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Deanne Hallen  
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10/22/03  
Date

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2299

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10/22/03

Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2299

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 01/30/03

Tape Number	Side A	Side B	Meter #
Tape 1		x	2400-end
Tape 2	x		0-190
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

Senator Karen Krebsbach, Chairman opens SB 2299. All senators present.

Senator Andrist introduces bill (Testimony attached)

Brad Maasjo, Administrative Committee for Veteran's Affairs

Senator Brown: You talked about not having a job description could you do that?

Maasjo: We did, It was done in December and that rose to the resignation of the commandant.

John Jacobsen, ND Veteran's coordinating Council, Veteran Of Persian Gulf War.

Backing the bill with the amendments attached

Opposition

Bernie Wagner (testimony attached)

Senator Krebsbach : Have you been in touch with Brad Maasjo?

Wagner: No

Closed SBA 2299

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*[Signature]*  
Operator's Signature

10/22/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2299

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 02/14/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		0-2450
Committee Clerk Signature			

Minutes:

Senator Karen Krebsbach, Chairman reopens SB 2299. All senators present.

Senator Andrist introduces new amendments for bill.

Brad Maajos, Administrative Committee for Veteran's Home goes over amendments.

Rod Backmann, Veteran's Home: also goes over amendments and what the bill would read now.

Senator Krebsbach : Who is the appointing administrator?

Backmann: The governing board.

Senator Krebsbach : Who is the governing board?

Backmann: The chairman and secretary of the overall administrative committee but the governing board membership has to be ratified by a majority vote.

Senator Nelson : And who chooses the first board, the one that the chairman and the secretary come from?

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Date

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2299

Hearing Date 02/14/03

**Backmann:** Appointed by the governor and there are 5 veteran's groups that each have 3 members on them and they submit names.

**Senator Nelson :** is there some other name that you could call this than the subcommittee.

**Backmann:** I am sure there are. We can rename each board to their specific duties.

**Senator Krebsbach :** Are they equal in power?

**Backmann:** Pretty close, board over home appoints the administrator, where as the subcommittee over the department does not appoint the commissioner her is appointed the overall committee.

**Senator Brown:** Why don't you just have a board of directors and two committees?

**Backmann:** It is a administrative committee and 2 subcommittees.

**Brad maaJos:** the background since 1971 or 72 we have had an administrative committee.

**Senator Krebsbach :** How many members on administrative board?

**MaaJos:** 15

**Senator Krebsbach :** The governing board?

**MaaJos:** 7

**Senator Krebsbach :** The subcommittee?

**MaaJos:** 8

They committee continues to talk about the subcommittees. They end up with an understanding that this is what the Veteran's Home would like to keep as their way of naming the committees.

They have attached a chart explaining the committees

Closed 2299

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*Deanna Waller*  
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10/22/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2299

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 02/17/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		2600-3700
Committee Clerk Signature			

Minutes:

Senator Karen Krebsbach, Chairman re opens SB 2299. All senators present.

Senator Krebsbach hands out new amendment.

Senator Wardner moves to adopt amendment

Senator Brown 2nd

6 Yes 0 No

Senator Wardner moves a Do Pass as amended

Senator Brown 2nd

6 Yes 0 No

Carrier : Senator Krebsbach

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Operator's Signature

Date

30629.0101  
Title.

Prepared by the Legislative Council staff for  
Senate Government and Veterans Affairs  
February 14, 2003

PROPOSED AMENDMENTS TO SENATE BILL NO. 2299

Page 1, line 1, after "37-15-07" insert ", 37-15-10.1,"

Page 1, line 2, replace "commandant" with "administrator" and after "home" insert "and priorities for admission to the veterans' home"

Page 1, line 7, overstrike "Commandant" and insert immediate thereafter "Administrator" and overstrike "- Term -"

Page 1, line 8, overstrike "Salary" and remove "The governor shall appoint the commandant of the veterans' home after consultation"

Page 1, remove line 9

Page 1, line 10, remove "resident of this state. The commandant shall serve at the pleasure of the governor."

Page 1, line 11, remove the overstrike over "appointment, qualifications, term of office, and" and remove "administrative committee on veterans' affairs"

Page 1, line 12, remove "shall determine the", overstrike "commandant" and insert immediately thereafter "administrator", and remove the overstrike over "of the veterans' home must be"

Page 1, after line 13, insert:

**"SECTION 2. AMENDMENT.** Section 37-15-10.1 of the North Dakota Century Code is amended and reenacted as follows:

**37-15-10.1. Priorities for admission to veterans' home.** If the veterans' home is full and a waiting list for admission is necessary, further admission to the veterans' home must be according to the following listing of priorities, so long as the individual meets the admission requirements of sections 37-15-02 and 37-15-10:

