

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2245

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

SB 2245
1/29/2015
Job # 22780

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 37-14 of the North Dakota Century Code, relating to an Indian veteran representative; and to provide an appropriation.

Minutes:

Attachments 1

Chairman Dever: Opened the hearing on SB 2245.

Senator Marcellais, District 9: See Attachment # 1 as sponsor and in support of the bill.

(1:49)Chairman Dever: I understand that each of the other tribes has a tribal veteran's service officer.

Senator Marcellais: Yes.

Chairman Dever: Are they funded by the state or by the tribes?

Senator Marcellais: They are funded by the tribes.

Chairman Dever: How is Turtle Mountain different?

Senator Marcellais: They do not have the funding for a tribal service officer.

Chairman Dever: I understand that Fort Berthold has some real advantages financially, but the other tribes? I agree that each one should have a veteran's service officer but the question is how it should be funded.

Senator Marcellais: That is why I brought this bill forward.

Chairman Dever: The appropriation is \$125,000 for the biennium, so it is \$62,500 per year.

Senator Marcellais: I do not believe the appropriation is that high. I would have to look at the bill again. It is something we can discuss a reduction in committee.

(3:48) Scott Davis, Executive Director, North Dakota Indian Affairs Commission:

Testified in neutral position on the bill. I have had the opportunity to have some in depth discussions with Mr. Hill about what exactly the Standing Rock Sioux tribe's, which I am a member of, game plan would be. Coming into that I knew very little about veterans. Veterans are a weakness in my office if I were to be honest. It is a duty of mine as well to do everything I can to help support our veterans. It does not matter color or race. I have been relying on Mr. Hill's leadership and he did invite me down to their veteran's summit and I plan to attend that. My discussion has always been how I can help and what I can do to support. As for my relationship with Mr. Hill, it has been good. From time to time we have had ad hawk committees through my office as you will and maybe that would be another alternative to solve this issue. I have a lot of committees that I have formed outside of code, but what I do not have is a military veterans committee and I think that is something that I need to do to be able to help them. The veteran's summit will be a good start. I am excited about it and I will learn a lot. All of our veteran's service officers are very busy. They wear a lot of hats and they are one man shows.

(7:20)Senator Cook: Do you know if the state's veteran's commissioner is invited to that summit as well?

Scott Davis: Yes. Mr. Hill did a very good job of sending out a large number of invites. I reached out to Lonnie Wangen on that as well. He is going to try to get down there as well.

Senator Cook: Let's hope he goes.

Chairman Dever: I am really impressed by the work that you do for Native Americans. I know the coordination can be challenging.

Scott Davis: This is one of my areas of weakness and as a member of a family of veterans I feel it is important. It is probably the biggest regret in my life that I never joined. At least now I am in a position to do something and I think with the right guidance with our leadership we can get to a better place for our veterans. A big advantage is our healthcare. When we expanded Medicaid and I think on a state point we do a very good job of signing people up with Medicaid and it would be another option for our veterans.

Chairman Dever: When you deal with Standing Rock, since it is in two states, are you dealing with two states?

Scott Davis: That is a good question and sometimes it is night and day. North Dakota is better to work with.

Manajaujinca Hill, Veteran's Service Officer: I deal with both states. What happens in North Dakota will lead what I will pursue in South Dakota. We do not only handle veteran's benefits, we provide programs. If we were to get a .5 PTE and that person was housed with the tribal VSO that would break down a lot of barriers. We can look at avenues to find funding to make that a FTE. To be frank, I know this has to happen to have the collaborative effort to have positive things happen for Native Americans. (Talked about some personal experiences)

Chairman Dever: Closed the hearing on SB 2245.

2015 SENATE STANDING COMMITTEE MINUTES

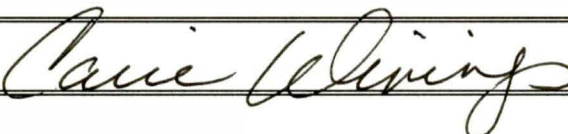
Government and Veterans Affairs Committee

Missouri River Room, State Capitol

SB 2245
1/29/2015
Job # 22847

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened SB 2245 for committee discussion. So you are looking at some funding that would supplement what the reservation might pay?

