

FISCAL NOTE
Requested by Legislative Council
12/31/2018

Amendment to: HB 1101

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

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$80,000	\$0	\$80,000
Expenditures	\$0	\$0	\$0	\$80,000	\$0	\$80,000
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

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

HB 1101 allows the Adjutant General to establish and operate a service member, veteran, family, and survivor support program. It also allows the Adjutant General to accept and expend funds from any source to include donations using a continuing appropriation.

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

Section 1. would allow receiving and spending funds for the specific purposes. The estimated biennial impact is projected at \$80,000 for revenues and expenditures.

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.*

No revenues were included in the executive budget. Revenues include federal or private donations, gifts, or bequests offered or tendered and are estimated at \$80,000 per biennium. A new fund would be established for accountability.

- 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.*

No new FTE's would be required. Expenditures would be limited to support of North Dakota service members, veterans, family and survivor support programs. Expenditures would be operational for travel, services, etc. utilizing a specific fund set up for this program.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

No appropriation is included in the executive budget for this program. The appropriations would be continuing based upon revenue generated and limited by actual needs of the program.

Name: Holly Gaugler

Agency: Adjutant General

Telephone: 701-333-2079

Date Prepared: 12/31/2018

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Date Prepared: 12/31/2018

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

HB 1101

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1101
1/10/2019
30662

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the adjutant general's program supporting North Dakota service members, veterans, families, and survivors, and the ability to accept funds for this purpose; and to provide a continuing appropriation

Minutes:

Attachment 1

Chairman Kasper opened the hearing on HB 1101.

Adjutant General Alan Dohrmann of the ND National Guard, appeared in support.
Attachment 1. (:14-14:08)

Vice Chair Steiner: How much money are we talking when you talk about the national guard foundation?

Adjutant General Alan Dohrmann: As far as grants that have been used to support the TAPS program, the remembrance weekend, and the youth camps, it has been about \$50,000 a year.

Vice Chair Steiner: What are the foundation's assets?

Adjutant General Alan Dohrmann: About \$500,000.

Vice Chair Steiner: I have a question about accountability. You never know about that really large gift. Would you be open to either a cap or some kind of accountability with legislative management if something were to come in that might be a substantial gift that they would want to know how did you use it?

Adjutant General Alan Dohrmann: Obviously as an agency, continuing appropriations provide us the greatest flexibility. As director of emergency services for the state of North Dakota, I am at the emergency commission every single quarter. While I rather not do that, that doesn't scare me.

Rep. Louser: What do you do currently if somebody was as part of their estate to leave their property or proceeds?

Adjutant General Alan Dohrmann: Nobody gets a tax break given a \$1 million or \$100,000 to the state of ND. When we talk to these businesses that would like to help, it is in their best interest to donate that to a 501C3 that has that purpose.

Rep. Louser: If that were to happen, what do you do?

Adjutant General Alan Dohrmann: If the money came directly to us, it would go into the appropriation. If there was a special funding opportunity that would defray the operational cost, much like we have done at the veterans' cemetery, that might be a way to reduce the burden of government and insure those programs are funded.

Rep. Louser: Does changing this law give you more flexibility or is it something you can already do?

Adjutant General Alan Dohrmann: The only authority I have missing now is the acceptance of the money. A lot of my federal resources are starting to go away.

Rep. Schauer: What is the future of that guard foundation? How does this help you specifically with private fundraising efforts, because it seems like you are going to need more than \$500,000 and \$50,000 coming out of that foundation?

Adjutant General Alan Dohrmann: With the programs right now, we have been okay at about \$50,000 a year. That foundation has twice a year fundraising efforts that sustain it. I believe there is great potential out there to support these programs and grow programs.

Rep. Schauer: If this helps you in the private fundraising, I am all for it.

Adjutant General Alan Dohrmann: Right now we are, through the governor's office, we are bringing all together the stakeholders. This foundation if there are authorized purposes out there could support not just the national guard and its programs but other programs too.

Rep. Laning: Are you proposing that funds would all get routed through the national guard foundation, and they write the check?

Adjutant General Alan Dohrmann: No. We might go to other nonprofits to help.

Rep. Laning: Who writes the check through your proposal?

Adjutant General Alan Dohrmann: I will use military youth camps for example. We would go to the national guard foundation and ask them to support up to \$30,000 to put on military youth camps. If they approve that, with this authority, they could then cut the check to the office of the adjutant general, and we could administer the whole program. Without this authority, the national guard foundation is working with the people that they are supporting, and the office of the adjutant general is working with the people they can support. This would be an opportunity to bring those two things together.

Chairman Kasper: You are not asking for the authority to establish a 501C3 foundation? You are just asking for the authority to supervise and spend dollars, or are you asking for both?

Adjutant General Alan Dohrmann: We are not asking for any authority to set up an outside foundation. We are just asking for the authority to accept money from those that have, in some cases, shown a willingness and a desire to support those programs but to be able to accept those funds and execute them to the office of the adjutant general.

Chairman Kasper: Where would you put the dollars?

Adjutant General Alan Dohrmann: The money would reside in the reintegration line until such time it was expended.

Chairman Kasper: Wouldn't it be easier and for better accountability to have you set up a foundation where you would control it with your staff, and all of the funds go into the foundation which would allow the citizen to earn a tax deduction? You could accept funds from multiple sources and use those funds for multiple purposes and possibly report to the legislature every session on what is going on.

Adjutant General Alan Dohrmann: That really is our intent here.

Chairman Kasper: Under that foundation, is there total flexibility to spend the funds for various entities and purposes?

Adjutant General Alan Dohrmann: No. Right now our articles of incorporation are fairly broad as far as what we can expend our money on.

Chairman Kasper: If the money goes into other organizations, you have no control over it once it gets there.

Adjutant General Alan Dohrmann: As time goes on, we will have less control over the national guard foundation. I don't know what is the best way to work this foundation piece. I thought from a transparency standpoint we would stay in the government role. We would deal with foundations as needed. The national guard foundation comes up, because in our current programs we are executing, they are the main donor.

Rep. Rohr: I thought once you get this bill approved, you would be setting up a foundation with this particular name and monies that you would get would go into that foundation. But you want a line item on your budget that is labeled this, and you can accept the cash and put it in that. Is that what I am hearing?

Adjutant General Alan Dohrmann: We really are trying to replicate what is in place right now for the veterans' cemetery. The veterans' cemetery foundation is not in law, but that is their sole purpose, to support the veterans' cemetery. The national guard foundation is not in law, but its sole purpose initially was to support national guard members and their families. We have expanded that over the years because of the need to support our gold star families

and others that have lost others in the line of duty. By designating the national guard foundation, you will limit what can be done to what is in their chart.

Jim Nelson of ND Veterans' Legislative Council supports this bill.

Lonnie Wangen, Executive Secretary of ACOVA and Veterans' Affairs, appeared in support of this bill.

Chairman Kasper closed the hearing.

Chairman Kasper: If there are some hurdles where you can't spend the money where you like, I think this almost calls for a separate entity that gives total flexibility.

A subcommittee was formed consisting of Rep. Schauer, Rep. P. Anderson, and Rep. Laning to work with Adjutant General Alan Dohrmann and his staff.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1101
1/11/2019
30705

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the adjutant general's program supporting North Dakota service members, veterans, families, and survivors, and the ability to accept funds for this purpose; and to provide a continuing appropriation

Minutes:

Attachments 1, 2, 3

A subcommittee consisting of Reps. Schauer, Chair, P. Anderson, and Laning met 11:00 am in the Ft. Union Room on 1/11/19 on HB 1101.

