

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2198

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2198

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2198**

Senate Government and Veterans Affairs

☐ Conference Committee

Hearing Date January 27 , 2005

Tape Number	Side A	Side B	Meter #
1	x		0-337
Committee Clerk Signature <i>Diane Davis</i>			

Chairman Krebsbach opens hearing on 2198

Relating to tuition waivers and grants for national guard members.

John L. Jacobsen - Chairman of the Legislative Committee of the ND Veterans Coordinating Council. See written testimony.

Senator Syverson - Asked how many members are represented by the organization.

Jacobson - VFW - 12,000 members, American Legion, 9,000, unsure of other organizations.

Recess till 8:30, 1/28/05

(meter #337)

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2198

Senate Government and Veterans Affairs

☐ Conference Committee

Hearing Date 1/28, 2005

Tape Number	Side A	Side B	Meter #
1	x		0-2786
2		x	563-986
Committee Clerk Signature <i>Diane Davis</i>			

Chairman Krebsbach reopens hearing on SB2198

Relating to tuition waivers and grants for national guard

Senator Ryan Taylor - See written testimony - speaks in favor of this bill.

Senator Stan Lyson - Testifies in support of this bill.

Dennis Oster - Velva, ND - See written testimony.

(meter #640)

Rick Ryan - Secretary of the ND Administrative Committee on Veterans' Affairs - See written testimony. In support of bill.

(meter #1477)

LTC David Thiele - Staff Judge Advocate - Opposing bill - see written testimony.

Senator Syverson - Asked what the re-enlistment bonus is.

Thiele - Responded it is typically tied to the length of service and how long your willing to commit.

(meter #2756)

Closed hearing on 2198

(meter #560, tape 2 side B)

Discussion on SB2198

Senator Nelson - Asked who got the refund back from the private institutions.

Senator Krebsbach - Understood but did not think we would have any jurisdiction over the private colleges or out of state institutions.

Senator Syverson - Said that the Guard is facing a serious recruiting situation and will become even more serious with time. The original intent of this legislation was to provide a recruiting and retention tool for the National Guard. This bill would provide a certain amount of motivation for terminating the relationship with the National Guard. Also said that people returning from Iraq will not be able to enroll in any college at this time. So they will have lost nine months of eligibility. If we are in favor of this bill he would recommend it be amended to indicate that a period of eligibility would commence with their enrollment in college.

But he does not support this bill. They can extend to help with their education.

Senator Syverson- moved for a do not pass

Senator Brown - seconded

(meter #943)

Page 3

Senate Government and Veterans Affairs Committee

Bill/Resolution Number **SB 2198**

Hearing Date January 28, 2005

Motion carries with 4 yes, 1 no

Senator Syverson will carry.

(meter #986) end

FISCAL NOTE
Requested by Legislative Council
01/12/2005

Bill/Resolution No.: SB 2198

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The fiscal impact of SB 2198 is not quantifiable. It is unknown how many mobilized guard members would leave the guard prior to completion of their education or how many would begin school after leaving the guard. Since 2001 about 2,895 national guard soldiers and airman have been mobilized. Each individual qualifying student would cost approx. \$3,000 based on the addition of one school year with 25% tuition waiver and \$1,000 per semester tuition reimbursement. That cost assumes only one year of Title 10 mobilization. There will also be additional costs associated with recruiting and training replacements for those guard members who would have otherwise remained in the guard to complete their education.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	LTC Dave Thiele	Agency:	Adjutant General's Office
Phone Number:	333-2009	Date Prepared:	01/14/2005

Date: 1/28/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2198

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not Pass

Motion Made By Senator Syverson Seconded By Senator Beern

Senators	Yes	No	Senators	Yes	No
Karen K. Krebsbach, Chairman	X		Carolyn Nelson		X
Richard L. Brown, Vice Chairman	X				
Judy Lee	X				
John O. Syverson	X				

Total (Yes) 4 No 1

Absent 0

Floor Assignment Senator Syverson

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

REPORT OF STANDING COMMITTEE (410)
January 31, 2005 2:52 p.m.

Module No: SR-20-1484
Carrier: Syverson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2198: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).
SB 2198 was placed on the Eleventh order on the calendar.