1. ~~Veterans with service-connected disability.~~
2. ~~American ex-prisoners of war.~~
3. ~~Wartime veterans with nonservice-connected disability.~~
4. ~~Wartime veterans.~~
5. ~~Discharged North Dakota national guard members who became disabled in the line and discharge of duty.~~
6. ~~Veterans with nonservice-connected disability.~~
7. ~~Veterans.~~
8. ~~Spouses.~~
9. ~~Surviving spouses.~~

Page No. 1

30629.0101

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10/22/03  
Date

~~An individual whose priority is higher than another individual's must be admitted before that other individual priorities for admission to the facility appropriate to the different levels of care that are provided by the veterans' home. The priorities for admission must be established by rule as provided under chapter 28-32.~~

Page 1, line 16, overstrike "subcommittees" and insert immediately thereafter "subcommittee and governing board"

Page 1, line 19, overstrike "from the"

Page 1, overstrike lines 20 through 24

Page 2, overstrike lines 1 through 9

Page 2, line 10, overstrike "thereof is required for any action" and insert immediately thereafter "a seven-member governing board for administration of the veterans' home, from within or outside the committee, subject to ratification of a majority vote of the committee, and shall establish term lengths for service on the governing board. The governing board has all ordinary powers required of a governing board, including the power to establish qualifications for and selection of an administrator and to establish an appropriate salary structure, subject to limitations of legislative appropriation. The administrator serves at the pleasure of the governing board"

Page 2, line 11, overstrike "The committee shall detail the specific powers and duties of each subcommittee"

Page 2, overstrike lines 12 and 13 and insert immediately thereafter "The chairman and secretary of the committee jointly shall appoint a subcommittee to be responsible for supervision and government of the department of veterans' affairs. Once appointed, a subcommittee member may continue to serve as long as the member remains a voting member of the committee, unless removed from the subcommittee by joint action of the committee chairman and secretary. A member of the subcommittee may not serve on the governing board of the veterans' home. Each nominating organization listed in section 37-18.1-01 must have at least one voting member nominated by the organization serving on the subcommittee. The subcommittee shall select by majority vote of the members a chairman to preside for the term of one year."

Page 2, line 17, remove "The"

Page 2, line 18, remove "term", overstrike "of office", remove "is", and overstrike "two years, commencing on July"

Page 2, line 19, replace "first of an odd-numbered year" with "The commissioner serves at the pleasure of the committee"

Page 2, line 20, overstrike "salaries" and insert immediately thereafter "salary" and overstrike "the commandant of the veterans' home and"

Page 2, line 22, overstrike "commandant of the veterans' home and the"

Page 2, line 23, overstrike "their respective"

Page 2, line 24, overstrike "subcommittees" and insert immediately thereafter "the subcommittee", overstrike "commandant and the", and overstrike "have" and insert immediately thereafter "has"

Page 2, line 25, overstrike "subcommittees" and insert immediately thereafter "subcommittee"



Page 2, line 26, overstrike "each of its subcommittees" and insert immediately thereafter "either the board or subcommittee"

Page 3, line 4, after the period insert "The board governing the veterans' home and the subcommittee governing the department of veterans' affairs shall conduct an annual performance evaluation of the administrator and commissioner, respectively, with the evaluation presented to the committee. The board and subcommittee shall create and implement a strategic plan for the veterans' home and the department of veterans' affairs, respectively. The board and the committee annually shall report as to the status of the respective strategic plan to the committee. After receiving a report, the committee shall submit the report to the governor."

Renumber accordingly

Page No. 3

30629.0101

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Operator's Signature

10/22/03  
Date

Date: 2/17/03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2299

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30629.0101 Title .0200

Action Taken Amendment

Motion Made By Wardner Seconded By Brown

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator April Fairfield	✓	
Senator Dick Dever, Vice Chr.	✓		Senator Carolyn Nelson	✓	
Senator Richard Brown	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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Deanna Ballin 10/22/03  
Operator's Signature Date

Date: 2/17/03  
Roll Call Vote #: 2

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2299**

**Senate      Government and Veteran Affairs      Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number 30629.0101 Title .0200

Action Taken Do Pass as amended

Motion Made By Wardner Seconded By Brown

[illegible]

Total (Yes) 6 No 0

Absent 0

Floor Assignment Krebsbach

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

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Deanna Waller  
Operator's signature

10122103

Date \_\_\_\_\_

REPORT OF STANDING COMMITTEE (410)  
February 19, 2003 8:16 a.m.

Module No: SR-32-3213  
Carrier: Krebbsbach  
Insert LC: 30629.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

SB 2299: Government and Veterans Affairs Committee (Sen. Krebbsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2299 was placed on the Sixth order on the calendar.

