

**2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1372**

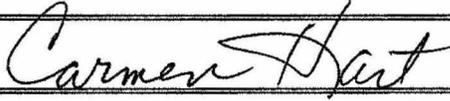
# 2015 HOUSE STANDING COMMITTEE MINUTES

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

HB 1372  
1/30/2015  
22881

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

A BILL for an Act to provide an appropriation for the identification of and provision of services to veterans exposed to Agent Orange

### Minutes:

Attachment 1

**Chairman Kasper** opened the hearing on HB 1372.

**Rep. Wayne Trottier**, District 19, appeared in support. He pointed out some errors on testimony. Attachment 1 (:20-5:55). The biggest fear I have today is that it is proven that it can go on up to seven generations. Children and grandchildren could be affected by Agent Orange related illnesses. ND VA has done a tremendous job in working with our veterans. The Vietnam veterans are the ones that do not trust any government, but they will trust the ND Vietnam Veterans. Last session we put in for \$100,000. Appropriations put it down to \$50,000. They are considering some other advertising like at Class B basketball tournaments. The president of the ND Vietnam Veterans, Dan Stenvold, has made multiple trips to Washington DC on this issue. They are back asking for \$100,000. The Governor's Budget has \$50,000.

**Rep. Louser** We passed the \$100,000 and it got knocked down in appropriations, and then the Senate raised it and there was conference committee. I think it ended at \$50,000. How many veterans were impacted by the \$50,000?

**Rep. Trottier** They do have the numbers, and I was hoping Dan Stenvold would be here today. There were not huge numbers. At Grand Forks, they had over 100, but when they go out to Watford City or wherever, they maybe get 2 or 3. From the billboards the response is about the grandchildren. I don't have exact numbers.

**Rep. Mooney** In general, isn't it true that it is critical that our Vietnam veterans get in and make a record of their association with Agent Orange in their lifetime for the benefit of their children and their grandchildren and future generations? Is that not a part of what the impetus is here?

**Rep. Trottier** Absolutely. That is what bothered me about some of the people I heard about. They never have been in and registered. They refuse to go.

**Lonnie Wangen**, ND Commissioner of Veterans Affairs, appeared in support. Other states have not adopted this in this way, but the billboard that we put up caught the national attention of the DVA and VA and in seven other states, the DVAs have gone out and gotten billboards put up. The billboards were effective. We received calls from Texas, Florida, all over the place because we had people driving through North Dakota. We helped out all veterans across the country which is great. Average life expectancy for a Vietnam veteran is 65 years old while the average life expectancy of a male counterpart is 76 to 80 years old. Last session when Dan Stenvold came out here, it was in January of that year that classified documents were released that said with the doctors and those reporting to the Department of Defense that Agent Orange will kill American soldiers. Starting right there through the rest of their military services, Vietnam veterans have been lied to by the government. The roundtables have gotten better. We started tracking last summer, and we have about 90 confirmed Vietnam veterans that were suffering with one of these illnesses related to Agent Orange that went to the VA for the first time to get help. We need to continue to help our Vietnam veterans.

**Vice Chair Rohr** Are they continuing to add to the major thesis they did on Agent Orange? In other words, are they keeping track of all the children so that there is a new report coming out?

**Lonnie Wangen** The federal VA is working on getting a registration for the families. The VA might not like this because of the backlog of claims. I push the CVSOs, the veterans to go ahead and have their children file a claim with the VA. They may not win it, but it is going to show the VA that yes, there is this many children who have these kinds of birth defects that their doctor says has to do with Agent Orange. That is going to start building a case, and they are going to realize it a little bit better.

**Gerald Maddock**, President of ND Veterans Coordinating Council, appeared in support. I polled the ND Veterans Coordinating Council members, and they all support this bill. There are 15 members, 3 from each of the 5 top veterans' organizations in the state. We have to vote unanimously if we are going to support any bill. Thirteen out of 15 answered me, and they all support it. We are elected by our peers. I represent the Am Vets on that board.

No opposition or neutral.

The hearing was closed.

**Chairman Kasper** We had an extensive hearing last session on this bill, and we were short of where we hoped to be. I can't think of anything more noble for this committee and this legislature to continue that.

**Rep. Mooney** made a motion for a DO PASS AND REREFER TO APPROPRIATIONS.

**Rep. Dockter** seconded the motion.

House Government and Veterans Affairs Committee  
HB 1372  
1/30/15  
Page 3

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

**Rep. Seibel** will carry the bill.

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

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1372**

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 Mooney Seconded By Dockter

| 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 Laning    | X   |    |                     |     |    |
| Rep. Scott Louser     | X   |    |                     |     |    |
| Rep. Jay Seibel       | X   |    |                     |     |    |
| Rep. Vicky Steiner    | X   |    |                     |     |    |
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Total (Yes) 14 No 0

Absent 0

Floor Assignment Seibel

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

**REPORT OF STANDING COMMITTEE**

**HB 1372: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1372 was rereferred to the Appropriations Committee.**

**2015 HOUSE APPROPRIATIONS**

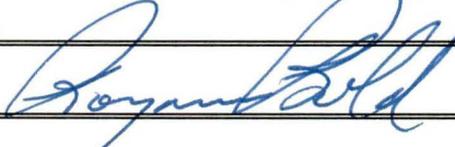
**HB 1372**

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Roughrider Room, State Capitol

HB 1372  
2/11/2015  
23689

- Subcommittee  
 Conference Committee



[Redacted signature box]

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

Related to the identification of and provision of services to veterans exposed to agent orange.

**Minutes:**

[Redacted minutes box]

**Chairman Jeff Delzer opened the meeting.**

**Representative Jim Kasper District 46 Fargo** Chairman of Government and Veterans Affairs (committee of bill origin) spoke on HB 1372.

**Chairman Jeff Delzer**

Your committee was looking at an increase to \$100K; Representative Kasper; did you get a list of what all they'd done? The only thing I'd heard about this was a couple billboards.

**Kasper:** We had compelling testimony from Vietnam Veterans. They suffer in silence and need help. The ramifications from Agent Orange can go through seven generations.

**Chairman Jeff Delzer**

Did you get a report from Veteran's Services on what services they receive?

**Kasper:** did not get a report

**Representative Pollert**

Was the \$50,000 as a grant to the V.A., Was there any discussion about whether there would have been a better impact statewide if went to the County Veteran Service Organizations (CVSO)'s on the local level to be in touch with those affected with Agent Orange or was it more on the statewide thought that the VA should control the money that way?

**Kasper:** no discussion about what happened prior. There was discussion about how they would use this \$100K which is to continue to reach out to the Vietnam Vets. And to provide the medical care they need.