2005 TESTIMONY

SB 2198

2/98

North Dakota Veteran's Coordinating Council

My name is John L. Jacobsen. I am the chairman of the Legislative Committee of the North Dakota Veterans Coordinating Council. I am a member of both the VFW and the American Legion. I am also a member of the VFW National Legislative Committee. We work directly with our Members of Congress on legislation at the national level.

I served 29 years in the ND National Guard and the US Army Reserve, retiring in 1995 with the rank of Colonel. I served on active duty in 1991 in the Persian Gulf stationed in the United Arab Emirates.

The NDVCC membership is comprised of 15 members representing the five (5) veterans' organizations in the state. (3 from each organization) They are:

- American Legion
- AMVETS
- Disabled American Veterans (DAV)
- Veterans of Foreign Wars (VFW)
- Vietnam Veterans of America (VVA)

These organizations represent approximately 60,000 veterans currently living in North Dakota.

I am a member of the Legislative Committee of the NDVCC. I am not a member of the NDVCC but report directly to them. In order for the Legislative Committee to support any bill brought up before our Legislature, concurrence must be unanimous, that is all 15 members must agree that we should support the bill. A single negative response will kill our support.

**Veterans by County
As of 19 January 2005**

Adam	251
Barnes	1,229
Benson	526
Billings	125
Bottineau	750
Bowman	254
Burke	262
Burleigh	6,650
Cass	10,414
Cavalier	474
Dickey	535
Divide	277
Dunn	359
Eddy	273
Emmons	405
Foster	311
Golden Valley	204
Grand Forks	6,423
Grant	279
Griggs	284
Hettinger	331
Kidder	274
LaMoure	430
Logan	203
McHenry	681
McIntosh	300
McKenzie	598
McLean	1,049
Mercer	860
Morton	2,370

Mountrail	693
Nelson	468
Oliver	175
Pembina	950
Pierce	487
Ramsey	1,051
Ransom	672
Renville	330
Richland	1,444
Rolette	959
Sargent	417
Sheridan	192
Sioux	332
Slope	52
Stark	2,079
Steele	242
Stutsman	2,187
Towner	285
Traill	893
Walsh	1,343
Ward	6,154
Wells	512
Williams	2,067

TOTAL	61,365
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This total is 2,307 more than in

September 2004

Source:

Department of Veterans Affairs - Bismarck

NORTH DAKOTA DEPARTMENT OF VETERANS AFFAIRS
 MAIN OFFICE: 2nd Street S, P. O. Box 9003, Fargo, ND 58106-9003
 TEL: 701-239-7165 FAX: 701-239-7166
 TOLL-FREE: 1-866-634-8387

Jan 9, 2005

BRANCH OFFICE: [REDACTED]
 1929 N. Washington, Fargo, ND 58103-7184
 Bismarck ND 58507-7184
 TEL: 701-328-5465 FAX: 701-328-544

