

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1291

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1291

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1291

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: January 18, 2007

Recorder Job Number: 1405

Committee Clerk Signature

*Walter R. Rasmussen*

Minutes:

**Rep. Price:** *This bill did not come to the request of anyone. I was sitting in Minot at the National Guard presentation this fall after election. It just stressed me that \$2,500 dollar is a pretty small amount for a death benefit. That is the same amount that a Purple Heart recipient gets. This \$5,000 will not bury anyone. But basically it is all about the thought more than anything. There are other federal dollars available. The mission of the North Dakota National Guard is that they provide ready units, individuals, and equipment to support our communities, state, and our nation. These people are there to protect us whether it be from terrorists, or in disasters. The very least we can do for them is to double their death benefit when you consider the time they spend away from their families and what they do. This would be retroactive to the 18 members who have died since 1992 by their services.*

**Rep. Froseth:** I don't understand the fiscal note. They had expenditures of \$2.5 million for the whole 05-07 biennium?

**Rep. Price:** My understanding that is what is being carried over from the previous biennium. That is not necessarily what is going to be expended from these benefits. But in the 2005 – 2007 biennium that will be the amount of money available for the whole package.

**Rep. Haas:** So this would not be a new appropriation? It would have to be a new one for 07-09.

**Rep. Price:** What will happen if we do this for the 18 members who have given their life, it will be \$45,000 which will be covered out of that. There is no idea how many will be using this.

**Sen. Krebsbach:** *I am here today to add my support to the bill. I think it is a very good tribute for these people who are willing to give their life for our country. It's interesting sitting in appropriations because we are just at this time hearing the Adjutant General's budget hearing. This is a small token to our state to add what they deserve. I truly encourage y our support for this nature.*

**Colonel Thiele:** *I just want to talk about the fiscal note first of all. In 2005 we appropriated \$5 million for the veterans program. This provides for a service members going back to 1992, which is the beginning of the Somalian conflict and running through the present. Remaining funds right now are not quite \$3 million. By the end of the biennium we anticipate to have about \$2.5 million. Within the office of the Adjutant General appropriations carry over, it will allow us to extend those remaining funds into the next biennium. Those funds would cover this. There will be no additional appropriations, just carrying over the remaining funds. The current cost estimates are based upon the soldiers and airman that have been killed today. We have 18 ND members and have provided you with the list of their names (attached). I think it's educational what benefits are available to the service members who are killed. In the beginning of the conflict our insurance program was about \$200,000, which was the maximum you could receive. Currently that is at \$400,000. The death gratuity was at \$12,000, currently at \$100,000. In addition the dependents are available for what we call Dependency Indemnification Compensation. That is about \$1,000 a month for the spouse for as long as she lives until they remarry. I saw some numbers that would indicate that if the spouse was 30*

*living to the age of 80 it would be about \$600,000. That is what some of the available benefits are. As indicated, nobody is getting rich off this. It is safe to say that we have the best bonus program in the country. Reality is that it is about sending the message to the citizens.*

**Rep. Haas:** Those other benefits that you described, how is that funded?

**Colonel Thiele:** That is all federal funds

**Rep. Weiler:** Are funeral expenses covered?

**Colonel Thiele:** Yes, expenses are covered.

**Rep. Amerman:** The \$5 million appropriated in 2005 that covers other benefits too? Is this just one of the pieces?

**Colonel Thiele:** We receive all sorts of bonuses and what it is \$50 a month for state side service. \$100 a month. IT is capped at \$1,800 for overseas, and \$900 for state side service. Then you have a \$2,500 for deaths and Purple Heart recipients.

**Rep Amerman:** In reading this bill, if I was on active duty and came home on leave, and got killed in an accident, will this cover it?

**Colonel Thiele:** It is in service, but I'm not really sure. I'll get you that answer. It will cover the deaths of mobilization.

**John Jacobsen:** Testimony Attached.

**Rep. Haas:** Is there any additional testimony for HB 1291? If not we will close the hearing on HB 1291.

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1291

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: January 18, 2007

Recorder Job Number: 1409

Committee Clerk Signature

*Morgan Penick*

Minutes:

**Rep. Haas:** I will entertain a motion for HB 1291

**Rep. Weiler:** I move for a do pass.

**Rep. Meier:** I second that.

**Rep. Weiler:** There seems to be a decent amount of money left over in the fund and I'm wondering if there is any reason for that.