**Chairman Jeff Delzer:** Did you bring a copy of testimony along?

**Kasper:** I will give a copy to clerk

**Representative Nelson**

They help sponsor stand down events, and veterans come to hear about services available.

**Kasper:** the bill appropriates the dollars to the Dept. of Veterans Affairs. They will do that plus more.

**Chairman Jeff Delzer**

We'll get the report from them on how they did that and get his testimony on how they expect to go forward.

**Representative Bellew**

Does the VA have money for this so it wouldn't cost the state general fund dollars, If the director of Veteran's Affairs would just apply for those funds?

**Kasper:** no it was not.

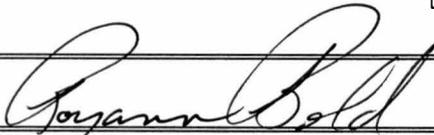
Hearing was closed.

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Roughrider Room, State Capitol

HB 1372  
2/17/2015  
24017

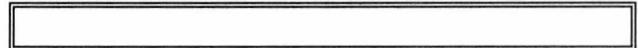
- Subcommittee  
 Conference Committee



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

Related to the identification of and provision of services to veterans exposed to Agent Orange.

## Minutes:



Chairman Delzer: Opened hearing on HB 1372. For the purpose of grants to assist in identification and the provision of services to ND veterans exposed to Agent Orange. I know last time we passed this at 50,000. I know they have done some bill boards and they have identified 90 some Vietnam veterans. This does 100,000 for Agent Orange. They do some bill boards and I don't know how much services they are doing out of it. I think if we believe in the program we should cut the money in half and move it forward.

Representative Blew: I'll make a motion to reduce the funding to 50,000

Representative Pollock: Second.

Chairman Delzer: This will keep it above to the second half. I would support the amendment.

A Voice Vote Was Taken: Motion carries.

Representative Boehning: I move a do pass as amended.

Representative Hogan: Second.

A Roll Call Vote Was Taken: Yes 21, No 1, Absent 1

Motion Carries

Representative Bellew will carry the bill.

Hearing closed.

15.0854.01001  
Title.02000

Prepared by the Legislative Council staff for  
House Appropriations Committee  
February 18, 2015

*SA*  
*2/18/15*

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1372

Page 1, line 5, replace "\$100,000" with "\$50,000"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment reduces the general fund appropriation in the bill from \$100,000 to \$50,000.



Date: 2/17/15

Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1372

House Appropriations Committee

Subcommittee

Amendment LC# or Description: 15.0854.01601

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: Boening                      Seconded By: Holman

| Representatives               | Yes      | No       | Absent   | Representatives            | Yes      | No       | Absent   | Representatives           | Yes      | No       | Absent   |
|-------------------------------|----------|----------|----------|----------------------------|----------|----------|----------|---------------------------|----------|----------|----------|
| Chairman Jeff Deizer          | ✓        |          |          | Representative Nelson      | ✓        |          |          | Representative Boe        | ✓        |          |          |
| Vice Chairman Keith Kempenich | ✓        |          |          | Representative Pollert     | ✓        |          |          | Representative Glassheim  | ✓        |          |          |
| Representative Bellew         | ✓        |          |          | Representative Sanford     | ✓        |          |          | Representative Guggisberg | ✓        |          |          |
| Representative Brandenburg    | ✓        |          |          | Representative Schmidt     | ✓        |          |          | Representative Hogan      | ✓        |          |          |
| Representative Bohning        | ✓        |          |          | Representative Silbernagel | ✓        |          |          | Representative Holman     | ✓        |          |          |
| Representative Dosch          |          | ✓        |          | Representative Skarphol    | ✓        |          |          |                           |          |          |          |
| Representative Kreidt         | ✓        |          |          | Representative Streyle     |          |          | —        |                           |          |          |          |
| Representative Martinson      | ✓        |          |          | Representative Thoreson    | ✓        |          |          |                           |          |          |          |
| Representative Monson         | ✓        |          |          | Representative Vigasaa     | ✓        |          |          |                           |          |          |          |
|                               | <u>8</u> | <u>1</u> | <u>0</u> |                            | <u>8</u> | <u>0</u> | <u>1</u> |                           | <u>5</u> | <u>0</u> | <u>0</u> |

Totals

|             |           |
|-------------|-----------|
| (Yes)       | <u>21</u> |
| No          | <u>1</u>  |
| Absent      | <u>1</u>  |
| Grand Total | <u>23</u> |

Floor Assignment: Bellev

If the vote is on an amendment, briefly indicate Intent: \_\_\_\_\_

**REPORT OF STANDING COMMITTEE**

**HB 1372: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1372 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$100,000" with "\$50,000"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment reduces the general fund appropriation in the bill from \$100,000 to \$50,000.

**2015 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1372**

# 2015 SENATE STANDING COMMITTEE MINUTES

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

HB 1372  
3/13/2015  
Job # 24789

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

A BILL for an Act to provide an appropriation for the identification of and provision of services to veterans exposed to agent orange.

### Minutes:

Attachments 1 - 2

**Chairman Dever:** Opened the hearing in HB 1372.

**Representative Trottier, District 19:** See Attachment #1 for testimony as sponsor and in support of the bill.

**(7:15) Senator Flakoll:** Noting the change in appropriation from the House, what would they be able to do if we could find another \$50,000?

**Representative Trottier:** To be honest with you, I called them and told the commander that the House passed the \$50,000 and he thanked me and he also said that he was almost scared to get the \$100,000. We did have plans if they did get the full amount. Now they will be slowing down because they have run out of people to help with the town hall meetings so the \$50,000 is greatly appreciated and it will work.

**Senator Flakoll:** Do you serve on AG?

**Representative Trottier:** Yes.

**Senator Flakoll:** It occurred to me that we should consider, rather than the general funds, taking this out of the ERP funds. Which are the funds that are generated from the Environmental and Rangeland Protection. It is those funds that are generated from the chemicals that are currently sold in North Dakota. Any thoughts on that?

**Representative Trottier:** That is probably a good idea.

**Chairman Dever:** That sounds like an appropriation committee function. I am not excited about conference committee on this.

**Representative Trottier:** It depends on the Senate appropriations.

**Chairman Dever:** Has all of the money been expended?

**Representative Trottier:** Lonnie can answer that. In November they had about \$18,000 left but they had some expenses coming in.

**Chairman Dever:** Were there amendments in the House since it is the 2000 version?

**Representative Trottier:** This version is due to the \$100,000 being changed to \$50,000 by the House appropriations committee.

**Chairman Dever:** Am I correct in my understanding that some time in the last 15 years the federal government has acknowledged agent orange?

**Representative Trottier:** Yes that is very true. (Told a personal story.)

**Chairman Dever:** I agree with you that it is a federal and a VA problem. The roll of the state I think though is to provide the information and to advocate for veterans in accessing that information and I think that is exactly what this bill does.

