

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2069

2011 SENATE STANDING COMMITTEE MINUTES

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

SB 2069
January 7, 2011
12645

Conference Committee

Committee Clerk Signature

Kathie Oliver

Explanation or reason for introduction of bill/resolution:

Relating to coverage of medical expenses for North Dakota national guard members while on state active duty.

Minutes:

Chairman Dever opened the public hearing on SB2069. Major General Dave Sprynczynatyk of the North Dakota National Guard spoke in favor of the bill.

Dave Sprynczynatyk: See attached testimony #1. In addition to the written testimony M.G. Sprynczynatyk brought a proposed amendment.

Senator Cook: The members are covered by Workforce Safety and Insurance for injuries which occur in the line of duty?

Dave Sprynczynatyk: Yes sir, that is correct. In the line of duty when they are on state active duty, when we bring our soldiers and airman on state active duty they are temporary state employees.

Chairman Dever: When they are overseas they are covered 24 hours a day, 7 days a week for anything, regardless of it if occurs in the line of duty or not.

Dave Sprynczynatyk: Would it only be while they are on state active duty; it does not address the situation when they are on federal orders or if they are deployed overseas. They may be on federal training at Fort Lenard Wood and this would not cover that.

Chairman Dever: You said minimal cost and the fiscal note said no fiscal impact.

Dave Sprynczynatyk: It is our intent that this would be address within the budget that is available to us. Now in 2009, we were able to and we would see this in the future too. We were actually able to collect 90% of the cost from the Federal government as a disaster related expense. In a typical event, typical not being as large as 2009, there still would be

75% Federal cost that would be picked up through Federal Emergency Management Agency. Because of that we do not see the need at all to adjust our budget.

Senator Barry You are saying that first and foremost it would be Workforce Safety and Insurance that would cover anything in the line of duty and second to that it would be the individuals own insurance would cover that. If the individual is uninsured then this would be the third tier.

Dave Sprynczynatyk: Yes, you described it well. Let's say, for example, someone was driving a military vehicle and it crashed and they were injured. That would be an eligible expense to be picked up by Workforce Safety and Insurance. If anything else were to happen and they had health insurance, their health insurance would pay first and if the soldier or airman were to submit a bill for their co pay or something like that we would consider that as eligible if it met the definition of the type of illness that we would intend to cover. In the absence of health care by the individual then we would cover all the expense.

Senator Barry: Does that include acute care situations as they come up as it relates to ongoing situations such as someone with diabetes, hypertension, with an established medical diagnosis that has then a complication thereof?

Dave Sprynczynatyk: I believe that that would be an eligible Workforce Safety and Insurance claim. Our intent is to narrowly define what those expenses are. We had in total over 4000 guardsmen on active duty at one time. A number of them came down with a cold or the flu and we wanted to take care of them and make sure that if it was contagious that it was addressed.

Senator Barry: If they have chest pain during the night while they were being boarded Do we have any limits for the coverage?

Dave Sprynczynatyk: The intent is to define this through rule and to spell out what would be covered and what wouldn't. I would think in that instance if they were on state active duty at the armory resting in their cot and something were to happen we would definitely want to help them out.

Senator Barry: Similar to the coverage you are talking about overseas where you are covered at all times; this bill would basically bring state active up to speed with that?

Dave Sprynczynatyk: Not quite. For example, if in the course of being on state active duty and individual didn't feel well and went to the doctor and discovered they had cancer. We wouldn't view that as an eligible expense because that would have been something

that was developing well before they were brought on to state active duty. Our intent is to define what those expenses are upfront and recognizing that we don't want to go so far as to open ourselves up to an unlimited checking account. And again, this is based on what we experienced in 2009, we had a number of our soldiers and airman go to see the doctor for a cold or the flu and we wanted to make sure that they were taken care of.

Senator Barry: You are trying to put out specifics, is an outline forthcoming?

Dave Sprynczynatyk: Our intent is that if this is passed into law that we would develop the rules to support it and to define what the expenses are.

Senator Nelson: Looking at the amendments that the General brought forward, isn't the only amendment Section 2? Because the rest is all in title and we don't amend titles?

Senator Cook: I think that we have amended the titles.

Dave Sprynczynatyk: My legal council said it can be done.

Senator Nelson: But the thing that will actually go into Code is below Section 1 & 2

Dave Sprynczynatyk: Our rationale for clearly addressing what the titles says is that we want to make sure that there is legislative intent and legislative history that shows that this is to provide that narrow defined coverage, not that broad health care coverage.

Chairman Dever: I think that it might be confusing to soldiers, too

Senator Cook: When you say rules you mean administrative rules?

Dave Sprynczynatyk: We are one of the agencies that are able to promulgate rules through regulation and policy and not through the procedures in Chapter 28.

