

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2115

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2115

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2115

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/11/07

Recorder Job Number: 954, 958

Committee Clerk Signature

Veronica Spurling

Minutes:

Roll was taken and all members were present.

David Sprynczynatyk introduced SB 2115. See attachment #1.

Sen Nelson asked whether this referred to full time guard members only or included part time members also.

Major General Sprynczynatyk replied this referred to any member of the National Guard that could be available for state active duty. Most often they are not full time with the National Guard. There are 3 categories of people that work full time for the National Guard. Active Guard Reserve status members are paid by the federal government. Military technicians are federal employees that are also traditional members of the Guard and are on a separate status on weekends. The others are employees in the private sector and are traditional guard members as we think of them. This bill refers to bringing someone on that is not full time active duty with the guard.

Senator Nelson asked whether the Guard can "loan out" guardsmen to accomplish a task based strictly on their availability and Major General Sprynczynatyk replied that the Guard does not have that right because the guardsmen are being paid by federal money and there are restrictions on what they can and cannot do.

Senator Dever asked whether the Guard, when doing a job for a public entity, is mindful not to take business away from private enterprise.

Major General Sprynczynatyk replied that guardsmen can be utilized if the project is applicable to their training. But the Guard does get approval from the Association of General Contractors to make sure they are not in competition with the local contractors. Often the political subdivision has only the money for the supplies and not for the labor to pay a contractor, so the guard is asked to do the project.

Sen Horne commented he has seen projects that the guard has done that have been very appreciated.

Major General Sprynczynatyk covered Section 2. See attachment #1. He also mentioned that the tuition grant program has been a good retention and recruiting tool for the National Guard.

Sen. Nelson asked whether the travel colleges are on the list.

Major General Sprynczynatyk replied that they are on the list.

Sen Nelson asked why the amount of payment is based on the cost of credits at UND.

Major General Sprynczynatyk asked Dave Thiele to respond to that question.

Lieutenant Colonel Dave Thiele said there had to be some benchmark set.

Senator Dever asked whether BSC was included in the program under the present law and Dave responded that it was not.

Senator Horne asked for an explanation of the process.

Major General Sprynczynatyk explained the student (Guardman) applies to the Guard for the tuition program and the Guard contacts the school and arranges for payment of 75% of the tuition.

Senator Marcellais questioned whether the word guardsman should be changed to guardspeople.

Major General Sprynczynatyk explained that guardsman always refers to male and female. He went on to explain Sections 3, 4, and 5. He mentioned that the Veteran's Bonus Program that was approved by the 2005 legislature went back to 2001. The payments for months of service in the US varies from \$50 to \$900 per month. Deployed benefits range from \$100 to \$1800 per month.

He also mentioned that our retention rate is 85% which is very good.

Sen. Horne asked why a MN or SD resident would become a member of the ND National Guard.

Major General Sprynczynatyk responded that many had been a ND resident and then took a job or went to school in MN. If they joined the guard before or during college they end up in a different state but retain their membership in the ND National Guard. In addition to this sometimes people want to join a unit that requires their area of interest or expertise.

Sen. Nelson asked whether reassignment to a different unit caused people to drop out.

Major General Sprynczynatyk responded that he didn't think so. He doesn't feel we have had an exodus by any means. Many will require retraining.

Sen. Nelson asked what the average retirement rate per year is. Major General responded that he would have to look that up.

Sen. Nelson asked if there was a mandatory age for retirement.

Major General Sprynczynatyk responded that by federal law most members of the guard must retire by age 60. There are some exceptions to this.

Sen Lee mentioned she felt it is good to include the technical schools in the tuition program because there is such a need for people to be trained in the technical fields. She asked whether residents of other states have difficulty collecting bonuses in their state of residence.

Major General Sprynczynatyk responded that he doesn't know because he is not responsible for the residents of the other states.

Sen. Marcellais asked how the Guard is getting the word about the tuition program out to the veterans in the rural areas.

Major General Sprynczynatyk responded that the Guard does a redeployment process with the returning members of the Guard during which they are informed of the various state and federal programs that are available to them. The active duty soldiers should be apprised of these programs through the Veterans Administration. Of the 2300 applications processed by the Guard, 270 were from active duty members, 150 were in the reserves, 1850 were from the ND National Guard.

Sen. Marcellais mentioned that he had put ads in the local paper.

Major General Sprynczynatyk thanked him for doing so.

Sen. Nelson asked whether this will go back to 1992 and through 2009 and whether the Guard will look for the out of state people going back that far.

Major General Sprynczynatyk responded that the Guard will do so and is aware that there are about 200 people in that category.

Sen. Dever asked whether ND residents that belong to guard units from other states would be eligible for the ND bonuses.

Major General Sprynczynatyk responded that they would be eligible.

Sen. Dever asked what the purpose of the emergency clause was.

Major General Sprynczynatyk responded that this would take effect as soon as the bill is passed. We are sending out soldiers often so it would be good to be able to offer this to the new soldiers.

Sen. Dever asked if this would go back to 1992 so there would be no need for a retroactive application.

Major General Sprynczynatyk affirmed that statement.

Sen Horne asked why there was an end date of June 30, 2007 mentioned in the bill.

Lieutenant Colonel Dave Thiele responded that it actually goes to June 30, 2009. It has been changed on the actual copy of the bill. Sen. Horne had an old copy of the bill.

John Jacobsen spoke in favor of the bill. See attachment #2

Further Support: -

Opposition: -

Neutral: -

Chairman Dever closed the hearing on SB 2115.

Chairman Dever opened discussion on SB 2115.

Sen. Nelson made a do pass motion.

Sen. Horne seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Sen. Judy Lee

FISCAL NOTE
 Requested by Legislative Council
 12/28/2006

Bill/Resolution No.: SB 2115

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
Revenues						
Expenditures	\$5,000,000					
Appropriations	\$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).*

Sections 1 and 2 of the bill have no fiscal impact. Section 3, 4, and 5 of the bill add non-resident National Guard members to adjusted compensation legislation (SB 2146, 2005 Legislative Assembly) and extends the program through 2009.