Adjutant General Alan Dohrmann: He introduced others of his team attending this meeting. They were Holly Gaugler, Accounting Manager; Michelle Hagel, Legal Counsel; and Major Jay Sheldon, Government Affairs Officer. We would always recommend that donors donate their money to a charitable organization, not to the state of ND. A donation to the state of ND is tax deductible. He provided a chart and went over it. Attachment 1. (2:08-5:45)

Rep. Schauer: Anyone can donate to the national guard foundation?

Adjutant General Alan Dohrmann: Anybody can donate.

Rep. P. Anderson: Who is on the board and who decides?

Adjutant General Alan Dohrmann: The board is made up of a lot of members of the national guard. Because it is a 501C3, it operates outside the office of the adjutant general. As that foundation has grown, the potential for conflict has troubled me. I think that foundation could grow if it is in private hands. He then gave some history of the start of the national guard foundation. (7:21-9:54)

Rep. Laning: Assuming that we get this established, this fund would be under the control of OTAG. You would be able to receive funds from pretty much wherever and then utilize them for the programs. Despite how much income there is, you would be limited to a maximum of \$500,000 per biennium.

Adjutant General Alan Dohrmann: Correct.

Rep. Laning: Should we include income and expenditures on the last line of your amendment? Attachments 2 and 3.

Adjutant General Alan Dohrmann: I see no reason why we wouldn't report that because the treasurer would have to track too. I have no issue with reporting the income and expenses.

Rep. Laning: You or your designee would request the state treasurer to issue a check for whatever program would need the funds at the moment?

Holly Gaugler: That would be correct.

Rep. P. Anderson: Why don't we set up another 501C3 foundation for the sole purpose of support programs for veterans' families and survivors and keep the state out of it completely?

Adjutant General Alan Dohrmann: We are already doing that for some of these programs. There is potential there for more especially in the areas of behavior health and addiction. The national guard foundation already does that. This would allow us to comingle money to achieve that purpose. I would be much more comfortable as a board member if we sent families to Washington DC using state travel processes rather people basically on their own time trying to help these families out to get to DC and back and account for the money.

Rep. P. Anderson: I could see both these foundations working together.

Rep. Schauer: Government and private or private and private.

Rep. P. Anderson: Part of me says if I want to give \$50,000, I would just as soon give to a 501C3 foundation whose sole purpose is exactly what you are saying than to the treasurer of ND.

Adjutant General Alan Dohrmann: How I see the potential future is that the national guard foundation will support this program very much like the veterans' cemetery foundation supports veterans. Every once in a while somebody will donate money to the state for the operations and maintenance of the veterans' cemetery.

Holly Gaugler: Individuals mostly, but..

Adjutant General Alan Dohrmann: Pretty rare. Almost all the money that is donated goes to the 501C3 veterans' cemetery foundation.

Rep. Schauer: You have to follow donor intent or you will not have a donor, and you will hurt yourself in the credibility standpoint.

Rep. P. Anderson: I totally agree with you.

Adjutant General Alan Dohrmann: Even if I have these authorities, I wouldn't be able to tap into this money for anything but the purpose.

Rep. P. Anderson: I wouldn't worry about a donation of \$10 million. They are going to structure it in a way with their attorney.

Adjutant General Alan Dohrmann: The only fundraising the veterans' cemetery and national guard foundations do are two letters a year stating if you want to give, here is what you potentially can give. Because of enough internments where families have seen that beautiful facility, in the last 10 years we have received some fairly major quests in wills, but none of it is going to the state of North Dakota. It is all going to the veterans' cemetery foundation.

Rep. P. Anderson: That again is my point. That is why I wonder if this could be a 501C3 foundation.

Adjutant General Alan Dohrmann: I think it is already there.

Rep. Laning: I am good with this amendment and adding income and expenditures.

Rep. P. Anderson: I would do contributions and expenditures.

Holly Gaugler: Some of the money that came from the foundation could be interest income.

Rep. P. Anderson: I am fine with income.

Adjutant General Alan Dohrmann: This really has nothing to do with the national guard foundation.

Rep. P. Anderson: Can you change your bylaws so it is not as restrictive?

Rep. Laning: I would move forward with a do pass recommendation to our committee adopting the adjutant general's amendment with adding the language income and expenditures.

Rep. P. Anderson seconded.

Voice vote to accept. Motion carries.

The meeting was closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1101
1/17/2019
30999

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the adjutant general's program supporting North Dakota service members, veterans, families, and survivors, and the ability to accept funds for this purpose; and to provide a continuing appropriation

Minutes:

Attachments 1, 2

Chairman Kasper opened the meeting on HB 1101.

Rep. Schauer went over the amendment which is Attachment 1. The Christmas tree version was handed out which is Attachment 2.

Rep. Steiner: On the \$500,000 per biennium, if they get additional money, they just reject it? Is that your intent that there is a cap of \$500,000? Does it accumulate?

Rep. Schauer: The donor would make sure that it would not go past the \$500,000, and he or she could work with the adjutant general to make sure that pot is filled each year, so the cap would remain at \$500,000.

Chairman Kasper: When you think in terms of cash, that is an easy to think about.

Rep. Steiner: I don't know how I feel about the adjutant general controlling \$10 million and developing programs. Once we start this, we can't pull this back. He is not a 501C3. He is not a foundation. I am really struggling with this bill right now.

Rep. B. Koppelman: If somebody did give \$10 million, they might be able to get additional authority from the emergency commission. The fiscal note suggests that there is expected to be \$80,000 used per biennium. The \$500,000 is not a concern for me.

Chairman Kasper: Did you talk with the adjutant general about forming a 501C3 foundation?

Rep. P. Anderson: We did, and he didn't seem to particularly want to go there.

Rep. Schauer: It takes a lot to set up a 501C3, and he did not think that process could help with what they are trying to accomplish. I think there are state and federal laws that when you are part of 501C3, you cannot be out there asking for money. He did not want to be in a situation where he is trying to raise money for this nonprofit. His attorney was there. This was the vehicle, maybe we do too, would be the best way.

Rep. P. Anderson: The state you can deduct.

Chairman Kasper: In the format the fund is currently now, the contributions are not deductible?

Rep. P. Anderson: Their attorney said that if you are giving money to this fund, you are giving it to the state and it could be deductible.

Chairman Kasper: Was it your impression that he was trying to be able to maintain personal control or control within the place where it is right now?

Rep. P. Anderson: The impression I got was this is what we are doing now, but he would like more structure around it.

Chairman Kasper: Does he feel that as the fund gets larger he has qualified people to invest it?

Rep. Laning: If we are worried about \$10 million, maybe we should limit the expenditures.

Rep. P. Anderson: I can't imagine giving \$10 million to the state of North Dakota. They have to be working with attorneys and accountants. They could set up their own private foundation to support the Gold Star families for \$10 million. I think it is for small deposits.

Chairman Kasper: This wouldn't prohibit small deposits. There could be some pretty wealthy people out there that would want to put a large donation in here.

Rep. P. Anderson: He knows of wills and bequests that are coming direct to the veterans' cemetery foundation.

Rep. B. Koppelman: The one handout was not the Christmas tree version (referring to Attachment 2). It was the context version of what the adjutant general gave to their subcommittee.

Chairman Kasper: We are not going to take action on this bill.