**Rep. Haas:** Col. Thiele did not think any more appropriation would be needed for the next two years. Because of the provision in the budget they are going to be covered.

**Rep. Weiler:** Is the fiscal note we have accurate?

**Rep. Haas:** It is not material. We are not going to refer this bill to appropriations anyways. We do not have to worry about it at all. The appropriation that was done last session has substantial amounts of money left in that fund. They have a carry over appropriation on that which means it can carry over from one biennium to the next. They have adequate funds to cover this.

**Rep. Amerman:** We started off appropriating \$5 million, and it now has \$3 million. They expect with these 18 people down the road that it will end up with \$2 million? I think it's right.

**Rep. Meier:** I call for a question.

**Rep. Haas:** HB 1291 passes 13-0-0. Is there a volunteer to carry this bill on the floor?

**Rep. Karls:** I will

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/10/2007

Bill/Resolution No.: HB 1291

**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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>	\$2,500,000					
<b>Appropriations</b>	\$5,000,000					

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Doubles death benefit payable from \$2,500 to \$5,000. There have been 18 service members that have died in active service to date that meet current or proposed criteria. Payments will be retroactive to Dec 1992 and, assuming 100% payout, the expense is \$45,000. Future claims cannot be predicted.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

**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.*

18 claims @ an additional \$2,500 per claim is \$45,000. Additional claims cannot be predicted but are presumed to be minimal through 2009.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

No appropriation required. SB 2016 will carry over through the 2007-09 biennium the remaining veterans bonus funds from 2005-07 which, as of July 1, 2007, we believe will be approx. \$2.5 million.

<b>Name:</b>	LTC Dave Thiele	<b>Agency:</b>	Office of the Adjutant General
<b>Phone Number:</b>	333-2009	<b>Date Prepared:</b>	01/12/2007

Date: 1-18-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number HB 1291

Action Taken Do pass

Motion Made By Rep. Weiler Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Rep. C.B Haas Chairman	X		Rep. Bill Amerman	X	
Rep. Bette Grande V.P	X		Rep. Louise Potter	X	
Rep. Randy Boehning	X		Rep. Jasper Schneider	X	
Rep. Stacey Dahl	X		Rep. Lisa Wolf	X	
Rep. Glen Froseth	X				
Rep. Karen Karls	X				
Rep. Jim Kasper	X				
Rep. Lisa Meier	X				
Rep. Dave Weiler	X				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Karls

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

**REPORT OF STANDING COMMITTEE (410)**  
January 23, 2007 4:39 p.m.

**Module No: HR-15-1069**  
**Carrier: Karls**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1291: Government and Veterans Affairs Committee (Rep. Haas, Chairman)**  
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1291 was placed on the Eleventh order on the calendar.

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1291

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1291

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 03/01/07

Recorder Job Number: 4173

Committee Clerk Signature

*Veronica Spaulding*

Minutes:

All members of the committee were present.

Senator Dever, Chairman, opened the hearing on HB 1291.

Representative Clara Sue Price from District 40 introduced the bill. See attachment # 1. She feels the death benefit for the National Guard is much too low. \$2500.00 is awarded for a Purple Heart, and currently only \$2500.00 is awarded upon death. Even if this bill is passed it will only double the death benefit. She feels it is still a low amount but it is an improvement.

She mentioned that this would be retroactive. Eighteen guard members have died since 1992 and their family members would get the additional \$2500.00.

Senator Dever asked whether this bill needed to go to Appropriations. After discussion the committee realized it would be paid out of the general fund.

There was discussion about at what point a person in the service becomes a veteran. The consensus was that a serviceperson becomes a veteran as soon as he joins the service.

Colonel Dave Thiele, Adjutant General for the North Dakota National Guard, spoke in favor of the bill. He said the life insurance was at \$100,000.00 at the start of the War on Terror and now it is at \$400,000.00. He mentioned that it costs only \$17.00 per month. He explained

some of the federal benefits that were on Attachment #1. He feels it is important to increase the death benefit so there will be a distinction between the Purple Heart and a casualty. Senator Dever asked if the benefits were available in the event of suicide or automobile accidents.

Colonel Thiele said it is covered. There isn't a distinction because the time spent in military service many times contributes to the stress that causes it. He referred to the fact that many veterans deal with Post Traumatic Stress Syndrome.