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.*

Will add approx. \$400,000 in benefits paid out (# of soldiers and airman eligible or potentially eligible (just short of 300) @ average payout of \$1,350). There will be no additional funding required as the remaining funds of the original appropriation of \$5.0 million (currently \$3.0 million) will be carried over for use though 2009 (SB 2016, section 6). No additional funds beyond the original \$5.0 million are required with the addition or extension.

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, 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.*

Funding is provided by extension of original appropriation (\$5.0 million). We believe that as of July 1, 2007 there will be approx. \$2.5 million remaining which will be sufficient to cover non-resident National Guard members and the extension of program through 2009. Below is section 6 of SB 2016:

SB 2016-- SECTION 6. EXEMPTION - TRANSFER. Any unexpended general fund appropriation authority relating to

the \$5,000,000 appropriated in section 3 of this Act for the payment of adjusted compensation to veterans is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation must be transferred to the veterans' cemetery trust fund during the biennium beginning July 1, 2007 2009, and ending June 30, 2009 2011.

Name:	LTC Dave Thiele	Agency:	Adjutant General
Phone Number:	333-2009	Date Prepared:	01/02/2007

Date : 1-11-07
Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2115

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Nelson Seconded By Horne

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment All

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

REPORT OF STANDING COMMITTEE (410)
January 11, 2007 1:37 p.m.

Module No: SR-07-0471
Carrier: J. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2115: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115
was placed on the Eleventh order on the calendar.

2007 SENATE APPROPRIATIONS

SB 2115

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2115

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01-23-07

Recorder Job Number: 1670

Committee Clerk Signature



Minutes:

Vice Chairman Grindberg opened the hearing on SB 2115 at 10:45 am on January 23, 2007 in reference to the Adjutant General Department.

Major General David A. Sprynczynatyk, Adjutant General presented written testimony (1) and gave oral testimony in support of SB 2115. He stated this bill addresses three of the seven issues we have identified as "necessities" that will have a positive impact on the National Guard, our members, and their families; other legislation addresses the remaining four.

1. Section 1 – Authority of the Governor to Activate the National Guard.
2. Section 2 – National guard Tuition Grant Program.
3. Sections 3, 4, and 5- Veteran's bonus Program.

Senator Wardner asked if the National Guard person lived in Montana could he come to school in North Dakota and get the bonus.

Vice Chairman Grindberg closed the hearing and reopened it as one more person wanted to testify.

John L. Jacobson, Chairman of the Legislative Committee of the North Dakota Veterans

Coordinating Council gave written testimony (2) and oral testimony stating the Council is opposed to this bill. He stated the Council consists of 15 members, 3 from each of the five

Page 2
Senate Appropriations Committee
Bill/Resolution No. 2115
Hearing Date: 01-23-07

Veterans Organizations in North Dakota: American Legion, AMVETS, Disabled American Veterans, Veterans of Foreign Wars, and Vietnam Veterans of America.

Senator Krebsbach wanted to know if it was an unanimous decision.

Senator Christmann asked Mr. Jacobson to elaborate on his testimony.

Vice Chairman Grindberg closed the hearing on SB 2115.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2115

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-13-07

Recorder Job Number: 3464

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2115 regarding the Adj. General.

Senator Grindberg explained the bill stating this bill puts appropriations back in place for two years.

Senator Grindberg moved a DO PASS, seconded by Senator Wardner.

Senator Robinson had questions regarding whether this bill broadens the scope of payments.

Chairman Holmberg had questions if this is the bill relating to National Guard Soldiers living in Minnesota or South Dakota. He was told the other bill added the inactive military. We hoghoused it. Chairman Holmberg asked for a roll call vote on a do pass.

A roll call vote was taken resulting in 13 yeas, 1 nay, 0 absent. The motion carried.

Senator Grindberg will carry the bill.

The hearing closed on SB 2115.

Date: 2/13/07
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2115.

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Brendberg Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern		✓
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 13 No 1

Absent _____

Floor Assignment Brendberg

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

REPORT OF STANDING COMMITTEE (410)
February 13, 2007 5:28 p.m.

Module No: SR-30-3140
Carrier: Grindberg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2115: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS
(13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2115 was placed on the
Eleventh order on the calendar.

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2115

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2115

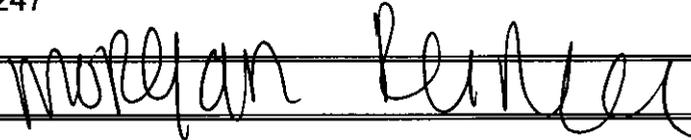
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4247

Committee Clerk Signature



Minutes:

Dave Sprynczynatyk: Testimony attached.

Rep. Amerman: I really like doing things for the service people beings I am a veteran myself. I think I need to get some things straight so I know better what I'm doing. All residents of ND being regular service National Guard, they are all getting a bonus regardless of where they serve?

Dave Sprynczynatyk: They are getting bonuses if they are immobilized and deployed away from their home station. There is also further language that talks about those that receive an expeditionary medal or a campaign medal for overseas duty. Essentially if you are immobilized and deployed away from your home, whether you are active or reserve you will receive the bonus. If you live in Lisbon and you are immobilized elsewhere in the country you would be eligible. If you are an active component and you are stationed at Fort Louis for example, you are not mobilized from your home Fort Louis you would not be eligible for the program.

Rep. Amerman: In the definition of Foreign Service, it is a veteran to receive the armed forces expeditionary medal or campaign badge. Under that, that is regular army that is in Iraq?

Dave Sprynczynatyk: Yes.

Rep. Amerman: Then domestic service means service by a veteran during a period of service which is not Foreign Service. Domestic service under current law, the only ones who get a bonus are the guard and the reserve? Someone in the regular service does not get it under Domestic Service?

Dave Sprynczynatyk: Yes. If they are mobilized away from their home that is correct.

