

**2021 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2117**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Room JW216, State Capitol

SB 2117  
1/14/2021

<b>Relating to death benefits for national guard members; and to declare an emergency.</b>
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Chair Vedaa opened the hearing at 9:00 AM with Sen Vedaa, Sen Meyer, Sen. Elkin, Sen K Roers, Sen Wobbema, Sen Weber, and Sen Marcellais present.

### Discussion Topics:

- State Active Duty (SAD)
- Guard personal days
- Authority to pay benefits

**Brigadier General Jackie Huber – ND National Guard- testified in support. #817**

**Sen K Roers:** I move a DO PASS. **Sen Meyer:** I second

**Roll call vote: 7 –0 0 -- NO -0-absent. MOTION PASSED**

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

**Senator Marcellais** will carry the bill.

Adjourned at 9:14 AM

*Pam Dever, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2117: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)**  
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2117  
was placed on the Eleventh order on the calendar.

TESTIMONY OF  
BRIGADIER GENERAL JACKIE HUBER  
NORTH DAKOTA NATIONAL GUARD  
BEFORE THE  
SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
14 JANUARY 2021  
SENATE BILL 2117

Good morning Mr. Chairman, I am Brigadier General Jackie Huber, the Deputy Adjutant General for the North Dakota National Guard (NDNG). I am here today to testify in support of Senate Bill 2117. This bill contains an update to Subsections 1 and 2 of Title 37-01, relating to death benefits for National Guard members while serving on State Active Duty (SAD).

North Dakota National Guard Soldiers and Airmen are being called up on a regular basis to support State missions. In the last 12 years, our members have conducted missions responding to floods, fires, blizzards, protests, tornados, search and rescue, civil disturbance, and a pandemic. The NDNG has provided over 80,000 personnel days in support of the COVID response, of which only 4,219 were in a SAD status. Responses last for various lengths of time and present various levels of risk. Risk is inherent to our occupation, which our members know, understand, and accept. We accept risks and work hard to mitigate risk to ensure our members are performing their duties in the safest possible way. However, as we are often on the front lines, mitigations can only go so far.

It is because of the increased use and risk we are requesting the authority, to pay a \$10,000 state death gratuity for a National Guard service member whose death occurred during the performance of their SAD duties. The \$10,000 death gratuity would be funded out of the emergency funding which necessitated the SAD response.

To frame the issue and provide justification, if a service member were in a federal status their designated beneficiary would receive a \$100,000, federally funded, death gratuity. For example, a service member currently supporting the COVID-19 response is in a federal, Title 32 status. If any of them were to die of any cause while on Title 32 status, their beneficiary would receive a \$100,000 death gratuity. If that same individual were to be on SAD status, based on current state benefits, following an investigation, a \$10,000 state funded death gratuity is paid directly to the funeral service provider.

We ask for your approval of the language in SB 2117, authorizing the timely payment of a \$10,000 death gratuity directly to the family of a NDNG member killed while performing their SAD duties.

I will stand by for any questions.

**2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2117**

# 2021 HOUSE STANDING COMMITTEE MINUTES

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

SB 2117 AM  
3/11/2021

Relating to death benefits for national guard members; and to declare an emergency
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**Chairman Kasper** opened the hearing at 9:50 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

### Discussion Topics:

- State death gratuity

**Brigadier General Jackie Huber, ND National Guard**, testified in favor, #7395.

**Chris Martens, Attorney/Advisor, ND National Guard**, appeared to answer further questions.

**Additional written testimony:** #8290

**Chairman Kasper** adjourned at 10:12 a.m.

*Carmen Hart, Committee Clerk*

TESTIMONY OF  
BRIGADIER GENERAL JACKIE HUBER  
NORTH DAKOTA NATIONAL GUARD  
BEFORE THE  
HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
04 MARCH 2021  
SENATE BILL 2117

Good afternoon Chairman Kasper and members of the committee, I am Brigadier General Jackie Huber, the Deputy Adjutant General for the North Dakota National Guard (NDNG). I am here today to testify in support of Senate Bill 2117. This bill contains an update to Subsections 1 and 2 of Title 37-01, relating to death benefits for National Guard members while serving on State Active Duty (SAD).

North Dakota National Guard Soldiers and Airmen are being called up on a regular basis to support State missions. In the last 12 years, our members have conducted missions responding to floods, fires, blizzards, protests, tornados, search and rescue, civil disturbance, and a pandemic. The NDNG has provided over 80,000 personnel days in support of the COVID response, of which only 4,219 were in a SAD status. Responses last for various lengths of time and present various levels of risk. Risk is inherent to our occupation, which our members know, understand, and accept. We accept risks and work hard to mitigate risk to ensure our members are performing their duties in the safest possible way. However, as we are often on the front lines, mitigations can only go so far.

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To frame the issue and provide justification, if a service member were in a federal status their designated beneficiary would receive a \$100,000, federally funded, death gratuity. For example, a service member currently supporting the COVID-19 response is in a federal, Title 32 status. If any of them were to die of any cause while on Title 32 status, their beneficiary would receive a \$100,000 death gratuity. If that same individual were to be on SAD status, based on current state benefits, following an investigation, a \$10,000 state funded death gratuity is paid directly to the funeral service provider.

