

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2071

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2071  
January 7, 2011  
12645

Conference Committee

Committee Clerk Signature

*Katie Oliver*

## Explanation or reason for introduction of bill/resolution:

Relating to calling up former members of the North Dakota national guard to state active duty in times of disasters of emergencies.

## Minutes:

*Testimony Attached*

**Dave Sprynczynatyk:** Adjunct General for the State of North Dakota. See attached testimony.

**Senator Cook:** When I see the volunteer that you mean former guard members over the age of 45.

**Dave Sprynczynatyk:** Yes. We would bring them into the active status. Some of the most knowledgeable people are over the age of 45 and we want to bring them back to active status.

**Vice Chairman Sorvaag:** They come in to the rank that they had before?

**Dave Sprynczynatyk:** Yes. The reference in the bill to Section 37-07-05 is the Section of the Century Code that specifies what the pay would be for that individual. When our lower ranking members come on to state active duty their salary may be less than what they are making on the civilian side so years ago what the legislature did is allow us to increase the salary for those folks that are in the grade of E8 and below. If you are an E3 your pay would be increased by 55% over what it would be if you were on federal orders. It reduces the impact and more people are willing to come on to state active duty if we don't mobilize them, which we can do as well.

**Chairman Dever:** They likely would be operating on a consulting basis.

**Dave Sprynczynatyk:** Yes, chances are that we would not send them to work on the line. But we would bring them in to work in a supervisory position in the office to utilize the expertise that they have.

**Senator Barry:** The reason this became necessary is what?

**Dave Sprynczynatyk:** What we found in 2009 is as the magnitude of the flood evolved we used what we had. We wanted to bring back some guard member on a volunteer basis. Secondly in some cases it is a need to tap an expertise that they have.

**Senator Barry:** So this may be less if we didn't have so many people deployed overseas?

**Dave Sprynczynatyk:** Yes that and the magnitude of the event.

**Chairman Dever:** Solider and Sailors Act that says that you have to hire someone back after they have been on active duty?

**Dave Sprynczynatyk:** I do not see any implications because they would not be covered under the Soldiers and Sailors Act.

**Chairman Dever:** And you don't think they need to be?

**Dave Sprynczynatyk:** No, since it is a volunteer basis it is their decision.

**Senator Nelson:** If one of the Generals were to volunteer would they be included in what you are asking for here?

**Dave Sprynczynatyk:** Yes if they needed them.

**John Jacobsen:** Representative for Legislative Committee of the North Dakota Veterans Coordinating Council. We do support this bill & ask for your support.

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2071  
January 7, 2011  
12649

Conference Committee

Committee Clerk Signature

*Kate Oliver*

## Explanation or reason for introduction of bill/resolution:

Relating to calling up former members of the North Dakota national guard to state active duty in times of disasters of emergencies.

## Minutes:

Chairman Dever opened discussion on SB 2071. There was no one present to testify in support, opposition or a neutral position of the bill. A motion was made for a Do Pass by Senator Cook with a second by Senator Berry. The Clerk took the roll and the measure passed with a 7-0 vote with Senator Schaible carrying the bill to the floor.

SB 2071

Date: 1-7-11  
Roll Call Vote #: 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate Government and Veteran's Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Cook Seconded By Benny

Senator	Yes	No	Senator	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	x		Senator Nelson	X	
Senator Barry	x				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment Schaible

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

Carried:  
Schaible

**REPORT OF STANDING COMMITTEE**

**SB 2071: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2071 was placed on the Eleventh order on the calendar.

2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2071

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee  
Fort Union Room, State Capitol

SB 2071  
March 3, 2011  
14885

Conference Committee

Committee Clerk Signature	<i>Carmen Hart</i>
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## Explanation or reason for introduction of bill/resolution:

Call up of former National Guard members to state active duty for disasters or emergencies

## Minutes:

**Chairman Bette Grande** opened the hearing on SB 2071.

**Major General David Sprynczynatyk, Office of the Adjutant General**, appeared in support of SB 2071. **Attachment 1.**

**Rep. Lisa Meier:** Is there any age limits on what you would entertain for doing this?

**Major General David Sprynczynatyk:** No, we do not have age limits. We would want to be careful. We wouldn't necessarily want to call back an elderly individual and have them throw sandbags, but we may want to call upon that individual to help us from an operational standpoint in our operations center to address the mission assignments and that sort of thing. The intent is that we would bring back again people on a volunteer basis and make sure that we would assign them a mission that would fit their expertise and their ability.