Rep. Schauer: It provides a safeguard with an expenditure cap of \$500,000. Would that be something we should take a look at?

Chairman Kasper: Why do we need to monkey with it? He knows that the reason for the fund is there is to benefit these families.

Rep. Rohr: This is getting very confusing. The issue was he could not accept direct donations, so the intent was to go out and see if there is a fund that he could accept these donations and still have some control over how it was spent.

Chairman Kasper: I tend to think we ought to create a 501C3 or whatever foundation that would be appropriate to receive the funds so there is some structure to it. The subcommittee could continue work.

Rep. P. Anderson: Their lawyer liked this amendment.

Rep. B. Koppelman: If we amend this and allow an expenditure of \$500,000, either way I think this is going to appropriations because the initial expectation was \$80,000.

Rep. Schauer: We have no problem meeting with them again, but we need direction from you.

Chairman Kasper: Find out why not set up a foundation, a 501C3, like the one that receives dollars for the veterans' cemetery where it is controlled by his department, but he is going to have a board and advisory people, and have the treasurer invest the money. Why do they want to limit the donations?

The meeting was adjourned.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1101
1/23/2019
31348

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the adjutant general's program supporting North Dakota service members, veterans, families, and survivors, and the ability to accept funds for this purpose; and to provide a continuing appropriation

Minutes:

Attachment 1

The subcommittee of Rep. Schauer, Rep. Laning, and Rep. P. Anderson met. Also in attendance were Adjutant General Alan Dohrmann, Major Jay Sheldon, Michelle Hagel, and Holly Gaugler?

Adjutant General Alan Dohrmann: He presented the Christmas tree version of an amendment. Attachment 1. Based on some of the concerns we heard, we tried to change the language to specifically tie it to charitable organizations. We don't think we need to bring in another 501C3. It is there. (2:14)

Rep. Schauer asked to have the amendment read and explain why the cap.

Adjutant General Alan Dohrmann read the amendment. (2:27-2:57) Maybe national guard should be added in there. (3:03-3:58) My feeling was that some sort of monetary cap on our authority for the biennium more likely would receive favorable consideration from the appropriations committee and the house as a whole.

Rep. P. Anderson: Where is the separate fund going to be held?

Adjutant General Alan Dohrmann: It would be an expense account within our appropriations. The money would be held in the treasury, but we would have the ability to draw off it after that \$500,000.

Rep. Schauer: What if somebody drops \$10 million _?

Adjutant General Alan Dohrmann: I do not have authority to accept it. It can only be from the ND National Guard Foundation or a like foundation.

Rep. P. Anderson: I think anyone that has those kind of dollars has an estate planning attorney that would be more than happy to set up a foundation.

Rep. Laning: It seems to me the maximum that can be appropriated is \$500,000 per biennium. If they want to drop \$10 million in the National Guard Foundation, they can do it.

Adjutant General Alan Dohrmann: The board of the National Guard Foundation prefers that foundations just go into the general accounting, but if donors want to specify that it be used for the TAPS program, youth camps, etc., we do segregate that money out to make sure it is used for that purpose.

Rep. P. Anderson: Donor intent is what is often said.

Rep. Laning: Is this special fund going to be part of the guard foundation?

Adjutant General Alan Dohrmann: We would need the special fund within our appropriations to house the money once it came in.

Holly Gaugler: It would be held in the treasurer's office. It would be like any other state fund.

Adjutant General Alan Dohrmann: I would envision \$80,000 in the account for the first year of this biennium. Maybe \$160,000 for the entire biennium. If a program comes up that supports these initiatives, we would have the authority to implement those up to that \$500,000 point.

Rep. P. Anderson: You can drain this account every year?

Adjutant General Alan Dohrmann: Yes, exactly.

Adjutant General Alan Dohrmann: I explained at the hearing that while we administer and help get the families to TAPS, it is the National Guard Foundation that is actually paying all the bills.

Rep. Schauer: What does this do for you?

Adjutant General Alan Dohrmann: It allows me to administer these programs completely through the Office of the Adjutant General instead of what we are doing now which is cooperatively with a private foundation.

Rep. Laning: You can also receive funds?

Adjutant General Alan Dohrmann: Yes. If we brought this all together, the whole administrative logistic piece could be managed through the Office of the Adjutant General, and the accountability of how the programs are run and how the money is spent is also better.

Major Jay Sheldon: We added national guard and then a few lines below, we have the same statement where we leave out national guard.

Adjutant General Alan Dohrmann: Let us give that some thought, because it is the national guard's program, but our program currently supports non national guard members, active duty military at Minot and Grand Forks. It supports gold star families who are non-national guard KIAs. I think we are okay having national guard in there.

Rep. Laning: I think it restricts you from including other branches.

Adjutant General Alan Dohrmann: This in essence as a state, we are saying this is important that we support our service members, their families, and our veterans.

Rep. P. Anderson moved to accept this amendment.

Rep. Laning seconded the motion.

Voice vote. Motion carries.

The meeting was adjourned.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1101
1/24/2019
31406

- Subcommittee
 Conference Committee

Committee Clerk Signature Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the adjutant general's program supporting North Dakota service members, veterans, families, and survivors, and the ability to accept funds for this purpose; and to provide a continuing appropriation

Minutes:

Attachment 1-2

Chairman Kasper opened the meeting on HB 1101.

Rep. Schauer went over the amendment. Attachment 1 and 2. (:15-1:24) We believe this ties the fund to a charitable organization which we wanted it to and caps the maximum appropriation in a biennium at \$500,000. Another advantage is we have control of the funds, and the adjutant general stays out of the fundraising business, but it also gives him a vehicle for larger donations.

Chairman Kasper: We are creating a separate fund simply for the purpose of the service member veteran family survivor benefit program? Will the donors have a tax benefit to make a contribution to the fund?

Rep. Schauer: That would be my belief, because it is tied to the North Dakota National Guard Foundation. **I move to adopt this amendment.**

Rep. Laning seconded the motion.

Chairman Kasper: The law intern pointed out that below the bolding of the 37-03-18 the words say the North Dakota service member, etc. Down below it says the adjutant general to be used for the North Dakota national guard service member. Do we need to have the words national guard up above as well?

Rep. Laning: It may be better off left out of there because the different branches are included in this service foundation, and not just national guard.

Major Jay Sheldon, ND National Guard, representing the adjutant general. The discussion was to add national guard in the portion below, because it is the national guard program even

though the program does support some of the other branches. I believe it was an oversight on our part not to make that additional change at the top.

Rep. B. Koppelman: Rep. Schauer's motion should have been 1002, not 1000, because that is the bill LC number.

Rep. Laning: I think it is already on this. It is mentioned Page 1, Line 13 and Line 16. Are there more than those two locations?

Chairman Kasper: Who wrote the amendment, and who wrote the sample bill?

Rep. Schauer: This came from the adjutant general's office.

Chairman Kasper: I am going to have you take this up to legislative council and get it put together properly.

Rep. Schauer and **Rep. Laning** withdrew their motions.

Rep. Rohr: The way the bill is now amended means that the adjutant general can still solely make the decision where the money is spent. It does not require a board or advisory committee to assist with that process. Is that correct?

Chairman Kasper: Correct. The meeting ended.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1101
1/31/2019
31924

- Subcommittee
 Conference Committee

Committee Clerk Signature Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the adjutant general's program supporting North Dakota service members, veterans, families, and survivors, and the ability to accept funds for this purpose; and to provide a continuing appropriation

Minutes:

Attachments 1-2

Chairman Kasper opened the meeting on HB 1101.