Senator Dever said this is a state program and would not interfere with a federal program.

Colonel Thiele agreed.

Support: -

Opposition: -

Neutral: -

Chairman Dever closed the hearing on HB 1291.

A do pass motion was made by Senator Nelson.

The motion was seconded by Senator Marcellais.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Marcellais

Date : 3-1-07  
Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1291

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

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

Action Taken do pass

Motion Made By Nelson Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehike - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Marcellais

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

**REPORT OF STANDING COMMITTEE (410)**  
March 1, 2007 1:14 p.m.

**Module No: SR-39-4195**  
**Carrier: Marcellais**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1291: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1291  
was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1291

1/17/2007

U//FOUO

**Soldiers Killed In Action from North Dakota**

**N.D. Army National Guard Soldiers**

Spc. Jonathan Fettig (22Jul03) (957<sup>th</sup> MRBC), Dickinson, ND  
Staff Sgt. Kenneth Hendrickson (24Jan04) (957<sup>th</sup> MRBC), Bismarck, ND  
Sgt. Keith Smette (24Jan04) (957<sup>th</sup> MRBC), Makoti, ND  
Spc. James Holmes\* (8May04) (141<sup>st</sup> ECB), Peoria, AZ  
Spc. Philip Brown (8May04) (141<sup>st</sup> ECB) Jamestown, ND  
Staff Sgt. Lance J. Koenig (22Sep04) (141<sup>st</sup> ECB), Fargo, ND  
Spc. Cody L. Wentz (4Nov04) (141<sup>st</sup> ECB), Williston, ND  
Spc. Michael L. Hermanson (23May06) (Co A, 164<sup>th</sup> EB), Fargo, ND  
Sgt. Travis A. Van Zoest (6Jun06) (A Battery, 188<sup>th</sup> ADA), Bismarck, ND  
Cpl. Curtis R. Mehrer (6Jun06) (A Battery, 188<sup>th</sup> ADA), Bismarck, ND  
Cpl. Nathan J. Goodiron (23Nov06) (188<sup>th</sup> ADA (SECFOR)), Mandaree, ND  
Cpl. Christopher K. Kleinwachter (29Nov06) (188<sup>th</sup> ADA (SECFOR)), Wahpeton, ND

**Active Army Soldiers with N.D. Connection (may be incomplete)**

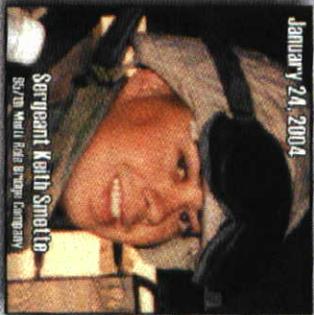
Spc. Thomas Sweet II (27Nov03) (1<sup>st</sup> Infantry Div.), Bismarck, ND  
Pfc. Sheldon Hawk Eagle (15Nov03) (101<sup>st</sup> Airborne Div.) Eagle Butte, SD  
Pfc. Anthony Monroe (11Oct04) (1<sup>st</sup> Calvary Div.), Bismarck, ND  
Spc. Dennis J. Ferderer (2Nov05) (3<sup>rd</sup> Infantry Div.), New Salem, ND  
Cpl. Jeremiah S. Santos (15Jun06) (4<sup>th</sup> Infantry Div.) Devils Lake, ND  
Spc. Paul A. Beyer (23Jun06) (101<sup>st</sup> Airborne Div.), Jamestown, ND

