

**2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1208**

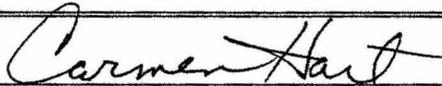
# 2015 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1208  
1/30/2015  
22878

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to honoring certain members of the National Guard, the Armed Forces Reserve of the United States, and the active duty forces of the United States as veterans

### Minutes:

Attachment 1

**Chairman Kasper** opened the hearing on HB 1208.

**Rep. Larry Klemin** appeared in support of HB 1208. This bill honors certain individuals as veterans even though they are not actually veterans under state or federal law according to the definition of veteran. I was contacted by a constituent in my district who had served in the ND National Guard for six years and received an honorable discharge, but he had never been activated or mobilized for active duty. I believe it takes 180 days to be considered a veteran under some of these definitions.

**Rep. Steiner** If you change the definition, could benefits be changed?

**Rep. Klemin** This doesn't change definition of veterans. We are going to honor these certain groups as veterans even though they meet the definition of veteran.

**Vice Chair Rohr** What numbers are we talking for ND?

**Rep. Klemin** I don't have a number.

**Colonel Darcie Handt**, ND National Guard Chief of the Joint Staff, appeared in support.  
Attachment 1 (5:24- 7:03)

**Rep. Mooney** Once a National Guardsman is called up for duty either domestically or non-domestically, then they are considered a veteran?

**Colonel Handt** It depends on what status they are actually brought on.

**Joshua Simmers**, National Guard Association of ND, appeared in full support. The National Guard Association seeks to give a voice to the men and women of the National

Guard who give up their political voice. As we see it, every guardsman stands up and declares that they are ready to serve their country and state when called upon. They do not control when they are called upon. As they have served faithfully and been willing to serve faithfully in any capacity, we would like to honor them as fellow veterans.

**Vice Chair Rohr** Can you elaborate on your statement about giving up their political voice?

**Joshua Simmers** You will find that men and women in the service don't have the opportunity to explicitly sometimes state what they would like to in order to maintain their chain of command. Colonel Handt is here on behalf of the General, and he is able to do that on behalf of the Adjutant General's Office. Many of us don't feel as though we are at a capacity to do that, and so the association is created in order to allow us to look out for what is better for the National Guardsman outside of our chain of command so to say.

**Rep. Schneider** I would like to know your opinion whether this creates any kind of tension or animosity between other branches of the service.

**Joshua Simmers** Because other branches of the service go on what they call Title 10, there is a different way they define the term veteran. The National Guardsmen are not always on that federal Title 10. However, we serve together and are called to the same duty. We have the same requirements and training. That is what it goes back to.

No opposition or neutral.

The hearing was closed.

**Rep. Laning** moved to adopt the amendment.

**Rep. M. Johnson** seconded the motion.

**Rep. Wallman** I am curious how Rep. Dockter feels?

**Rep. Dockter** I served seven years in the Guard. By doing this would make me a veteran. I helped on the 97 flood, but I was in between the first and second Gulf Wars. I support it.

**Rep. Seibel** I fall under the same category, six years. I always felt when veterans stand, we really can't stand. We were there, ready to go, and trained alongside Army people. I served right after Vietnam. I am 100% for it.

A voice vote was taken. Motion carried.

**Rep. Laning** made a motion for a DO PASS AS AMENDED.

**Rep. Steiner** seconded the motion.

**Rep. Louser** During the Interim Committee on Government Services it seems to me the First Lady testified there are times the question is shifted from are you a veteran or have you served?

**Lonnie Wangen**, Commissioner of Veterans Affairs, appeared to answer the question. What we have done especially with mental health and women veterans for getting them help is to ask the question have you every served in the military? Many of the older women veterans didn't consider themselves veterans. They worked in the Nurse Corps, etc. but they were actually in the military service.

**Rep. Amerman** I want to make a comment about political voice. In service you follow orders even if you would like to say something that you do not agree with. That is how you lose your political voice because you have no choice.

A roll call vote was taken. 14 Yeas, 0 Nays, 0 Absent.

**Rep. M. Johnson** will carry the bill.

*Handwritten:*  
1-30-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1208

Page 1, line 9, remove "for a period of at least six"

Page 1, line 10, replace "years, who" with an underscored comma

Page 1, line 10, remove the second "who"

Page 1, line 11, after "of" insert "a"

Page 1, line 11, after "is" insert ", at the completion of that individual's term of service."

Renumber accordingly

Date: 1-30-15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1208**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: Handt amendment

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Lanning    Seconded By M. Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chair Karen Rohr			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Mary Schneider		
Rep. Mary C. Johnson			Rep. Kris Wallman		
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Lanning					
Rep. Scott Louser					
Rep. Jay Seibel					
Rep. Vicky Steiner					

*Vote to Pass*  
*Vote to Pass*  
*Vote to Pass*

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

Absent \_\_\_\_\_

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

If the vote is on an amendment, briefly indicate intent: *Consider language more generic to encompass individuals' entire term of service, regardless of the years of service*

Date: 1-30-15  
 Roll Call Vote #: 2

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1208**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Lanning    Seconded By Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chair Karen Rohr	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Mary Schneider	X	
Rep. Mary C. Johnson	X		Rep. Kris Wallman	X	
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Lanning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment M. Johnson

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

**REPORT OF STANDING COMMITTEE**

**HB 1208: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1208 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "for a period of at least six"

Page 1, line 10, replace "years, who" with an underscored comma

Page 1, line 10, remove the second "who"

Page 1, line 11, after "of" insert "a"

Page 1, line 11, after "is" insert ", at the completion of that individual's term of service."