Page 1, line 1, after "37-15-07" insert ", 37-15-10.1,"

Page 1, line 2, replace "commandant" with "administrator" and after "home" insert "and priorities for admission to the veterans' home"

Page 1, line 7, overstrike "Commandant" and insert immediate thereafter "Administrator" and overstrike "- Term -"

Page 1, line 8, overstrike "Salary" and remove "The governor shall appoint the commandant of the veterans' home after consultation"

Page 1, remove line 9

Page 1, line 10, remove "resident of this state. The commandant shall serve at the pleasure of the governor."

Page 1, line 11, remove the overstrike over "appointment, qualifications, term of office, and" and remove "administrative committee on veterans' affairs"

Page 1, line 12, remove "shall determine the", overstrike "commandant" and insert immediately thereafter "administrator", and remove the overstrike over "of the veterans' home must be"

Page 1, after line 13, insert:

**"SECTION 2. AMENDMENT.** Section 37-15-10.1 of the North Dakota Century Code is amended and reenacted as follows:

**37-15-10.1. Priorities for admission to veterans' home.** If the veterans' home is full and a waiting list for admission is necessary, further admission to the veterans' home must be according to the following listing of priorities, so long as the individual meets the admission requirements of sections 37-15-02 and 37-15-10:

1. ~~Veterans with service-connected disability.~~
2. ~~American ex-prisoners of war.~~
3. ~~War-time veterans with non-service-connected disability.~~
4. ~~War-time veterans.~~
5. ~~Discharged North Dakota national guard members who became disabled in the line and discharge of duty.~~
6. ~~Veterans with non-service-connected disability.~~
7. ~~Veterans.~~
8. ~~Spouses.~~
9. ~~Surviving spouses.~~

(2) DESK, (3) COMM

Page No. 1

SR-32-3213

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Operator's Signature

*10/22/03*  
Date

REPORT OF STANDING COMMITTEE (410)  
February 19, 2003 8:16 a.m.

Module No: SR-32-3213  
Carrier: Krebebach  
Insert LC: 30629.0101 Title: .0200

~~An individual whose priority is higher than another individual's must be admitted before that other individual's priorities for admission to the facility appropriate to the different levels of care that are provided by the veterans' home. The priorities for admission must be established by rule as provided under chapter 28-32.~~

Page 1, line 16, overstrike "subcommittees" and insert immediately thereafter "subcommittee and governing board"

Page 1, line 19, overstrike "from the"

Page 1, overstrike lines 20 through 24

Page 2, overstrike lines 1 through 9

Page 2, line 10, overstrike "thereof is required for any action" and insert immediately thereafter "a seven-member governing board for administration of the veterans' home, from within or outside the committee, subject to ratification of a majority vote of the committee, and shall establish term lengths for service on the governing board. The governing board has all ordinary powers required of a governing board, including the power to establish qualifications for and selection of an administrator and to establish an appropriate salary structure, subject to limitations of legislative appropriation. The administrator serves at the pleasure of the governing board"

Page 2, line 11, overstrike "The committee shall detail the specific powers and duties of each subcommittee"

Page 2, overstrike line 12

Page 2, line 13, overstrike "provided by the veterans' home and the department of veterans' affairs" and insert immediately thereafter "The chairman and secretary of the committee jointly shall appoint a subcommittee to be responsible for supervision and government of the department of veterans' affairs. Once appointed, a subcommittee member may continue to serve as long as the member remains a voting member of the committee, unless removed from the subcommittee by joint action of the committee chairman and secretary. A member of the subcommittee may not serve on the governing board of the veterans' home. Each nominating organization listed in section 37-18.1-01 must have at least one voting member nominated by the organization serving on the subcommittee. The subcommittee shall select by majority vote of the members a chairman to preside for the term of one year"

Page 2, line 17, remove "The"

Page 2, line 18, remove "term", overstrike "of office", remove "is", and overstrike "two years, commencing on July"

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REPORT OF STANDING COMMITTEE (410)  
February 19, 2003 8:16 a.m.

Module No: SR-32-3213  
Carrier: Krebebach  
Insert LC: 30629.0101 Title: .0200

Page 2, line 24, overstrike "subcommittees" and insert immediately thereafter "the subcommittee", overstrike "commandant and the", and overstrike "have" and insert immediately thereafter "has"

Page 2, line 25, overstrike "subcommittees" and insert immediately thereafter "subcommittee"

Page 2, line 26, overstrike "each of its subcommittees" and insert immediately thereafter "the board or the subcommittee"

Page 3, line 4, after the period insert "The board governing the veterans' home and the subcommittee governing the department of veterans' affairs shall conduct an annual performance evaluation of the administrator and commissioner, respectively, with the evaluation presented to the committee. The board and subcommittee shall create and implement a strategic plan for the veterans' home and the department of veterans' affairs, respectively. The board and the committee annually shall report as to the status of the respective strategic plan to the committee. After receiving a report, the committee shall submit the report to the governor."