Rep. Schauer: You see the changes on the actual bill itself and the amendments. Attachments 1 and 2. The subcommittee tried to do what the committee wanted us to do. What we tried to accomplish was to tie the fund to a charitable organization capping the maximum appropriation in a biennium at \$500,000. The advantages of these amendments in the bill is that we have control over the funds, the adjutant general stays out of the fundraising business, and it gives a vehicle for large donations. This program receives about \$160,000 this current biennium.

Rep. Laning: Wasn't the \$500,000 supposed to be the maximum expenditure in a biennium?

Chairman Kasper: On the Christmas tree version, it says on Line 20 the deposits to the fund may not exceed \$500,000. You are suggesting the expenditures were supposed to be the correct..

Rep. Laning: That was my understanding. I may have gotten it mixed up.

Chairman Kasper: Why would we want to limit the deposits?

Rep. Laning: That is my question.

Rep. Schauer: That certainly would be a friendly amendment to the amendment.

Chairman Kasper: When you had your discussion, did this come up with the general?

Rep. Schauer: No, that was the intent.

Rep. B. Koppelman moved the amendment.

Rep. Rohr seconded the motion.

Voice vote. Motion carries.

Rep. B. Koppelman moved to further amend on Line 20, Christmas tree version, to read “expenditures from” instead of “deposits to.”

Rep. Rohr seconded the motion.

Voice vote. Motion carries.

Rep. Schneider made a motion for a DO PASS AS AMENDED and rerefer to appropriations.

Vice Chair Steiner seconded the motion.

A roll call vote was taken. 14-0, 0 absent.

Rep. Schauer will carry the bill.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1101

Page 1, line 14, replace "moneys" with "monies"

Page 1, line 16, after "program.", insert: A special fund must be established and kept as a separate fund and is hereby appropriated for this purpose and shall not exceed five hundred thousand dollars per biennium. The adjutant general shall provide the budget section with annual reports detailing expenditures made from this fund.

Renumber accordingly

19.8077.01000

Sixty-sixth
Legislative Assembly
of North Dakota

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

A BILL for an Act to create and enact section 37-03-18 of the North Dakota Century Code, relating to the adjutant general's program supporting North Dakota service members, veterans, families, and survivors, and the ability to accept funds for this purpose; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 37-03-18 of the North Dakota Century Code is created and enacted as follows:

37-03-18. North Dakota service member, veteran, family, and survivor support program Administration - Continuing appropriation.

The adjutant general shall establish and operate the North Dakota service member, veteran, family, and survivor support program. The adjutant general may accept and expend funds from ~~any source, including federal or private sources and donations, gifts, or bequests~~ The North Dakota National Guard Foundation, or any like foundation, offered or tendered, for the benefit of the North Dakota service member, veteran, family, and survivor support program. All ~~moneys monies~~ received and accepted from ~~private or federal sources~~ The North Dakota National Guard Foundation, or any like foundation, under this section are appropriated on a continuing basis to the adjutant general to be used for the North Dakota service member, veteran, family, and survivor support program. A special fund must be established and kept as a separate fund and is hereby appropriated for this purpose and shall not exceed five hundred thousand dollars per biennium unless approved by the emergency commission and budget section. The adjutant general shall provide the budget section with annual reports detailing income and expenditures made from this fund.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1101

Page 1, line 2, after "Dakota" insert "national guard"

Page 1, line 3, remove the third "and"

Page 1, line 4, after "appropriation" insert "; and to provide for a report to the budget section"

Page 1, line 8, after "**Dakota**" insert "**national guard**"

Page 1, line 9, after "**appropriation**" insert "**- Report to budget section**"

Page 1, line 10, after "Dakota" insert "national guard"

Page 1, line 12, replace "any source, including federal or private sources and donations, gifts, or bequests" with "the North Dakota national guard foundation or any similar foundation."

Page 1, line 13, after "Dakota" insert "national guard"

Page 1, line 14, after the underscored period insert "There is a special fund known as the North Dakota national guard service member, veteran, family, and survivor support fund."

Page 1, line 14, replace "private or federal sources" with "the North Dakota national guard foundation or any similar foundation"

Page 1, line 15, after "section" insert "must be deposited in the fund, which"

Page 1, line 16, after "Dakota" insert "national guard"

Page 1, line 16, after the underscored period insert "The deposits to the fund may not exceed five hundred thousand dollars per biennium unless approved by the emergency commission and the budget section. Annually the adjutant general shall report to the budget section regarding the income and expenditures made from this fund."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1101

Page 1, line 2, after "Dakota" insert "national guard"

Page 1, line 3, remove the third "and"

Page 1, line 4, after "appropriation" insert "; and to provide for a report to the budget section"

Page 1, line 8, after "Dakota" insert "national guard"

Page 1, line 9, after "appropriation" insert "- Report to budget section"

Page 1, line 10, after "Dakota" insert "national guard"

Page 1, line 12, replace "any source, including federal or private sources and donations, gifts, or bequests" with "the North Dakota national guard foundation or any similar foundation."

Page 1, line 13, after "Dakota" insert "national guard"

Page 1, line 14, after the underscored period insert "There is a special fund known as the North Dakota national guard service member, veteran, family, and survivor support fund."

Page 1, line 14, replace "private or federal sources" with "the North Dakota national guard foundation or any similar foundation"

Page 1, line 15, after "section" insert "must be deposited in the fund, and"

Page 1, line 16, after "Dakota" insert "national guard"

Page 1, line 16, after the underscored period insert "The expenditures from the fund may not exceed five hundred thousand dollars per biennium unless approved by the emergency commission and the budget section. Annually the adjutant general shall report to the budget section regarding the income and expenditures made from this fund."

Re-number accordingly

Date: 1-11-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1101**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: Adjutant General's Amendment

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

Motion Made By Rep. Laning Seconded By Rep. P. Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

Vote motion carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Special fund established and kept as a separate fund. Added language income and expenditures

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1101**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: See below

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 Rep. P. Anderson Seconded By Rep. Laning

Representatives	Yes	No	Representatives	Yes	No
Rep. Schauer, Chair					
Rep. P. Anderson					
Rep. Laning					
			VOICE VOTE		
			MOTION CARRIES		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
Added the ND Guard Foundation; a special fund must be established not to exceed \$500,000 per biennium

Date: 1-31-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1101**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 19. 8077.01002

- 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 Rep. B Koppelman Seconded By Rep. Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

*Vote
 motion
 carries*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 1-31-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1101**

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 Rep. B. Koppelman Seconded By Rep. Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

*Vote
 motion carries*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Christmas tree version of
 June 20th expenditures for "Deposits to"*

Date: 1-31-19
 Roll Call Vote #: 3

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1101**

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 Rep. Schneider Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson	X	
Vice Chair Vicky Steiner	X		Rep. Mary Schneider	X	
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Karen Rohr	X				
Rep. Austen Schauer	X				
Rep. Steve Vetter	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep Schauer

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

REPORT OF STANDING COMMITTEE

HB 1101: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1101 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Dakota" insert "national guard"

Page 1, line 3, remove the third "and"

Page 1, line 4, after "appropriation" insert "; and to provide for a report to the budget section"

Page 1, line 8, after "**Dakota**" insert "**national guard**"

Page 1, line 9, after "**appropriation**" insert "**- Report to budget section**"

Page 1, line 10, after "Dakota" insert "national guard"

Page 1, line 12, replace "any source, including federal or private sources and donations, gifts, or bequests" with "the North Dakota national guard foundation or any similar foundation."