**Representative Trottier:** Our county service officers have done everything that they can but it is just the problem that I mentioned that is very typical of the Vietnam veterans after they have been denied for 30 years.

**Chairman Dever:** Do you know how this effort might coordinate with other efforts?

**Representative Trottier:** I believe that the only people that can address the Agent Orange issue that is left out there is with another Vietnam veteran.

**Chairman Dever:** I serve on North Dakota Cares and I know that you cannot ask if someone is a veteran and if you ask them if they have served, you get two different answers. They are out there trying to identify veterans, the military service center is out there trying to identify veterans, and CVSO's are advocating for veterans as well. We are supposed to be advocating for all of our constituents including veterans, so, the more comprehensive all of those approaches are, the more effective they are.

**(14:32) Lonnie Wangen, Commissioner of Veterans Affairs:** Testified in support of the bill. At the last legislative session in January some classified documents regarding Agent Orange became unclassified and they were brought here. That was just two years ago. They did keep a lot of information away from the Vietnam veterans. The veterans have been lied to for so many years and they only trust their own. They are the greatest guys but they still don't trust their government and I do not blame them. They have suffered a lot. There are 22 veterans committing suicide every day and 70% of those are Vietnam veterans. The lack of support for the current war has brought back a lot of memories back to the Vietnam veterans. We have seen a lot more PTSD, suicides, and with all of the bad diseases that come along with Agent Orange we are losing our veterans to both the disease and those that give up and commit suicide. Thank you for passing this bill last

session. It was a grant so we had to give them funds and they are in charge of how it is spent. They are doing a good job at that. One of the first things that they did was put up the billboards and I have gotten calls from all over the country asking about them and 7 states now have adopted the same billboard and concept of getting Vietnam veterans out there to do the outreach to bring these veterans in. This is not something new. The Vietnam veterans have done it in the past. They just could not afford it anymore. The average life expectancy for a Vietnam veteran is about 65 due to illnesses and suicide. They have done a great job in the last two years with the money that they have and I believe that they are going to be able to expend all of the money by the end of the biennium. They have been concentrating more in the summer months with this because they get better turnouts.

**(19:18) Chairman Dever:** I suspect that we will not have any opposition to this bill.

**(19:48) Robert Olzweski, Vietnam Veteran:** Testified in support of the bill. Thank you for supporting this bill in the last session and I encourage you to continue supporting this bill in this session. I have seen many Vietnam veterans pass away due to Agent Orange. I encourage a do pass on this bill. We need to continue to spread the message of our Vietnam veterans who seek help at our VA centers.

**(20:48) Senator Marcellais, District 9:** See Attachment #2 for testimony as sponsor and in support of the bill.

**(26:19) Chairman Dever:** If we change the number then would you volunteer to serve on the conference committee?

**Senator Marcellais:** Absolutely.

**Chairman Dever:** Closed the hearing on HB 1372.

# 2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

HB 1372  
3/13/2015  
Job # 24820

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Minutes:**

Attachments 1

**Chairman Dever:** Opened HB 1372 for committee discussion.

**Senator Flakoll:** See Attachment #1 for additional information brought to the committee as an option for funding.

**Chairman Dever:** Are the funds sufficient?

**Senator Flakoll:** That is what I was trying to allude to. There is \$2 million on average in the balance. They brought in an estimated \$9 million this time and they spent \$6.6 million of that this time and they are estimated to bring in \$8.5 in the next biennium and they will pare it down a little bit because they are spending more in a couple of categorical areas. I am not saying to do it on this bill but I think we should consider that as we move forward because this is a multi-generational situation.

**Chairman Dever:** That is interesting. We should think about that. If we were to do that, then maybe we should bump the dollars because the source of funding is there and it is not based on the price of oil. It sounded like in testimony that they are finding some veterans out there as a result of this effort. It is hard to argue against it.

**Senator Flakoll:** The other thing you can look at is say that we have the \$50,000 from the general fund and should we consider putting \$50,000 from the ERP fund if we were to increase it. In a way it seemed like they feel pretty comfortable with the \$50,000 that they have right now.

**Chairman Dever:** Either way it goes over to appropriations. Closed the committee discussion on HB 1372.

# 2015 SENATE STANDING COMMITTEE MINUTES

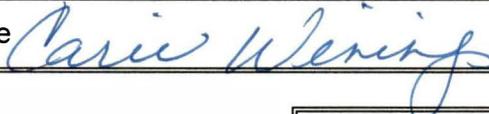
## Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HB 1372  
3/20/2015  
Job # 25171

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Minutes:**

Attachments 1

**Chairman Dever:** Opened HB 1372 for committee discussion. There was discussion in the hearing that they are using the entire \$50,000 and that good things are happening. I sent an e mail to Lonnie Wangen and I asked him if he could be more specific and he mentioned a government services report and if we could justify then I would like to add \$25,000 to this to make it \$75,000. We would go to conference committee and if the House says no, at least we asked the question. I think it is justified to bump the dollars if good things are happening. They would never agree to \$100,000 and I wouldn't want to jeopardize the bill all together. I don't see us putting that in jeopardy. I understand that if they were to go along with it would take 2 conference committees because they would have to get permission to go along with it. We are not talking about a lot of dollars in the grand scheme of things but for that program it is a lot of dollars.

**Senator Nelson:** Didn't someone say something about a special fund that the \$25,000 could come out of?

**Senator Flakoll:** See Attachment #1 for additional information to the bill. I know sometimes there is a little flag planting in those funds. You may have some concern or resistance. Regardless it is going to go to the appropriations committee.

**Chairman Dever:** It appears to me that in the coming biennium that estimated revenues are \$8.5 million and expenditures are \$7 million and that would leave a balance of \$1.5 million.

**Senator Nelson:** \$25,000 is a drop in the bucket.

**Senator Marcellais:** I think it is great that we would increase this amount. I did see a couple of bill boards driving yesterday and I think they need to be expanded in the state. They do cost quite a bit but I do know that we got a discount on them and this money would help with that.

**Committee Discussion:** The committee discussed what the language should be to have the \$25,000 come out of the Environment and Rangeland Protection Fund.