Rep. Amerman: By domestic service, if we put into code that a non resident of the guard serves in France, but if someone that is from ND and is regular service serves in France, the guard member will get a bonus but the regular one won't, is that correct?

Dave Sprynczynatyk: No. They would still have to have that campaign medal.

Rep. Amerman: Which one? Both of them?

Dave Sprynczynatyk: My understanding of current law, both of them would.

Rep. Amerman: The only thing foreign is when you get these medals. Everything else, if you aren't in one of those war zones is domestic whether it is France or South Dakota. Would that be correct?

Dave Sprynczynatyk: If you don't mind I will call up Colonel Thiele who has been involved with this much longer.

Colonel Dave Thiele: The army reserve mobilized is specific language. It's not plugged it's not fires, its call up. You are on active duty. The army reserve members would be entitles to \$50 a month for service outside the operations. That is where you get the Campaign and Expedition Medals. The active component is eligible for \$400 a month for any service within the operations. They would be receiving the Campaign badge with the employee. That is citizenship.

Rep. Amerman: One last question so I can set this straight. We aren't trying to discriminate against anybody. Would there be a case where a non resident from Minnesota in our National

Guard is serving with someone that is a resident of our state in Georgia. The guard member would get the bonus because of Domestic Service where the regular would not?

Colonel Thiele: The guard member under the proposal resident or non resident would have to be mobilized. The active person is not mobilized, they are deployed. If you are mobilized you are eligible for state side service. The best example is that most of our units, we use the 142 as a prime example. We certainly have some non residents within that group. At the end of December 2002 within 10 days they were on their way to Fort Carson, Colorado. They were under Presidential orders so they were mobilized. They spent 3 months there in an airport hanger with one bathroom and cots lined up. They then went to Iraq and spent a year there. Both members would be eligible under this proposal, residents and non residents, for \$50 a month for the time period they were in Colorado, \$100/month for when they were in Iraq. I was on active duty during the first Gulf War. I was stationed at Fort Sheridan and Fort Knox during that time frame. I was on active duty but that was my assignment. This debate comes up all the time saying that if they leave North Dakota they are activated. I did not deploy. One of my good friends was deployed to Iraq in the first Gulf War. He would have been eligible for the bonus program and I would not have been.

Rep. Dahl: Do you know of the other states that have an activated bonus programs, and do they do something similar to what is being proposed here? Like allowing the non residents to be part of this bonus program?

Colonel Thiele: I'm not aware of the specifics. I know that every guard competes. We see that MN has ND residents, so we have MN residents. We are all very cognizant of that whole issue. I don't have a specific answer for us on that.

Rep. Meier: With the legislation you cast last session, did that with the active National Guard in ND, and were they able to take online classes from another state? Does it apply to

universities that are out of state, or online classes?

Colonel Thiele: The state funds that are provided for the tuition would not be allowed for out of state universities. There are federal funds that are available to us that we do use in instances like that. The tuition waiver program goes back quite a number of years. It is always focused on using state money for members of the ND National Guard and institutions within the state.

Rep. Froseth: The amount of this bonus is \$1,800. Is that for either domestic or foreign?

Colonel Thiele: If the service is state side, it is \$50/month with a maximum of \$900. If it's overseas its \$100/month with a maximum of \$1,800. It can be some combination. The amount per month depends on location and the maximum is \$900 or \$1800.

Rep. Kasper: On the bottom of page 1 where you are talking about the guard members who enroll in an accredited post secondary institution in ND, are you going to include the tribal colleges who are totally accredited?

Dave Sprynczynatyk: Yes. There are a total of 18 additional institutions in the state beyond the four year institutions. The tribal colleges are part of them.

Rep. Kasper: There are 5 tribal colleges in ND, and you intend to include all of them?

Dave Sprynczynatyk: Yes. There are 30 total institutions in the state.

Rep. Kasper: On line 3, I can't understand what the intent of the sentence is. Are we singling out UND for something special here?

Dave Sprynczynatyk: That is a benchmark.

Colonel Thiele: What that is, is a benchmark. We also have some private institutions that participate. We are just saying that the maximum amount is what UND charges.

Rep. Amerman: I'm feeling better but I still have to ask some questions. I just want to know that if we are going to put non residents that belong in the guard, I don't have a problem with that. I want to make sure that our residents are on regular service are going to get the same

bonus that a resident may not. Am I getting an Expeditionary medal or a Campaign badge if I'm in the regular army stationed in Germany.

Colonel Thiele: A campaign badge or medal is for services in the operations. It depends upon the nature of the conflict. Right now since 9/11 you have a fairly large region that would not include Germany.

Rep. Amerman: So I'm in Germany and that is my home. Now the guards are mobilized and a non resident from Minnesota is immobilized and he goes to Germany, now he will get a bonus. Then it must become domestic service

Colonel Thiele: A guard wouldn't go to Germany, but maybe to Fort Riley. We have this debate and Political Subdivisions is taking this up. We are going to be looking at this. The history behind it is going back to the first Gulf War when this current policy was established. If I'm at Fort Knox and basically leaving home. If you leave home right now and you can't go home to your family you are eligible for some sort of bonus whether you are active or reserve. The non resident guard guy is leaving his home and family. The component soldier who is in Germany typically has his family with him. When he gets done with work everyday he goes home to his family. That is the distinction. We can debate as a matter of policy whether or not that is where we want to draw the line. That is what the political subdivision is looking at. They may be considering an amendment and it was part of the original bill that will add that component to any service during the War on Terror.

Dave Sprynczynatyk: My initial reaction is that going to Germany would be considered Domestic Service because there is not an expeditionary medal or campaign medal associated with it. To my knowledge we haven't had that question come up. I think that would be the answer though. I would also like to mention that certainly if this committee is interested in

including everyone on active duty we would not object to that. We would be willing to provide you with information on how many that might be and whatever else you might desire.

