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SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2284

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2284


2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2284

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date February 2, 2001

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|-----------|
| 1 | X | | 42.5-57.3 |
| 1 | | X | 0.0-4.9 |
| 1 | | X | 36.9-39.0 |
| Committee Clerk Signature  | | | |

Minutes: Chairman Krebsbach called the committee back to order and opened the hearing on SB 2284 which relates to the uniform service dates for wartime veterans. Appearing before the committee to introduce the proposed legislation was Representative Lonnie Winrich, District 18, cosponsor of the bill. He indicated that Senator Berolter is the prime sponsor of this bill as well. Representative Winrich indicated he would like to lend his support to the passage of SB 2284. Dennis Boknecht, liaison between the veteran's legislative committee and the North Dakota Veteran's Coordinating Council. He presented written testimony to the committee. The hand out marked Appendix A was used for his presentation. It was felt that it would be best to simplify the bill so that there would not be a need to update the information it contains every session. Senator C. Nelson inquired about the inclusion dates for certain military involvement such as that in Bosnia. Why is it listed as 3 separate periods rather than 1 inclusive period? Rick Ryan indicated that there are different skirmishes, ribbons, operations, etc. It is not one inclusive date because of these differences. Other questions were offered by Senators C. Nelson and

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2284

Hearing Date February 2, 2001

Dever. At this point Senator Bercler, District 9, prime sponsor of the bill appeared before the committee. A copy of his written testimony is attached. There were no questions from the committee at this time. Basically what this bill does is clean up the references in code referring to various wars. It ensures that any future wars, skirmishes, etc. will be included in this law. There were no questions from the committee. The hearing was closed on SB 2284 at this time. Senator T. Mathern made a motion for a Do Pass on SB 2284, seconded by Senator Wardner. Roll Call Vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. Senator T. Mathern will carry the bill.

Date: 2/07
Roll Call Vote #:

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2284

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Sen. T. Mathern Seconded By Sen. Wardner

[illegible]

Total (Yes) 6 No 0

Absent _____

Floor Assignment Sen. T. Mather

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

REPORT OF STANDING COMMITTEE (410)
February 2, 2001 12:52 p.m.

Module No: SR-19-2233
Carrier: T. Mathern
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2284: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2284
was placed on the Eleventh order on the calendar.

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2284

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2284

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 3/01/01

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|----------|
| 1 | | X | 981-2244 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Robin H. Small</i> | | | |

Minutes:

REP. M. KLEIN called the meeting to order with all members present.

In favor:

SEN. BERCIER, DISTRICT 9

Please see attached testimony. BERCIER urges the committee a do pass.

REP. BELLEW asks why do we need a wartime veteran and not just a veteran? BERCIER replies that they get preference in hiring and different benefits. BERCIER also states to the committee that he is a Vietnam veteran.

In favor:

DENNIS BOKNECHT, NDVCC

BOKNECHT states to the committee that this does need updating.

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House Government and Veterans Affairs Committee
Bill/Resolution Number SB 2284
Hearing Date 3/01/01

In favor:

WALTER REHLING, SELF

REHLING also states to the committee that he is a veteran out of the air force, and was also in the Korean War. Urges the committee a do pass.

Being there was no further testimony, the hearing was then closed.

Action was taken right away. REP. BRUSEGAARD motioned for a DO PASS, seconded by

REP. BELLEW. The roll call was taken with 15 YES and 0 NO. The motion carries. The

CARRIER of the bill is REP. HUNSKOR.

SB 2284: DO PASS 15-0

CARRIER: REP. HUNSKOR

Date: 3-1-01

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2284

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Brusegaard Seconded By Bellew

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------|-----|----|-----------------|-----|----|
| CHAIRMAN KLEIN | ✓ | | REP KROEBER | ✓ | |
| VICE CHAIR GRANDE | ✓ | | | | |
| REP BELLEW | ✓ | | | | |
| REP BRUSEGAARD | ✓ | | | | |
| REP CLARK | ✓ | | | | |
| REP DEVLIN | ✓ | | | | |
| REP HAAS | ✓ | | | | |
| REP KASPER | ✓ | | | | |
| REP KLEMIN | ✓ | | | | |
| REP MEIER | ✓ | | | | |
| REP WIKENHEISER | ✓ | | | | |
| REP CLEARY | ✓ | | | | |
| REP HUNSKOR | ✓ | | | | |
| REP METCALF | ✓ | | | | |

Total (Yes) 15 No 0

Absent _____

Floor Assignment Rep. Hunsdon

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

REPORT OF STANDING COMMITTEE (410)
March 1, 2001 12:59 p.m.