Renumber accordingly



1962 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SD 2299

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10/22/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2299

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 3-14-03

Tape Number	Side A	Side B	Meter #
1	x		0-27.4
2	x		30.7-33.5
Committee Clerk Signature			

Minutes: Chairman Klein: called the meeting to order on SB 2299. All committee members were present.

Senator Andrist: was present and gave a statement in favor of SB 2299 (SEE ATTACHED TESTIMONY).

Brad Maajeo, Administrative Committee for Veterans Affairs: appeared in support of SB 2299.

When I was appointed to the committee there was wide spread sediment that management changes needed to happen. A performance audit had revealed that there were serious problems with the operation and management of the home and the Commandants' behavior had been referred to the Attorney Generals office, the development of the homes budget had been taken over by OMB. What I would like to address is the difficulties we encountered when we set out to fix that problem. The first obstacle was the change of leadership, the code says that the Commandant was appointed to a 2 year term and that term had not expired, there was no current adequate job description for the Commandant and he never received a performance job

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Operator's Signature

10/22/03

Date



Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2299

Hearing Date 3-14-03

evaluation. With out documentation of inadequate job performance and a record of his actions the Attorney Generals Office advised us that it would be difficult if not impossible to dismiss the incumbent. We all made the necessary changes, we documented the performance, created a job description, gave the individual opportunity, I should say the incumbent we had there was never and question about his dedication to the job, or quality of care, but there was really serious management problems. It was a long and difficult process and the change to the code will prevent this, from this situation occurring again. Regarding removing the requirement for the Commandant to be a veteran the main reason is really demographic, everybody agrees the desirable situation would be to have a veteran as a Commandant or Administrator, but in North Dakota will simply don't have enough people who are both professionally qualified as heath care administrators and also a veteran. We already have a veterans preference law, so if it comes down to 2 equally qualified if one is a veteran and one isn't, the veteran will get the job. Regarding changing the name of the Commandant to administrator, it was originally called the Old Soldiers Home, and it was a place where soldiers went and had their golden years it changed from a home to a Nursing Home and the name of the leader should reflect that change, the change would bring us into line with surrounding states, and very possibly help with recruiting. We would like the administrative committee to continue to appoint both administrators and the Commissioner of Veteran's Affairs, but remove the term of appointment this would prevent the problem that happened last fall from happening again, and I might point out that without these changes the Governors Office would have encountered the same difficulty that we had last fall. Because we are currently without a Commandant we would like these changes to be enacted with an emergency clause.

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Date

Page 3

House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2299

Hearing Date 3-14-03

Representative Winrich: shouldn't it say in section 2 on line 13 subcommittee instead of committee?

Brad Masieo: yes it should.

Representative American: did you say that anybody can be admitted to the home?

Brad Masieo: we made a 13 item list of criteria and make that into law but we then made it policy.

Representative Metcalf: I'm not really here to testify, I'm just here to support what's being done at this point. I was originally involved with this process last May when we started hearing some of his performances reports from the Veterans Home and have been staying on top of this because it is in my district and I do have a little military experience besides. I must congratulate the Veterans organization that have taken the necessary steps that have gotten to this point.

Bob Hanson, Vice Chairman Veteran's Coordinating Council: I just want you to know that we have voted unanimously to support the bill especially with the amendments.

Jim Coats, Veterans Coordinating Council, Legislative Subcommittee: this is the first step in making the Veterans Home a viable institution like it was several years ago.

Representative Devlin: moved to AMEND as stated by Representative Winrich SB 2299.

Representative Grande: SECOND the motion to amend.

All were in favor.

Representative Haas: made a motion to DO PASS AS AMENDED SB 2299.

Representative Sitte: SECOND the motion.

VOTE: 14-YES 0-NO 0-ABSENT.

Motion carried to DO PASS AS AMENDED.

Page 4  
House Government and Veterans Affairs Committee  
Bill/Resolution Number SB 2299  
Hearing Date 3-14-03

Representative Winick: will carry the bill to the floor.

Meeting adjourned.

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Deanna Hall  
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10/22/03

Date

30629.0201  
Title.0300

Adopted by the Government and Veterans  
Affairs Committee  
March 14, 2003

House Amendments to Engrossed SB 2299 - Government and Veterans Affairs  
Committee 03/14/2003

Page 4, line 13, replace "committee" with "subcommittee"

Renumber accordingly

1 of 1

30629.0201

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10/22/03

Date

Roll Call Vote #:

Date: 3-14-03

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTE  
SENATE BILL/RESOLUTION NO. SB 2299

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Move to Amend p. 4 Line 1B

Motion Made By

Rep. Devlin

Seconded By

Rep. Grande

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein			B. Amerman		
Vice Chairman B.B. Grande			L. Potter		
W.R. Devlin			C. Williams		
C.B. Haas			L. Wmrich		
J. Kasper					
L.R. Klemin					
L. Meier					
M. Sitte					
W.W. Tieman					
R.H. Wikenheiser					

Total (Yes) No

Absent

passed.