We ask for your approval of the language in SB 2117, authorizing the timely payment of a \$10,000 death gratuity directly to the family of a NDNG member killed while performing their SAD duties.

I will stand by for any questions.

## Committee Members

The North Dakota Veterans Legislative Council Supports this bill and urges your passage of this legislation.

Jim Nelson Legislative Director and President of NDVLC



# 2021 HOUSE STANDING COMMITTEE MINUTES

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

SB 2117 PM  
3/11/2021

Relating to death benefits for national guard members; and to declare an emergency
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**Chairman Kasper** opened the committee meeting at 3:11 p.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	A
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

### Discussion Topics:

- State death gratuity
- Amendment

**Brigadier General Jackie Huber, ND National Guard**, presented a proposed amendment replacing “on active service for the state if the death was connected to the member’s scope of duty” with “serving in a state active duty status under this chapter,” #8869.

**Rep. Rohr** moved to **adopt the ND National Guard amendment**. **Rep. Magrum** seconded. **Voice vote. Motion carries.**

**Al Dohrmann, Adjutant General, ND National Guard**, appeared to give his thoughts about an increase.

**Rep. Vetter** moved to **adopt an oral amendment to increase \$10,000 to \$15,000**. **Rep. B. Koppelman** seconded. **Voice vote. Motion carries.**

**Rep. Vetter** moved **Do Pass as amended**. **Rep. Schneider** seconded.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	Y
Representative Jeff A. Hoverson	A

Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	Y
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauert	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Greg Stemen	Y
Representative Steve Vetter	Y

**Motion passes.** 13-0-1. **Rep. Karls** is the carrier.

**Chairman Kasper** ended at 3:20 p.m.

*Carmen Hart, Committee Clerk*

Sixty-seventh  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENT SENATE BILL NO. 2117**

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

Line 9: replace “on active service for the state if the death was connected to the member’s scope of duty.” with “serving in a state active duty status under this chapter.”

21.8118.01001  
Title.02000

Adopted by the House Government and  
Veterans Affairs Committee  
March 11, 2021

DR 3/11/21  
1st

PROPOSED AMENDMENTS TO SENATE BILL NO. 2117

Page 1, line 9, remove "on active service for the state if the"

Page 1, line 10, replace "death was connected to the member's scope of duty" with "serving in a state active duty status under this chapter"

Page 1, line 11, replace "ten" with "fifteen"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2117: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2117 was placed  
on the Sixth order on the calendar.

Page 1, line 9, remove "on active service for the state if the"

Page 1, line 10, replace "death was connected to the member's scope of duty" with "serving  
in a state active duty status under this chapter"

Page 1, line 11, replace "ten" with "fifteen"

Renumber accordingly

**PROPOSED AMENDMENT SENATE BILL NO. 2117**

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

Line 9: replace “on active service for the state if the death was connected to the member’s scope of duty.” with “serving in a state active duty status under this chapter.”

**2021 CONFERENCE COMMITTEE**

**SB 2117**

# **2021 SENATE STANDING COMMITTEE MINUTES**

**Government and Veterans Affairs Committee**  
Room JW216, State Capitol

SB 2117  
4/9/2021  
Conference Committee Meeting

<b>A BILL for an Act to create and enact a new section to chapter 37-01 of the North Dakota Century Code, relating to death benefits for national guard members; and to declare an emergency.</b>
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Conference Committee meeting called to order at 9:00 AM. Those present: Sen Wobbeemma (Chair), Sen Elkin, Sen Marcellais, Rep Karls (Chair) Rep Schauer, Rep Schneider.

## **Discussion Topics:**

- **Authority to pay death gratuity**
- **Guard retention**

**Sen Elkin** moved **Senate Accede to House amendments**  
**Sen Marcellais** seconded

**Roll Call Vote: 6 -- YES 0 -- NO -0-ab Motion Carries**

**Sen Marcellais will carry the bill in the Senate**

**Rep Karls will carry the bill in the House**

Adjourned at 9:09 AM

*Pam Dever, Committee Clerk*



**2019 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2117 as (re) engrossed

**Senate Government and Veterans Affairs Committee**

- Action Taken**    ☒ **SENATE accede to House Amendments**  
☐ **SENATE accede to House Amendments and further amend**  
☐ **HOUSE recede from House amendments**  
☐ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen Elkin                      Seconded by: Sen Marcellais

Senators	4/9			Yes	No		Representatives	4/9			Yes	No
Sen Wobbema	P			X			Rep Karls	P			X	
Sen Elkin	P			X			Rep Schauer	P			X	
Sen Marcellais	P			X			Rep Schneider	P			X	
Total Senate Vote							Total Rep. Vote					

Vote Count              Yes: 6                      No: 0                      Absent: 0

Senate Carrier Sen Marcellais              House Carrier Rep Karls

LC Number \_\_\_\_\_ . \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ . \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**REPORT OF CONFERENCE COMMITTEE**

**SB 2117:** Your conference committee (Sens. Wobbema, Elkin, Marcellais and Reps. Karls, Schauer, Schneider) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 910 and place SB 2117 on the Seventh order.

SB 2117 was placed on the Seventh order of business on the calendar.