\*Died of Wounds Received in Action



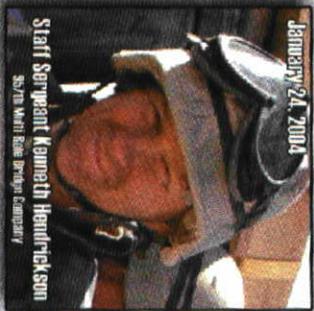
July 27, 2003

Specialist Jim Fetto  
SSTW Multi-Role Bridge Company



January 24, 2004

Sergeant Keith Smella  
SSTW Multi-Role Bridge Company



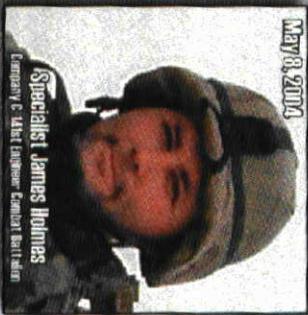
January 24, 2004

Staff Sergeant Kenneth Hendrickson  
SSTW Multi-Role Bridge Company



May 8, 2004

Specialist Philip Brown  
Company 3, 1st Air Engineer Company Detachment



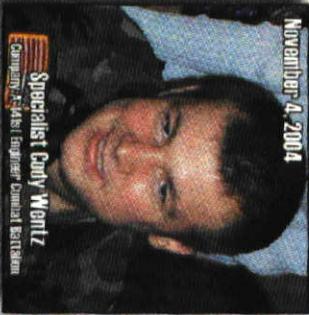
May 8, 2004

Specialist James Holmes  
Company 3, 1st Air Engineer Company Detachment



Sept. 14, 2004

Staff Sergeant Lance Koenig  
Company 6, 1st Air Engineer Company Detachment



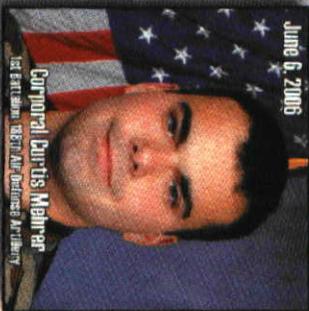
November 4, 2004

Specialist Cody Wentz  
Company 3, 1st Air Engineer Company Detachment



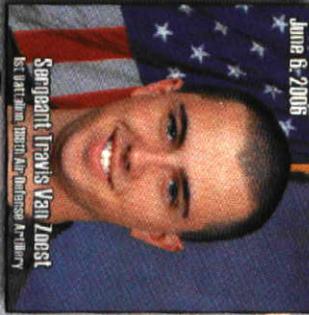
May 23, 2006

Specialist Michael Hermonson  
Company 6, 1st Air Engineer Company Detachment



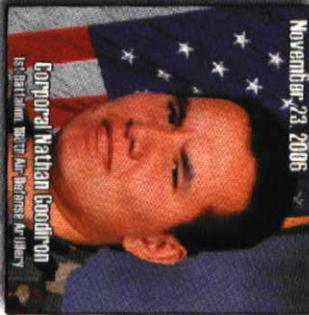
June 6, 2006

Corporal Curtis Mahrer  
1st Battalion, 101st Air Defense Artillery



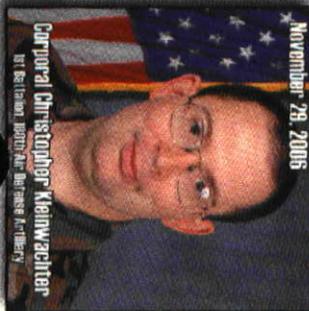
June 6, 2006

Sergeant Travis Van Zoest  
1st Battalion, 101st Air Defense Artillery



November 23, 2006

Corporal Nathan Goodiron  
1st Battalion, 101st Air Defense Artillery



November 29, 2006

Corporal Christopher Kleinwachter  
1st Battalion, 101st Air Defense Artillery

# North Dakota National Guard

## All gave some, Some gave all.



# NORTH DAKOTA VETERANS 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 also a member of the American Legion and the Veterans of Foreign Wars.

I served in the North Dakota National Guard and the US Army Reserve for a total of 30 years. I retired in 1995 as a Colonel. I served on Active Duty in 1991 during Operation Desert Shield/Desert Storm in the Persian Gulf, stationed in the United Arab Emirates.

The Coordinating Council is made up of 15 members, 3 from each of the five Veterans Organizations in North Dakota:

- American Legion
- AMVETS
- Disabled American Veterans
- Veterans of Foreign Wars
- Vietnam Veterans of America

It is the policy of the Coordinating Council to support legislation that will benefit the welfare of the members of the Armed Forces. The committee MUST concur totally, that is all 15 members must agree on the legislation to be supported or else it does not get the support.

In this case, I have been instructed to recommend to this legislative committee that a "DO PASS" is supported by the Legislative Committee of the Coordinating Council.

## ND VETERANS COORDINATING COUNCIL

The Coordinating Council is composed of veterans appointed from the veterans organizations and represents ~~all of the~~ North Dakota veterans. The purpose of the Coordinating Council is to determine the needs of North Dakota's veterans and to propose the means to alleviate those needs so that the veteran and his family may enjoy a satisfying quality of life. It is of the utmost importance that the members of this council be willing to work hard and spend the time needed to help their fellow veterans.