Rep. Boehning: On section 5 with the payments for the compensation. You are talking that the maximum amount is \$1,800. Is that per mobilization or is it just a one time payment no matter how many times they go?

Dave Sprynczynatyk: As I understand the law it would be a maximum of \$1,800 for the period of July 1992 to today. That is a maximum number. It is not per mobilization.

Rep. Haas: Is there any other testimony on SB 2115? If not we will close the hearing on SB 2115.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2115

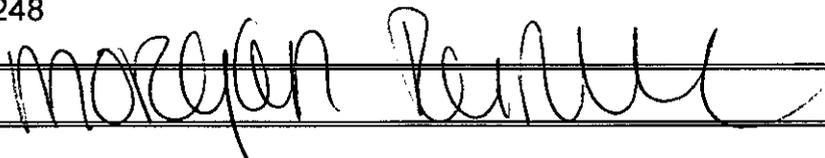
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4248

Committee Clerk Signature



Minutes:

Rep. Kasper: I move a do pass.

Rep. Karls: I Second that.

Rep. Amerman: I would like to hold on to that just a little bit.

Rep. Haas: Will you withdraw your motions?

Rep. Kasper: No.

Rep. Haas: We have a motion on the floor for a do pass. Rep. Karls seconded that. What is the concern?

Rep. Amerman: I just want to make sure. I don't want to vote against a good bill. If our residents who are in the regular service are not getting the bonus but non residents will be getting a bonus, I want to make sure I'm right.

Rep. Haas: The way that I see that is the key factor is that the non residents is a member of the ND National Guard.

Rep. Amerman: Well a resident is a member of the army. He won't be getting a bonus that the non resident will be getting.

Rep. Kasper: I think those are apples and oranges issues. Members of the army are a total separate branch of the armed forces than the National Guard. This bill is designed to be

specific for the National Guard, not the regular army. Therefore, I don't see where the problem is. If we want to address a bill sometime in the next session for it that is a whole other issue.

Rep. Amerman: When the bullets are flying there are no apples or oranges. There is no discriminatory thing where they are going.

Rep. Kasper: All I can say is that they are different issues.

Rep. Boehning: The only concern I've got is section 5. I was under the assumption that they were given a bonus for each mobilization. I'm wondering if we shouldn't have that for each mobilization because a lot of these guys have gone back two or three times. Is that something we could get, what the fiscal note would be on that? There is a lot of guys that said they want us to vote for a bonus for them again. A lot of them have capped out at the \$1,800. I think that is something that we should take a look at. I know it will be quite high but it's only fair to these guys.

Rep. Kasper: In light of both concerns I will withdraw my motion.

Rep. Karls: I will withdraw my motion also.

Rep. Haas: Rep. Amerman and Rep. Boehning you have until next Thursday to get our information.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2115

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: ~~February 8, 2007~~ 3-8-07

Recorder Job Number: 4643

Committee Clerk Signature

Morgan Revue

Minutes:

Rep. Haas: We were holding this bill for two reasons. Rep. Amerman and Rep. Boehning wanted to get some more information on that. Rep. Boehning's question was answered and he provided me with a letter that he got from Lt. Colonel Thiele. His question essentially was why the veteran can't receive a benefit if they are deployed on more than one campaign.

Essentially his response was that they currently have the most rebuts bonus program in the country. While we can never adequately recognize the sacrifices the soldiers and their family, the additional cost would be \$2 million per biennium. It was his recommendation that we not consider that. Rep. Boehning told me that he was satisfied with that response and in his concern that we could proceed with the bill.

Rep. Amerman: That was a good point because I wasn't quite sure what Rep. Boehning's concerns were. I appreciate the Colonel's response. I'm not so sure by the statute my mobilization if it is correct by law. By mobilization they may be deployed or mobilized stateside or over to a combat zone. Then they come back and resume their regular lives. Two years down the road they mobilized again. I'm not so sure that they wouldn't have an argument if they got mobilized again that they should be entitled to the bonus. I understand where the

Colonel is coming from because that would get expensive so to speak. I'm not so sure by statute if he is correct in that.

Rep. Haas: This is Colonel Thiele's letter to Rep. Boehning. I would possess that the current program is working as intended. The bonus program was never meant to be an additional payment. It is simply a gift to recognize the sacrifice and commitment of our service members. There are many financial incentives for deployed service members particularly those serving in the combat zone. To name a few, virtually all income tax is exempt, they may receive hazardous duty pay of \$250/month, and family separation pay of \$250/month. The Department of Defense is also currently reviewing the process for multiple deployments and will be creating an additional financial incentive for those who are on second and third tours.

Rep. Amerman: I'm not arguing the point. I'm just wondering that if it was ever challenged by a guard member, they might not be on the solid ground that they think they are. My concerns were answered. I appreciate the time. I have an amendment I would like to pass out. I'm not so sure if it wouldn't be more appropriate if we would wait to debate. The amendment before you mirrors in language where the National Guard reserve did their bonus for domestic service where ND residents in the regular service would also receive the same compensation.

Rep. Dahl: What would this cost?

Rep. Amerman: I'm not sure. I was going by the Adjutant General's testimony. They have over \$2.5 million confined. When he was talking about adding on the non residents, would that belong to our guard and the bonus program? They still have over \$2.5 million left from that \$5 million that was appropriated. He figured that when they added the non residents that it would be another \$400,000. There would still be over 2.5 + million in the fund. I don't believe that in the next biennium that it would deplete or harm that fund. When you go into the active service, my understanding is that the bonus applies when you get out of active service and come back

to work. That is at least a 3 year period. There would be costs but I don't know if they would jeopardize that.

Rep. Haas: I understand what you are trying to do. I don't think this program that we are actually using was ever intended for active duty enlistee's. It was intended for National Guard and reserve members. For that reason I personally object to the amendment. I understand what you are doing but I don't think the program was intended to cover that group of people.

Rep. Amerman: With all do respect that is the way the situation is now. Now we are bringing in non residents and I don't thin this program works with that.

