

2013 GOVERNMENT AND VETERANS AFFAIRS

HB 1057

2013 HOUSE STANDING COMMITTEE MINUTES

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

HB 1057
January 10, 2013
17068

Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

National Guard service medals

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the hearing on HB 1057.

David Sprynczynatyk, Adjutant General for the state of North Dakota, appeared and presented the attached testimony. Attachment 1 (Ended 2:53)

Chairman Jim Kasper thanked the Adjutant General and his staff for their honorable services for the state of North Dakota for many years.

David Sprynczynatyk We have 4,400 of the greatest Americans you will ever find in the North Dakota National Guard.

Rep. Vernon Laning If you accumulate a certain number of coins, does it help toward promotions? Is it recognition only?

David Sprynczynatyk handed out sample coins. The presentation of coins is a more personal presentation. It is one where if you have done an outstanding job, it has been noticed. I want to thank you and recognize your service. I would present a coin to you. It goes back about 100 years in military history. It is informal. There is no recognition that is added to your record. Although by law and policy I have to keep record of all the coins that I give out and who received them.

Rep. Steven Zaiser Do you have a defined criteria in terms of what meets a standard of special recognition?

David Sprynczynatyk No, there is no defined criteria. As the coin says, it is presented for excellence and achievement. Whenever one of our soldiers or airmen goes out of their way to do something and does it in a special, outstanding way, as a commander, I like to be able to recognize them for that service. It is entirely up to the discretion of the commander who has the coin.

Rep. Steven Zaiser How many other states do this?

David Sprynczynatyk I honestly don't know how many other states do this. All commanders are able to do so with federal funds for military personnel. What I saw after 2009 and 2011, many of our people did a great job, and receiving something as small as a coin of token of appreciation means a lot to them.

Rep. Gary Paur Basically, someone does a good job. You tell them thank you. Well done. This is a physical representation of that?

David Sprynczynatyk That is correct. You do an outstanding job. I am made aware of it. I see it. I come up to you and shake your hand with the coin in the palm of my hand and say thank you for what you have done. I give them the coin and get a big smile on their face. They feel good that somebody recognizes what they do.

Rep. Steven Zaiser Do you do this privately or do you have some sort of public appreciation event or whatever?

David Sprynczynatyk It could be either. I could be out and about and see somebody doing a great job and the first sergeant would ask me to coin Private "Snuffy." During the holiday season, I try to get out to every one of our units and spend a little time with them. Before I got to each unit, I asked the company commander, are there any soldiers or airmen that you feel are deserving of the coin and why. What I did is read a short description of what the individual would have done that was deserving of special recognition, and that would have been in front of the whole company.

Rep. Karen Rohr Does the fiscal note includes just the purchase of the coins? Would it include a display case? Obviously they have the opportunity to be presented more than one.

David Sprynczynatyk No, it is just for the coins. If an individual wants to build a display case, and many do, they can do so and display the coins they have received.

Rep. Ben Koppelman The fiscal note also includes the giving of flags to retiring North Dakota National Guard members?

David Sprynczynatyk Correct. Our estimate is that in recent record there are about 120 retirements a year out of our 4,400 soldiers and airmen. Of course, retirement occurs any time after 20 years of service.

Rep. Marie Strinden What part of the \$20,000 is allocated to this first part that would go to civilians?

David Sprynczynatyk We didn't break it out in terms of civilian versus military.

Rep. Marie Strinden Thank you for the gender neutral language. I really appreciate that.

Rep. Gail Mooney In appropriations we have a dividing line between the state and the county. Are local entities then expected to participate in that on a financial basis or is strictly coming through the legislative process?

David Sprynczynatyk The form that is used is generic. There can be situations where counties and cities will also participate in cost. In this particular instance that is not the case, and that is why we show zeros. The expenditures and \$20,000 would essentially be general fund money that is appropriated to the agency.

Chairman Jim Kasper On Page 2 at the top, you are striking 15 years as an award recipient, and I am wondering is there a reason why you are taking out 15?

David Sprynczynatyk The only reason we took out 15 is that when we looked at the service member's opportunity to receive a ribbon, 5 years is first marked. We decided from that point on, we would just go in decade increments--10, 20, 30, and 40. Starting at 5 would be the additional hour glass on the ribbon.

Chairman Jim Kasper You don't believe that you would lose any morale by taking out 15 with maybe somebody who has 14 and says Oh, my goodness there goes my 15-year ribbon?

David Sprynczynatyk I would like to think the opposite. I would like to think it to be an incentive to go for 20.

There was no opposition.

The hearing was closed.

Rep. Karen Karls moved a do pass.