#	COUNTY	SERVICE OFFICER	MAILING ADDRESS	HOURS	TELEPHONE WORK HOME FAX	FY VET
01	ADAMS	Arnold K. Scott arnie@pop.ctctel.com	Box 686	No Regular Hours	567-4283 567-2910 - 251	
02	BARNES	James T. Drong jdrong@co.barnes.nd.us	230 4th St NW, Room 103	M-F, 8-5	845-8511 646-6561 845-8590 - 1,229	
03	BENSON	Jo Dahlen jodahlen@state.nd.us	Box 52	W & Fri 8-4:30	473-5451 473-5339 473-5571 - 526 Or 473-5324 ext. 3	
04	BILLINGS	Roy A. Basaraba	2123 Highway 85 SW	M-F, 8-5	575-4948 125	
05	BOTTINEAU	Dwight Nahinurk nahinurk@ndak.net	4111 Main Street Memorial Building	M & W 9-3	228-3904 263-4700 228-3904 - 750	
06	BOWMAN	Patricia Ann Sadowsky sadowsky@pop.ctctel.com	Box 3	No regular hours	523-5512 523-5443 - 254	
07	BURKE	Allen Ryberg bowlins@ncray.com	Box 10	M-F, 9-4 On call remaining days	377-2739 377-2813 377-2799 - 262	
08	BURLEIGH	Mark Landis mlandis@state.nd.us Cindy Munsch cmunsch@state.nd.us Joyce Hochhalter jhochhal@state.nd.us	Box 5518 221 N 5th St	M-F, 8-5	222-6698 663-2747 222-6420 - 6,650	
09	CASS	James Brent Brent@co.cass.nd.us Chanelle B. Lende (241-5745) lende@co.cass.nd.us Mike Vandrovec (241-5741) vandrovecm@co.cass.nd.us	P. O. Box 2806	M-F, 8-5--Government Annex	241-5746 298-9369 239-6751 - 10,414	
10	CAVALIER	Anna Spivey aspivey@state.nd.us	901 3rd St	Tues & Wed-9-12, by appt.	256-2146 256-2867 256-2566 - 474	
11	DICKEY	Steve C. Frojen	Box 388 309 2nd Avenue	Oakes-1-5:00 M-T,TH-F Ellendale-Wed 1:00-5	742-2223 742-2502 535 349-3249 Ext. *830	
12	DIVIDE	Roman Fettig roman.fettig@sendit.nodak.edu	Box 143	Flexible	694-2711 965-6948 965-6943 - 277	
13	DUNN	Irene Nelson inelson@state.nd.us	Box 130	M-F, 8-5--Courthouse	456-7654 227-1244 456-7628 - 359	
14	EDDY	Alfred Ritzke, Jr. ajritzke@stellarnet.com	208 3rd Ave S	No regular hours	947-2384 273	
15	EMMONS	Alex Ohlhauser	500 Schley Ave W	M & T, 8-4:30 W, 8-12	254-5410 254-4814 254-4012 - 405	
16	FOSTER	Wally Purcell wpurcell@state.nd.us	Courthouse, PO Box 80	Wed, 9-11:30 Thu, 12:30-4:30pm	652-2170 652-1340 652-2173 - 311	

January 26

COUNTY	SERVICE OFFICER	MAILING ADDRESS	HOURS	TELEPHONE WORK	TELEPHONE HOME	F. VET
17 GOLDEN VALLEY	Irene Nelson	Sarah Galster Box 130	M-F, 8-5-Courthouse	Dickinson 58602-0130	456-7654 227-1244	456-7634 - 204
18 GRAND FORKS	Thomas M. Saddler Tom.Saddler@gfcounty.com	Cathy Westensee Cathy.Westensee@gfcounty.com Peggy Koehler	M-F, 8-5 County Office Bldg.	Grand Forks 58206	780-8296 795-7062	787-8603 - 6,423
19 GRANT	Jack Heyne jheyne@state.nd.us	none	T, W & Th, 1-4	Carson 58529	622-3693 622-3098	279
20 GRIGGS	Robert Messner	none	Every 2 nd & 4 th Thursday, 9-12 on call other days	Binford 58416	797-3717 676-2720	284
21 HETTINGER	Lowell G. Prince	Marlys Prince	No regular hours	Regent 58650	563-4542	563-4519 - 331
22 KIDDER	A. G. Skip Thomas agthomas@state.nd.us	none	Mon 9-5	Steele 58482	475-2632 475-2132 ext. 7	274
23 LAMOURE	Michial Johnson mjohonso@state.nd.us	none	M-F, 9-5	LaMoure 58458	883-5301 883-4274	883-4220 - 430
24 LOGAN	James J. Hiltzenderger jhiltzend@state.nd.us	none	M-F, 8:30-4:30 - Courthouse	Napoleon 58561	754-2239 754-2911	754-2270 - 203
25 McHENRY	Francis R. Hoynes redhoyne@srt.com	none	Wed 9-11; 1-3 On call other days	Towner 58788	537-5724	537-5782 681
26 MCINTOSH	L. Pete Keaveny pam@bektel.com	none	No regular hours Ashley 2 nd Fri, 9-3	Wishek 58495-9702	452-4228 452-4336 cell phone: 321-1267	300
27 MCKENZIE	Jerry Samuelson jsamuelson@4eyes.net	none	M-F, 8-5	Watford City 58854	444-6853	444-4113 - 598
28 McLEAN	Todd Schreiner tschreiner@state.nd.us	none	M-F, 8-4:30	Washburn 58577-1108	462-8541 ext. 235	462-3542 - 1,049
29 MERCER	Gerald Beck	none	M & T, 7-3	Stanton 58571	745-3392 948-2494	745-3579 - 860
30 MORTON	Ronald Otto rotto@state.nd.us	Lucille Rova	M-F, 8-5 Courthouse	Mandan 58554	667-3365 663-7921	667-3284 - 2,371
31 MOUNTRAIL	Gene H. "Skip" Wing ghw@midstatel.com	Lisa Lapica	M-F, 8:30-5:00	Stanley 58784	628-2063 628-2137	628-3063 - 693
32 NELSON	Trish Hodny phodny@state.nd.us	none	1 st 3 rd , & 4 th Wed-Courthouse, 9-4:30 2 nd Wednesday, 9-noon-Courthouse 1-4:30 - McVile Firehouse Community Room	Lakota 58344	247-2531 247-3301	247-2412 - 468
33 OLIVER	Ronald Otto	none	2 nd Tuesday, 8:30-4 Courthouse	Center 58530	794-3404	175
34 PEMBINA	Ronald Berg ronberg@state.nd.us	none	Tues, Wed 9-5, Thurs 9-1 M & F-on call	Cavalier 58220-4100	265-4460 257-6617 cell phone: 520-2704	265-4228 - 950
35 PIERCE	Dwight Liming	Bertha Liming	Mon - Courthouse, 8-5	Rugby 58368	776-6178 776-6803	776-5707 - 487