Rep. Haas: But it is non residents that are members of our guard or reserve.

Rep. Amerman: I understand but we have residents that are also in the service. I understand your area and you understand mine. There are good points on each side.

Rep. Grande: My neighbor is in the ND National Guard and he's in the MN guard. They live in ND. When he is deployed he is under what is happening in the MN guard for bonuses and such. He doesn't come back here and he wont' get any of this even though he is a ND resident that was sent out in the National Guard. The same should apply. The reason why it is different is the ND guard is engineering and such. He's an MP. He didn't have the option of being in the ND guard at the time that he joined. He had to go to the next closest unit. That is where he is and that is why he is a member there. Now that ND has an MP program, when he returns he is going to transfer. He just missed it by about a month. I would hope that MN takes care of my ND residents as we take care of theirs. We need to treat them in respect to whatever is necessary if he represents ND. We have quite a few of them stationed out of Fargo that are living in Moorhead.

Rep. Amerman: I don't have any argument with that. The other thing that I want to point out is that during the testimony. I can't remember a time when there was a veteran bill before us and

there was an elderly gentleman gets up. They do not support this. They do not speak in favor of this. It is not equal in their eyes. They represent the VFW and so on. We did not see that that day.

Rep. Haas: Nor did he come in and speak against it.

Rep. Amerman: No he did not. I move the amendment.

Rep. Schneider: I second that.

Rep. Haas: Is there discussion?

Rep. Schneider: Along Rep. Amerman's point, let's say that couple both gets deployed and are ND residents. The guard member gets the bonus but the active duty does not. Is that correct?

Rep. Grande: The active duty member is brought up and put in place by the federal government and receives all of those benefits. We are the only ones that deal with the National Guard members that are active.

Rep. Schneider: We have full authority to award North Dakotans who serve in the military.

Rep. Amerman: The WW2 and Korean Veteran's, regardless of where you are stationed, if you are in the service in that time period. You still receive a bonus because it was a war time status. It had to be included. Each state was different. I think I got \$12.50 a month.

Rep. Karls: In HB 1291 we took the death benefits for veterans out of that fund. They are chipping away out of that fund. I don't know if there are \$2.5 million left in that fund.

Rep. Haas: Colonel Thiele's testimony that this bill will add approximately \$400,000 in cost. They will use remaining funds from the \$5 million appropriated in 2005 to cover the future costs. So I take that as this bill over the next biennium may or may not use all the money. The bill does not add non resident reserve members as they have no state mission. It also clears up confusing language. I think the guard people are comfortable with this bill and the amount

of money that they have left. That is why they came in and said they didn't need an additional appropriation.

Rep. Potter: With this amendment, will we need further appropriation later?

Rep. Haas: I did not say that. That would require analysis by the guard and by OMB.

Personally I'm not objecting to it on the basis of the money. I'm objecting to it on the basis of the concept. I believe this program is for the ND Guard and reserve members and not active duty personnel. They receive all kinds of other benefits from the federal government. That is where I am at.

Rep. Meier: For those obvious reasons I'm going to oppose the amendment also. I think that this bill was put in form for the National Guard.

Rep. Haas: Is there any other debate?

Rep. Amerman: I just want to say that it is a good bill. Even before this bill was brought forward, there was a revision out there amongst regular service people in the guard. This program for the guard has been going on. Now when you add the non residents it adds up to the conflict out there. I think everybody here understands this. I will probably speak on the floor to change this. I just want to point out what my concerns were. I'm not going to advocate red lights. I want the rest to understand why I brought this forward and the concerns from the other veterans.

Rep. Grande: In the amendment you have months for domestic service.

Rep. Amerman: That is the way it reads for the guards.

Rep. Grande: It has mobilization as domestic and the other portion is for the rest.

Rep. Haas: There is a difference between mobilization and deployment.

Rep. Grande: How does that affect the word domestic.

Rep. Haas: Page 3.

Rep. Amerman: If you look where the amendment goes, a \$50 bonus is domestic. If you go into the Foreign Service I believe it is a higher bonus.

Rep. Grande: The active ones are only supposed to follow the domestic one?

Rep. Amerman: Well they follow it under Foreign Service. They will get it because they are in combat. They do not receive a bonus if they are stationed state side.

Rep. Grande: In this bill we are covering the active in the foreign but not in the domestic.

Rep. Amerman: That is correct.

Rep. Haas: We will take a roll call vote on the amendment. It fails by a vote of 4-6-3. We have the bill before us.

Rep. Dahl: I just want to bring up one point. I'm not completely opposed to the idea of having non residents in this bill but I am not comfortable with it. I understand that we have an obligation to our state militia. However we also have an obligation to the citizens of our state. Something that sticks out to me that is uncomfortable with me is sending tax dollars to non residents. I do understand the arguments but it does seem a little strange.

Rep. Haas: I understand what you are saying but to me the over riding factor is that they are members of ND National Guard. We have a lady who lives in Glendive, MT. She serves in the Dickinson unit of the National Guard. I think she deserves the same consideration that a resident that is a member of the guards too. I think the over riding factor is the fact that they are members of our guard.

Rep. Dahl: But there is a pretty hefty \$400,000 addition to this. If they are mobilized for Foreign Service. They are serving the entire nation as opposed to the state of ND.

Rep. Haas: Having served in the military and having been a part of the unit and serving with people from out of state, I feel for this. These men and women are working shoulder to shoulder, supporting each other, doing their job. They are members of our guard.

Rep. Weiler: I would like to switch topics for a second. There will be no fiscal effect for the 2007-2007 bienniums. The money of \$2.5 million that will be used is taken from the current biennium that they have money left over. The money will transfer over to the next fiscal year.

Rep. Haas: Correct.

Rep. Weiler: If we do not pass this bill what happens with that money?

Rep. Haas: It stays with the guard for the use of these bonuses.

Rep. Potter: Following along with Rep. Dahl's comments, do other states give these bonuses to non residents?