**Senator Flakoll: Moved to Amend by changing \$25,000 to \$50,000 and having up to \$25,000 come from the Environmental and Rangeland Protection Program on Line 5.**

**Senator Marcellais: Seconded.**

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

**Motion Carried.**

**Senator Marcellais: Moved a Do Pass As Amended and Rerefer to Appropriations.**

**Senator Nelson: Seconded.**

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

**Motion Carried.**

**Senator Marcellais will carry the bill.**

15.0854.02001  
Title.03000

Adopted by the Government and Veterans  
Affairs Committee  
March 20, 2015

3/20/15  
JR

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1372

Page 1, line 5, after the third comma insert "and out of any moneys in the environment and  
rangeland protection fund in the state treasury, the sum of \$25,000,"

Renumber accordingly

Date: 3/20  
 Roll Call Vote #: 1

**2015 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1372**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: Line 5 change \$50,000 -> \$75,000

Recommendation: up to \$25,000 Environmental + Rangeland Protection Program

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 Flakoll Seconded By Marcellais

| Senators              | Yes | No | Senators           | Yes | No |
|-----------------------|-----|----|--------------------|-----|----|
| Chairman Dever        | ✓   |    | Senator Marcellais | ✓   |    |
| Vice Chairman Poolman | ✓   |    | Senator Nelson     | ✓   |    |
| Senator Cook          | ✓   |    |                    |     |    |
| Senator Davison       | ✓   |    |                    |     |    |
| Senator Flakoll       | ✓   |    |                    |     |    |
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Total (Yes) 7 No 0

Absent 0

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

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

Date: 3/60  
 Roll Call Vote #: 2

**2015 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1372**

Senate Government and Veterans Affairs Committee

Subcommittee

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

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Refer 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       | ✓   |    |                    |     |    |
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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 1372, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1372 was placed on the Sixth order on the calendar.

Page 1, line 5, after the third comma insert "and out of any moneys in the environment and rangeland protection fund in the state treasury, the sum of \$25,000,"

Renumber accordingly

**2015 SENATE APPROPRIATIONS**

**HB 1372**

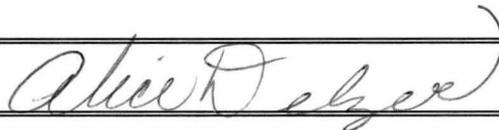
# 2015 SENATE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Harvest Room, State Capitol

HB 1372  
3/31/2015  
Job # 25632 Minutes 00 - 7:32)

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

A BILL for an Act to provide an appropriation for the identification of and provision of services to veterans exposed to agent orange (Do Pass)

## Minutes:

Testimony # 1

**Chairman Holmberg** called the committee to order on Tuesday, March 31, 2015 at 9:15 am in regards to HB 1372. All committee members were present. Lori Laschkewitsch, OMB Sean Smith, Legislative Council were also present.

**Senator Marcellais, District 9** testified in favor of HB 1372 and presented written Testimony Attached # 1 in support of HB 1372. He shared about a fellow soldiers who lost his life to agent orange. He also shared that he saw a death certificate that stated the veteran had died from agent orange. He continued with his written testimony. (5.12)

**V.Chairman Bowman:** Who came up with the idea to take this money out of the ERP fund? It was never established for purposes like this that I can recall, I would like to support this, but I don't know about this funding source.

**Senator Marcellais:** That came from the Senate government affairs committee and Senator Dever is the chairman.

**Chairman Holmberg:** We don't know if we would pass this bill in it's present form, we don't know if the House would accept this.

**Senator Marcellais:** Senator Dever discussed this with the House

**Senator Gary Lee moved a Do Pass on HB 1372. 2<sup>nd</sup> Senator Carlisle.**

A Roll Call vote was taken. Yea: 13; Nay: 0; Absent: 0. This goes back to GVA. Senator Marcellais will carry the bill. The hearing was closed on HB 1372. (00 - 7.31) (Minutes continued on this job are for HB 1176.)

Date: 3-31-15  
 Roll Call Vote #: 1

**2015 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1372**

Senate Appropriations Committee  
 Subcommittee

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

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

Motion Made By Lee Seconded By Carlisle

| Senators          | Yes | No | Senators          | Yes | No |
|-------------------|-----|----|-------------------|-----|----|
| Chairman Holmberg | ✓   |    | Senator Heckaman  | ✓   |    |
| Senator Bowman    | ✓   |    | Senator Mathern   | ✓   |    |
| Senator Krebsbach | ✓   |    | Senator O'Connell | ✓   |    |
| Senator Carlisle  | ✓   |    | Senator Robinson  | ✓   |    |
| Senator Sorvaag   | ✓   |    |                   |     |    |
| Senator G. Lee    | ✓   |    |                   |     |    |
| Senator Kilzer    | ✓   |    |                   |     |    |
| Senator Erbele    | ✓   |    |                   |     |    |
| Senator Wanzek    | ✓   |    |                   |     |    |
|                   |     |    |                   |     |    |
|                   |     |    |                   |     |    |
|                   |     |    |                   |     |    |
|                   |     |    |                   |     |    |

Total (Yes) 13 No 0

Absent 0

Floor Assignment JVA - Marcellais

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

**REPORT OF STANDING COMMITTEE**

**HB 1372, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** Engrossed HB 1372, as amended, was placed on the Fourteenth order on the calendar.

**2015 CONFERENCE COMMITTEE**

**HB 1372**

# 2015 HOUSE STANDING COMMITTEE MINUTES

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

HB 1372  
4/10/2015  
26022

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Carmen Hart*

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

Provide an appropriation for the identification of and provision of services to veterans exposed to Agent Orange

### Minutes:

Attachment 1

**Rep. Rohr** opened the conference committee meeting on HB 1372. Would the Senate please explain the amendment.

**Senator Dever** I understand the House GVA committee passed the bill out with the \$100,000 as it was introduced, and the House appropriations reduced that amount to \$50,000. At our hearing there was positive testimony about some of the very positive results that are coming about as a result of the funding that has been put in place in the current biennium. We had a lot of anecdotal information. We didn't get a lot of specific information, but the anecdotal information is very encouraging. We were also told that they will use all of the \$50,000 in this biennium. We think we can justify additional funding for the program, because it is working and it is helping veterans. Since the \$50,000 comes from the general fund, it was suggested that we take \$25,000 from the environment and rangeland protection fund which seems to us to have some sense of justice, because this fund is made up of funds that are derived from fees on pesticides. Agent Orange was DDT, a pesticide in Vietnam that caused great problems. I did some research on the environment and rangeland protection fund, and I discovered that it was created in 1991 and serves the purpose of dealing with mitigation of situations associated with pesticide. Attachment 1. There is in that fund at the end of this biennium projected to be \$2,427,561, so the funds are there to do that. If the House would prefer to take it from the general fund or prefer to take it all from that fund, we would be open to that discussion along with any additional funds you would like to add to it.