Page 1, line 13, after "Dakota" insert "national guard"

Page 1, line 14, after the underscored period insert "There is a special fund known as the North Dakota national guard service member, veteran, family, and survivor support fund."

Page 1, line 14, replace "private or federal sources" with "the North Dakota national guard foundation or any similar foundation"

Page 1, line 15, after "section" insert "must be deposited in the fund, and"

Page 1, line 16, after "Dakota" insert "national guard"

Page 1, line 16, after the underscored period insert "The expenditures from the fund may not exceed five hundred thousand dollars per biennium unless approved by the emergency commission and the budget section. Annually the adjutant general shall report to the budget section regarding the income and expenditures made from this fund."

Renumber accordingly

2019 HOUSE APPROPRIATIONS

HB 1101

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

HB 1101
2/13/2019
32644

- Subcommittee
 Conference Committee

Committee Clerk: Risa Bergquist by Caitlin Fleck

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact section 37-03-18 of the North Dakota Century Code, relating to the adjutant general's program supporting North Dakota national guard service members, veterans, families, and survivors, and the ability to accept funds for this purpose; to provide a continuing appropriation; and to provide for a report to the budget section.

Minutes:

Chairman Delzer: Opened hearing.

Representative Kasper: This bill will set up a new fund for the national guard. The national guard has a number of funds for the benefit of our veterans. When the business community wants to give them direct contributions, they cannot directly receive those. This will allow the adjutant general receive these funds, and then spend XXX amount out of those funds, and then also report what he is using those funds for.

Chairman Delzer: On line 12 you struck out any source, and put in that they can accept and spend from the ND national guard foundation or any other similar foundation. So the individuals must give to those 2 foundations in order for the national guard to use those donations. Is that the idea?

Representative Kasper: Yes, that is the idea here. It allows the general more flexibility in the expenditure.

Chairman Delzer: This is a continuing appropriation that is why it is before us. Do they honestly think they will have that kind of money and who are they trying to help with this?

Representative Kasper: They help service members, their families, veterans, and survivors, all with their capacity. So will they receive 500,000, who knows!

Chairman Delzer: One of the problems we have is we don't ever really see what they do with it. Was there any discussion about them coming in with any reports?

Representative Kasper: It requires annual report to the budget section.

5:15 Representative J. Nelson: In the lines that were struck, you have federal and private sources in donations give me an example of a federal donation.

Representative Kasper: Really the discussion about federal sources didn't come up and I don't think it was included in his testimony.

Chairman Delzer: He must have asked for the over strike on that?

Representative Kasper: I can't recall.

Representative J. Nelson: They would be aware and agreeable to giving the donation to the ND national guard because that would be a switch from what they are doing now, if anything.

Chairman Delzer: I would doubt they are doing anything I think that is normal language

Representative Kasper: The general supports the amended version.

Representative Monson: That over strike seems to limit it to me.

Chairman Delzer: I would guess the foundation wants them to do this work for them, instead of the foundation having to do this work. I don't think we will take that off if that is how the policy committee wanted it.

No further questions, meeting closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

HB 1101
2/13/2019
32667

- Subcommittee
 Conference Committee

Committee Clerk: Risa Bergquist by Caitlin Fleck

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact section 37-03-18 of the North Dakota Century Code, relating to the adjutant general's program supporting North Dakota national guard service members, veterans, families, and survivors, and the ability to accept funds for this purpose; to provide a continuing appropriation; and to provide for a report to the budget section.

Minutes:

--

Chairman Delzer: Opened hearing.

Representative Brandenburg: Motion for a do pass.

Representative Howe: Seconded.

Roll Call Vote: 20 Yes, 0 No, 1 Absent.

Motion carries.

Floor assignment: **Representative Schauer.**

Meeting closed.

Date: 2/13/2019
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1101**

House Appropriations 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 Representative Brandenburg Seconded By Representative Howe

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X				
Representative Kempenich	X				
Representative Anderson	X		Representative Schobinger	X	
Representative Beadle	X		Representative Vigesaa	X	
Representative Bellew	X				
Representative Brandenburg	X				
Representative Howe	X		Representative Boe	X	
Representative Kreidt	X		Representative Holman	X	
Representative Martinson	X		Representative Mock	X	
Representative Meier	X				
Representative Monson	X				
Representative Nathe	X				
Representative J. Nelson	X				
Representative Sanford	X				
Representative Schatz	X				
Representative Schmidt	A				

Total (Yes) 20 No 0

Absent 1

Floor Assignment Representative Schauer

Motion Carries

REPORT OF STANDING COMMITTEE

HB 1101, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)
recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1101 was placed on the Eleventh order on the calendar.

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1101

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HB1101
3/15/2019
33777

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to the adjutant general's program supporting N.D. national guard service members, veterans, families, & survivors, & provide a continuing appropriation, to provide for a report to the budget section.

Minutes:

Att # 1 – Al Dohrmann

Chairman Davison called the hearing to order. Attendance was taken and all were present. Let's open the hearing for HB1101.

Al Dohrmann, Adjutant General, N.D. National Guard: I am here to support this bill. (see att #1) (.40-9.45) This codifies some things that we have been doing all along. Some of this deals with reductions and federal funding. When budgets got tight, some of the war on terrorism programs got cut. In some cases, the state picked the cost. Sometimes we had to work with private foundations to meet requirements and maintain. One program is our youth camp. With this bill, we can continue this program and it is very important. We run those in conjunction with 4-H. This bill gives us the authority and is more efficient to run all out of our office. (He explained all the programs they do.) It is not our intent to go solicit money. We would only go to foundations that deal in military issues to ask for funds. There is a fiscal note of \$80,000. It costs the National Guard Foundation around \$40,000 per year to run three of our main programs. Please consider a DO PASS. Thank you.

Chairman Davison: Any more in support? Any agencies? Any against? Close the hearing.

Sen. Shawn Vedaa: I move a DO PASS.

Sen. Kristin Roers: I second.

Chairman Davison: Any discussion. Seeing none call roll: **YES -- 7 NO -- 0 -0-ansent PASSED. Sen. Shawn Vedaa will carry the bill.**

3-15-19
 Date:
 Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1107

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

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

Motion Made By Sen Vedaa Seconded By Sen Roers

Senators	Yes	No	Senators	Yes	No
Chair Davison	/		Sen. Oban	/	
Vice Chair Meyer	/		Sen. Marcellais	/	
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 7 No 0
 Absent 0
 Floor Assignment Sen Vedaa

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

original

REPORT OF STANDING COMMITTEE

HB 1101, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1101 was rereferred to the Appropriations Committee.

2019 SENATE APPROPRIATIONS

HB 1101

2019 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

HB 1101
3/26/2019
JOB # 34216

- Subcommittee
 Conference Committee

Committee Clerk: Alice Delzer / Carie Winings

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact section 37-03-18 of the North Dakota Century Code, relating to the adjutant general's program supporting North Dakota national guard service members, veterans, families, and survivors, and the ability to accept funds for this purpose; to provide a continuing appropriation; and to provide for a report to the budget section.

Minutes:

1. Testimony of Adj. Gen. Al Dohrmann

Chairman Holmberg: Called the Committee to order on HB 1101. Roll call was taken. All committee members were present except Senator Erbele and Senator Dever. Becky Deichert, OMB and Levi Kinnischtzke, Legislative Council were also present.