Rep. Haas: I can't imagine that they wouldn't. When there are residents from ND that are members of the MN , they are treated as members and use those programs available. To me that is a conclusion. I can't answer that conclusively.

Rep. Potter: Do we know if other states do this bonus deal?

Rep. Haas: We should have asked that to Colonel Thiele. But he did say that ND has one of the best bonus programs in the nation.

Rep. Karls: The neighbor that lives in ND and serves in MN, if we give them a bonus do we also get one?

Rep. Grande: He's not a ND Guard member so he gets the one from MN and that is it. They only get the bonus where they are a member of the guard.

Rep. Potter: Do we know that for sure?

Rep. Grande: We aren't giving them to the other ones.

Rep. Amerman: I believe there is testimony that there won't be double dipping.

Rep. Dahl: On page 2 it says that any payments would be offset.

Rep. Haas: The chair will entertain a motion on the original bill.

Rep. Grande: I move a do pass.

Rep. Schneider: I second that.

Rep. Haas: Is there any other discussion? If not we will take a roll call vote on SB 2115. The do pass motion passes with a vote of 10-1-2. Is there a volunteer to carry this?

Rep. Grande: I will.

Date: 3-2-07
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 SB 2115

Action Taken DO PASS

Motion Made By Rep Kasper Seconded By Rep Karis

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep.

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

Motions withdrawn.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2115

Page 4, line 20, after the period insert "Each active component veteran who is a resident of North Dakota, and who was a resident of North Dakota at the time of initial enlistment into the armed forces, is entitled to fifty dollars for each month or major fraction of a month for domestic service since September 11, 2001, not to exceed nine hundred dollars."

Renumber accordingly

Date: 3-8-07
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 SB 2115

Action Taken move amendment

Motion Made By Rep Amerman Seconded By Rep Schneider

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman		X	Rep. Bill Amerman	X	
Rep. Bette Grande VC		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) 4 No 6

Absent 3

Floor Assignment Rep

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

Date: 3-8-07
Roll Call Vote #: |

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 SB 2115

Action Taken DO PASS

Motion Made By Rep Grande Seconded By Rep Schneider

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

Total (Yes) 10 No 1

Absent 2

Floor Assignment Rep. Grande

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2007 1:14 p.m.

Module No: HR-44-4735
Carrier: Grande
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2115: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2115
was placed on the Fourteenth order on the calendar.

2007 HOUSE APPROPRIATIONS

SB 2115

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2115**

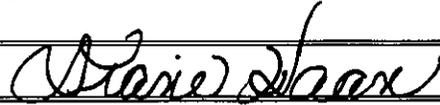
House Appropriations Committee

Check here for Conference Committee

Hearing Date: 3-21-07

Recorder Job Number: 5397

Committee Clerk Signature



Minutes:

Chairman Svedjan: We'll look at SB 2115...this comes to us from the Government Operations section.

Rep Carlisle: SB 2115 is regarding the National Guard, basically if you go to Page 2, there's a couple changes on Line 17 & 18 about when they're overseas on sand duty i.e. the Middle East...they get up to \$100/month for 18 months and if you go to the FN, Part B, they have carry over money. We're not sure why we got it, because they have the money to pay this out now...they made just a couple changes so our committee kicked it right back out for the soldiers and reserve folks that are serving. They get up to \$1800 but it just added a few more folks...if you read the FN right below Line B, there's carry over money there so we passed it.

Chairman Svedjan: So there's no new appropriation in it and it's just utilizing the carry over.

Rep Carlisle: I move a DO PASS on SB 2115

Rep Kempenich: I second it.

Chairman Svedjan: For our students, would you state the purpose of this bill?

Rep Carlisle: I'm asking the National Guard folks, when they get deployed, some of them on their 2nd & 3rd tours, we have opted in the last few years, to give them a bonus...in the old days it was hazardous duty pay...we've added to that now, up to \$100/month up to a period of 18 months. What this bill is doing...there's still some money left in the fund and everybody agrees

with the folks that are serving in harms way...i.e. in the National Guard and activated in those certain hazardous duty areas should receive extra compensation while they're over there.

Rep Guleson: In the past, it's been my understanding that during other conflicts, we've extended the benefit to regular service members as well...does this bill include that in addition to the National Guard?

Rep Carlisle: No, on Line 18 we just added North Dakota residents of the Reserve.

Rep Guleson: What was the reason we didn't include them...all service members who are mobilized?

Rep Kemenich: The Lt Colonel that brought it up said there was questions about that but they had not gone into it deep enough to find out what this was going to cost...they didn't have anymore information for us.

Rep Aarsvold: Page 4, Lines 5 & 6, the underlined new language...residents include all mobilized members of the North Dakota National Guard, so we are obviously including some non residents in this appropriation?

Rep Carlisle: The Colonel explained to us, the argument is these folks are serving side by side over there so they thought they should be included.

Rep Wald: I don't know that Rep Guleson got a clear answer...if I joined the Marines and end up over in Iraq, I don't get the bonus, but if I'm a member of the National Guard unit I do...is that a correct statement?

Chairman Svedjan: That would be the limitation of this program as it stands right now.

Rep Guleson: My understanding is that in past conflicts, we've always included all mobilized members of the Guard and all Service, so it's a big disappointment that we're not, because I think it's really important.

Rep Carlson: Holding true to the job that we were given at an Appropriation Committee was to look at not all of the policy, but to look at the money...we did that...I'm sure that debate was handled down the policy committee...it's a good discussion for the Floor, but we didn't feel it was our responsibility to change the basic focus of the bill because it was just extending the non residents to serve the North Dakota National Guard...a benefit that we voted for them last time...that's the only part of the bill we looked at.

Rep Skarphol: There was also a provision made on Page 1, or to perform training activities...we had an entity...the National Guard...that was in Kansas for 1 year and they wouldn't have been eligible for this because of where they were serving, and this incorporates those fellows and ladies who are asked to be away from their families...to be included in this.

