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Operator's Signature

10/16/03
Date

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2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HCR 3033

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10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3033

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2-13-03

Tape Number	Side A	Side B	Meter #
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1		x	0
Committee Clerk Signature <i>Joseph Runkle</i>			

Minutes: Vice Chairman, Representative Grande: called the hearing to order on HCR 3033. All committee members were present.

Representative Klein: was present and gave testimony in favor of HCR 3033. The resolution came about as many of you recall we had a bill in this committee HB 1177. Which make some majors changes in the original set up of the National Guard, for the militia as originally defined. Part of the problem is there is a constitutional revision required and that bill will be acted on in the next election hopefully, after that we were kind of putting the cart before the horse on HB 1177. So what we have before us know is the resolution to the interim, that after the election that we hopefully is successful, then sit down and make the revisions that are required. What happened after they defeated that bill is the attorney came to us and said, we need to put in a resolution.

Representative Sitte: I thought that resolutions we suppose to be, shall study and you say that concurrent resolution directing the legislative council to study.

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House Government and Veterans Affairs Committee

Bill/Resolution Number HCR 3033

Hearing Date 2-13-03

Representative Klein: I believe in this case this needs to be done if that election is successful, its just one of the things we are going to change.

Representative Sitte: can you give some rational on why we need to study it?

Representative Klein: I think over the years, and this goes way back to when the militia was formed when we became a state, for the first time the regiment was called into active duty was during the Spanish American War. I believe a large number of North Dakotans received the Congressional Metal of Honor, which was very unusual for the amount of people involved. When that originally got set up, there were many rules and guidelines, one of the little ones that I remember was that you had to be a male between the ages of 19 and 44. The world has changed I think we need to go along with that.

Representative Winrich: I'm the carrier of 3005 from the Constitutional Revisions Committee, which is scheduled for action in tonights session, and that Constitutional Amendment will eliminate several sections of Article 11 of the Constitution relating to the militia and military forces, Representative Klein eluded to one of those, some of the other sections refer to the Legislature establishing the various arms of military service, we don't do that, it is done at the national level. They refer to legislature appointing officers or providing for the election of officers in the militia and that is not done anymore. So basically what we are doing is updating several sections of the Constitution, and also need to update the Century Code in order to comply with those changes and that is what those resolutions address. I don't think there is any intention to change the nature of allegience that the National Guard owes to the state of North Dakota, but simply a recognition that these organizations do bear a relationship to the national military

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House Government and Veterans Affairs Committee

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organizations as well. And as a state in the union, our laws and constitution need to reflect that as much as any other state.

Major General, Mike Haugen, Adjutant General, National Guard of North Dakota: appeared in favor of HCR 3033. And presented written testimony, **(SEE ATTACHED TESTIMONY)**. We have been studying this and believe in changing of the constitution for quite a while, and it is time to update and remove the gender, residency, and age restriction that will then allow us to fall in line with federal government mandate on who can be in the military of the United States. We have many of the answers to the questions can be handled by our office.

Representative Sitte: My question is why do we need a study?

Major General, Mike Haugen: I think the study should be as much as an education process and develop new areas.

Col. Al Dormann, Jag, North Dakota, National Guard: appeared in favor of HCR 3033. I can clear up and explain on this militia issue a little bit more. We thee proposed constitutional amendment before us, I think we will bring our Constitution in line with the Federal Constitution and the number of other states, the Federal Constitution provides for militia that comes from each state. The militia is military forces with in a state. The change we are recommending for our Constitution will state the legislative assembly will provide for the military forces of this state and it is up to the legislative assembly to decide what those military forces should be. We must have a militia available for the federal governments use as needed. We will still be able to do that under statutory law. One of the problems we have is we have a National Guard that is never going to go away, that is a federally funded organization available to both the government and the state of North Dakota and the President of the United States, he calls us up. In addition

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Col. Al Dormann
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House Government and Veterans Affairs Committee

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we have in the state of North Dakota right now a reserve militia, and we also have a state defense force that was established in 1983 to 1986, when you look at all of these organizations I'm not sure how they all inter-relate. Why do you need a state defense force and a reserve militia? We need a reserve organization like the reserve militia, or a state defense force available to the Governor, I don't think we need both. I think the legislative council can study this figure out what the best vehicle is to have this reserve organization and just have the one. When I look to what the other states have done, they have stayed with the reserve militia. The reason we need a study is, we need a lot of sets of eyes on this. We need a set of laws that will serve this state well into the future. Under our current statutory law, if fifty percent of our units are outside the state the Governor can send up his defense force, National Guard officers and enlisted persons, and then we could start pulling in the militia so to speak and that would be men ages 18-45, and those who would want to volunteer.

John Jacobson, Legislative Committee, North Dakota Veterans Coordinating Council: appeared in favor of HCR 3033. The council has asked me to ask you to support this piece of legislation in its fullest.

Representative Devlin: made a **DO PASS** motion on HCR 3033.

Representative Haas: **SECOND** the motion.

VOTE: 13 YES 0 NO 1 ABSENT.

Motion carried.

Representative Winrich: will carry the bill to the floor.

Meeting adjourned.

LR

Date: 2-13-03
Roll Call Vote #: HCR 3033

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House GOVERNMENT AND VETERANS AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Devlin Seconded By Rep. Haas

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	X	
W.R. Devlin	X		C. Williams	X	
C.B. Haas	X		L. Winrich	X	
J. Kasper	A				
L.R. Klemin	Y				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 13 No 0

Absent (1) Rep Kasper

Floor Assignment Rep. Winrich

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

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REPORT OF STANDING COMMITTEE (410)
February 13, 2003 2:36 p.m.

Module No: HR-28-2628
Carrier: Winrich
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3033: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING)**. HCR 3033 was placed on the Tenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-28-2628

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2003 SENATE POLITICAL SUBDIVISIONS

HCR 3033

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