Adj. General Al Dohrmann, North Dakota National Guard: Testified in favor of HB 1101 and provided **Attachment #1**, which states this bill will allow us to increase and enhance the programs we already administer that support our service members, veterans, families and survivors (SMVFS).

(6:58) Senator Hogue: On the Veterans' Cemetery Foundation, is that exclusively for the use of the cemetery and no other purposes?

Adj. Gen. Dohrmann: That is correct. Years ago, we had something called the Militia Foundation. The Militia Foundation had everything that is currently in the charter for the Veterans' Cemetery Foundation and the North Dakota National Guard Foundation. The decision was made to break that out and have the Veterans' Cemetery Foundation just focus on supporting that cemetery in perpetuity, and all those other activities broken out and put into the National Guard Foundation.

Chairman Holmberg: (There was no further testimony.) Closed the hearing on HB 1101.

Senator Grabinger: Moved a Do Pass on HB 1101.

Senator Poolman: Seconded.

A Roll Call Vote Was Taken: 14 yeas, 0 nays, 0 absent.

Senate Appropriations Committee

HB 1101

03-26-19

Page 2

Motion Carried.

Chairman Holmberg: This will go back to the GVA Committee to be carried on the floor.

Senator Vedaa will carry the bill.

The hearing was closed on HB 1101.

Date: 3-26-19

Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1101**

Senate Appropriations 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 Grabinger Seconded By Sen Poolman

Senators	Yes	No	Senators	Yes	No
Senator Holmberg	✓		Senator Mathern	✓	
Senator Krebsbach	✓		Senator Grabinger	✓	
Senator Wanzek	✓		Senator Robinson	✓	
Senator Erbele	✓				
Senator Poolman	✓				
Senator Bekkedahl	✓				
Senator G. Lee	✓				
Senator Dever	✓				
Senator Sorvaag	✓				
Senator Oehlke	✓				
Senator Hogue	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Back to SUA. Vedaa

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

REPORT OF STANDING COMMITTEE

HB 1101, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1101 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1101

1
HB 1101
1/10/19

TESTIMONY OF
MAJOR GENERAL ALAN S. DOHRMANN
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
10 JANUARY 2019
HOUSE BILL 1101

Good morning Mr. Chairman, members of the committee, I am Al Dohrmann, Adjutant General of the North Dakota National Guard. I am here today to testify in support of House Bill 1101.

This Bill will allow us to increase and enhance the programs we already administer that support our service members, veterans, families, and survivors (SMVFS). It will also codify our state SMVFS program and provide authority for the expenditure of special funds available from private organizations to help our military families, providing predictability and sustainability going forward.

While we have a robust SMVFS program using our federal authorities, which do not run through our state budget, it does not meet all of our needs. Further, with the tightening of the federal budget, we have to find creative solutions to sustain mission critical programs that support our overall service-member and family readiness. For example, when the federal government reduced the funding for our military youth camps, we worked with the North Dakota National Guard Foundation to provide funding to make up for the shortfall. This private support also allowed us to open this valuable experience up to our Air Force families at Fargo, Grand Forks, and Minot. While this approach allowed us to continue running the camp for all of our military families, it is administratively difficult since some monies flow through our office and others go direct to the vendor that operates the camp. This new authority would allow us to accept a direct donation and administer the camp totally through the Office of the Adjutant General. This would remove uncertainty and provide more efficient execution of this important family readiness program.

This authority would also allow us to administer critical programs that support our Gold Star Families and the families of service members who have died in service to their country. Our current SMVFS program proudly supports our Tragedy Assistance Program for Survivors (TAPS) which assists families dealing with the death of a serving family member, whether the death is combat related, while in the line of duty, or the result of suicide. We also hold an annual Remembrance Weekend that brings these families together to heal. For many years, we have proudly stated that North Dakota is the only state that pays for their families to attend the TAPS weekend. While correct from a whole of community standpoint, the reality is that the North Dakota National Guard Foundation is providing the financial support to send these families to this life-changing event. With this authority, we can honestly say that North Dakota is the only state that is supporting

/

#1
HB 1101
1/16/19

these families, while providing greater accountability to the state and our partners, like the National Guard Foundation, that the dollars are spent wisely.

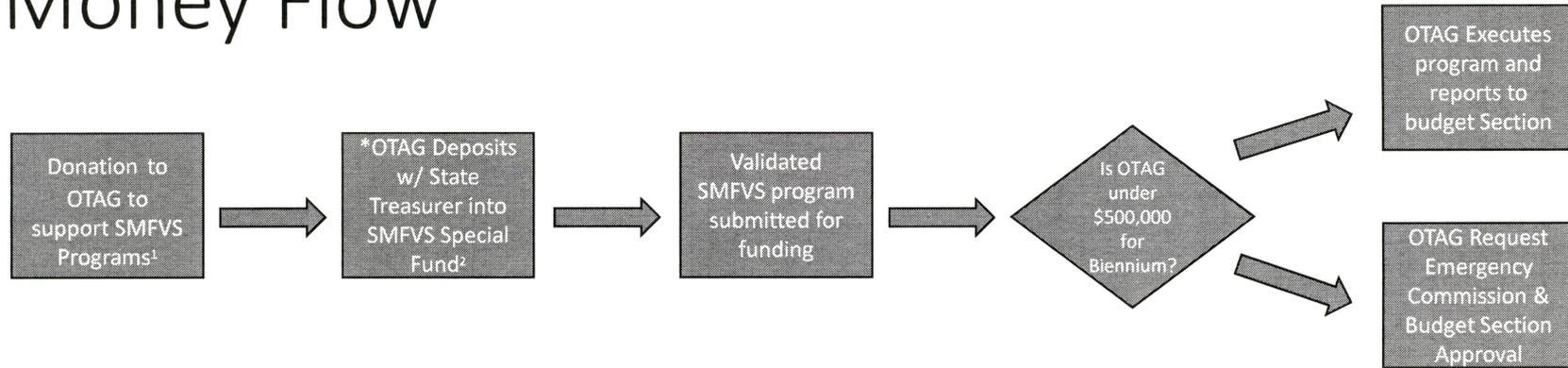
We also see opportunities to expand our SMVFS programs while reducing the burden on government. As we have rolled out our ND Cares business program, numerous businesses have asked what they can do, beyond pledging support to our military and veteran population. Many have offered to help financially. In most cases, we recommend a charity that would use their contribution for the desired purpose. If their desire was to support our military youth camps, survivor programs, or other National Guard administered SMVFS programs, this authority would help ensure that their contribution is spent on its desired purpose.

For several decades we have used similar authority to support our Veterans' Cemetery. Like our SMVFS programs, the operation of the Veterans' Cemetery is a zero defect, critical program that ensures our veterans are remembered in a place of beauty, dignity and respect. Operations of these types of programs cannot be put at risk due to a shift in commodity prices or a change in administration. Because of our authority to access private money for the Veteran's Cemetery, we were able to replace all loss of general funds in recent years with private, special funds. The Veterans' Cemetery Foundation alone contributed \$250,000 in the current biennium to ensure the cemetery continues to be a place of beauty, dignity and respect.

The authority provided in HB 1101 would help us ensure this same level of support is provided to our living SMVFS. I ask for your support and would be pleased to stand for any questions.