Floor Assignment

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

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Operator's Signature

10/22/03

Date

Roll Call Vote #:

Date: 3-14-03

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTE  
SENATE BILL/RESOLUTION NO. 2299

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30629.0201

Action Taken Do Pass As Amended

Motion Made By Rep. Haas Seconded By Rep. Sitte

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	X	
W.R. Devlin	X		C. Williams	X	
C.B. Haas	X		L. Winrich	X	
J. Kasper	X				
L.R. Klemin	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 14 No 0

Absent -0-

Floor Assignment Rep. Winrich

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

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Date

**REPORT OF STANDING COMMITTEE (410)**  
March 17, 2003 8:40 a.m.

Module No: HR-47-4861  
Carrier: Winrich  
Insert LC: 30629.0201 Title: .0900

**REPORT OF STANDING COMMITTEE**

SB 2299, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2299 was placed on the Sixth order on the calendar.

Page 4, line 13, replace "committee" with "subcommittee"

Renumber accordingly



2003 TESTIMONY

SB 2299

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Dennis D. Hall  
Operator's Signature

10/22/03

Date



"bernie"  
<bernie@oslosable.net  
>

01/28/2003 08:58 AM

To: "Rich Wardner" <rwardner@state.nd.us>, "Carolyn Nelson"  
<cnelson@state.nd.us>, "Karen Krebebach"  
<kkrebeba@state.nd.us>, "April Fairfield"  
<afairfie@state.nd.us>, "Dick Dever" <ddever@state.nd.us>,  
"Richard Brown" <rbrown@state.nd.us>

cc:  
Subject: SB 2299

I am Bernie Wagner, Past Department Commander Disabled American Veterans, Past Chairman of the Administrative Committee on Veterans Affairs, Past Chairman of the North Dakota Veterans Home Sub Committee and presently serving as the Ombudsman for the North Dakota Veterans Home. I disagree on SB 2299 for an act to amend and reenact sections 37-15-07 and 37-18.1-03 of the North Dakota Century Code in regards to the North Dakota Veterans Home. Please consider my opposition to this bill. I plan on being at the hearing on Jan 30 at 10:00 am. Bernard A. Wagner, 1120 5th St NE Apt #206, Valley City, NDak

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Deanna Wallis  
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10/22/03  
Date

**SB 2299**  
**North Dakota Government and Veteran Affairs Committee**  
**Testimony by John M. Andrist, State Senator, District 2**  
**Thursday, January 30, 2003, 10:00 a.m.**

Madame chairman and members of the GVA committee.

SB 2299 could be the end of the trail for restoring good management and administrative practices at the Veteran's Home in Lisbon, an institution of which all of us are most proud.

After more than six years of dealing with disjointed budgets and mismanagement issues and more recently with a very bad performance audit, the commandant has resigned, and I believe we have come together with an understanding of a methodology to prevent a recurrence of future mismanagement problems.

This bill has been adopted with some collaboration between members of the Veterans Administrative Committee, and myself -- based on my experience working the Veterans Home Budget for the past two sessions of the legislature.

There may be amendments offered by the Veterans Administrative Committee, and I want to assure you that I welcome them and urge you to consider them, even though I may not personally endorse them. I understand it is a work in progress.

The administrative committee has now created a sub-committee on their own initiative, planning to develop hands-on management and oversight policies, and I applaud them. After the bill was drafted, it occurred to me that the law would be strengthened if we created this Veteran's Home governing board in statute, and empowered the Administrative Committee to make the appointments.

I think this concept would particularly strengthen our law if you should desire to amend the law by taking the governor out of the appointment process, after you hear testimony from the Administrative Committee. If you agree with this concept I would be delighted to direct preparation of the amendment for you in consultation with Brad Maasjo, who is chairman of the Administrative Committee.

Committee members, this is a historic occasion in the life of our Veterans Home, and I am confident we are about to bring this revered institution into 21st century good management.

Good morning, Senator Krebsbach and members of the Senate Government and Veterans Affairs Committee.

My name is Brad Maasjo. I am a member of the Administrative Committee for Veterans Affairs, and chairman of its Veterans Home Subcommittee. I am here to speak in favor of SB 2299 and to recommend amendments that will make it even better. These recommendations are supported by the Administrative Committee for Veterans Affairs, which IAW NDCC 37-18.1-03 "is responsible for organization, policy, and general administration of all veterans' affairs in the state of North Dakota", and by the Veterans Coordinating Council. These groups represent all the major veterans' organizations within the state of North Dakota.

