

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2128

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2128

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2128

**Senate Government and Veterans Affairs**

Conference Committee

Hearing Date January 13, 2005

Tape Number	Side A	Side B	Meter #
1	x		1271-2900
Committee Clerk Signature <i>Deane Davis</i>			

**Chairman Krebsbach** opens hearing on **SB2128**.

**Neal Asper** - Administrator of Veterans Home - Explains the bill for admission requirements for Veterans Homes.

**Senator Krebsbach** - Asked how this bill came about.

**Asper** - The Veterans Affairs Committee recommended it.

**Senator Lee** - Commented about a visit she had to the Vets Home and was very pleased with the Home.

**Senator Nelson** - Asked why the veteran had to married for 5 years before they are entitled to benefits.

**Asper** - Not sure but believes it for federal benefits.

**Senator Syverson** - Was also very pleased with a tour of the Veterans Home. Also questioned paragraph 1, line 11, relating to residency requirements being waved if the applicant served in a ND regiment. He wondered should there be an expansion of this definition.

**Senator Krebsbach** - Asked for numbers served in the home.

**Asper** - Currently 80 residents. This bill is not to increase residents but to maintain what they have. They have 38 beds in skilled care.

**Senator Lee** - Please share information about basic care to skilled care.

**Asper** - Explained how nice it is to have both, can move from one to the other without leaving.

**Senator Krebsbach** - Asked for average age of residents.

**Asper** - Average age in skilled care is 80, basic care have a lot in 40's and 50's. Not all are permanent residents. Some residents have been there 30 years. (meter #1985)

**John Jacobson** - Veterans Committee is in support of this bill.

**Daryl Beard** - Administrative Committee on Veterans Affairs - Stated this bill change residency requirements from one year to thirty days. The cost is minimal to the state of ND. Said because of changing times this can be available to younger veterans.

**Senator Krebsbach** - Asked if the board had been overhauled.

**Beard** - Says they have made significant progress.

**Senator Krebsbach** - Asked to be furnished with the strategic plan.

**Senator Nelson** - Asked if the 38 skilled care beds were included in the 80.

**Beard** - 38 in skilled, 80 basic residents, licensed for 150.

**Senator Nelson** - Asked for a gender breakdown.

**Asper** - Approx. 10 women which are mostly spouses.

Page 3

Senate Government and Veterans Affairs Committee

Bill/Resolution Number **SB 2128**

Hearing Date January 13, 2005

**Senator Nelson** - Are you equipped for women veterans.

**Beard** - Yes

**Warren Toman** - Veteran's Service Officer in Jamestown, regarding the 5 year marriage requirement. Explained it dealt with death bed marriages back during the Civil War.

**Senator Krebsbach** closed hearing on SB2128.

(meter #2900)

**FISCAL NOTE**  
 Requested by Legislative Council  
 12/23/2004

Bill/Resolution No.: SB 2128

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	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

Senate Bill No. 2128 does not have any fiscal impact for the North Dakota Veterans Home. This bill is merely a change in some of the wording for the Admission requirements for the Veterans Home.

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.

<b>Name:</b>	Kristin Lunneborg	<b>Agency:</b>	Veterans Home
<b>Phone Number:</b>	701-683-6503	<b>Date Prepared:</b>	01/07/2005



**REPORT OF STANDING COMMITTEE (410)**  
January 20, 2005 12:37 p.m.

**Module No: SR-13-0771**  
**Carrier: Nelson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2128: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)**  
recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2128  
was placed on the Eleventh order on the calendar.

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2128

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2128

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/24/05

Tape Number	Side A	Side B	Meter #
1	x		33.4-end
Committee Clerk Signature <i>Julie H. Quinn</i>			

Minutes: SB 2128 Relating to admission requirements for veterans at the veterans' home.

**Chairman Haas:** At this time we will open the hearing on SB 2128 and the ask the clerk to read the title.

13 members present, 1 absent.

**Daryl Beard-Governing Board Veterans Home in Lisbon-**The veterans home is licensed for 150 beds, 38 beds are skilled, 112 beds are basic. We are normally full or just about full in the skilled side, we have empty beds on the basic side, we currently have 80 plus.