Rep. Karen Rohr seconded the motion.

Vice Chair Randy Boehning What is the limit on rereferring to appropriations? \$50,000 again?

Chairman Jim Kasper I believe it is \$50,000. There may be a requirement that this has to go to appropriations, but I think it is \$50,000 and above. If it is a requirement to go to appropriations, then we will have to come back and amend the motion to rerefer to appropriations.

Roll call vote was taken and resulted in a **DO PASS, 13-0, 1 ABSENT**. A carrier was not assigned as of yet.

Rep. Gary Paur It seems to me there are two dollar amounts. One is \$5,000 and one is \$50,000.

Chairman Jim Kasper \$15,000. There is a \$5,000 and \$15,000 to total \$20,000.

Rep. Gary Paur No, I don't mean that. As far as the fiscal note, there is a \$50,000, but there is also a \$5,000.

Chairman Jim Kasper You mean on the limits?

Rep. Gary Paur Yes.

Chairman Jim Kasper I'll find out. I will check with leadership on that.

On January 17, 2013, Rep. Karen Karls was assigned to be the carrier of this bill.

FISCAL NOTE
Requested by Legislative Council
12/20/2012

Bill/Resolution No.: HB 1057

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$20,000	\$0	\$20,000	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

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

This bill provides authority to the Adjutant General to present an Adjutant General coin and a North Dakota State flag. It also amends language relating to service medals awarded to National Guard members.

- 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.*

Section 2 authorizes the Adjutant General to present an Adjutant General coin to deserving individuals who have distinguished themselves through exceptional service to the mission of the ND National Guard or the ND Department of Emergency Services. The estimated fiscal impact is \$5,000 per biennium. Section 5 authorizes the Adjutant General to present a ND State flag upon retirement to any member of the ND National Guard upon the completion of 20 years or more of service. The estimated fiscal impact is \$15,000 per biennium.

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.*

N/A

- 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.*

These would be expenditures of the Office of Adjutant General, they would be expended through the operations line utilizing general funds. No FTE positions would be 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.*

N/A - This bill does not provide an appropriation for the agency.

Name: Holly Gaugler

Agency: Adjutant General

Telephone: 701-333-2079

Date Prepared: 12/21/2012

Date: 1-10-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1057**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

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

Motion Made By Karls Seconded By Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		
Vice Chairman Randy Boehning	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Marie Strinden	X	
Rep. Karen Karls	X		Rep. Steven Zaiser	X	
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur	X				
Rep. Karen Rohr	X				
Rep. Vicky Steiner	X				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Karls

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

REPORT OF STANDING COMMITTEE

HB 1057: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1057 was placed on the Eleventh order on the calendar.

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1057

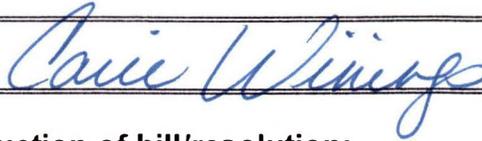
2013 SENATE STANDING COMMITTEE MINUTES

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

HB 1057
03/08/2013
Job Number 19617

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act relating to the definition and authority of the adjutant general to present awards and relating to service medals awarded to national guard members.

Minutes:

Chairman Dever: Opened the hearing on HB 1057.

Maj. Gen. Sprynczynatyk, Adjutant General: See Attachment #1 for testimony in support of the bill.

(4:07) Senator Cook: Any idea how many state flags that the National Guard has flying today at all of your facilities across the state?

Maj. General Sprynczynatyk: I would estimate 30 to 35 state flags flying outdoors. We have armories in 23 different communities and some of the communities have more than one location.

Senator Cook: We had legislation last session that dealt with making sure that the state flag was truly a state flag; do you have all official state flags now?

Maj. General Sprynczynatyk: I told staff that the flags that were flying were to be replaced with the new state flag when the current flag was worn out. Most of them have been replaced. I felt that we did not want to waste the ones that we already had. Typically a flag in North Dakota will wear out over 3 or 4 months because of the elements outdoors.

Senator Cook: What do you do with flags that you replace?

Maj. General Sprynczynatyk: Federal flags are properly disposed of which includes burning it at a small ceremony and I am not sure what we do with the state flags. I am assuming that we may do the same.

Senator Cook: For what it is worth, the capital state flags will be given to people if requested, when they replace one. They are in demand and make great gifts; that is why I ask. I have given to my committee clerk and intern the last two sessions.