Chairman Dever: Does this expense come out of the state portion of your appropriation?

Dave Sprynczynatyk: Yes, state active duty expenses are first covered as a state expense. If it is a disaster that is eligible for federal reimbursement then we are reimbursed for that federal share. The fact is, whenever our people are on state active duty that is a non federal status and a non federal cost until there is a disaster declaration that picks up cost across the state.

Jon Jacobsen: Legislative Committee of the North Dakota Veterans Coordinating Council. The Council emailed me and expressed their support of this bill. I am retired military for 30 years, retired registered pharmacist and I have enjoyed working with the Veteran's Affairs Committee over the past 8 years.

Chairman Dever closed the public hearing on SB 2069. Senator moved to accept the amendments brought by M.G. Sprynczynatyk with a second from Senator Nelson. The

motion passed with a 7-0 vote. The motion was then made for a Do Pass as Amended by Senator Cook with a Senator Nelson. The motion passed 7-0 with Senator Berry carrying the bill to the Senate floor.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2069

Page 1, line 2, after “to” replace “coverage” with “reimbursement”, and after “of” insert “certain”

Page 1, line 3, replace the period with “; and to declare an emergency.”

Page 1, line 7, replace “Health care coverage” with “Reimbursement of certain medical expenses”

Page 1, after line 15, insert:

“**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.”

Re-number accordingly

Date: 1-7-11
Roll Call Vote #: 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Government and Veteran's Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 11.8056.01000

Action Taken Adoption of Amendments

Motion Made By Cook Seconded By Nelson

Senator	Yes	No	Senator	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

January 10, 2011



Handwritten signature and date: 1-11-11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2069

Page 1, line 2, replace "coverage" with "reimbursement"

Page 1, line 2, after "of" insert "certain"

Page 1, line 7, replace "Health care coverage" with "Reimbursement of certain medical expenses"

Page 1, after line 15, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 1-7-11
Roll Call Vote #: 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Government and Veteran's Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 11

Action Taken Do Pass as Amended

Motion Made By Cook Seconded By Nelson

Senator	Yes	No	Senator	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

Carrier: Senator Barry

2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2069

2011 HOUSE STANDING COMMITTEE MINUTES

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

SB 2069
March 3, 2011
14884

Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Coverage for medical expenses for North Dakota National Guard members while on active duty

Minutes:

Chairman Bette Grande opened the hearing on SB 2069.

Major General David Sprynczynatyk, Adjutant General of the State of North Dakota appeared in support. **Attachment 1.**

Rep. Vicky Steiner: How many people are we talking from 2009? Can you give us some numbers on how many were affected by this and could be affected in the future?

Major General David Sprynczynatyk: In 2009 we had a total of about 2,500 soldiers and airmen at state active duty at one point or another during the approximate 100 days of flood fight from March through June. In 2009 we didn't have more than about 12 to 15 that ended up seeing a doctor making sure that they were being taken care of and we reimbursed them for their out of pocket expenses. We are not talking about great numbers. Again if something happens while they are on state active duty in the line of duty then WSI covers those expenses. These are for those certain things that are not covered. We want to take care of that soldier and airman and make sure that if they have some sort of communicable disease that it is addressed so that it doesn't spread to other soldiers and airmen as well.

Rep. Karen Rohr: Would this be a time limited revenue or reimbursement for the soldier? Sometimes these things can extend out for the long term.

Major General David Sprynczynatyk: It is primarily intended to address the time they are on state active duty. If it turns out that it is something that clearly was developed or evolved while they are on state active duty, we would want to take care of it. This is not for the major type of medical expenses and this question came up on the senate side. What if while someone was on state active duty discovered that they had cancer? The intent is to narrowly define the focus of what the qualified reimbursement would be and it would be for those things that clearly developed and came about because they were on state active duty and because of our desire to take care of the soldiers and airmen.

Rep. Bill Amerman: If somebody gets the flu or something but they have health insurance, would they have co pays and deductibles, would this cover their out of pocket co pay and deductibles?

Major General David Sprynzynatyk: Yes. That is the intent. If they have their expenses, there was a co pay and deductible, they could submit that to us for reimbursement again for those narrowly defined illnesses or injuries that may have come about while on state active duty.

Vice Chairman Randy Boehning: There was no fiscal note. I am guessing it is going to be a fairly small amount or else it is in your budget to cover this?

Major General David Sprynzynatyk: There is no fiscal note simply because we truly believe that we can handle this within existing appropriations available to us within our operating expense line item.

Vice Chairman Randy Boehning: When you are in Fargo, do you use the VA if somebody gets a cold or flu?

Major General David Sprynzynatyk: They can if they are an eligible veteran. About 40% of our force is not an eligible veteran under federal definition so they would not be able to use it.