The Coordinating Council, through their Legislative Committee, is responsible for introducing legislation intended to meet and/or alleviate the needs of veterans and their family. The Legislative Committee may be made up of members of the Coordinating Council or may be other veterans appointed by the members of the Council from each of the veterans organizations represented. Only the Legislative Committee will develop proposed legislative bills. If the bill is approved by the Council the members of the Legislative Committee are responsible to actively promote that legislation by lobbying members of the state legislature.

Only the members of the Coordinating Council Legislative Committee are to testify before legislative committees and meet with and lobby members of the legislature. Other members of the Coordinating Council and other veterans will not testify nor lobby members of the legislature unless specifically asked to do so by the Legislative Committee and will limit their discussions to the particular piece of legislation they have been asked to help with. The reason for this is so the legislators will not be given differing points of view about a piece of legislation but only that agreed upon by the Council and the Legislative Committee.

The Coordinating Council is responsible for providing help and support to the Administrative Committee and their two sub-committees, the Veterans Home and the Department of Veterans Affairs. The Legislative Committee in particular is charged with providing support in the hearings in legislative committees for the budgets of the Administrative Committee and it's sub-committees and any other bills they have before the legislature.

If the Administrative Committee becomes aware of an unmet need of veterans, or feels there is a need for a legislative bill, either through their sub-committees or other means, this information is to be brought to the Coordinating Council as well as any suggestions the Administrative Committee may have for meeting the need or the proposed bill. The Coordinating Council will review the information. If the suggestions of the Administrative Committee will require legislation the Coordinating Council will assign the Legislative Committee the responsibility to develop appropriate legislation. The Legislative Committee will report back to the Council and Administrative Committee with the proposed legislation for their discussion and approval.

## Price, Clara Sue

**From:** Sprynczynatyk, David MG NGND [david.sprynczynatyk@us.army.mil]  
**Sent:** Saturday, December 16, 2006 10:38 AM  
**To:** Price, Clara Sue  
**Subject:** Requested information on death benefits

*attach #1*

Good morning Clara Sue, sorry I didn't get back to you sooner with the information you requested, it was a matter of not digging it out right away, on my part. Here is what I learned from my staff:

The following federal benefits are available to surviving family members if a member of the National Guard Dies while mobilized, is enroute to/from/participating in Active Duty Training/Drill (AT, ADT, on active duty, FTNGD, IADT, ADSW, SADT, TTAD or IDT)

- \* Casualty Assistance Officer appointed to assist the family
- \* Death Gratuity (Fallen Hero Compensation) pay of \$100,000.00
- \* Burial Allowance - up to \$7700.00  
Transportation of Remains to Burial Site Travel and Per Diem for Spouse and Children to Burial Site ITO Orders to and from funeral location for Spouse and Children
- \* Service Members' Group Life Insurance (SGLI) up to \$400,000
- \* All unpaid pay and allowance (to include bonuses & accrued leave)
- \* VA Payment of Dependency Indemnity Compensation (DIC)  
(TAX FREE)
  - \$1,033.00 monthly - Spouse (as of 2 Feb 06)
  - \$257.00 monthly - Each Child (as of 2 Feb 06)
- \* VA Dependents Educational Assistance - 45 months
  - Spouse - 10 years from date of death
  - Children - Have until age 26 to use educational assistance  
(must be approved and begin prior to their 26th birthday)
- \* Full ID Card Privileges
- \* Tricare Prime/Prime Remote for 3 years, then Retiree Standard or Standard Extra, then Tricare For Life after age 65.  
Children receive same Tricare as spouse until 21 or 23 if in college
- \* Survivors Benefit Plan
- \* Social Security Benefits

These benefits are fluid and can increase or decrease at any time. Also, benefits depend completely upon the individual circumstances surrounding each case. We have never had two alike. Please forgive the acronyms, that is the Army. If you have questions I can try to answer them, but the bottom line is that we generally treat every soldier on duty in a similar manner from a federal perspective. In addition, as we discussed, the state Veteran's Bonus would be added on if the soldier was in a combat zone.

I look forward to seeing you in a couple weeks, please have a Merry Christmas, David