**Rep. Lisa Meier:** If the individual would then be injured on the job of whatever he or she was doing, they would be covered under WSI?

**Major General David Sprynczynatyk:** That is correct if the injury was specifically in the line of duty. Again, they are just a temporary state employee. That is something that even our own soldiers and airmen sometimes don't fully appreciate and understand. Having a dual mission, a federal and a state mission, when we are on the state mission we are working for the state of North Dakota. We are working for the governor. We are not in a federal status and when you are on state active duty, you are truly a temporary employee of the state of North Dakota.

**Rep. Bill Amerman:** Explain to me how this recall would work.

**Major General David Sprynczynatyk:** The way it would work to begin with is that it would be on a voluntary basis on the individual. In the event of any sort of a disaster, the governor has to give the adjutant general the authority to bring people on in a state active duty status. As an example, about two weeks ago I received a letter from the governor



allowing us to begin to put people in state active duty status as we sent folks to the Belcourt area. Once that threshold of trigger has been met then we would look first to our own forces and if it was so large or if there was a special expertise that we needed, we would put the word out to the retiree circle and throughout the communities and if someone came to us and volunteered and they had the skills we needed, then we would put them on state active duty. The first trigger in all of this is the notice by the governor that we are given the authority to bring people into state active duty status. Once that is done then depending on what the mission is we define what the requirements are from the standpoint of resources and soldiers and airmen.

**Vice Chairman Randy Boehning:** This is 100% volunteer?

**Major General David Sprynczynatyk:** That is correct.

**Vice Chairman Randy Boehning:** Do other states do this?

**Major General David Sprynczynatyk:** I am not sure. We have not polled the other states. Every state does have the ability to bring people on in a state active duty status and traditionally the first thing you think of are those men and women who already are uniformed members of the North Dakota National Guard. In our case given the smaller numbers we have and the requirements we have sometimes, we saw this as a way to help us. In 2009 we did bring back several officers. It may have been a stretch of Section 37-04-18 of law but it worked quite well. We see the pool of former guard members as really a valuable asset to help us do whatever we need to do in a state active duty status to protect lives and property.

**Rep. Karen Rohr:** Is there an existing database that has all the retirees already identified?

**Major General David Sprynczynatyk:** Yes, we try to maintain a current database as people retire from the guard, leave the guard. We have a pretty robust list of retirees that are just part of a group—we have an annual retirees' event at Camp Grafton and people want to be a part of that. They were able to maintain a current database just because folks want to maintain an association with the guard. We also have a couple of retirees, one on the army side, one on the air side that have quite an email distribution list. They send out various notifications of events of changes in the law or whatever the case may be. Periodically if we need assistance we can turn to them and they will send the note out and several thousand individuals will get that note. Then there is word of mouth. People see it in the newspapers and on TV and they will come to us too. I am not concerned about our ability to solicit volunteers. They are out there and they want to continue to help if they can in any way.

**Rep. Karen Rohr:** You have a command center and these people would report there and who would be responsible to make the assignments?

**Major General David Sprynczynatyk:** The hierarchy we have is the joint operations center. That is the umbrella organization that manages and assigns missions throughout the guard. It would be that particular operations center that would put out the call

depending on what the requirements are and then people would come back to the joint operations center indicating I would like to volunteer. Then we will look to make sure that they are qualified, capable, skilled and that we need them in that particular area. Then at that point we would bring them on in state active duty as a temporary state employee and they would be assigned out to a unit wherever it may be. It may be working right in that joint operations center because we always need help there too.

**Rep. Bill Amerman:** You don't need an emergency clause on this?

**Major General David Sprynczynatyk:** That would be helpful. If we could do that, it would be great. At this point we don't know what the extent of the requirement will be for this spring and that is why we didn't put an emergency clause on. In the previous bill you heard we knew we would be bringing people on so if we just have a handful of people, having that authority that was in 2069 would be very desirable. Here it is not quite as critical. If the committee would like to do that, I would fully support it.