Maj. General Sprynczynatyk: You bring up a good point. We have had instances where some of our retiring soldiers have asked if the US flag that gets presented to them could be the one that is flown over the memorial for the global war on terror and we have done that. I will add that we were appreciative to the legislature two years ago because the flag was designed by a Colonel that was a member of the legislature at one point and the Lt. Governor for a while. When that action was taken, we were very pleased that we were part of the ceremony when the new flag was unveiled. It is very appropriate that you have gone back to the original flag.

(Discussion followed on flag etiquette and the appropriateness of signatures on flags, folding of flag by Canada, and the 9/11 flag circulating around the country. General Sprynczynatyk did clarify that he was told that the North Dakota flags are disposed of as the federal flag is.)

Chairman Dever: Are you prevented from doing this now.

Maj. General Sprynczynatyk: There is not a law that says that you cannot do that, but with the situation that evolved over the last several years with WSI and Sandy Blunt and so on we thought it best to protect the AG.

(There was additional discussion on the Congressional Medal of Honor and the Legion of Merit and other military awards nationally as well as the state awards. There was also

discussion on the ranking of military officers and the process by which that is done as an act of Congress and the fact that there are only so many officer positions open to be federally recognized. They mentioned the temporary rank that can be assigned during war time. A five star can only be during a war time; after the war time it goes back to a four star. They also discussed how many funerals were attended by the honor guard.)

Chairman Dever: Closed hearing on HB 1057.

Senator Schaible: Moved a Do Pass.

Senator Nelson: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Senator Schaible: Carrier.

FISCAL NOTE
Requested by Legislative Council
12/20/2012

Bill/Resolution No.: HB 1057

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- 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.*

Section 2 authorizes the Adjutant General to present an Adjutant General coin to deserving individuals who have distinguished themselves through exceptional service to the mission of the ND National Guard or the ND Department of Emergency Services. The estimated fiscal impact is \$5,000 per biennium. Section 5 authorizes the Adjutant General to present a ND State flag upon retirement to any member of the ND National Guard upon the completion of 20 years or more of service. The estimated fiscal impact is \$15,000 per biennium.

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.*

N/A

- 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.*

These would be expenditures of the Office of Adjutant General, they would be expended through the operations line utilizing general funds. No FTE positions would be 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.*

N/A - This bill does not provide an appropriation for the agency.

Name: Holly Gaugler

Agency: Adjutant General

Telephone: 701-333-2079

Date Prepared: 12/21/2012

Date: 3/8
 Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES

BILL/RESOLUTION NO. 1057

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

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

Motion Made By Senator Schaible Seconded By Senator Nelson

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais	✓	
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Schaible

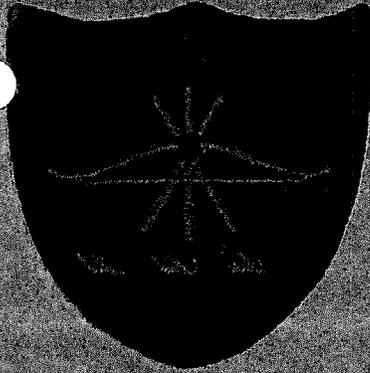
If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1057: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1057 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1057



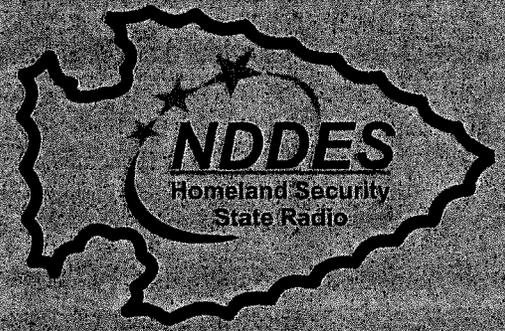
Army National Guard

"The Straight Arrows"



Air National Guard

"The Happy Hooligans"



*Department of
Emergency Services
Homeland Security &
State Radio*

*The
Office of the
Adjutant General*

*Testimony of
Major General David Sprynczynatyk
The Adjutant General*

before the

*Government and Veteran
Affairs Committee
January 10, 2013*

HOUSE BILL 1057

**TESTIMONY OF
MAJOR GENERAL DAVID A. SPRYNCZYNATYK
THE ADJUTANT GENERAL
BEFORE THE
GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
JANUARY 10, 2013
HOUSE BILL 1057**

Mr. Chairman and Members of the Committee:

I am Major General David Sprynczynatyk, Adjutant General for the State of North Dakota.

In the military, we have a proud tradition that includes recognition of a job particularly well done. Our tradition includes a specific type of recognition through awarding members with coins for excellence. Awarding a coin to a member goes far back in military history, nearly 100 years. Commanders have the authority to purchase coins with federal appropriated dollars, and use the coins to award special achievement to military personnel. There is no authority to award a coin to civilians.