Senator Marcellais: What I would like to do is find out what the county vet's reps are getting paid on an hourly basis and go from there. We have a county vets rep that is there one day a week but what about these full time vet's reps, what are they getting paid? Maybe do a happy medium between the two.

Chairman Dever: They are hired by the county so it would vary from county to county.

Senator Marcellais: Does Lonnie have that information?

Chairman Dever: I am not sure if he would but it should be public information.

Senator Cook: Front line county veteran service officers are a responsibility of the counties and that is who is supposed to provide the service. We went through this a few years ago and we tightened up the requirements. We made it clear that no matter where you lived in North Dakota you had to have access to a fully trained county veteran's service officer. It is not happening apparently. If it is not happening, the law is already in the books to see that it is supposed to happen. Now because it is not happening, we are supposed to "take on another monkey" and pay for it with state dollars and pretty soon another county will do the same thing. We just have to make that county veteran' service officer or that county provide a service office that will meet the needs of the county. I think a study resolution is an excellent idea.

Chairman Dever: Just to mention, the situation with training of CVSO's, when we passed that bill we said "by August 1st, 2011" they had to be accredited by the National Association of County Veteran Service Officers. Currently, there are several that are not accredited. Some are new and some have been around for many years. Some dropped their accreditation because they had to pay \$30 annual dues. Their argument was that it said by August 1st they had to be accredited but it did not say that they had to be after that. I have a bill introduced that says they have to be accredited by an association approved by the

federal Department of Veteran's Affairs. Our interest was that they be trained and that they be authorized to access VA benefits online.

Senator Nelson: But they have to maintain that accreditation.

Chairman Dever: Would it be beneficial to turn this into a study?

Senator Cook: I think so.

Chairman Dever: It should be dealt with.

Senator Cook: Maybe it will move the function to the state and it will make sure that it is done right. You could have service officers regionally and have them well trained and full time. Either that or we turn this into a bill where whatever it costs us we bill the county.

Chairman Dever: When I drafted that bill I visited with Lonnie, and he wanted me to change the federal department of veteran's affairs to the state department of veteran's affairs. He would love to have CVSO's answer to him.

Senator Cook: I wouldn't try to make that change.

Chairman Dever: We have had some problems and I am not going there.

Senator Flakoll: Can we have amendments drafted and put in \$25,000 and then any costs that are incurred against that be billed to the appropriate county.

Chairman Dever: Can we do that?

Senator Cook: I do not think so.

Chairman Dever: Then are the other counties with the other tribes going to want to do the same thing?

Senator Cook: I still think we should turn it into a study.

Chairman Dever: Can we say that a county that has a large number of Native Americans is required to have a Native American veteran's rep?

Senator Flakoll: The more I hear the more I wonder if we should just study it and see what we can do. I would be more inclined to say "shall study" not "shall consider".

Senator Nelson: I can buy that.

Chairman Dever: Would you state the study as "studying the delivery of service to Native American veterans and the relationship ...

Senator Cook: Not just Native American veterans. I would want it for the entire state of North Dakota.

Senator Nelson: I think there are some other counties that are not doing their job either.

Chairman Dever: Maybe, "the work of tribal and county veteran's service office and serving veterans statewide and ways to improve" something like that. Would you want to write something up like that Senator Marcellais?

Senator Marcellais: Sure, I can do that.

Chairman Dever: Closed the discussion on SB 2245.

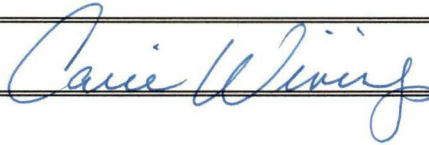
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

SB 2245
2/5/2015
Job # 23287

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Minutes:

Attachment 1

Chairman Dever: Opened SB 2245 for committee discussion.