**Rep. Ron Guggisberg:** How do you deal with people who want to volunteer that you may not necessarily need or may not be qualified? If somebody wants to volunteer for a physical job, are they going to have to go through your fitness exam before they do that or are you going to have a way to tell them thanks, but no thanks?

**Major General David Sprynczynatyk:** If we don't need them, if they are not skilled, if they are not qualified, just literally say no. As former members of the military, they understand what the hierarchy and chain of command is and if the commander says no they know that is it.

There was no one opposed or neutral to this bill.

The hearing was closed.

Discussion on this bill came up a little later on.

**Chairman Bette Grande:** The discussion came up about the possibility of adding the emergency clause. I checked with Council and we can put the emergency clause on. We will get this to the floor. Then it has to go to their floor. They have to revote on it to put the emergency clause on and then it can go into effect. Timing right now with the calendars being short, we should be able to move through that process fairly quickly if that is the committee's wishes.

**Rep. Lonny Winrich:** I'll move the emergency clause as an amendment.

**Vice Chairman Randy Boehning** seconded the motion.

**A voice vote was taken. Motion carried.**

**Vice Chairman Randy Boehning** made the motion for a Do Pass as amended.

**Rep. Vicky Steiner** seconded the motion.

**DO PASS AS AMENDED, 12 YEAS, 0 NAYS, 1 ABSENT. Rep. Lisa Meier is the carrier of this bill.**

March 3, 2011

VR  
3/3/11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2071

Page 1, line 3, after "emergencies" insert "; and to declare an emergency"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency  
measure."

Renumber accordingly

Date: 3-3-11  
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2071

House GOVERNMENT AND VETERAN AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By Winrich Seconded By Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande			Bill Amerman		
Vice Chairman Randy Boehning			Ron Guggisberg		
Glen Froseth			Lonny Winrich		
Karen Karls					
Lisa Meier					
Gary Paur					
Karen Rohr					
Mark Sanford					
Vicky Steiner					
Roscoe Streyle					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

*voice vote to  
add  
emergency  
clause  
amendment  
motion  
carried*

Date: 3-3-11  
 Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2071

House GOVERNMENT AND VETERAN AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Boehning Seconded By Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman	✓	
Vice Chairman Randy Boehning	✓		Ron Guggisberg	✓	
Glen Froseth	✓		Lonny Winrich	✓	
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Meier

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

**REPORT OF STANDING COMMITTEE**

**SB 2071: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2071 was placed on the Sixth order on the calendar.

Page 1, line 3, after "emergencies" insert "; and to declare an emergency"

Page 1, after line 13, insert:

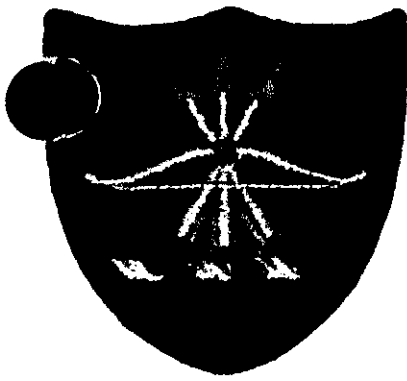
**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Re-number accordingly

2011 TESTIMONY

SB 2071





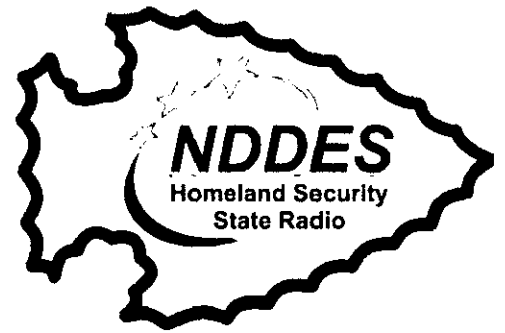
*Army National Guard*

*"The Straight Arrows"*



*Air National Guard*

*"The Happy Hooligans"*



*Department of  
Emergency Services  
Homeland Security &  
State Radio*

*The  
Office of the  
Adjutant General*

*Testimony of  
Major General David Sprynczynatyk  
The Adjutant General*

*before the*

*Government and Veteran  
Affairs Committee  
January 7, 2011*

*SENATE BILL 2071*

TESTIMONY OF  
MAJOR GENERAL DAVID A. SPRYNCZYNATYK  
THE ADJUTANT GENERAL  
BEFORE THE  
GOVERNMENT AND VETERAN AFFAIRS COMMITTEE  
7 JANUARY 2011  
SENATE BILL 2071

Mr. Chairman and members of the Committee.