When I was appointed to the Administrative Committee last fall, there was widespread sentiment that management changes were needed at the North Dakota Veterans Home. A performance audit had revealed serious problems with operation and management, the commandant's behavior had been referred to the Attorney General's office for investigation into possible misconduct and criminal prosecution, and development of the home's budget for the 2003-2005 biennium had been taken over by OMB. The list goes on and on, but I do not need to belabor the point -- the audit is a matter of record.

What I would like to address is the difficulties we encountered when we set out to fix the problems, and how the law could be changed to help us.

One of the first options considered was a change of management, but as we reviewed our alternatives, we discovered:

The NDCC said that the commandant was appointed to a term of two years, which would not expire until June 30, 2003.

There was not a current job description for the commandant's position.

The commandant had never received a comprehensive performance evaluation.

With a specified term of appointment, without adequately documented substandard job performance, and without a progressive record of increasingly stringent action, the attorney general's office advised that it would be difficult if not impossible to dismiss the incumbent, and recommended against it.

Well we began to take all the necessary actions, and this was culminated by the commandant's resignation last week. But it was a long, difficult and costly process, and a change to the NDCC will prevent this situation from occurring again.

These are the changes we request:

Remove the requirement for the commandant to be a veteran. Our main reason is demographic. In North Dakota we simply don't have enough people who are professionally qualified as healthcare administrators and also veterans to recruit from. We already have a veteran's preference law, so if it comes down to two people equally qualified, one a veteran and one not, then the veteran would and should get the job. But, if it comes down to choosing between someone who knows how to run a healthcare facility or someone who has military experience, which one would we rather have? We favor lifting as many restrictions as possible in order to recruit the most qualified candidates, and empowering the Administrative Committee, who are all veterans, to pick the best one. Most other states have eliminated this requirement.

Change the name of the Commandant to Administrator. As the paradigm of long-term care has evolved, the name of our institution was changed from "Old Soldiers Home" to the North Dakota Veterans Home. The name of its leader should also reflect sociological evolution. This change would bring us in line with surrounding states, possibly help with recruiting, and, if someone who is not a veteran were selected, eliminates any problem with the military title.

Allow the Administrative Committee to continue to appoint both the Administrator of the Veterans Home and the Commissioner of Veterans Affairs, but remove the term of appointment and change the law so that it is clear both these individuals serve at the pleasure of the committee. This would prevent the problem we have just been through from happening again. (And without this change, the Governors office would have had the same difficulty we had.)

Because we now have a vacant commandant position, we would like these changes to be enacted with an emergency clause. Additional changes that will help us to effectively manage include:

Require the Subcommittee for the Department of Veterans Affairs to accomplish a performance evaluation of the Commissioner of Veterans Affairs at least annually, and the Veterans Home Subcommittee to accomplish a performance evaluation of the Administrator at least annually.

Require the Department of Veterans Affairs and the Veterans Home to develop and maintain a strategic plan with quarterly reports to their subcommittees, and the Administrative Committee for Veterans Affairs to develop and maintain a strategic plan with an annual report to the governor.

Revise the priorities for admission to the Veterans Home to resolve conflicts between State and Federal regulations. (See attached list)

We have achieved many things since last fall, and have more to do. These changes would enable us to manage veteran's affairs more effectively, and give us more tools to achieve our goal of having the best veteran's home in the nation. Thank you.

**37-15-10.1**

**Priorities for admission to the North Dakota Veterans Home Skilled Nursing Facility:**

**Skilled Nursing facility residents who have been medically discharged will be eligible for readmission in accordance with State and Federal Regulation.**

**Admission to the Skilled Nursing Facility must be according to the following listing of priorities, so long as the individual meets the admissions requirements as set by the Administrative Committee on Veterans Affairs and the State and Federal Requirements for Nursing Home Placement:**

- 1. Residents of the North Dakota Veterans Home Basic Care Unit in need of a skilled nursing home.**
- 2. Former residents of the North Dakota Veterans Home Basic Care Unit who have been medically discharged and placed into an outside skilled nursing facility**
- 3. Veterans with service-connected disability.**
- 4. American ex-prisoners of war.**
- 5. Wartime veterans with nonservice-connected disability.**
- 6. Wartime veterans.**
- 7. Discharged North Dakota National Guard members who became disabled in the line and discharged of duty.**
- 8. Veterans with nonservice-connected disability.**
- 9. Veterans.**
- 10. Spouses.**
- 11. Surviving spouses.**

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10/22/03  
Date

**Priorities for admission to the North Dakota Veterans Home Basic Care Unit:**

**Admission to the Basic Care Facility must be according to the following listing of priorities, so long as the individual meets the admissions requirements as set by the Administrative Committee on Veterans Affairs and the State and/or Federal Requirements for Basic Care Placement:**

1. Residents of the North Dakota Veterans Home Skilled Care Unit in need of Basic Care services.
2. Veterans with service-connected disability.
3. American ex-prisoners of war.
4. Wartime veterans with nonservice-connected disability.
5. Wartime veterans.
6. Discharged North Dakota National Guard members who became disabled in the line and discharged of duty.
7. Veterans with nonservice-connected disability.
8. Veterans.
9. Spouses.
10. Surviving spouses.