COUNTY	SERVICE OFFICER	MAILING ADDRESS	HOURS	WORK	PHONE	VEI
36 RAMSEY	Earl H. Hanson ehanson@gondc.com	524 4th Avenue #17	Monday 8-5, Tues & Wed 8-1 Answering Machine other days	662-7048	662-3504	7092 - 1,051
37 RANSOM	Tom McKinnon tmckinnon@state.nd.us	P. O. Box 830 Courthouse	W & Th 8:30-5:00	(Ext. 126) 683-5823		683-5827 - 672
38 RENVILLE	William Allen dandbe@srf.com	Box 481	M-F, 1-5		756-6403	756-6391 - 330
39 RICHLAND	William B. Peschel bpeschel@pioneer.state.nd.us	418 2nd Avenue N.	M-F, 8-5 Courthouse	642-7807	642-2714	642-7808 - 1,444 cell phone: 701-640-1398
40 ROLETTE	Beryl Rogers	Box 939	Wed, 11-3	477-5265	477-3677	477-6339 - 959
41 SARGENT	Norman E. Preble npreble@state.nd.us	P.O. Box 177	T-W-Th, 9-12 & 12:30-4:30	724-6241 Ext. 8	724-6335	724-6244 - 417
42 SHERIDAN	Paul E. Stober	1651 7th St N.E.	No regular hours		884-2658	192
43 SIOUX	Giles Heinen	Box L	Monday, 9-1	854-3424	422-3493	854-3854 - 332
44 SLOPE	Alvin B. Rotering	13607 61 st St. SW	Anytime		879-6292	52
45 STARK	Irene Nelson inelson@state.nd.us	Box 130	M-F, 8-5-Courthouse	456-7654	227-1244	456-7634 - 2,079
46 STEELE	Dennis Kubischta summersharvest@invismax.com	R.R. 1, Box 35	Anytime		945-2623	945-2597 - 242
47 STUTSMAN	Warren Tobin wtobin@state.nd.us	205 6th St SE, LEC	M-F, 8-5	252-9043		252-7087 - 2,187
48 TOWNER	John R. "Jack" Freund	Box 279	Tue, Wed & Thurs 9-5	968-4363	968-3840	968-4367 - 285
49 TRAILL	Melbourne L. Johnson meljohnson@state.nd.us	Box 785	T&W 8-4:30, Th 1-4:30 Crths Thursday 8:30 - 11:30	636-4414 788-2166	636-4911	636-5418 - 893
50 WALSH	Brendan J. Brazil walshvso@state.nd.us	638 Cooper Avenue	M 8-4:30 T, W & TH 8-Noon	352-5030	248-3931	352-5072 - 1,343
51 WARD	Dale E. Braun wardvets@yahoo.com	P. O. Box 5005 cindy@pfeiffer@hotmail.com	M-F, 8-4:30	857-6490	852-9588	857-6491 - 6,154
52 WELLS	Dean E. Johnson djohnso7@attfarm.com	713 Lincoln Avenue	M-F, 9-5	324-2888	324-4120	512
53 WILLIAMS	Robert Evans bobe@co.williams.nd.us	Box 2047 Deputy VSO helena@co.williams.nd.us	M-F, 8-5:00 Courthouse	577-4550	572-9187	577-4549 - 2,067
Total						61,365