Over the past ten years, the North Dakota National Guard has frequently answered the state and nation's call and we will continue to be there whenever needed.

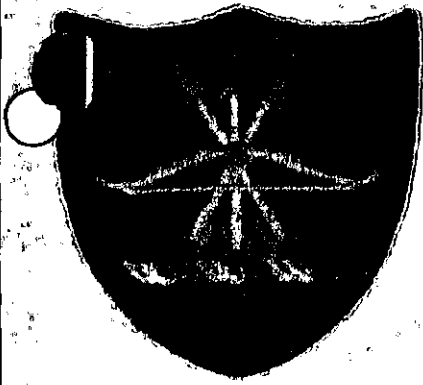
In order to provide our state and communities the best response in their time of need, it may be necessary to recall members, on a volunteer basis, who are no longer with the North Dakota National Guard. This action may be necessary when our forces are spread thin due to the call of Federal Active Duty or when a particular expertise is needed and a former member can supply that particular service.

Recalling former National Guard members to State Active Duty would only occur as necessary, dictated by the emergency or disaster, and only for the duration of the emergency, disaster or recovery efforts. These former members would volunteer and receive pay in accordance with N.D.C.C. § 37-07-05.

The North Dakota National Guard is "always ready, always there." The proposed legislation will ensure that no matter what is happening around the world or across our state, we have the capability to answer the call.

Mr. Chairman, I will be happy to take any questions that you have.

Attachment 1  
2071



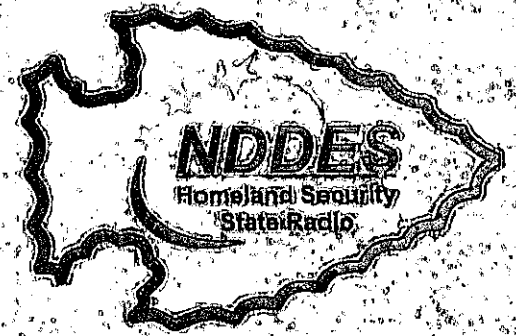
*Army National Guard*

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*before the*

*Government and Veteran*

*Affairs Committee*

*March 3, 2011*

*SENATE BILL 2071*

TESTIMONY OF  
MAJOR GENERAL DAVID A. SPRYNCZYNATYK  
THE ADJUTANT GENERAL  
BEFORE THE  
GOVERNMENT AND VETERAN AFFAIRS COMMITTEE  
MARCH 3, 2011  
SENATE BILL 2071

Madam Chairman and members of the Committee.

Over the past ten years, the North Dakota National Guard has frequently answered the state and nation's call and we will continue to be there whenever needed.

In order to provide our state and communities the best response in their time of need, it may be necessary to recall members, on a volunteer basis, who are no longer with the North Dakota National Guard. This action may be necessary when our forces are spread thin due to the call of Federal Active Duty or when a particular expertise is needed and a former member can supply that particular service.

Recalling former National Guard members to State Active Duty would only occur as necessary, dictated by the emergency or disaster, and only for the duration of the emergency, disaster or recovery efforts. These former members would volunteer and receive pay in accordance with N.D.C.C. § 37-07-05.

At present, N.D.C.C. §37-04-18 provides for retired officers to be brought back to duty to support boards and special projects. Our intent is to recall both officers and enlisted with the expertise that we need for mitigating a disaster or emergency. This would go beyond the authority currently provided for in law.

The North Dakota National Guard is "always ready, always there." The proposed legislation will ensure that no matter what is happening around the world or across our state, we have the capability to answer the call.

Madam Chairman, I will be happy to take any questions that you have.