#1
HB 1101
1-11-19

Money Flow



1. OTAG restricted from soliciting donation from private individuals
2. Funds in excess of \$500,000 remain w/ treasurer unless appropriated by legislature or Emergency Commission and Budget Section. Funds on deposition with Treasurer available for subsequent years.

#2
HB 1101
1-11-19

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1101

Page 1, line 14, replace "moneys" with "monies"

Page 1, line 16, after "program.", insert: A special fund must be established and kept as a separate fund and is hereby appropriated for this purpose and shall not exceed five hundred thousand dollars per biennium. The adjutant general shall provide the budget section with annual reports detailing expenditures made from this fund."

Renumber accordingly

Introduced by

(At the request of the Adjutant General)

A BILL for an Act to create and enact section 37-03-18 of the North Dakota Century Code, relating to the adjutant general's program supporting North Dakota service members, veterans, their families, and survivors and the ability to accept funds for this purpose.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 37-03-18 of the North Dakota Century Code is created and enacted as follows:

37-03-18. North Dakota service member, veteran, their families, and survivor support program - Administration.

The adjutant general shall establish and operate North Dakota service member, veteran, their families, and survivor support program. The adjutant general may accept and expend funds from any source, including federal or private sources and donations, gifts, or bequests offered or tendered to, for the benefit of the North Dakota service member, veteran, their families, and survivor support program. All moneys monies received and accepted from private or federal sources must be used for the North Dakota service member, veteran, their families, and survivor support program and deposited with the State Treasurer. A special fund must be established and kept as a separate fund and is hereby appropriated for this purpose and shall not exceed five hundred thousand dollars per biennium. The adjutant general shall provide the budget section with annual reports detailing expenditures made from this fund.

*Fund will be capped at \$500,000

*Fund will be non-appropriated as it is solely based on any cash received.

19.8077.01001
Title.

#1
HB 1101, 1-17-19
Prepared by the Legislative Council staff for
Representative Schauer
January 11, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1101

Page 1, line 3, remove the third "and"

Page 1, line 4, after "appropriation" insert "; and to provide for a report to the budget section"

Page 1, line 9, after "**appropriation**" insert "**- Report to budget section**"

Page 1, line 14, after the underscored period insert "There is created a special fund known as the North Dakota service member, veteran, family, and survivor support fund."

Page 1, line 15, after "section" insert "must be deposited in the fund, which"

Page 1, line 16, after the underscored period insert "The deposits to the fund may not exceed five hundred thousand dollars per biennium. Annually the adjutant general shall report to the budget section regarding the income and expenditures made from this fund."

Renumber accordingly

Introduced by

(At the request of the Adjutant General)

A BILL for an Act to create and enact section 37-03-18 of the North Dakota Century Code, relating to the adjutant general's program supporting North Dakota service members, veterans, their families, and survivors and the ability to accept funds for this purpose.

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The adjutant general shall establish and operate North Dakota service member, veteran, their families, and survivor support program. The adjutant general may accept and expend funds from any source, including federal or private sources and donations, gifts, or bequests offered or tendered to, for the benefit of the North Dakota service member, veteran, their families, and survivor support program. All ~~moneys~~ monies received and accepted from private or federal sources must be used for the North Dakota service member, veteran, their families, and survivor support program and deposited with the State Treasurer. A special fund must be established and kept as a separate fund and is hereby appropriated for this purpose and shall not exceed five hundred thousand dollars per biennium. The adjutant general shall provide the budget section with annual reports detailing income and expenditures made from this fund.

*Fund will be capped at \$500,000

*Fund will be non-appropriated as it is solely based on any cash received.

1
1101
1-23-19

19.8077.01000

Sixty-sixth
Legislative Assembly
of North Dakota

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

A BILL for an Act to create and enact section 37-03-18 of the North Dakota Century Code, relating to the adjutant general's program supporting North Dakota service members, veterans, families, and survivors, and the ability to accept funds for this purpose; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 37-03-18 of the North Dakota Century Code is created and enacted as follows:

37-03-18. North Dakota service member, veteran, family, and survivor support program Administration - Continuing appropriation.

The adjutant general shall establish and operate the North Dakota service member, veteran, family, and survivor support program. The adjutant general may accept and expend funds from ~~any source, including federal or private sources and donations, gifts, or bequests~~ The North Dakota National Guard Foundation, or any like foundation, offered or tendered, for the benefit of the North Dakota service member, veteran, family, and survivor support program. All ~~moneys monies~~ received and accepted from ~~private or federal sources~~ The North Dakota National Guard Foundation, or any like foundation, under this section are appropriated on a continuing basis to the adjutant general to be used for the North Dakota service member, veteran, family, and survivor support program. A special fund must be established and kept as a separate fund and is hereby appropriated for this purpose and shall not exceed five hundred thousand dollars per biennium unless approved by the emergency commission and budget section. The adjutant general shall provide the budget section with annual reports detailing income and expenditures made from this fund.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1101

#1
AB 1101
1-24-19

Page 1, line 12, replace "any source, including federal or private sources and donations, gifts, or bequest" with "The North Dakota national guard foundation, or any like foundation,"

Page 1, line 13, after "North Dakota" insert "national guard"

Page 1, line 14, replace "moneys" with "monies"

Page 1, line 14, replace "private or federal sources" with "The North Dakota national guard foundation, or any like foundation,"

Page 1, line 16, after "North Dakota", insert "national guard"

Page 1, line 16, after "program." Insert "A special fund must be established and kept as a separate fund and is hereby appropriated for this purpose and expenditures shall not exceed five hundred thousand dollars per biennium unless approved by the emergency commission and budget section. The adjutant general shall provide the budget section with annual reports detailing income and expenditures made from this fund."

Renumber accordingly

#2
HB 1101
1-24-19

19.8077.01000

Sixty-sixth
Legislative Assembly
of North Dakota

Introduced by

Government and Veterans Affairs Committee
(At the request of the Adjutant General)

A BILL for an Act to create and enact section 37-03-18 of the North Dakota Century Code, relating to the adjutant general's program supporting North Dakota service members, veterans, families, and survivors, and the ability to accept funds for this purpose; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 37-03-18 of the North Dakota Century Code is created and enacted as follows:

37-03-18. North Dakota service member, veteran, family, and survivor support program Administration - Continuing appropriation.

The adjutant general shall establish and operate the North Dakota service member, veteran, family, and survivor support program. The adjutant general may accept and expend funds from any source, including federal or private sources and donations, gifts, or bequests the North Dakota national guard foundation, or any like foundation, offered or tendered, for the benefit of the North Dakota national guard service member, veteran, family, and survivor support program. All ~~moneys~~ monies received and accepted from ~~private or federal sources~~ the North Dakota national guard foundation, or any like foundation, under this section are appropriated on a continuing basis to the adjutant general to be used for the North Dakota national guard service member, veteran, family, and survivor support program. A special fund must be established and kept as a separate fund and is hereby appropriated for this purpose and expenditures shall not exceed five hundred thousand dollars per biennium unless approved by the emergency commission and budget section. The adjutant general shall provide the budget section with annual reports detailing income and expenditures made from this fund.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1101

- Page 1, line 2, after "Dakota" insert "national guard"
- Page 1, line 3, remove the third "and"
- Page 1, line 4, after "appropriation" insert "; and to provide for a report to the budget section"
- Page 1, line 8, after "**Dakota**" insert "**national guard**"
- Page 1, line 9, after "**appropriation**" insert "**- Report to budget section**"
- Page 1, line 10, after "Dakota" insert "national guard"
- Page 1, line 12, replace "any source, including federal or private sources and donations, gifts, or bequests" with "the North Dakota national guard foundation or any similar foundation."
- Page 1, line 13, after "Dakota" insert "national guard"
- Page 1, line 14, after the underscored period insert "There is a special fund known as the North Dakota national guard service member, veteran, family, and survivor support fund."
- Page 1, line 14, replace "private or federal sources" with "the North Dakota national guard foundation or any similar foundation"
- Page 1, line 15, after "section" insert "must be deposited in the fund, which"
- Page 1, line 16, after "Dakota" insert "national guard"
- Page 1, line 16, after the underscored period insert "The deposits to the fund may not exceed five hundred thousand dollars per biennium unless approved by the emergency commission and the budget section. Annually the adjutant general shall report to the budget section regarding the income and expenditures made from this fund."