**Rep. Seibel** What else is this fund used for?

**Senator Dever** I see noxious weed control, pesticide disposal project, pesticide programs, crop protection, product registration labeling, grants, minor use pesticide registration, and ground water testing. The thing we need to realize with Agent Orange is that those soldiers that served in Vietnam that were exposed to Agent Orange were lied to by the federal

government. They knew the damage that it will cause. We are not asking in this bill to provide services to deal with that but rather to engage veterans who had that exposure, many of whom may not be aware that they are entitled to services as a result. I had sent an email to Dan Stenvold who is the president of the ND Vietnam Veterans, and he has kind of been the big push behind the whole event, and I forwarded that email to all of you. He said, "We've helped hundreds so far. Many wives and children have asked many questions." Agent Orange not only affected the veteran, but genetically also their families.

**Rep. Amerman** On a side note, one of the things that we try to do and Dan has tried to do is get every fraternal organization and corporate North Dakota to donate to this cause. Maybe someday it will become self funded through those types of donations where they won't have to come to the legislature. I think the total of \$75,000 will go a long way, not only for what they are doing right now. My daughter worked for the corporation McNeilus Steel in Fargo, and they donated \$1,500 to the DVA for Agent Orange. They had good television publicity and media coverage presenting it. They interviewed my daughter and Dan Stenvold. It is going to be slow, and we need some more help in that area, but this is a first step. Hopefully, with additional funds, maybe we can get some more airtime or something like that to get the message out better to the public and companies and corporations in the state.

**Senator Marcellais** I had an opportunity to go to the Veterans' Administration Hospital about five years ago to take my Agent Orange physical. You have to be on record in order to be qualified for Agent Orange if they ever do have a settlement. Keep in mind, this is seven generations. My youngest son had a birth defect. I don't know if it was because of Agent Orange or not, but that doesn't run in my family. When I went to the Veterans' Administration, I did see two billboards on my way to Fargo from Bismarck, but when I drive to Minot, I don't see any billboards, so we need to expand this awareness to the entire state. We have over 15,000 Vietnam veterans in North Dakota. If you figure out the funding that we are talking about, at \$50,000, that is less than \$3 a veteran. At \$75,000, you are about at \$5 a veteran. I don't know if you know where the name Agent Orange came from. The jungle was green before it was sprayed. After they sprayed it, it was all orange. I compare it to a farmer out in the field and they are air spraying the field while the farmer is out there, but he is aware of it. We weren't. The US government said it was for mosquitoes. Little did we know they were killing the vegetation in the jungle.

**Rep. Rohr** Yes, we saw the overhead Rep. Trottier had brought in when he did his testimony. I had read all the minutes from the previous meetings. The governor had appropriated \$50,000 in his budget.

**Senator Dever** The governor included \$50,000 in his executive budget as proposed to the legislature. We passed the Department of Veterans' Affairs budget today, and it is no longer in there.

**Rep. Rohr** I read in the minutes that as of November of last year, they still had \$18,000 or \$19,000 from the funds that were appropriated previously. I also read Dan was happy with \$50,000 for this biennium.

**Senator Dever** I would imagine he was happy, but he would be happier with \$75,000.

**Rep. Rohr** I know they were doing billboards last time. Even if they increased the number of billboards, there should be money left from the previous biennium, and with the \$50,000 they would have now, I am not sure what else they would do. You indicated in your testimony, Senator Dever, that it would be a matter primarily of education to the Vietnam veterans.

**Senator Dever** Veterans were damaged by exposure to Agent Orange and part of the solution is to be exposed to the information they can use to mitigate that. We could ask for additional information on the budget and where they expect to be at the end of the biennium with the current dollars. They did indicate in the Senate that they expect they will use it all.

**Rep. Rohr** Who would be that individual to get that information?

**Senator Dever** I don't know if they gave the grant entirely to the Vietnam veterans so they have that information.

**Brenda Bergsrud**, Women and Minority Veterans' Coordinator, North Dakota Department of Veterans' Affairs, appeared. She also does the outreach for the Agent Orange awareness.

**Senator Dever** Who has the financial information that we could use to consider how the money has been used and how it would be used to expand it?

**Brenda Bergsrud** That information is actually at our department and also Dan has it too because the grant goes to Dan with the DVA. Right now there are two billboards up, one at Fargo and one by Steele. Also, there have been Agent Orange awareness roundtable meetings throughout the state. Those have been wonderful. We have reached so many Vietnam veterans and their family members. Children have been coming. We have brought awareness to widows of Vietnam veterans who have passed away due to Agent Orange exposure. We have been able to do a DIC (Dependent Indemnity Compensation) claim. Personally, I have done quite a few of those but two in specific where we were able to service connect them going back. Those widows received back pay of over \$60,000 and now they receive a little over \$1,000 a month in compensation. We have been able to bring other resources to those meetings for those veterans who suffer with PTSD to get treatment. We are also bringing awareness to the VA on the federal level. We cannot file claims for dependents with birth defects unless it is already under the presumptive that we are able to do a "for information" purposes only that we are sending to the Denver regional office of the VA who handles that.

**Rep. Rohr** How many roundtable meetings have you had?

**Brenda Bergsrud** Roughly 25.

**Rep. Rohr** Would you be willing to share your existing budget and your proposed budget?

**Brenda Bergsrud** Dan will have to do that.

**Senator Dever** Dan indicated in his email 24 roundtables. Dan also indicated that he was amazed how many Vietnam veterans know absolutely nothing about Agent Orange.

**Brenda Bergsrud** Absolutely right. Every time we have one of those, I get follow up phone calls.

**Rep. Rohr** Who will get in touch with Dan?

**Senator Dever** I can send another email to Dan.

**Rep. Rohr** How appropriate is it that we use the dollars from this environment and rangeland protection fund? Would that have to be approved, and what would be the process for that?

**Senator Dever** Senator Flakoll brought it forward. He formerly served as chairman of the agriculture committee. It was his suggestion that money has been used for purposes beyond the specific scope of what it was intended. As far as who gives authority to it, I think you and I do when we push that green button upstairs.

**Rep. Rohr** Are you indicating that nothing would have to be changed in the existing proposal? It doesn't have anything here on research projects or education possibilities.

**Senator Dever** If we went back and researched the uses and misuses of DDT, I think you would find plenty of purposes for those kinds of dollars. This proposal did go through the Senate appropriations, and they have dealt with that fund before. How much higher were you thinking about going?

**Rep. Rohr** Actually, we were keeping it at \$50,000.

**Senator Dever** I think that if this conversation is about the Senate and the House working together to the benefit of veterans, that \$25,000 is easily justified. In the grand scheme of things it is not very much money. For the benefit of this program and the benefits to the veterans it is intended to serve, it is huge, so I would ask the House to consider from that perspective.

The meeting was closed.

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee

Fort Union, State Capitol

HB 1372

4/13/2015

26062

Subcommittee

Conference Committee

Committee Clerk Signature



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

Provide an appropriation for the identification of and provision of services to veterans exposed to Agent Orange

### Minutes:

"Click to enter attachment information."