Rep Kemenich: And that was \$50 if they were not in the sand, so to speak.

Chairman Svedjan: If no further discussion, we'll take a roll call vote on **SB 2115**

Yes 24 No 0 Absent 0 Motion Carries Carrier Rep Grande

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2115

House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 3/21/07

Recorder Job Number: 5408

Committee Clerk Signature

Christina J. Voegeli

Minutes:

Chairman Carlson opened the hearing on Senate Bill 2115.

LTC Dave Thiele gave an overview of the bill.

Chairman Carlson: So the dollars are already in your budget and this just clarifies the usage?

LTC Dave Thiele: Yes.

Chairman Carlson: Is there any contentious part to the bill other than the non-residents?

LTC Dave Thiele: No. There is one issue on the bonus program itself. We have heard a lot of testimony where people would like to have active component members in areas other than the theater of operations. That has been an issue that has been considered.

Chairman Carlson: This just pertains to the Guard not the active component.

LTC Dave Thiele: That is correct.

Representative Kempenich: Does this include the Reserves?

LTC Dave Thiele: It does not.

Representative Kroeber: If you added the active components, what would the fiscal note look like?

LTC Dave Thiele: The original proposal would have originated back in 1992. That is basically the bonus program was discontinued prior to smaller conflicts so the bonus program was from 1992 to whenever the war ends. That original fiscal note was somewhere around \$7.2million.

Chairman Carlson: In a nutshell, tell me how these benefits work?

LTC Dave Thiele: If you serve in the sand so to speak, it is \$100 per month up to \$1800.

Chairman Carlson: Is it a one time payment?

LTC Dave Thiele: It is for a period. You can have multiple mobilizations. You are capped at \$1800. The average payout for a major unit has been about \$1350.

Chairman Carlson: So how much do they get?

LTC Dave Thiele: \$50 for what we would consider other areas of service up to \$900.

Chairman Carlson: What do you mean by other areas of service?

LTC Dave Thiele: We had a unit that was mobilized. They ended up in Kansas for a year. They got \$50.

Chairman Carlson: Committee what are your wishes.

A motion was made by Representative Thoreson, seconded by Vice Chairman Carlisle for a DO PASS recommendation to the full committee. The committee vote was 8 Yeas, 0 Nays, 0 Absent and Not Voting. The bill will be carried to the full committee by Vice Chairman Carlisle.

Date: 3/21/07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2115

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Carlisle Seconded By Kempenich

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleason	✓	
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim	✓	
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol	✓		Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew	✓		Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 24 No 0

Absent 0

Floor Assignment Rep. Grande

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

REPORT OF STANDING COMMITTEE (410)
March 22, 2007 4:11 p.m.

Module No: HR-53-5983
Carrier: Grande
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2115: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS
(24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

SB 2115

*Some
given to
House
Govt & VA*

TESTIMONY OF
MAJOR GENERAL DAVID A. SPRYNCZYNATYK
THE ADJUTANT GENERAL
BEFORE THE
SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
JANUARY 11, 2007
SENATE BILL 2115

Mr. Chairman and Members of the Committee:

Our process to determine legislation necessary to support our service members and their families was fairly exhaustive. In the fall of 2005, we established a team of nearly 15 personnel who gathered ideas from every interest group, researched the various issues, presented to the command team, and ultimately prioritized according to need. We had four categories; necessities, valuable, nice to have, and do not pursue. This bill addresses three of the seven issues we have identified as "necessities" that will have a positive impact on the National Guard, our members, and their families; other legislation addresses the remaining four.

Section 1-Authority of the Governor to Activate the National Guard. Currently the Governor can activate the National Guard for State Active Duty only in a case of a disaster or some other emergency situation. We have situations where state agencies have had access to federal funds, but have not had available personnel with the expertise necessary to complete a task or project. Often, this could have been accomplished by the National Guard but we lacked the necessary authority to activate the soldiers or airman. Section 1 of the Bill allows the Governor to activate the National Guard for state active duty for training purposes. This will help agencies as described above and will also allow the National Guard to take advantage of training opportunities. Funding would typically be available from the requesting agency and the fiscal impact to the state, if any, would be negligible.

Section 2-National Guard Tuition Grant Program. Since expanded funding in the 2005 Legislature (increase from \$1.0 million to \$2.0 million) for tuition assistance the number of service members taking advantage of tuition assistance has grown dramatically. We now have between 400 and 475 students per semester that apply for tuition assistance. We have also seen many members who wish to attend accredited programs not currently eligible for the tuition assistance program. The current tuition grant program is limited to four-year degree universities or private non-profit colleges. Section 2 of the Bill would expand the tuition grant program for the National Guard to include all accredited post-secondary schools. We intend to use the U.S. Department of Education listing of accredited institutions. The institutions would have to agree to waive 25% of the tuition for the guard member in order to participate, the same as under existing law. There is no fiscal impact as funding for the tuition program will remain at the same level.

Sections 3, 4 and 5-Veteran's Bonus Program. The 2005 Legislature authorized \$5.0 million for the veteran's bonus program. As of January 1, 2007, we have processed 2306 applications for the veterans bonus with \$2,104,760 paid out. We have made 53 payments of \$2,500 for Purple Heart awards and an additional 13 such awards to the families of soldiers who died while mobilized.

The current bonus program was initiated in the 2005 Legislature and, as with every past bonus program (WWI, WWII, Korea, Vietnam, 1st Gulf War), is limited to residents of North Dakota. We anticipated that surrounding states would have robust bonus programs and non-resident National Guard members would receive a similar bonus, but that has not occurred. Minnesota has a privately funded program that, depending on contributions, may allow up to \$500 per service member that served in the combat zone. South Dakota's program also generally limits payments to a \$500 maximum and Montana has yet to initiate a veteran's bonus program. This has created a retention issue for our non-resident National Guard members. They feel, and I agree, that their service to North Dakota warrants payment of the same bonus as the soldiers or airman they serve alongside. To date, we have had nearly 200 North Dakota National Guard soldiers and airman mobilized that were residents of other states and did not qualify for the bonus program. Nearly 40% of non-resident National Guard members previously mobilized have left the guard.