Renumber accordingly

#2
HB 1101
1-31-19

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1101

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to create and enact section 37-03-18 of the North Dakota Century Code,
2 relating to the adjutant general's program supporting North Dakota national guard service
3 members, veterans, families, and survivors, and the ability to accept funds for this purpose; ~~and~~
4 to provide a continuing appropriation; and to provide for a report to the budget section.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Section 37-03-18 of the North Dakota Century Code is created and enacted as
7 follows:

8 **37-03-18. North Dakota national guard service member, veteran, family, and survivor**
9 **support program - Administration - Continuing appropriation - Report to budget section.**

10 The adjutant general shall establish and operate the North Dakota national guard service
11 member, veteran, family, and survivor support program. The adjutant general may accept and
12 expend funds from ~~any source, including federal or private sources and donations, gifts, or~~
13 ~~bequests~~the North Dakota national guard foundation or any similar foundation, offered or
14 tendered, for the benefit of the North Dakota national guard service member, veteran, family,
15 and survivor support program. There is a special fund known as the North Dakota national
16 guard service member, veteran, family, and survivor support fund. All moneys received and
17 accepted from ~~private or federal sources~~the North Dakota national guard foundation or any
18 similar foundation under this section must be deposited in the fund, which are appropriated on a
19 continuing basis to the adjutant general to be used for the North Dakota national guard service
20 member, veteran, family, and survivor support program. The deposits to the fund may not
21 exceed five hundred thousand dollars per biennium unless approved by the emergency
22 commission and the budget section. Annually the adjutant general shall report to the budget
23 section regarding the income and expenditures made from this fund.

HB 1101

3-15-19

Att #1

pg 1

TESTIMONY OF
MAJOR GENERAL ALAN S. DOHRMANN
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
15 MARCH 2019
HOUSE BILL 1101

Good morning Mr. Chairman, members of the committee, I am Al Dohrmann, Adjutant General of the North Dakota National Guard. I am here today to testify in support of House Bill 1101.

This Bill will allow us to increase and enhance the programs we already administer that support our service members, veterans, families, and survivors (SMVFS). It will also codify our state SMVFS program and provide authority for the expenditure of special funds available from private organizations to help our military families, providing predictability and sustainability going forward.

While we have a robust SMVFS program using our federal authorities, which do not run through our state budget, it does not meet all of our needs. Further, with the tightening of the federal budget, we have had to find creative solutions to sustain mission critical programs that support our overall service-member and family readiness. For example, when the federal government reduced the funding for our military youth camps, we worked with the North Dakota National Guard Foundation to provide funding to make up for the shortfall. This private support also allowed us to open this valuable experience up to our Air Force families at Fargo, Grand Forks, and Minot. While this approach allowed us to continue running the camp for all of our military families, it is administratively difficult since some monies flow through our office and others go direct to the vendor that operates the camp. This new authority would allow us to accept a direct donation and administer the camp totally through the Office of the Adjutant General. This would remove uncertainty and provide more efficient execution of this important family readiness program.

This authority would also allow us to administer critical programs that support our Gold Star Families and the families of service members who have died in service to their country. Our current SMVFS program proudly supports our Tragedy Assistance Program for Survivors (TAPS) which assists families dealing with the death of a serving family member, whether the death is combat related, while in the line of duty, or the result of suicide. We also hold an annual Remembrance Weekend that brings these families together to heal. For many years, we have proudly stated that North Dakota is the only state that pays for their families to attend the TAPS weekend. While correct from a whole of community standpoint, the reality is that the North Dakota National Guard Foundation is providing the financial support to send these families to this life-changing event. With this authority, we can honestly say that North Dakota is the only state that is supporting

AB 1101
3/15/19
AH#1
pg 2

these families, while providing greater accountability to the state and our partners, like the National Guard Foundation, that the dollars are spent wisely.

Before I close, I will address the changes made in engrossed bill 1101 that were designed to limit the Adjutant General's authority to solicit funds, limit biennial authority and provide legislative oversight of this continuously appropriated fund. First, the engrossed bill limits the potential sources of funding under this authority to the North Dakota National Guard Foundation or any similar foundation. This help ensure the Office of the Adjutant General does not engage in direct fundraising with the public, limiting any solicitations for support to private organization that already have the mission to support SMVFS type programs.

Second, the authority for this continuously appropriated fund is capped at \$500,000 per biennium. The House put this cap in place because of concerns that a private entity may make a very large donation and believed measures had to be put in place to guard against this possibility. Any desire to expend funds in excess of \$500,000 per biennium would have to be approved by the Emergency Commission and the Budget Section.

Finally, to ensure proper legislative oversight, the engrossed bill requires an annual report to the Budget Section accounting for all income and expenses. We believe all these amendments are prudent and provide the Adjutant General with flexibility to execute current and emerging programs, while ensuring there is adequate legislative oversight of appropriated funds.

The authority provided in HB 1101 would help us ensure we use all available resources to support our critically important SMVFS programs. I ask for your support and would be pleased to stand for any questions.

HB 1101
3-26-19
#1
p1

TESTIMONY OF
MAJOR GENERAL ALAN S. DOHRMANN
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE APPROPRIATIONS COMMITTEE
26 MARCH 2019
HOUSE BILL 1101

Good morning Mr. Chairman, members of the committee, I am Al Dohrmann, Adjutant General of the North Dakota National Guard. I am here today to testify in support of House Bill 1101.

This Bill will allow us to increase and enhance the programs we already administer that support our service members, veterans, families, and survivors (SMVFS). It will also codify our state SMVFS program and provide authority for the expenditure of special funds available from private organizations to help our military families, providing predictability and sustainability going forward.

While we have a robust SMVFS program using our federal authorities, which do not run through our state budget, it does not meet all of our needs. Further, with the tightening of the federal budget, we have had to find creative solutions to sustain mission critical programs that support our overall service-member and family readiness. For example, when the federal government reduced the funding for our military youth camps, we worked with the North Dakota National Guard Foundation to provide funding to make up for the shortfall. This private support also allowed us to open this valuable experience up to our Air Force families at Fargo, Grand Forks, and Minot. While this approach allowed us to continue running the camp for all of our military families, it is administratively difficult since some monies flow through our office and others go direct to the vendor that operates the camp. This new authority would allow us to accept a direct donation and administer the camp totally through the Office of the Adjutant General. This would remove uncertainty and provide more efficient execution of this important family readiness program.

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HB 1101
3-26-19
#1
P2

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The authority provided in HB 1101 would help us ensure we use all available resources to support our critically important SMVFS programs. I ask for your support and would be pleased to stand for any questions.