TRIBAL SERVICE OFFICERS

FORT BERTHOLD Thomas Crossheart Sr. Jim Bear, Asst.
Three Affiliated Tribes tcrossheart@mhanation.com jbear@mhanation.com

FORT TOTTEN - vacant
STANDING ROCK - vacant

New Town 58763-9404

627-4781 627-4395 627-3805
Ext. 8336

NORTH DAKOTA VETERANS AFFAIRS

Bob Hanson, Commissioner
bhanson@state.nd.us

Cathy Halgunseth
chalgun@state.nd.us

Ross DeSauteI
VSORDesa@vba.va.gov

Gene Kouba
gkouba@state.nd.us

Katie Potts
kmpotts@state.nd.us

NATIONAL SERVICE OFFICERS

American Legion - Jim Deremo
adjutant@ndlegion.org
451-4646

AMVETS - Dan Dewey
vsotaramddewey@vba.va.gov
451-4642

D.A.V. - Greg Seurer
vsogseur@vba.va.gov
451-4636

V.F.W. - Dale Roming
vfwdrnm@vba.va.gov
451-4634

MNDVA & AL - Roger Bengtson
drvarbeng@vba.va.gov
451-4641

VA REGIONAL OFFICE - TOLL FREE: 1-800-927-1000 access code 13701

FARGO VA HOSPITAL: 701-232-3241
TOLL FREE: 1-800-410-9723

ND VETERANS HOME: 701-683-6500

NORTH DAKOTA DEPT. OF VETERANS AFFAIRS - TOLL FREE: 1-866-634-8387

Website: www.state.nd.us/veterans

2198

Statement SB 2198
Rick Ryan, Secretary ACOVA
Senate Government & Veterans Affairs Committee
28 January 2005

Madam Chairperson, member of the committee. I am Rick Ryan, Secretary of the North Dakota Administrative Committee on Veterans' Affairs (ACOVA). The administrative committee on veterans' affairs is a 15 member committee of veterans appointed by the Governor from names submitted to him from the state's 5 major veterans organizations. There are three (3) members from each of the 5 organizations who serve staggered 3 year terms... Our committee is responsible for the state department of veterans' affairs and the state veterans' home.

On behalf of the Administrative Committee on Veterans' Affairs I am here to express our support for SB 2198 and ask for your favorable support of the bill.

The North Dakota National Guard has used their Tuition Assistance program as a recruitment and retention tool for many years. Over the past several years as activations have occurred service members have left our communities at a moments notice to be deployed around the world forcing them to leave families, jobs and in some cases disrupting their education. These members have served our Nation as well as North Dakota honorably and faithfully for the time they were called to duty. Their service has allowed us to maintain the freedoms we enjoy today.

This bill would rightfully allow those returning veterans to pick up their lives at the same point as when they were activated. If the Guard's tuition Assistance program's intent is to be used as a recruiting/retention tool as a benefit then we have an obligation to honor that commitment. This bill does exactly that. It allows returning veterans to continue their education with the assistance they were promised when they enlisted.

There is a saying I have heard that goes something like this. "If you like your freedom, Thank a Vet". This bill says, "Thank You" to our returning Veterans.

Thank you for your support.

Testimony of SB2198

Dennis D. Oster

Velva, North Dakota

Good morning, madam chair and members of the senate government and veterans affairs committee. I am Dennis Oster from Velva, North Dakota. I am a retired Sergeant Major from the United States Army who decided to return home after 23 years of serving our country throughout the world.

I am also the father of two young men who proudly served our nation, and our great state, in the North Dakota Army National Guard.

I am here to speak in favor of Senate Bill 2198 and ask that favorable consideration be given in support of those who are so bravely serving in the current war on terror.