Renumber accordingly

**2015 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1208**

# 2015 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HB 1208  
3/5/2015  
Job # 24354

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to honoring certain members of the national guard, the armed forces reserve of the United States, and the active duty forces of the United States as veterans.

### Minutes:

No Attachments

**Chairman Dever:** Opened the hearing on HB 1208.

**Representative Klemin, District 47:** Testified as sponsor and in support of the bill. Explained the bill. We have a number of definitions of a veteran in state and federal law. In general in order to be a veteran you have to be on active duty for a certain amount of time and you have to be on a certain kind of active duty. If you have served and were not called to active duty you are not a veteran. This bill says that people in that category will be honored as veterans anyways because of their service to the state or the nation even though they were not called to active duty for the requisite amount of time. It does not entitle them of benefits or preferences available to veterans unless they meet other requirements to be deemed a veteran.

**(4:00)Chairman Dever:** What was the amendment in the House?

**Representative Klemin:** The bill had required a period of at least 6 years to be in the Guard or Reserve, and we replaced it with the completion of the individual's term of service on line 11.

**Senator Flakoll:** If you are in the National Guard and you are assigned and you are killed on day 20, does that make them a veteran under this?

**Representative Klemin:** I do not think so but I am not certain.

**Senator Cook:** The veterans that are affected by this bill, will they get any other privileges if this bill passes that they do not have today?

**Representative Klemin:** I think the answer is no. It is simply a means to recognize them as a veteran for serving. They get no other benefits. It is a feel good bill in a sense.

**Chairman Dever:** (Made personal comments.) I think that your intent in this bill is that anyone in the National Guard would be recognized for their service, so I think the importance of the bill is more than providing an honor.

**Representative Klemin:** Dually noted and I agree.

**(9:28) Col. Handt, North Dakota National Guard:** Testified in support of the bill. We believe this is a great opportunity to recognize these individuals for their contributions and commitment to our great state and nation.

**(9:55) Chairman Dever:** How many members of the National Guard have not been deployed?

**Col. Handt:** I do not have that number.

**Chairman Dever:** I would imagine it is a much higher number than 30 years ago because the roll of the Guard is different now.

**Col. Handt:** Yes sir.

**Senator Nelson:** How many members of the Guard were originally active duty military?

**Col. Handt:** I do not know that answer.

**Senator Nelson:** It would seem to me that there are a number of people that join the Guard when they get out. They would already be veterans then according to this problem. Who are we talking about here?

**Col. Handt:** I am a veteran because I was deployed. There were many that served that were not deployed and they did not gain any veteran status. Today we have many that have not deployed and they did not gain a veteran status according to the federal statute. That is also true with the Reserve component.

**Senator Nelson:** Talked about personal experience.

**(13:57) Keith Magnus, North Dakota National Guard Association:** Testified in support of the bill. You would assume that everyone would qualify in today's world but they do not. There are a number that fall through the cracks. It depends on the type of job that they had and the type of unit that they were in.

**(15:24) Senator Nelson:** What about the people that are in the musical organizations in the military?

**Keith Magus:** Many do go on active duty and get sent and serve on active duty.

**Chairman Dever:** Closed the hearing on HB 1208.

Senate Government and Veterans Affairs Committee  
HB 1208  
03/05/2015  
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**Senator Marcellais: Moved a Do Pass.**

**Senator Nelson: Seconded.**

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

**Motion Carried.**

**Senator Marcellais will carry the bill.**

3/5

Date:  
Roll Call Vote#:

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1208

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar
- Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Marcellais Seconded By Nelson

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Marcellais

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

**REPORT OF STANDING COMMITTEE**

**HB 1208, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** Engrossed HB 1208 was placed on the Fourteenth order on the calendar.

**2015 TESTIMONY**

**HB 1208**

#1 1208  
1-30-15

COLONEL DARCIÉ HANDT  
HOUSE BILL 1208  
HOUSE GOVERNMENT AND VETERAN AFFAIRS  
30 JANUARY 2015

Good morning Mr. Chairman, members of the committee, I am Colonel Darcie Handt, North Dakota National Guard Chief of the Joint Staff. I am here this morning to testify in support of HB 1208. The North Dakota National Guard believes these individuals deserve recognition for their commitment and sense of duty to our great State. We do, however, recommend the committee consider an amendment to the bill as presented. Individuals have enlisted in the uniformed services for different terms of service and six years may be longer than some of those terms. We ask that you consider language more generic to encompass individuals' initial term of service, regardless of the years of service.

I will be happy to stand for any questions.

1208 P. 2  
1-30-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1208

Page 1, line 9, after "for," replace "a period of at least six years" with "the completion of individual's term of service"

Renumber accordingly