This bill would provide authority for an adjutant general's coin, to recognize individuals whose special achievement contributed significantly to the North Dakota National Guard's mission or the mission of the Department of Emergency Services. Also, the bill would provide authority for a disaster specific response coin as recognition for individuals who have distinguished themselves during times of emergency or disaster. These coins would be presented for state achievement.

The next section addresses State law that provides authority to award medals for years of service. We are asking that the language be updated to provide for all officers and enlisted members, and that it be gender neutral. Also requested is a change in the time line for earning these awards. At present, state service awards may be issued at five, ten, fifteen and twenty years. Our change would provide for recognition at five, ten, twenty, thirty and forty years.

The next section would remove the twenty year limitation from the requirement for the North Dakota legion of merit medal. We have found that there are very deserving individuals who may not be able to achieve twenty years in the North Dakota National Guard.

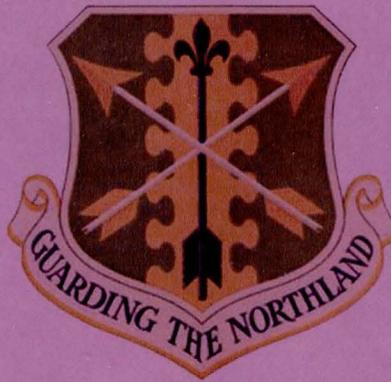
The final section would provide the authority to present the North Dakota state flag to retiring members of the North Dakota national guard. This has been requested by many retirees. Those who serve in the North Dakota National Guard are very proud to have served this state and wish to display the state flag along with the United States flag that they receive from the federal government upon retirement.

Mr. Chairman and members of the committee, I ask for your favorable consideration of HB 1057.



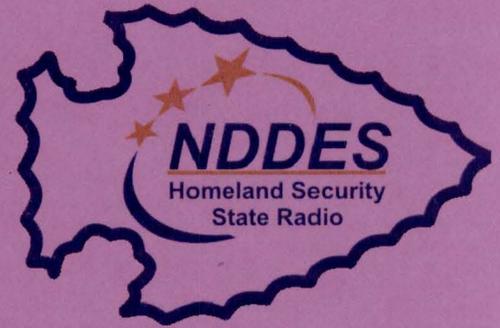
Army National Guard

"The Straight Arrows"



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*Department of
Emergency Services
Homeland Security &
State Radio*

*The
Office of the
Adjutant General*

*Testimony of
Major General David Sprynczynatyk
The Adjutant General*

before the

*Government and Veteran
Affairs Committee
March 8, 2013*

HOUSE BILL 1057

**TESTIMONY OF
MAJOR GENERAL DAVID A. SPRYNCZYNATYK
THE ADJUTANT GENERAL
BEFORE THE
GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
MARCH 8, 2013
HOUSE BILL 1057**

Mr. Chairman and Members of the Committee:

I am Major General David Sprynczynatyk, Adjutant General for the State of North Dakota.

In the military, we have a proud tradition that includes recognition of a job particularly well done. Our tradition includes a specific type of recognition through awarding members with coins for excellence. Awarding a coin to a member goes far back in military history, nearly 100 years. Commanders have the authority to purchase coins with federal appropriated dollars, and use the coins to award special achievement to military personnel. Presently there is no authority to award a coin to civilians.

Sections one and two of this bill would provide authority for an adjutant general's coin to recognize individuals whose special achievement contributed significantly to the Office of The Adjutant General which includes the North Dakota National Guard and the Department of Emergency Services. Also, the bill would provide authority for a disaster specific response coin as recognition for individuals who have distinguished themselves during times of emergency or disaster. These coins would be presented for state achievement.

Section three of this bill addresses State law that provides authority to award service medals for years of service. We are asking the language be updated to provide for all officers and enlisted members, and that it be gender neutral. Also requested is a change in the time line for earning these awards. At present, state service awards may be issued at five, ten, fifteen and twenty years. Our change would provide for recognition at five, ten, twenty, thirty and forty years.

Section four of this bill would remove the twenty year limitation from the requirement for the North Dakota Legion of Merit medal. We have found that there are very deserving individuals who may not be able to achieve twenty years in the North Dakota National Guard.

Section five of this bill would provide the authority to present the North Dakota state flag to retiring members of the North Dakota National Guard. This has been requested by many retirees. Those who served in the North Dakota National Guard are very proud to have served this state and wish to display the state flag along with the United States flag that they received from the federal government upon retirement.

Mr. Chairman and members of the committee, I ask for your favorable consideration of HB 1057.