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10/22/03  
Date

Chairman Krebbach and members of the Government and Veterans Affairs Committee.

I am Bernie Wagner of Valley City, NDak. and I am here to request that you reconsider the changes that were made in SB 2299 in section 1.

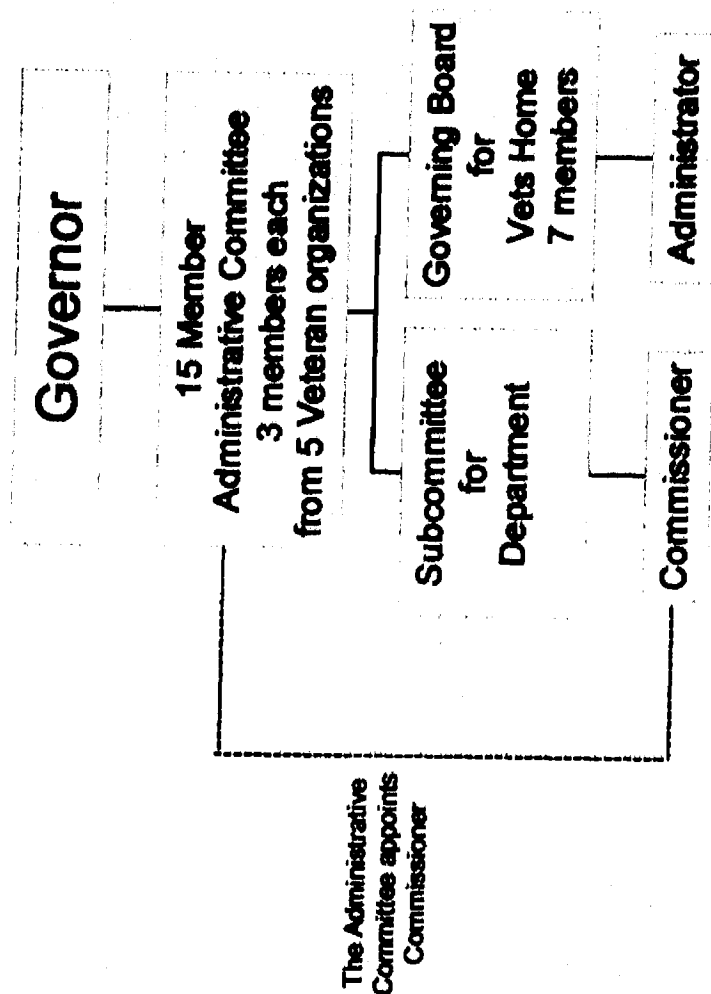
AMENDMENT. Section 37-15-07 of the North Dakota Century Code for the following reasons:

As you know the Governor at the present time appoints the members to the Administrative Committee on Veterans Affairs and the Governor appoints a Chairperson of that committee and a Secretary and they in turn appoint members to the North Dakota Veterans Home sub committee and to the North Dakota Department of Veterans Affairs sub committee. When a vacancy occurs in the Commandants position, as it did when Commandant Frank Gathman retired, the Veterans Home Sub Committee advertised for this position. When the application deadline had been met, an interviewing committee was formed made up of the Sub Committee of the Veterans Home and one person from North Dakota Job Service, Bismarck NDak. After the applications were screened the Interviewing Committee notified the applicants that met the criteria and set up interview times. When the selection had been made they notified the entire committee of their choice and they in turn notified the Veterans Coordinating Council. The Council then notified the Governor of the selection and he in turn made the announcement of the Commandant of the North Dakota Veterans Home. The Governor made the appointments to the Administrative Committee and they in turn presented their selection to him. Therefore, I believe, he presently is the authority on the appointment through his committee that he has appointed from the Veterans Organizations in the State of North Dakota. If 37-15-07 is not amended there would be no need to amend 37-18-03 unless you would want to make a house cleaning statement in paragraph 3 line 17, 18 & 19, the term of office.

Bernie Wagner  
Operator's Signature

10/22/03  
Date

# Veterans Home Organizational Chart



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10/22/03

Date



**SB 2299**

**North Dakota House Government and Veteran Affairs Committee  
Testimony by John M. Andrist, State Senator, District 2  
Friday, March 14, 2003, 8:30 a.m.**

Members of the House GVA committee.

North Dakota veterans who serve on the administrative committee have been working hard to solve administrative, accounting, and other problems at our North Dakota Veterans Home. SB 2299 is a collaborative effort to put into place a governance structure which can help make that happen, and at the same time set the course for good governance in the years ahead.