Current state law allows that the state of North Dakota will assist our National Guard Soldiers by providing them with tuition assistance for attending state colleges while actively serving, and attending monthly drills, in the North Dakota National Guard.

This is an excellent program and has greatly enhanced the recruitment efforts of our National Guard forces in North Dakota. Many of our young men and women have signed on looking at this as an opportunity to both better themselves and to serve their state and nation.

At the time this law was formulated no thought was given to the possibility of our National Guard being activated for extended periods of time to fight in a war on terror. We all know this has, and continues to happen, on a regular basis. Our young men and women are to be commended for their service and commitment to our nation.

But under the current state law these same young men and women are penalized for serving in the war on terror. When a young student soldier is activated he is withdrawn from school and sent out of North Dakota for a minimum of 16 months and cannot participate in this program.

All of the young men and women who have been mobilized for the war on terror are unable to receive this benefit while away from our state. In most cases this means they will miss up to two years of eligibility while serving our nation. Upon their return many of them will find that their enlistment period no longer allows them to complete a college degree while receiving this benefit. Whereas the soldier who is not activated is afforded the full opportunity to complete his degree while serving on his initial enlistment.

I know there are those who say the soldier can extend or reenlist and continue to receive this benefit. But we must ask ourselves; "Is it fair to continue to ask the same young men and women to again put themselves in harms way in order to receive a benefit that was promised to them upon their enlistment?" In all fairness to our soldiers is it too much to ask that they receive a fair and equitable opportunity to complete their education after having their lives put on hold for up to two years?

I would ask that this committee make special consideration for our brave soldiers and recommend that SB 2198 be passed to allow for those individuals who are mobilized to receive tuition assistance while in an inactive status so that they can complete their education as was planned upon their enlistment. This would allow our fighting forces to receive an equal chance at receiving this great benefit and not punish them for having answered the call to fight and defend our nation.

Thank you for your assistance in this matter and may God look after our soldiers as they continue in the battle against terrorism.

Testimony on SB 2198
Sen. Ryan Taylor
District 7

Good morning, madam chair and members of the senate government and veterans affairs committee. For the record, my name is Ryan Taylor, I serve in the senate for the 7th district of our great state. I'm here to introduce SB 2198

The idea for SB 2198 came from a constituent of mine, a veteran, who had a son in the N.D. National Guard about to be deployed to Iraq. His son was also an engineering student at UND. Together we came up with this plan to remedy a loss of university time for our guard members when the war began in Iraq during the latter part our 58th Assembly two years ago.

I worked up this bill in the last session, but not until after the deadlines had passed. We were unable to attach it late in the session in any form, but I committed myself to submitting it early on in this session so we could have a full hearing on the subject. Two years ago, many of us were probably unsure how long our guard members would be called up to serve in the federal deployment or how long the war would last. I'm proud to say that my constituent, Dennis Oster, is here to testify and explain how the deployment affected his son and his college education in the last two years since the war began.

The bill is before you today in pretty good shape. The language in the bill was written by both Legislative Council and the attorney within the National Guard during the last session. To walk you through the bill, what they did was add the definition of "qualifying student" as it relates to their tuition waivers and tuition reimbursement. Qualifying students include both active members of the guard and honorably discharged guard members called to federal service for the period of time they spent in active federal service, but not including annual training, basic training, military education or active guard and reserve tours. This is meant to work like this:

When a N.D. National Guard member is called up to go to Iraq or Afghanistan, for example, for a period of, say, 16 months, when he or she comes home and finishes their term of enlistment with an honorable discharge, they will have 16 months after their discharge to continue their college education and still qualify for their 25 percent tuition waiver for that period of 16 months. I believe it's only right they get that period of time back for their tuition reimbursement. We know they're doing important work, performing their duty, and, obviously are a half a world away and not at their universities finishing their degree coursework.

Everyone I've discussed this idea with has said, "that's a really good idea." I believe it's not only a good idea, I think it's the right thing to do. There's general agreement that we ought to support our troops, and I think we struggle for ways to do that. Today I wear a yellow ribbon pin, I see the magnets on the cars in our parking, these are good symbols to remind us to take other actions in our role as legislators. SB 2198 is a tangible and legitimate way for us to support our troops.

