

Senator Cook: Are there not more than one tribes?

Senator Marcellais: There are more than one tribes, but the largest population is the Turtle Mountain band of Chippewa tribe in the state.

Chairman Dever: My understanding is that Sioux County is the only county in the United States that is entirely reservation; this does not apply to them or is it because they have a greater population across the border?

Senator Marcellais: It borders South Dakota and the veterans are partly in South Dakota and so they don't get serviced by North Dakota.

Chairman Dever: How do the other tribes receive services?

Senator Marcellais: Currently the other tribes are providing payment for their Native American veteran reps through tribal government.

Chairman Dever: Is the \$25,000 appropriation a part-time thing?

Senator Marcellais: That is a \$10/hr. position.

Vice Chairman Berry: Who currently provides those services in Rolette County?

Senator Marcellais: We have a county vets rep that is currently open from 9-5 one day a week on Thursdays.

Vice Chairman Berry: It says in several areas, Sometimes it is stated Native American sometimes Indian, I do not mean to be disrespectful, is there any chance that the individual that is already in the setting or already provided, couldn't they already be Native American or Indian?

Senator Marcellais: That particular individual is non-native that is in that position.

Vice Chairman Berry: Is there consideration for that? It would make good sense for that individual to be native.

Senator Marcellais: My feeling is that if the veteran's representative were a native then we would get more veterans to seek more benefits. Currently, I do not feel that is happening.

(6:40) Gary Maddock, Secretary, North Dakota Veterans Coordinating Council:

Testified in neutral position on the bill. We did not have 100% support so we are neutral.

(7:29) Brenda Bergsrud, Minority in Women Veterans Coordinator, North Dakota

Department of Veteran Affairs: I do visit all of the state reservations on a regular basis.

More so at Turtle Mountain. I am up there every other Monday and I also assist with benefits and seeking out. With my role, I am at the tribal office on that scheduled day but I also extend myself and meet with any of the veterans or family members at their homes if they need me to. Also at the retirement center if they need. We have a farm in that area

and I am up there often on weekends and so many times I meet with them on weekends. I have had confidential meetings where I am not seen by others. ... My services are also available aside from county representative.

Senator Cook: Sioux County has a veteran service office, do they not?

Brenda Bergsrud: They do. Every county has a service officer. All of the reservations do except for Turtle Mountain.

Chairman Dever: Sioux County might be different than Ft. Berthold in that the county pays for the salary of the rep in Sioux County?

Brenda Bergsrud: Correct.

Chairman Dever: A tribal representative though is paid by the tribe?

Brenda Bergsrud: Correct. So, say Ft. Yates is also the county seat and so they actually have two service officers right in Ft. Yates. Although I go there at least once a month to be available for any assistance and also with Sioux County.

Chairman Dever: Senator Marcellais has shared with us in the past that there are more veterans per capita in Rolette County than any other county. I have always had a great admiration for the commitment on the part of Native Americans and the service of our country. Do you have any information on number of contacts among the Native American population as opposed to across the state? I am curious - how can we determine whether or not they are accessing the services of the veteran's service office?

Brenda Bergsrud: I can check on that. We run across that with the women and all veterans, and many of them do not want to ask for benefits. We try to seek them out and try to provide as much as we can.

Chairman Dever: Reluctance may be cultural or the fact that some veterans don't like to talk about their service.

Brenda Bergsrud: You are right. I have lived up there for 27 years and I feel that I have a decent relationship and so the ones that are willing to apply for benefits; I think they ask. I will check into it.

Chairman Dever: Closed hearing on SB 2286.

Committee Discussion followed.

Senator Marcellais: I would like to see the numbers of how many veterans were seen by the vet reps in Rolette County?

Chairman Dever: Sure.

Senator Marcellais: There are 939 vets up there and there should be a significant number. In the past we have had outreach programs but they only come every 4 years and I think they should come annually. That is a federal issue there.

Chairman Dever: Was there a stand down at Turtle Mountain?

Brenda Bergsrud: There was a stand down in Belcourt this past October. There will be one this spring at Ft. Berthold.

Senator Marcellais: That was in October?

Brenda: Yes.

Senator Marcellais: There wasn't much participation then.

Chairman Dever: Closed committee discussion.

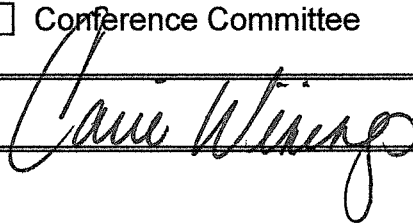
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2286
02/08/2013
Job Number 18591

☐ Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened SB 2286 for committee discussion. (Reads an e-mail from Brenda Bergsrud who testified on this bill during the hearing regarding an amendment)

Senator Marcellais: She is not up there on a weekly basis. She is up there twice a month and no one knows she is there because she does not advertise when she is there. How do the veterans know that they need to see her at the tribal office if she does not announce she is there? How much is that costing the VA commissioner to send her up there twice a month? That could be part of the salary for this vets rep I am talking about.

Chairman Dever: I am not sure that ... her farm is up there and she has an apartment here so when she goes up there I think her mileage might be state expense.

Vice Chairman Berry: Isn't this a situation where through communication, we have the people in place, but this idea of getting the information out. It is not so much that we need to change and re-shuffle. The process is there so let's get the information out so that they do know when the office hours are and someone is there. We don't have to reinvent the wheel here.