Senator Marcellais: Explained the amendments brought to the committee. See Attachment #1 for proposed amendments.

Senator Poolman: Moved Amendment 15.0811.01001.

Senator Flakoll: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Amendment adopted.

Senator Poolman Moved a Do Pass As Amended.

Senator Flakoll: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Marcellais will carry the bill.

February 2, 2015

2/5/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2245

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of making provisions for Indian veterans' service representatives."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - INDIAN VETERANS' SERVICE REPRESENTATIVES STUDY. During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of funding Indian veterans' service representatives to provide equivalent services to those provided by county veterans' service officers. The study must include an evaluation of the number of Indian veterans in each county and where the Indian veterans' service representatives should be located. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2245

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 15.0811.01001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Poolman Seconded By Flakoll

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2245

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 15.0811.01001

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Poolman Seconded By Flakoll

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Marcellais

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

REPORT OF STANDING COMMITTEE

SB 2245: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2245 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 provide for a
legislative management study of making provisions for Indian veterans' service
representatives.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - INDIAN VETERANS'
SERVICE REPRESENTATIVES STUDY.** During the 2015-16 interim, the legislative
management shall consider studying the feasibility and desirability of funding Indian
veterans' service representatives to provide equivalent services to those provided by
county veterans' service officers. The study must include an evaluation of the
number of Indian veterans in each county and where the Indian veterans' service
representatives should be located. The legislative management shall report its
findings and recommendations, together with any legislation required to implement
the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2245

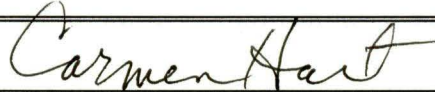
2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

SB 2245
3/13/2015
24796

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Provide for a legislative management study of making provisions for Indian veterans' service representatives

Minutes:

Attachment 1

Chairman Kasper opened the hearing on SB 2245.

Senator Richard Marcellais, appeared in support. Before he went into his testimony, he gave a little history of how he got this bill. It is a consolidation of two bills, SB 2245 and SB 2244. SB 2244 was introduced to create a tribal advisory commission composed of at least one tribal veterans' representative from each tribe to advise the ND Department of Veterans' Affairs Commissioner of issues and concerns at the reservation level being with the largest population of veterans in the state of North Dakota being Native American veterans. Reimbursement for the meetings would be paid by the North Dakota Department of Veterans' Affairs. SB 2245 was introduced to hire an Indian representative with an appropriation of \$125,000 for the Turtle Mountain Band of Chippewa Tribe. Of all five tribes in the state of North Dakota, Turtle Mountain is the only one without a Native American veterans' representative. I am doing that on a voluntary basis right now. Rolette County where I am from has 745 veterans. The Indian veteran representative shall assist the members in the presentation of proof and establishment of claims, privileges, and rights to the veterans have under law at no charge to the veterans. The Indian veteran representative shall assist the spouse and dependents with entitled benefits that they are to receive from the veteran. He then went through his testimony. Attachment 1 (4:24-6:37)

Rep. Laning Do you think it might work if it was the other way, if the county representative was moved onto the reservation?

Senator Marcellais If you study the entire state, there are other counties that don't have half as many representatives as we have, but they are full-time veterans' representatives. It is not only for the reservations. It is for the entire state. I don't think moving him on the reservation would help this situation.

Rep. Laning I meant having an Indian representative on the reservation, but that same representative could service the "White" guys outside the reservation.

Senator Marcellais I am a Native American veteran, but all veterans need service. My heart is for the veterans and their spouses and dependents. A lot of them don't know what their benefits are.

Rep. Steiner You are a sovereign nation. How does taxation work for you?

Senator Marcellais Utilities are covered by the tribal entity, but we pay for that through our billing.

Rep. Steiner Could the tribal government incorporate just like they do with water and sewer some kind of mill or fee to raise the money for this officer?