As you may know, I'm not a veteran or a guard member myself. However, one of my ancestors by the name of Smith Taylor was a UND student and member of the North Dakota National Guard when they were called up to aid in the Mexican border chase of Pancho Villa, which, incidentally, was the second time our state guard troops were called

up in a federal action since statehood. My father served in WWII in the south pacific and spent his 24th birthday in a landing craft as part of "Invasion A" of mainland Japan before learning that the bombs were dropped and the war was over.

So I do have a real appreciation for North Dakotans spending precious years of their youth in far away and dangerous places. Every one of us has guard members in our districts who have served bravely, and probably a few who will have finished their enlistment with honor but have not finished their college degree, in part because they were serving us in a far away and dangerous place.

Passing this bill will go a long ways in letting our sons and daughters know that we appreciate their service and that we'll honor our promise of helping them with their college education. I think it can also serve as an enlistment tool to assure incoming Guard members that, if they are called up in an extended federal deployment, they will not lose that time from their college education. It seems the likelihood of call-ups and federal deployments is getting to be a given in the world of today.

I think this bill is in pretty good shape, but I would be amenable to any friendly amendments that can allow it to better accomplish its intent. I would like to see the 59th Assembly pass this measure, support our troops and honor our promise of a higher education and a better start in life. Please give this a Do Pass recommendation.

I'll stand for any questions you may have.

TESTIMONY OF
LTC DAVID THIELE
STAFF JUDGE ADVOCATE
NORTH DAKOTA NATIONAL GUARD
BEFORE THE

SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

JANUARY 28, 2005

SENATE BILL 2198

Madame Chair, Members of the Committee,

"The purpose of this chapter is to encourage voluntary membership in the guard, improve the educational level of its members, and thereby benefit the state as a whole." N.D.C.C. 37-07.1-01

The above language is the legislative intent and purpose of the National Guard Tuition Waiver Act. SB 2198 would not only violate the specific intent but would in effect create a disincentive for retention in the North Dakota National Guard. National Guard soldiers and airman are provided tuition assistance in the form of a 25% waiver and also tuition reimbursement. Currently we are providing up to \$600 per semester but if the requested additional funding is approved in our executive budget that amount will increase up to \$1,000 per semester. Such assistance is provided only for current members of the National Guard, as has been the policy since the inception of the Tuition Waiver Act in 1977.

Many soldiers recently mobilized have had their college education delayed. Upon their return, provided they remain in the National Guard, they remain eligible for tuition assistance. To allow such soldiers to leave the National Guard but retain their eligibility

for tuition assistance is completely contrary to the intent of the Act and will encourage members to leave rather than extend to complete their education. MG Michael Haugen, the Adjutant General, has directed that we do everything in our power to allow our soldiers to complete their education, with the caveat that they must remain in the National Guard. Soldiers wishing to complete their education can extend their enlistment for 1 year, 3 years or 6 years. Many of our soldiers are reenlisting while in the combat zone to take advantage of increased in bonus money and also the tax breaks.

Spending 15 months away from home and family is extremely difficult on soldiers, airman and their families. This creates great stress on our ability to remain a strong and ready guard. Maintaining our strength and ensuring that we are ready to respond when called by either the state or nation is our greatest challenge. We are very pleased that retention during this difficult time has not been significantly reduced (a 1.5% decrease in retention). In order to maintain our position as a strong and vital National Guard we must, and will, focus on retention and recruiting. As the national mission evolves, those states that demonstrate the ability to maintain their strength will be the states that are designated for increases or, at a minimum, not lose units.

We honor those soldiers that have served and are proud to support the adjusted compensation bill that will pay our resident veteran's additional compensation for their personal and financial sacrifice (SB 2146). To those few guard members who believe that the current benefit's of membership in the National Guard do not outweigh the sacrifice, we thank them for their service and wish them well. What we cannot support is the creation of a disincentive to remain in the National Guard as proposed by this bill. We have an absolute obligation to look at the needs of the entire National Guard of North Dakota. While well intended, this bill focuses on the needs of the few to the detriment of the organization, and therefore we must respectfully request that the committee vote do not pass on HB 2198.

Thank you Madame Chair and members of the committee. I would be pleased to respond to any questions.