Vice Chairman Randy Boehning: I am assuming you are going to be making emergency rules.

Major General David Sprynzynatyk: Our intent is that if this becomes law we will immediately develop the necessary policy and rules to insure that we have it in place. I will tell you we have already had a couple people on state active duty with some flooding up in Belcourt, and I expect in the next two or three weeks we will have a great number of soldiers and airmen on state active duty and we are preparing for that now.

Rep. Ron Guggisberg: Thanks for taking care of this issue. I work with some of your qrf's in 2009 in the flood. It is pretty tight quarters and I can see where this can definitely be an issue. I am just wondering why it seems to me like it is a work related thing, so why you are going through your budget instead of trying to change the rules that WSI—did you talk to them about it?

Major General David Sprynzynatyk: Yes, we did. There is a representative from WSI here if you have questions of him. We did visit with WSI. We wanted to make sure we fully understood what was eligible under current policy and law and rule under WSI. That is when we determined that there was a void where our people would not be able to take advantage of the programs under WSI. We may, as we look to the future, the possibility may be to try to change the law through WSI. We saw that as a much more difficult and challenging process than simply addressing it within the section of law that deals with our people on state active duty.

Rep. Lonny Winrich: Just a point of information. I found a fiscal note on LAWS. It says there is no fiscal impact.

Major General David Sprynzynatyk: As I recall, we were asked if there was a fiscal impact and we said no. That is what you probably have in front of you.

There was no one neutral or opposed to this bill.

The hearing was closed.

Rep. Mark Sanford made a motion for a Do Pass.

Rep. Lisa Meier seconded the motion.

DO PASS, 12 YEAS, 0 NAYS, 1 ABSENT. Rep. Bill Amerman is the carrier of this bill.

FISCAL NOTE

Requested by Legislative Council
12/22/2010

Bill/Resolution No.: SB 2069

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

No fiscal impact

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

N/A

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

Name:	Holly Gaugler	Agency:	Adjutant General
Phone Number:	701-333-2079	Date Prepared:	12/22/2010

Date: 3-3-11
 Roll Call Vote #: _____

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2069

House GOVERNMENT AND VETERAN AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Sanford Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman	✓	
Vice Chairman Randy Boehning	✓		Ron Guggisberg	✓	
Glen Froseth			Lonny Winrich	✓	
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Amerman

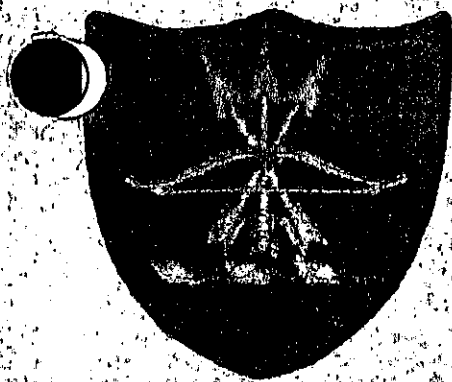
If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2069, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2069 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2069



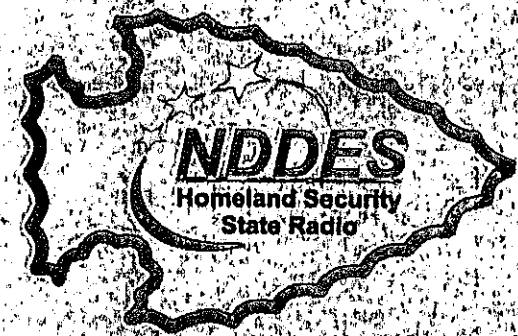
Army National Guard

"The Straight Arrows"



Air National Guard

"The Happy Hooligans"



*Department of
Emergency Services
Homeland Security &
State Radio*

*The
Office of the
Adjutant General*

*Testimony of
Major General David Sprynczynatyk
The Adjutant General*

before the

*Government and Veteran
Affairs Committee
January 7, 2011*

SENATE BILL 2069

TESTIMONY OF
MAJOR GENERAL DAVID A. SPRYNCZYNATYK
THE ADJUTANT GENERAL
BEFORE THE
SENATE GOVERNMENT AND VETERAN AFFAIRS COMMITTEE
7 JANUARY 2011
SENATE BILL 2069

Mr. Chairman and Members of the Committee:

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

This bill is not to provide a supplemental reimbursement for out of pocket medical expenses for our service members while in a State Active Duty status. Our members are covered by Workforce Safety and Insurance (WSI) for injuries which occur in the line of duty. WSI is not, however, authorized to cover communicable diseases common to the general public, even if there may be a connection to the duty they are performing.