The proposed bill will extend the bonus program through 2009 and will add non-resident North Dakota National Guard members, regardless of their state of residency. We recognize that non-resident members also have performed a significant service for the state of North Dakota. They have represented us well, and should be entitled to the same bonus as their fellow soldiers and airman they served with. Also, in the event of an emergency in North Dakota, the non-resident service member is subject to activation by the Governor to provide necessary assistance. Any payments made by another state to a member would be off-set (no double-dipping). This will add approximately \$400,000 in cost, but we will use remaining funds from the \$5.0 million 2005 appropriation to cover future costs (approx \$2.5 million remaining). This Bill does not add non-resident reserve members as they have no state mission. The Bill also clears up confusing residency language

Sections 3, 4, and 5 are declared an emergency.

Mr. Chairman and members of the committee, on behalf of the service members and their families, I would respectfully request a "Do Pass" on SB 2115. I would be pleased to respond to any questions, Mr. Chairman.

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.

TESTIMONY OF
MAJOR GENERAL DAVID A. SPRYNCZYNATYK
THE ADJUTANT GENERAL
BEFORE THE
SENATE APPROPRIATIONS COMMITTEE
JANUARY 23, 2007
SENATE BILL 2115

Mr. Chairman and Members of the Committee:

Our process to determine legislation necessary to support our service members and their families was fairly exhaustive. In the fall of 2005, we established a team of nearly 15 personnel who gathered ideas from every interest group, researched the various issues, presented to the command team, and ultimately prioritized according to need. We had four categories; necessities, valuable, nice to have, and do not pursue. This bill addresses three of the seven issues we have identified as "necessities" that will have a positive impact on the National Guard, our members, and their families; other legislation addresses the remaining four.

Section 3 is the only section with a fiscal impact. Section 3 adds non-resident National Guard members to the veteran's bonus program. The estimated cost is approximately \$400,000 in benefits paid out, but no additional funding is required as the payments will be made out of the remaining funds from the \$5.0 million appropriated in 2005. Approximately \$2.5 million will remain and will be carried over pursuant to Section 6, SB 2016.

Section 1-Authority of the Governor to Activate the National Guard. Currently the Governor can activate the National Guard for State Active Duty only in a case of a disaster or some other emergency situation. We have situations where state agencies have had access to federal funds, but have not had available personnel with the expertise necessary to complete a task or project. Often, this could have been accomplished by the National Guard but we lacked the necessary authority to activate the soldiers or airman. Section 1 of the Bill allows the Governor to activate the National Guard for state active duty for training purposes. This will help agencies as described above and will also allow the National Guard to take advantage of training opportunities. Funding would typically be available from the requesting agency and the fiscal impact to the state, if any, would be negligible.

Section 2-National Guard Tuition Grant Program. Since expanded funding in the 2005 Legislature (increase from \$1.0 million to \$2.0 million) for tuition assistance the number of service members taking advantage of tuition assistance has grown dramatically. We now have between 400 and 475 students per semester that apply for tuition assistance. We have also seen many members who wish to attend accredited programs not currently eligible for the tuition assistance program. The current tuition grant program is limited to four-year degree universities or private non-profit colleges. Section 2 of the Bill would expand the tuition grant program for the National Guard to include all accredited post-secondary schools. We intend to use the U.S. Department of Education listing of accredited institutions. The institutions would have to agree to waive 25% of the tuition for the guard member in order to participate, the same as under existing law. There is no fiscal impact as funding for the tuition program will remain at the same level.

Sections 3, 4 and 5-Veteran's Bonus Program. The 2005 Legislature authorized \$5.0 million for the veteran's bonus program. As of January 1, 2007, we have processed 2306 applications for the veterans bonus with \$2,104,760 paid out. We have made 53 payments of \$2,500 for Purple Heart awards and an additional 13 such awards to the families of soldiers who died while mobilized.

The current bonus program was initiated in the 2005 Legislature and, as with every past bonus program (WWI, WWII, Korea, Vietnam, 1st Gulf War), is limited to residents of North Dakota. We anticipated that surrounding states would have robust bonus programs and non-resident National Guard members would receive a similar bonus, but that has not occurred. Minnesota has a privately funded program that, depending on contributions, may allow up to \$500 per service member that served in the combat zone. South Dakota's program also generally limits payments to a \$500 maximum and Montana has yet to initiate a veteran's bonus program. This has created a retention issue for our non-resident National Guard members: They feel, and I agree, that their service to North Dakota warrants payment of the same bonus as the soldiers or airman they serve alongside. To date, we have had nearly 200 North Dakota National Guard soldiers and airman mobilized that were residents of other states and did not qualify for the bonus program. Nearly 40% of non-resident National Guard members previously mobilized have left the guard.

The proposed bill will extend the bonus program through 2009 and will add non-resident North Dakota National Guard members, regardless of their state of residency. We recognize that non-resident members also have performed a significant service for the state of North Dakota. They have represented us well, and should be entitled to the same bonus as their fellow soldiers and airman they served with. Also, in the event of an emergency in North Dakota, the non-resident service member is subject to activation by the Governor to provide necessary assistance. Any payments made by another state to a member would be off-set (no double-dipping). This Bill does not add non-resident reserve members as they have no state mission. The Bill also clears up confusing residency language

Sections 3, 4, and 5 are declared an emergency.

Mr. Chairman and members of the committee, on behalf of the service members and their families, I would respectfully request a "Do Pass" on SB 2115. I would be pleased to respond to any questions, Mr. Chairman.

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.

It is the council's stand that they are opposed to this bill. The council says IF the National Guard can ask for money for out-of-state National Guard members, they can surely ask for money to those service members on active duty in a non-combat situation. They are only asking for what is fair for the sons and daughters of North Dakota.

Please don't hurt the messenger,

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.