Module No: HR-35-4599
Carrier: Hunsaker
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2284: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2284
was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2284

**Testimony
Senator Dennis Bercier
SB 2284
Senate Government and Veterans Affairs Committee
February 2, 2001**

Good morning Chairperson Krebsbach and members of the committee. I am Senator Dennis Bercier, District 9, Belcourt.

I am here to today, as prime sponsor of SB 2284, to ask for your favorable consideration of this piece of legislation.

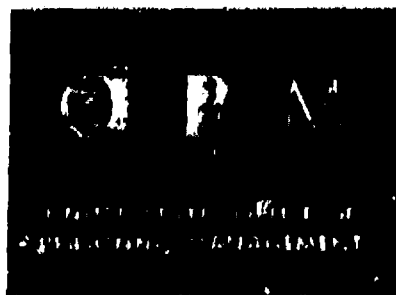
This legislation is an attempt to simplify, update and put an end to having to change the code every time a new period of conflict makes members of our society eligible to be considered "wartime veterans" for purposes of our state's laws. This legislation has the unanimous support of the North Dakota Veterans Coordinating Council.

The proposed legislation simply removes all old references to various wars and conflicts in the current statute and replaces those with language which covers all past, present and future wars, conflicts or whatever they may be called. The current law does not have a specific listing for a lot of the qualifying wars or conflicts. In fact it does not have the correct dates for Vietnam. The United States Department of Defense does have all the listings which are easily accessible, as I have been told. There are various agencies and sources, such as the state's department of veterans affairs, the county veteran service officers and several federal agencies, which will have the information readily available for anyone who wants to access this information.

We must find ways, and be open, on how to keep our laws current and constituent friendly, without having to constantly be amending the code. This change does just that.

Your supporting a do pass recommendation would be appreciated.

Thank you.



U.S. Office of Personnel Management

Appendix A: Wars, Campaigns and Expeditions of the Armed Forces Since WW II Which Qualify for Veterans' Preference

War Service Creditable for Veterans' Preference. In the absence of statutory definition for "war" and "campaign or expedition," OPM considers to be "wars" only those armed conflicts for which a declaration of war was issued by Congress. The title 38, U.S.C., definition of "period of war," which is used in determining benefits administered by the Department of Veterans Affairs, includes the Vietnam Era and other armed conflicts. That title 38 definition is **NOT** applicable for civil service purposes.

Thus the last "war" for which active duty is qualifying for veterans' preference is World War II. The inclusive dates for World War II service are December 7, 1941, through April 28, 1952.

Non-combat operations that are not qualifying for veterans' preference. Many medals are awarded for non-combat operations. These medals are not a basis for preference and include the following:

- The Medal of Merit for meritorious service in World War II.
- The Medal of Freedom for meritorious achievements or meritorious service to the United States on or after December 7, 1941, in the war against an enemy outside the continental limits of the United States.
- The Antarctica Service Medal for participating in a scientific, direct support, or exploratory operation on the Antarctic Continent.
- The National Defense Service Medal for honorable service between June 27, 1950 and July 27, 1954 or January 1, 1961 and August 14, 1974; or for the period between August 2, 1990, and November 30, 1995.
- The Armed Forces Service Medal for participation in a United States military operation deemed to be a significant activity for which there was no threat of encounter of foreign armed opposition or imminent threat of hostile action.
- The Armed Forces Reserve Medal for 10 years of honorable service in a Reserve component; or active duty service in a Reserve component on or after August 1, 1990; or volunteer service for active duty on or after August 1, 1990.

Military Operations Since 1937 for Which a Campaign or Expeditionary Medal Has Been Awarded, Except for Operations Occurring During a Declared War

Military personnel receive many awards and decorations. To help agencies make decisions concerning entitlement to veterans' preference and other benefits, the following list identifies those awards that are campaign and expeditionary medals. Any Armed Forces expeditionary Medal, whether listed here or not,

<http://www.opm.gov/veterans/html/vgmedal2.htm>

2/1/01

is qualifying for veterans' preference. The Department of Defense, not OPM, determines who is entitled to receive a medal, and under what circumstances. The list below is derived from DoD 1348.33-M, Manual of Military Decorations and Awards.

DD 214, Certificate of Discharge or Separation from Active Duty, or other official documents issued by the branch of service are required as verification of eligibility for veterans' preference.