**Rep. Rohr** opened the conference committee meeting on HB 1372. Senator Dever, would you report on any information you may have received regarding the existing and proposed budget.

**Senator Dever** I sent an email to Dan Stenvold who is the president of the Vietnam Veterans of America and the primary push behind the efforts regarding education on Agent Orange. I think regarding that correspondence and coming into the next biennium, we should consider the Senate receding from its amendments, applying the same \$50,000 as we have in the current biennium, but in the coming biennium spend some time putting together a plan and accounting for the successful efforts that we know are being achieved through the program but then being able to quantify the successes that we are seeing in a way that we can justify expanding the program. I fully support the money that we have in it now, and I fully support the expansion of it, but I think in order to accomplish that, we need to require that they demonstrate how they would expand it, what they would do, and where that would go. Then I would like to see us come back in the next session and see another bill introduced by the House probably for \$100,000 that we can agree on, and then the Senate would be prepared at that time to defend its position to restore the House bill to its original funding. I am hearing good things about the program. I think it needs some effort, and Senator Marcellais and I have a special interest in this and others, and we would be happy to work with those people to accomplish a little more intentional kinds of things. I would move that the SENATE RECEDE FROM ITS AMENDMENTS.

**Senator Poolman** seconded the motion. A roll call vote was taken. 6 Yeas, 0 Nays, 0 Absent. Rep. Seibel will explain it for the House. Senator Marcellais, for the Senate.

**Vice Chair Rohr** We all agree that it is a good bill, but I think next session they will have more quantifiable information that we can use toward increasing that appropriation.

Date: 4-13-15  
 Roll Call Vote #: 1

**2015 HOUSE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1372 as (re) engrossed

**House GVA Committee**

- Action Taken**
- HOUSE accede to Senate Amendments
  - HOUSE accede to Senate Amendments and further amend
  - SENATE recede from Senate amendments
  - SENATE recede from Senate amendments and amend as follows
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen Dever                      Seconded by: Sen Poolman

| Representatives | 4/10 | 4/13 | Yes | No | Senators           | 4/10 | 4/13 | Yes | No |
|-----------------|------|------|-----|----|--------------------|------|------|-----|----|
|                 |      |      |     |    |                    |      |      |     |    |
| Rep. Rohr       | X    | X    | X   |    | Senator Dever      | X    | X    | X   |    |
| Rep. Seibel     | X    | X    | X   |    | Senator Poolman    | X    | X    | X   |    |
| Rep. Amerman    | X    | X    | X   |    | Senator Marcellais | X    | X    | X   |    |
|                 |      |      |     |    |                    |      |      |     |    |
|                 |      |      |     |    |                    |      |      |     |    |
| Total Rep. Vote |      |      | 3   |    | Total Senate Vote  |      |      | 3   |    |

Vote Count            Yes: 6                      No: 0                      Absent: 0

House Carrier Seibel                      Senate Carrier Marcellais

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**REPORT OF CONFERENCE COMMITTEE**

**HB 1372, as engrossed:** Your conference committee (Sens. Dever, Poolman, Marcellais and Reps. Rohr, Seibel, Amerman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1304 and place HB 1372 on the Seventh order.

Engrossed HB 1372 was placed on the Seventh order of business on the calendar.

**2015 TESTIMONY**

**HB 1372**

# 1 1-30-15  
1372

Good morning Chairman Kasper and committee members.

For the record, my name is Wayne Trottier, representing

District 19 which is located from Northwood to  
Grafton/Hoople. I live in Northwood.

HB ~~1405~~<sup>1372</sup> is very simple in that it appropriates \$100,000 for the  
bi-annium to be granted to the North Dakota Viet Nam  
Veterans Association.

The North Dakota Viet Nam Veterans Association is similar to  
the American Legion, VFW, AmVets, DAV and other veteran  
service organizations.

The question must be asked why this appropriation for just the  
Viet Nam Veterans Association.

As many of you may understand, the Viet Nam Conflict was a  
very contencious war. The US would never even declare war,  
and yet somewhere around 60,000 US soldiers died in Viet  
Nam.

When soldiers came home and were discharged, many soldiers  
were met by protestors and others that swore at them, even  
physically attacked them and made them feel like they were  
not accepted back in the United States. Remember, the  
majority of these soldiers were drafted into the military. They  
did not volunteer, but because of their service, they became  
absolute "PATRIOTS".

For a number of reasons, one mentioned in the previous paragraph, they did not trust our government.

The biggest reason of all for their not trusting government, I feel, is the Agent Orange issue.

Agent Orange--What is it? It is a 50-50 mixture of the chemicals, 2,4,5-T and 2,4-D. It was manufactured for the U.S. Department of Defense, primarily by Monsanto Corp and Dow Chemical.

The 2,4,5-T used to produce Agent Orange was later found to be contaminated with 2,3,7,8-tetrachlorodibenzodioxin (TCDD), an extremely toxic dioxin compound

During the Viet Nam Conflict, between 1962 and 1971, the United States military sprayed nearly <sup>30 million</sup> 20,000 US gallons of material containing chemical herbicides and defoliants mixed with jet fuel in Vietnam, Eastern Laos and parts of Cambodia, as part of Operation Ranch Hand. The program's goal was to defoliate forested and rural land, depriving guerrillas of cover: another goal was to induce forced draft urbanization, destroying the ability of peasants to support themselves in the countryside, and forcing them to flee to the U.S. dominated cities, thus depriving the guerrillas of their rural support and food supply.

As I stated earlier, approximately 60,000 US soldiers died in this conflict. The astounding number is that approximately 400,000 have been diagnosed with Agent Orange related illnesses.

The problem now comes in. For approximately 25 years or so, the Federal government claimed there was very little affects from Agent Orange. Thousands died during this period and the normal or average medical servers were not aware of Agent Orange related illnesses. For this reason, there are a lot of Vietnam veterans who absolutely do not trust any government. However, they do know that the North Dakota Vietnam Veteran,s Assoc understands. Many times they do not even believe or trust Am Legions, VFW,s, AMVET,s, DAV,s or any service organization.

The North Dakota Vietnam Veterans Assoc is able to, and has been reaching out to many of these veterans. In doing so, many have spent a lot of time, effort and dollars in doing so. Also the assoc would like to sponsor more townhall type of meetings, as well as one on one contact.

Thank you Chairman ~~Dever~~ *Raspe* and members of the GVA committee

There is testimony to follow that can answer a lot more specific questions. However, I would sure try to answer any questions that I can.

# HB 1372

2/11/15 House Approps.

Good morning Chairman Kasper and committee members. *Handout*  
For the record, my name is Wayne Trottier, representing *No spoken*  
*Testimony*

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Grafton/Hoople. I live in Northwood.