Senator Marcellais Our tribe is in bad shape. You hear about the casinos, oil, and all that. As tribal chairman in 2008-2010, our tribe had an \$18 million deficit when I took over the administration. In two years I brought that down to \$3 million. They are back in there, because they are doing all these entities of building programs and things and that costs money. It is the infrastructure. My area was shown as a poverty area on a map in Washington DC.

Rep. Wallman The largest population of veterans in North Dakota are Native American veterans?

Senator Marcellais Yes.

Rep. Wallman You have one person that comes one day a week to serve 745 veterans?

Senator Marcellais 745. That is not counting spouses and dependents.

Rep. Wallman This study would look at how equitable those service officers are distributed for the needs in each community?

Senator Marcellais That is why I am asking for the study to find out the workload.

Chairman Kasper My father was the veterans' service affairs officer in Mercer County over 25 years, and I remember the workload he had with a small budget. Through him I met many other veterans' service officers throughout the state and heard the same concerns you are expressing in your study today. There is so much work and not enough funding, and the veterans need help. I am glad you brought this bill forward.

Senator Marcellais The bill about the vans--the vans are not coming to my area. There is not enough money in the bill for Agent Orange. \$50,000, with the number of veterans in North Dakota is less than \$3 a veteran.

No opposition.

The hearing was closed.

Rep. Laning made a motion for a DO PASS.

Rep. Wallman seconded the motion.

A roll call vote was taken. 13 Yeas, 0 Nays, 1 Absent.

Rep. Wallman will carry the bill.

Date: 3-13-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2245

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Laning Seconded By Wallman

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chair Karen Rohr	X		Rep. Gail Mooney		
Rep. Jason Dockter	X		Rep. Mary Schneider	X	
Rep. Mary C. Johnson	X		Rep. Kris Wallman	X	
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Wallman

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

REPORT OF STANDING COMMITTEE

SB 2245, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2245 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

SB 2245

#1



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Richard Marcellais
District 9
RR 1, Box 267A
Belcourt, ND 58316-9787
rmarcellais@nd.gov

COMMITTEES:

Education
Government and Veterans Affairs

Senate Bill 2245 – *to provide an Indian Veteran Representative for the
Turtle Mountain Tribe
Senate Government Veterans Affairs Committee
Senator Dever, Chairman
January 29, 2015*

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

Senate Bill 2245 *would pay for a Native American Veterans Representative
full-time to provide service to 745 Veterans on the Turtle Mountain
Chippewa Indian Reservation.*

*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 our Veterans and their
dependents.*

*Thank you very much for the opportunity to appear in support of **Senate Bill
2245**. I will try to answer any questions the committee may have.*

February 2, 2015

#1
2/5

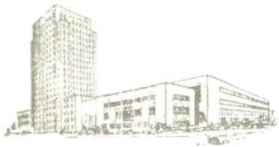
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Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of making provisions for Indian veterans' service representatives."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

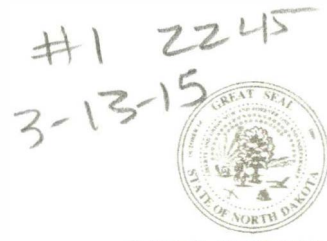
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Renumber accordingly



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Richard Marcellais
District 9
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COMMITTEES:
Education
Government and Veterans Affairs

***Senate Bill 2245 – to provide an Indian Veteran Representative for the
Turtle Mountain Tribe
House Government Veterans Affairs Committee
Representative Kasper, Chairman
March 13, 2015***

Chairman Kasper, members of the House Government Veterans Affairs Committee, for the record my name is Richard Marcellais, Senator from District 9, Rolette County.

Senate Bill 2245 would pay for a Native American Veterans Representative full-time to provide services to 745 Veterans in District 9 and the Turtle Mountain Chippewa Indian Reservation.

Tribal Veterans Service Officer would advise to 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 our Veterans and their dependents.

*Thank you very much for the opportunity to appear in support of **Senate Bill 2245**. I will try to answer any questions the committee may have.*