Campaigns and Expeditions Which Qualify For Veterans' Preference

| <i>Campaign or Expedition</i> | <i>Inclusive dates</i> |
|---|---|
| Armed Forces Expeditionary Medal (AFEM) A veteran's DD Form 214 showing the award of any Armed Forces Expeditionary Medal is acceptable proof. The DD form 214 does not have to show the name of the theater or country of service for which that medal was awarded. | |
| Berlin | August 14, 1961, to June 1, 1963 |
| Bosnia (Operations Joint Endeavor, Joint Guard, and Joint Forge) | November 20, 1995 to December 20, 1996; December 20, 1996 to present; June 21, 1998 to present |
| Cambodia | March 29, 1973, to August 15, 1973 |
| Cambodia Evacuation (Operation Eagle Pull) | April 11 - 13, 1975 |
| Congo | July 14, 1960, to September 1, 1962, and November 23, to 27, 1964 |
| Cuba | October 24, 1962, to June 1, 1963 |
| Dominican Republic | April 28, 1965, to September 21, 1966 |
| El Salvador | January 1, 1981, to February 1, 1992 |
| Grenada | October 23, 1983, to |

| | |
|--|---|
| (Operation Urgent Fury) | November 21, 1983 |
| Haiti (Operation Uphold Democracy) | September 16, 1994, to March 31, 1995 |
| Iraq (Operation Northern Watch) | January 1, 1997 to present |
| Korea | October 1, 1966, to June 30, 1974 |
| Laos | April 19, 1961, to October 7, 1962 |
| Lebanon | July 1, 1958, to November 1, 1958, and June 1, 1983, to December 1, 1987 |
| Mayaguez Operation | May 15, 1975 |
| Operations in the Libyan Area (Operation Eldorado Canyon) | April 12 - 17, 1986 |
| Panama (Operation Just Cause) | December 20, 1989, to January 31, 1990 |
| Persian Gulf Operation (Operation Earnest Will) | July 24, 1987, to August 1, 1990 |
| Persian Gulf Operation (Operation Southern Watch) | December 1, 1995, to present |
| Persian Gulf Operation (Operation Vigilant Sentinel) | December 1, 1995 to February 1, 1997 |
| Persian Gulf Operation (Operation Desert Thunder) | November 11, 1998 to December 22, 1998 |
| Persian Gulf Operation (Operation Desert Fox) | December 16, 1998 to December 22, 1998 |
| Persian Gulf Intercept Operation | December 1, 1995, to present |

| | |
|---|-------------------------------------|
| Quemoy and Matsu Islands | August 23, 1958, to June 1, 1963 |
| Somalia (Operation Restore Hope) | December 5, 1992, to March 31, 1995 |
| Taiwan Straits | August 23, 1958, to January 1, 1959 |
| Thailand | May 16, 1962, to August 10, 1962 |
| Vietnam Evacuation (Operation Frequent Wind) | April 29, 1975, to April 30, 1975 |
| Vietnam (including Thailand) | July 1, 1958, to July 3, 1965 |

Navy expeditionary Medal and Marine Corps Medal for these Operations:

| <i>Campaign or Expedition</i> | <i>Inclusive dates</i> |
|--------------------------------------|---|
| Cuba | January 3, 1961 to October 23, 1962 |
| Indian Ocean/Iran | November 21, 1979, to October 20, 1981 |
| Iranian/Yemen/Indian Ocean | December 8, 1978 to June 6, 1979 |
| Lebanon | August 20, 1982 to May 31, 1983 |
| Liberia (Operation Sharp Edge) | August 5, 1990 to February 21, 1991 |
| Libyan Area | January 20, 1986 to June 27, 1986 |
| Panama | April 1, 1980 to December 19, 1986 and February 1, 1990 to June 13, 1990 |
| Persian Gulf | February 1, 1987 to July 23, 1987 |
| Rwanda (Operation Distant runner) | April 7 - 18, 1994 |
| Thailand | May 16 - August 10, 1962 |

Other Campaign and Service Medals Qualifying for Preference:

| <i>Campaign or Expedition</i> | <i>Inclusive dates</i> |
|---|--------------------------------|
| Army Occupation of Austria | May 9, 1945 to July 27, 1955 |
| Army Occupation of Berlin | May 9, 1945 to October 2, 1990 |
| Army Occupation of Germany (exclusive of Berlin) | May 9, 1945 to May 5, 1955 |

| | |
|---|-------------------------------------|
| Army Occupation of Japan | September 3, 1945 to April 27, 1952 |
| Chinese Service Medal (Extended) | September 2, 1945 to April 1, 1957 |
| Korean Service | June 27, 1950 to July 27, 1954 |
| Navy Occupation of Austria | May 8, 1945 to October 25, 1953 |
| Navy Occupation of Trieste | May 8, 1945 to October 25, 1954 |
| Southwest Asia Service Medal (SWASM) (Operations Desert Shield and Desert Storm) | August 2, 1990 to November 30, 1995 |
| Units of the Sixth Fleet (Navy) | May 9, 1945 to October 25, 1955 |
| Vietnam Service Medal (VSM) | July 4, 1965 to March 28, 1973 |

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