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As I stated earlier, approximately 60,000 US soldiers died in this conflict. The astounding number is that approximately 400,000 have been diagnosed with Agent Orange related illnesses.

The problem now comes in. For approximately 25 years or so, the Federal government claimed there was very little affects from Agent Orange. Thousands died during this period and the normal or average medical servers were not aware of Agent Orange related illnesses. For this reason, there are a lot of Vietnam veterans who absolutely do not trust any government. However, they do know that the North Dakota Vietnam Veteran,s Assoc understands. Many times they do not even believe or trust Am Legions, VFW,s, AMVET,s, DAV,s or any service organization.

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Thank you Chairman ~~Dever~~ <sup>Daspe</sup> and members of the GVA committee

There is testimony to follow that can answer a lot more specific questions. However, I would sure try to answer any questions that I can.

Thank you Mr Chairman

Mr Chairman and ladies and gentlemen of the Senate GVA

HB 1372 is exactly the same as an Agent Orange bill in the 2013 session. I call this the FAITH AND TRUST BILL

It was written with \$100,000 but came out of appropriations as \$50,000, and the ND VietNam veterans are very gratefull and thankfull for what you gave them last session. They have used the money to cover expenses for the Vietnam veterans to hold town hall meetings for agent orange affected veterans that refuse to use VA benefits or even to get registered for their offspring

This money is appropriated to ND Veterans Affairs to be appropriated to the ND Vietnam veterans association for expenses only.

So why does the ND legislature need to fund a single veterans association, the ND Vietnam veterans, and not to the American Legion, VFW, AmVets, or any other veterans group. WHEN THIS IS A FEDERAL AND A VA PROBLEM

THIS IS WHERE THE WORD TRUST COMES IN

PAGE 2 In short, lets back up:

In the 1950's, Dow Chemical and Monsanto who made 2-4-D and 2-4 5-T did research and trials mixing the two to be used for defoliation. After the research, they advised the US Government to not use this mixture near humans.

In the early 1960's the South Vietnam government asked the US Department of Defense to spray a defoliant. After much debate in the White House with the State and Dept of Defense. After much debate, Pres Kenedy authorized the start of Operation Ranch Hand, which authorized Agent Orange.

Many of the soldiers were told they were spraying for mosquitos, but observed all the vegetation was dying.

The war which ran from 1961 through 1974, and about 60,000 soldiers died.

Since the war ended over 400,000 have died from agent orange related symptoms.

When soldiers returned home many were spit on, swore at, and some even were physically attacked.

Here is the problem. For about 30 years, our Federal Government and the Veterans Administration denied any treatment or any benefits for agent orange related symptoms.

Symptoms included chronic conditions, skin disorders, asthma, cancers, gastrointestinal diseases, with the diseases being able to be passed on for up to 7 generations. I have personally heard first hand of children and grandchildren being born with no hips, missing hip joints, cleft pallets, and many other birth defects.

Remember these were enlisted men, but the majority were drafted into the US military. There were some over 2.5 million US soldiers in VietNam

Just put yourself in a similar situation. If all of North Dakota was sprayed with Agent Orange, and our government refused to acknowledge any responsibility for any damages to human health, and it affected you, your children, grandchildren and for 3 or 4 more generations, and it was proven to be the reason for these health issues.

TRUST

WOULD YOU EVER TRUST YOUR GOVERNMENT FOR ANYTHING?

Mr Thank you so much Mr Chairman and ladies and gentlemen of the Senate GVA

#2



# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## COMMITTEES:

Education  
Government and Veterans Affairs

Senator Richard Marcellais  
District 9  
RR 1, Box 267A  
Belcourt, ND 58316-9787  
marcellais@nd.gov

**Testimony for HB 1372**  
**Senate Government Veterans Affairs Committee**  
**Senator Dever, Chairman**  
**March 13, 2015 @ 9:00 AM**

**Chairman Dever, members of the Government Veterans Affairs Committee, my name is Richard Marcellais, Senator from District 9, Rolette County. I am a Vietnam Veteran, served in Vietnam from 1968 - 1969.**

**Our motto is: "Never again will one generation of veterans abandon another" We do not nor will not let any generation of veterans be treated the way we were when we returned home from our war. Vietnam Veterans of America (VVA) is a congressionally chartered veterans organization with about 60,000 members. There national headquarters is located in Silver Spring, Md.**

**Our goals are to help veterans with the healthcare they were promised when they entered the service. Vietnam veterans are still being killed by the effects of "Agent Orange" there are 13 different cancers and diseases that are service connected to agent orange. PTSD (post traumatic stress disorder) a stigma of wars that has affected veterans of every war, is still huge. Nightmares, cold sweats, short temper, can't be in crowds, can't stand in lines, the list goes on and on if you suffer from any of these, you may need help. Suicides are killing veterans and active service members at a rate that is off the chart – we have to be able to talk about suicides instead of "sweeping them under the rug" and hoping they will go away on their own –THEY won't veterans of wars need help. Over 15,000 veterans from North Dakota served in Vietnam.**

**HB 1372 request that \$50,000 be transferred from the general fund to the Department of Veterans Affairs. So if you figure the math we are only asking for little over \$3 per veteran that served in Vietnam.**

**Thank you very much for the opportunity to appear in support of HB 1372. I will try an answer any questions the committee may have.**

**ANALYSIS OF THE ENVIRONMENT AND RANGELAND PROTECTION FUND  
FOR THE 2013-15 AND 2015-17 BIENNIUMS  
(INCLUDING PROPOSED CHANGES AS OF JANUARY 27, 2015)**