Senator Marcellais: I still say that it is the culture gap. She says that the majority of the veterans that go to the VA are from Turtle Mountain, well, they have a van that runs from Fargo to Stanley on Highway 2, which is a nice highway, and I have been after Lonnie to

send that van up to Turtle Mountain to pick up veterans that cannot drive that and I can't seem to get them to do it. If we have the largest population, and you have a van running in North Dakota, it should come to the population.

Chairman Dever: I do not disagree with that. I am not sure how that is addressed in this bill.

Senator Marcellais: I am just showing you that veterans in Turtle Mountain are not getting service the way I feel they should be.

Chairman Dever: I know those vans are driven by volunteers from different organizations, and I am not sure if Lonnie sets where they go or if the service organizations do.

Senator Marcellais: When I talked to Lonnie that we have to get a conference call with the director of the Veteran's Administration in Fargo and I never got the both of them together.

Senator Schaible: I do not disagree on the van situation at all. This situation that we are talking about, in my opinion, is kind of a county problem and I think that is where it should be handled. I don't disagree with the Senator at all. If we need a Native American rep or a certain percentage thereof, that is how it should be handled, but the thing is that I don't think that we need to add or change law to solve that kind of a problem. Obviously something is not happening that should be.

Senator Marcellais: I agree with Senator Schaible but our county is awfully poor because a lot of the company is encompassed with the Indian Reservation so our tax levy is not that high. If you go out to the website for the veteran's administration, take a look at the number of veterans in each county and take a look at how many hours these vets' reps are spending in these counties and Rolette County is the least - one day. These others are full time for the veterans and less population of the county.

Senator Nelson: They commented that they had Indian reps on the other reservations paid for by the tribes, is it funding by the Turtle Mountain band of Chippewa that is not available for these and why you don't have your own like they have?

Senator Marcellais: Yes.

Chairman Dever: Part of it might be that they don't want to pay for services currently being provided by the Senator.

Senator Marcellais: I think those services are going to quit. Then maybe they will pay for them.

Chairman Dever: When veterans contact you with questions, do you refer them to the county veteran's service officer?

Senator Marcellais: If it is a spouse or a veteran, I tell them I am going to help them. I have them come over and sign a release form and I help them with the applications; whatever it may be. He is only there on Thursdays, how can I refer them to one day a week? They don't want to wait that long.

Chairman Dever: It was interesting to me that when I visited with Brenda that she often gets calls and sometimes they don't want to meet on the reservation because they are concerned about confidentiality. I think there are a lot of veterans up there that need services that seek them out wherever they find them.

Senator Marcellais: Did she give you some numbers on how many she is meeting per day?

Chairman Dever: No.

Vice Chairman Berry: I would assume that you are saying that folks are lined up out the door and can't get in, is that it? Or is she there and not that many come? I would assume if

they saw more demand, they would try to fill it. I do understand the cultural aspect. It is a county situation and we need to look at that.

Senator Marcellais: These North Dakota veterans are also taxpayers just like all of the other citizens in North Dakota. It is a state issue too.

Chairman Dever: It is a state issue and we require through this committee and the house committee training for those veteran service officers and I think that has been a big factor. It sounds to me like Rolette County may need at least more time of the rep.

Senator Cook: We made it so in this committee that we would have trained veteran service reps in every county and we had at that time a lot of counties that were not getting the job done. Apparently that solution has not gotten here yet but it is definitely a county problem and if we all of the sudden decided because the solution is not getting here and we start appropriating money, next session you will have 5 or 6 more counties up here. You obviously have a problem but I do not think this is the right solution.

Senator Cook: Moved a Do Not Pass.

Senator Schaible: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 2 nays, 0 absent.

Senator Cook: Carrier.

Date: 2/8
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2286

Senate Government and Veterans 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 Senator Cook Seconded By Senator Schaible

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson		✓
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais		✓
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Cook

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

REPORT OF STANDING COMMITTEE

SB 2286: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
SB 2286 was placed on the Eleventh order on the calendar.

2013 TESTIMONY

SB 2286

Testimony

**Senate Bill No. 2286 – relating to an Indian veteran
representative; and to provide an appropriation
Government Veterans Affairs (GVA) Committee
Senator Dever, Chairman
February 7, 2013**

**Chairman Dever, members of the GVA Committee, for the
record is my name is Richard Marcellais, Senator from District
9, Rolette County.**

**Senate Bill 2286 relating to an Indian veteran representative;
and to provide an appropriation. Senate Bill 2286 would pay
for a Native American Veteran Representative (NAVR) full-
time to provide services to 939 veterans in Rolette County.**

**Tribal Veterans Service Officer advises local veterans and
their dependents of their rights and entitlements under various
federal and state laws, counsels them, and actively assists them
by filling out necessary forms and paperwork and obtaining
documents and affidavits.**

**Work is generated through inquiries concerning veteran
benefits or of the service officer in seeking out those who need
and may be entitled to assistance.**

**The work is complex and exacting due to the numerous state
and federal laws involved and the regulations by which they
are administered. These laws cover many and varied benefits,
hospitalization and education.**

**These services are provided at no charge to the Veterans and
their dependents.**

**Thank you very much for the opportunity to appear in support
of Senate Bill # 2286. I will try an answer any questions the
committee may have.**