**Chairman Haas:** Eighty plus empty?

**Daryl-**Eighty plus full. From 112 we have made some of them private rooms, trying to attract more of the veterans medical issues. The additional cost of care per each bed that we fill in the basic side, we are talking three meals a day, additional laundry, our intra structure is there and in place. We received 28 dollars a day from the VA per diem for each basic resident. By changing the residents requirements from one year, to whatever a resident of the state of North Dakota is,

which is currently 30 days. We hope to attract more people, especially in the winter months to fill those empty beds in the basic side. In there is the age of the spouse and the length of the marriage clause, it was put in, for civil war veterans, the civil war veterans were receiving a pension and then they married a young gal and she would receive this pension through out her life time. I want to thank you for your time and I will take any questions.

**Chairman Haas:** Are there any questions for Darly?

**Rep. Galvin:** Do the qualifications to be in the Veterans Home including having to have some kind of disablement or illness, or is it financial, what are the qualifications?

**Darly:** The portion for the skill care, they have to go through a screening process, a lot our veterans within the facility do suffer and have suffered from addiction problems. We have a lot of mental health concerns. They went out into society and got a job, last for about six months and then come back into the facility. For some reason they cannot function in society outside the structured environment and while they are in that structured environment they do quite well. We are looking at the people that sometimes fall through the cracks and giving them a bed, place to stay, that they can call home. We have residence there, that have been there for 25 years.

**Rep. Conrad:** What are the ages of the residence in the basic facility.

**Darly:** I really couldn't tell you the average age, I am going to say some are my age 50, most part are Viet Nam era and Korean War ear.

**Rep. Grande:** Can you tell me the surrounding states as far as there requirements of residence before qualifying for the veterans home. We are eliminating it all together here.

**Daryl:** I am not familiar with Minnesota, but I do know about Montana, because I am from Williston, we have a home at Glendive, Montana and they take any and all residence. We currently have residence from the state of North Dakota residing at the veterans home right now.

**Chairman Haas:** To follow up on Rep. Grandes question, if we look at line 11 of the bill, they still have to have served in a North Dakota regiment right defining the criteria.

**Daryl:** No, the way I interpret that is that they are a resident of North Dakota for one year or you enlisted your period of service from North Dakota.

**Chairman Haas:** That is accreted to this state category.

**Daryl:** That's right.

**Rep. Klemin:** The residency requirements the way I understand it with these amendments, removing the one year requirement would then be thirty days prior to making applications.

**Daryl:** They have to be a resident at the time they make the application.

**Rep. Klemin:** I guess my question is how long does it take to process an application?

**Daryl:** I am going to guess, about one week for basic care.

**Rep. Sitte:** A widow, virtually from anywhere in the country could come and establish residency for 30 days, if her husband was a veteran. She might be able to move in and then, you don't figure we are going to be keeping some North Dakota veterans out, because some of these spouses might be coming from out of state. I am concerned that we might be filling the place with a whole bunch of spouses and eliminating our own veterans.

**Daryl:** I guess we do have some spouses residing, I guess that question has never come up, normally spouses if they come in, come in as a couple, we currently have one is on the skilled side and one is on the basic, that was kind of why that was put in. Maybe this bill needs some

language that the spouse should have been from North Dakota originally, or they have to come in with the veteran.

**Rep. Boehning:** Why are we changing from year to just to 30 day requirement?

**Darly:** Because we have 80 beds, of 112, because we have empty beds and the cost is minimal, and we get the 28 dollars a day from the VA, I guess it is cost driven.

**Chairman Haas:** You become more efficient if you have more residence.

**Darly:** That is correct.

**Rep. Kasper:** Do you receive any funding from the state of North Dakota for your expenses?

**Darly:** The home receives general fund dollars, yes.

**Rep. Kasper:** Your running low on occupancy right now is that the on going problem. What has been your occupancy rate for last three-four years.

**Darly:** The occupancy for skilled, it fluctuates 27 to 38, the basic side, we have normally been running about 90 or up to 95 about four years ago.

**Rep. Kasper:** So what you are saying is that you running about 95 beds occupied out of 112, for the last three or four years, so your about 17 short.

**Darly:** No I am saying within the last three years the maximum has been about 95, typically it has been about 90 average.