|   | 2013-15 Biennium         |                    | 2015-17 Biennium         |                    |
|---|--------------------------|--------------------|--------------------------|--------------------|
| Beginning balance   |                          | \$3,012,852        |                          | \$2,427,561        |
| Add estimated revenues  |                          |                    |                          |                    |
| Pesticide registration fees (North Dakota Century Code Section 19-18-04)                                  | \$4,300,000 <sup>1</sup> |                    | 4,300,000 <sup>1</sup>   |                    |
| Weed seed-free forage (Section 4-35.2-03)   | 48,922 <sup>2</sup>      |                    | 48,922 <sup>2</sup>      |                    |
| Fertilizer registration, inspection, and tonnage fees (Sections 19-20.1-03, 19-20.1-03.1, and 19-20.1-06) | 1,000,000 <sup>3,4</sup> |                    | 1,080,850 <sup>3,4</sup> |                    |
| Commercial feed registration, inspection, and tonnage fees (Section 19-13.1-16)                           | 727,500 <sup>5</sup>     |                    | 727,500 <sup>5</sup>     |                    |
| Total estimated revenues  |                          | 6,076,422          |                          | 6,157,272          |
| Total available   |                          | \$9,089,274        |                          | \$8,584,833        |
| Less estimated expenditures and transfers   |                          |                    |                          |                    |
| Agriculture Commissioner  |                          |                    |                          |                    |
| Plant Industries Division (2013 HB 1009; 2015 SB 2009)  | \$1,814,882              |                    | \$1,744,288              |                    |
| Pesticide and Fertilizer Division (2013 HB 1009; 2015 SB 2009)  | 2,665,275                |                    | 3,133,009                |                    |
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| Administrative Services Division (2013 HB 1009; 2015 SB 2009)   | 307,957                  |                    | 100,000                  |                    |
| Crop Protection Product Harmonization and Registration Board <sup>8</sup>                                 |                          |                    |                          |                    |
| Crop protection product registration, labeling, and grants (2015 SB 2009)                                 | 75,000                   |                    | 75,000                   |                    |
| Minor use pesticide registration (2013 HB 1009; 2015 SB 2009)   | 325,000                  |                    | 325,000                  |                    |
| State Department of Health  |                          |                    |                          |                    |
| Ground water testing (2013 SB 2004; 2015 HB 1004)   | 222,310                  |                    | 200,000                  |                    |
| North Dakota Stockmen's Association environmental services program (2013 SB 2004; 2015 HB 1004)           | 50,000                   |                    | 50,000                   |                    |
| Total estimated expenditures and transfers  |                          | 6,661,713          |                          | 7,039,295          |
| <b>Ending balance</b>   |                          | <b>\$2,427,561</b> |                          | <b>\$1,545,538</b> |

<sup>1</sup>The Legislative Assembly in 1999 approved Senate Bill No. 2009, which included a provision increasing the biennial pesticide registration fee by \$50, from \$300 to \$350. The Legislative Assembly in 2009 approved House Bill No. 1009, which deposits all pesticide registration fees in the environment and rangeland protection fund rather than a portion in the general fund.

<sup>2</sup>House Bill No. 1270 (2009) allows the Agriculture Commissioner to certify forage acreage as being free of certain weeds and weed seed. The appropriation provided to the department for the program is the amount that is anticipated to be received from fees charged for certifications.

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- Exploring the extent of authority given to North Dakota under the federal Insecticide, Fungicide, and Rodenticide Act.
- Identifying the data necessary to enable registration of a use to occur in a timely manner.
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- Requesting the Agricultural Experiment Station to pursue specific research to coordinate registration efforts.
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#### FUND HISTORY

Section 19-18-02.1, created by 1991 Senate Bill No. 2451, establishes the environment and rangeland protection fund. The fund contains collections from pesticide registration fees. During the 2007-09 biennium, the biennial fee was \$350 per pesticide product registered in the state. Of this amount, \$300 was deposited in the environment and rangeland protection fund and \$50 in the general fund. Pursuant to provisions of 2009 House Bill No. 1009, beginning with the 2009-11 biennium, the entire pesticide registration fee is deposited in the environment and rangeland protection fund rather than a portion in the general fund.

3/20

HB 1372

#1  
Pg 1

**ANALYSIS OF THE ENVIRONMENT AND RANGELAND PROTECTION FUND  
FOR THE 2013-15 AND 2015-17 BIENNIUMS  
(INCLUDING PROPOSED CHANGES AS OF JANUARY 27, 2015)**

|   | 2013-15 Biennium         |             | 2015-17 Biennium         |             |
|---|--------------------------|-------------|--------------------------|-------------|
| Beginning balance   |                          | \$3,012,852 |                          | \$2,427,561 |
| Add estimated revenues  |                          |             |                          |             |
| Pesticide registration fees (North Dakota Century Code Section 19-18-04)                                  | \$4,300,000 <sup>1</sup> |             | 4,300,000 <sup>1</sup>   |             |
| Weed seed-free forage (Section 4-35.2-03)   | 48,922 <sup>2</sup>      |             | 48,922 <sup>2</sup>      |             |
| Fertilizer registration, inspection, and tonnage fees (Sections 19-20.1-03, 19-20.1-03.1, and 19-20.1-06) | 1,000,000 <sup>3,4</sup> |             | 1,080,850 <sup>3,4</sup> |             |
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| Total available   |                          | \$9,089,274 |                          | \$8,584,833 |
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#### FUND HISTORY

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SENATOR RICHARD MARCELLAIS  
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SENATE  
**NORTH DAKOTA  
 LEGISLATIVE ASSEMBLY**

STATE CAPITOL  
 600 EAST BOULEVARD  
 BISMARCK, ND 58505-0360

**Testimony for HB 1372**  
**Senate Appropriations Committee**  
**Senator Holmberg, Chairman**  
**March 31, 2015 @ 9:15 AM**



COMMITTEES: # /  
 AB 1372  
 3-31-15  
 Judiciary  
 Government and Veterans  
 Affairs

***Chairman Holmberg, members of the Senate Appropriations Committee, for the record my name Richard Marcellais, Senator from District 9, Rolette County. I am a Vietnam Veteran, service in the U.S. Army from 1968-1969.***

***Our motto is: "Never again will one generation of veterans abandon another" We do not nor will not let any generation of veterans be treated the way we were when we returned home from the Vietnam Era Conflict. Vietnam Veterans of America (VVA) is a congressionally chartered veteran's organization with about 60,000 members of Vietnam Veterans. There national headquarters is located in Silver Spring, MD***

***Our goals are to help veterans with the healthcare they were promised when they entered the service. Vietnam Veterans are still being killed by the effects of "Agent Orange" there are 13 different cancers and diseases that are service connected to agent orange. PTSD (post-traumatic stress disorder) a stigma of wars that affected veterans of every war, is still huge. Nightmares, cold sweats, short temper, can't be in crowds, can't stand in lines, the list goes on and on if you suffer from any of these, you may need help.***

***Suicides are killing veterans and active service members at a rate that is off the chart – we have to be able to talk about suicides instead of "sweeping them under the rug" and hoping they will go away on their own. Veterans of Wars need help. Over 15,000 veterans from North Dakota service in Vietnam.***

***HB 1372 request \$75,000 be transferred to the Department of Veterans Affairs. So if you figure the math we are only asking for \$5 per veteran that served in Vietnam***

***Thank you very much for the opportunity to appear in support of HB 1372. I will try an answer any questions the committee may have.***

**ANALYSIS OF THE ENVIRONMENT AND RANGELAND PROTECTION FUND  
FOR THE 2013-15 AND 2015-17 BIENNIUMS  
(INCLUDING PROPOSED CHANGES AS OF JANUARY 27, 2015)**

#1 4-10-15  
1372

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