The basic provisions are:

1. Responsibility for the home will be vested in a workable, intelligently sized governing board -- rather than a subcommittee made up of administrative committee members.
2. There will no longer be a titled Commandant serving a designated term of office. In that place will be an administrator, chosen by the governing board, serving at the pleasure of that board.
3. The administrative committee will retain the authority to select the governing board members, who may be, but need not be, members of the administrative committee. In other words, they may (or may not) choose to appoint others with administrative experience and/or management skills to do the work, or they may do it themselves.

While I take a bit of proud ownership in this bill, the content is not exactly what I would have chosen and it is not exactly what the administrative committee would have chosen. But it is the product of good collaboration, for which I give most of the credit to Brad Maasjo, who has made this fix a consuming personal commitment. And I'm going to have him tell you something of his vision and why this bill is important to achieving that vision.

Committee members, this is a historic occasion in the life of our Veterans Home, and I am confident we are about to bring this revered institution into 21st century good management.

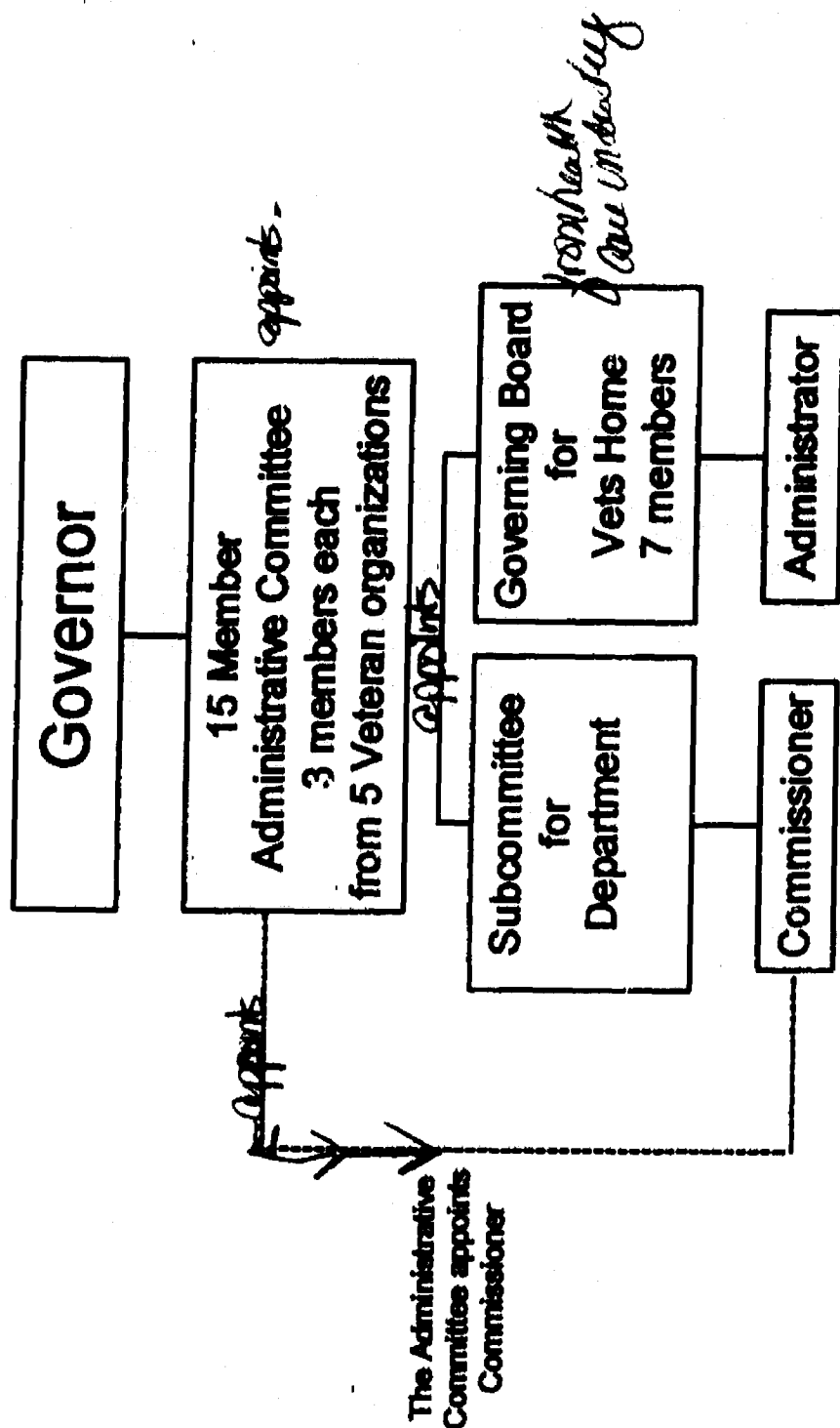
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# Veterans Home Organizational Chart



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*Deanna Hall*  
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