**Rep. Kasper:** So you are running about 20 persons short and going down. The money that you receive out of the state of North Dakota out of the funding determined by the number of people you that you serve, so that your funding is reduced if your number of beds is reduced.

**Darly:** Our funding is not based on the number of beds, it is based on the performance. Some of it we have to maintain for our licensing requirement.

**Rep. Amerman:** You are licensed for 38 skilled beds, do you see that you need more skilled beds.

**Darly:** We looked at that when the building was originally built, we could have a second story.

**Rep. Froseth:** Do you come under the same guidelines as other long term care facilities in the state in regards to the number of beds supported by state funding, you have 38 skilled care and basic care, you don't have any swing beds?

**Daryl:** I couldn't answer that, we do come under the guidelines for long term care for the number of beds we have.

**Rep. Froseth:** You are not allowed to convert skilled care to basic care and visa versa without.

**Darly:** No we cannot, the code of Federal register restricts North Dakota title 38, to 121 beds total and not to deviate from that unless it is 200 miles from the existing facility.

**Chairman Haas:** Your regulations largely come from the VA rather than the state of North Dakota and both.

**Darly:** Regulated by both.

**Rep. Sitte:** Are you receiving the Medicaid reimbursements for people?

**Darly:** Yes we do receive Medicaid.

**Chairman Haas:** Anymore questions for Darly, if not thank you. Anymore questions on SB 2128? If not we will close the hearing on SB 2128.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2128

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/24/05

Tape Number	Side A	Side B	Meter #
3	x		8.2-8.7
Committee Clerk Signature <i>John H. Egan</i>			

Minutes: Relating to admission requirements for veterans at the veterans' home.

**Chairman Haas:** Lets take a look at SB 2128. This one is relating to the veterans home and the admissions requirement. What are your wishes on this bill.

**Rep. Boehning:** I move a DO PASS.

**Chairman Haas:** Rep. Boehning moves a DO PASS, is there a second, seconded by Rep. Sitte, is there any discussion. If not we will have the clerk take the roll on SB 2128.

**VOTE: YES 13 NO 0 ABSENT 1 MOTION PASSES DO PASS ON SB 2128**

**REP. AMERMAN WILL CARRY THE BILL.**

Date: 2/24/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2128

House House Government and Veterans Affairs Committee

Check here for Conference Committee.

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

Action Taken DO PASS

Motion Made By Rep. Boehning

Seconded By Rep. Sitte

Representatives	Yes	No	Representatives	Yes	No
Chairman C.B. Haas	✓		Rep. Bill Amerman	✓	
Bette B. Grande - Vice Chairman	✓		Rep. Kari Conrad	✓	
Rep. Randy Boehning	✓		Rep. Louise Potter	✓	
Rep. Glen Froseth	✓		Rep. Sally M. Sandvig	✓	
Rep. Pat Galvin	✓				
Rep. Stacey Horter	✓				
Rep. Jim Kasper	AB				
Rep. Lawrence R. Klemin	✓				
Rep. Lisa Meier	✓				
Rep. Margaret Sitte	✓				

Total (Yes) B No 0

Absent 1

Floor Assignment Rep. Amerman

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

**REPORT OF STANDING COMMITTEE (410)**  
February 24, 2005 11:16 a.m.

**Module No: HR-34-3553**  
**Carrier: Amerman**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2128: Government and Veterans Affairs Committee (Rep. Haas, Chairman)**  
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2128  
was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

SB 2128

**Krebsbach, Karen K.**

---

**From:** Thiele, David L.  
**Sent:** Tuesday, January 18, 2005 10:34 AM  
**To:** Krebsbach, Karen K.  
**Subject:** SB 2128

Senator Krebsbach: The language "served in a North Dakota regiment or was accredited to this state" in NDCC 37-15-10 has been in the statute, as best I can determine, since the 1890s. Regiments were the guard unit designations through the 50s and represented soldiers mobilized for the Spanish American War, Philippine Insurrection, WWI, WWII, and Korea. Notwithstanding the fact that the air force does not have regiments, since this language has not created problems in the last 115 years I would not recommend any changes. Let me know if you need any further information. Dave

Dave Thiele  
LTC, NDARNG  
Joint Staff Judge Advocate  
(701) 333-2009

1/18/2005