During the 2009 spring flood, there were many service members that contracted colds, the flu, and respiratory illnesses that had a direct connection to the Service Members flood fighting duties. However, due to WSI's limitations none of those "communicable diseases" were covered. In many cases the supervisors directed the Soldier or Airman to seek treatment from a medical provider to ensure they were not contagious, seriously ill, or unable to continue to assist in the flood fight. Many of those Airman and Soldiers had no personal health care coverage, so when the bill was presented they looked to the National Guard for reimbursement.

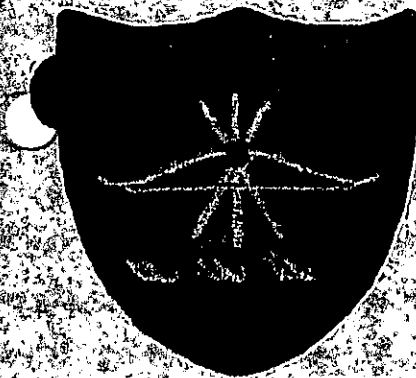
This bill would authorize the Office of the Adjutant General to cover the medical expenses of those illnesses which WSI does not cover when the illness occurs while on State Active Duty and the treatment is sought while on State Active Duty. The benefit will have a narrow focus; this is not a health care plan. The intent is to cover those medical costs necessary to evaluate the immediate health of an Airman or Soldier to ensure there is no serious illness or to determine fitness for further State Active Duty. Any payment will be secondary to any insurance coverage by the Soldier or Airman. The Office of the Adjutant General will establish the process and rules in which the guard member on State Active Duty may apply for payment of the medical expenses.

To support those Soldiers and Airmen who are always ready and available to respond to emergencies and disasters, this is the right thing to do and an obligation of North Dakota.

In light of the flooding forecast and in anticipation of potential extended state active duty I would like to propose the following amendment to SB 2069.

Mr. Chairman, I will be happy to take any questions that you have.

Attachment 1
2009



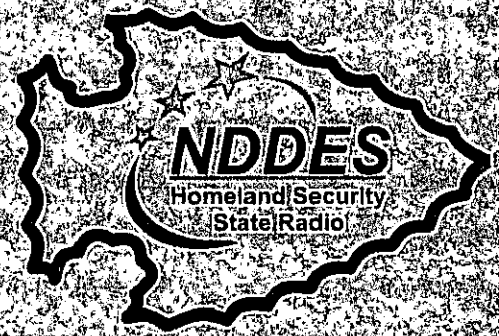
Army National Guard

"The Straight Arrows"



Air National Guard

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*Department of
Emergency Services*

*Homeland Security &
State Radio*

The
***Office of the
Adjutant General***

*Testimony of
Major General David Sprynczynatyk
The Adjutant General*

before the

*Government and Veteran
Affairs Committee
March 3, 2011*

SENATE BILL 2069

**TESTIMONY OF
MAJOR GENERAL DAVID A. SPRYNCZYNATYK
THE ADJUTANT GENERAL
BEFORE THE
HOUSE GOVERNMENT AND VETERAN AFFAIRS COMMITTEE
MARCH 3, 2011
SENATE BILL 2069**

Madam Chairman and Members of the Committee:

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

SB 2069 is to provide a supplemental reimbursement for out of pocket medical expenses for our service members while in a State Active Duty status. Our members are covered by Workforce Safety and Insurance (WSI) for injuries which occur in the line of duty. WSI is not, however, authorized to cover communicable diseases common to the general public, even if there may be a connection to the duty they are performing.

During the 2009 spring flood, there were several service members that contracted colds, the flu, and respiratory illnesses that had a direct connection to the Service Members flood fighting duties. However, due to WSI's limitations none of those "communicable diseases" were covered. In many cases the supervisors directed the Soldier or Airman to seek treatment from a medical provider to ensure they were not contagious, seriously ill, or unable to continue to assist in the flood fight. Many of those Airman and Soldiers had no personal health care coverage, so when the bill was presented they looked to the National Guard for reimbursement.

This bill would authorize the Office of the Adjutant General to cover the medical expenses of those illnesses which WSI does not cover when the illness occurs while on State Active Duty and the treatment is sought while on State Active Duty. The benefit will have a narrow focus; this is not a health care plan. The intent is to cover those medical costs necessary to evaluate the immediate health of an Airman or Soldier to ensure there is no serious illness or to determine fitness for further State Active Duty. Any payment will be secondary to any insurance coverage by the Soldier or Airman. The Office of the Adjutant General will establish the process and rules in which the guard member on State Active Duty may apply for payment of the medical expenses.

To support those Soldiers and Airmen who are always ready and available to respond to emergencies and disasters, this is the right thing to do and an obligation of North Dakota.

In light of the flooding forecast and in anticipation of potential extended state active duty I would like to propose the following amendment to SB 2069.

Madam Chairman, I ask for your favorable consideration of SB 2069 and will be happy to take any questions that you have.