

**2019 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2097**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee

Sheyenne River Room, State Capitol

SB2097  
1/10/2019  
#30638

- Subcommittee  
 Conference Committee

Committee Clerk: Pam Dever

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

A bill relating to the operation of the North Dakota National Guard.

### Minutes:

Att #1 – Colonel Michelle Hagel

**Chairman Davison:** Open the hearing on SB2097. Any in support?

**Colonel Michelle Hagel, legal advisor, Office of Adjutant General:** I am here in support of SB2097. (see att #1) This is not a policy bill but it is to keep current with federal law. (1.33 -3.28) We have an amendment to the bill also.

**Chairman Davison:** Questions?

**Vice Chair Meyer:** Do I read this right, in order to be adjutant general you only need three years' service but the assistant needs five?

**Hager:** That is correct. Three years in the North Dakota National Guard.

**Chairman Davison:** This is the first time we have seen this amendment?

**Hagel:** That is correct.

**Chairman Davison:** This happened after you had filed the bill?

**Hagel:** We have this bill every session. I missed this one.

**Chairman Davison:** Any more testimony in support? Any against? The hearing is closed. What are the committee wishes?

**Sen. Erin Oban:** I move amendment as presented. **Sen. Richard Marcellais:** I second.

**Chairman Davison:** Any discussion? We are voting on the amendment. Roll was taken.  
Yes 7 0 No -0-A bill relating to Amendment passed

**Sen. Erin Oban:** I move a DO PASS AS AMENDED.

**Sen. Richard Marcellais:** I second.

**Chairman Davison:** Any discussion. Take the roll.

**YES 7 NO 0 -0-absent SB2097 PASSED AS AMENDED**  
**Sen. Shawn Vedaa will carry the bill.**

8/10/19

January 10, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2097

Page 1, line 1, replace the third "and" with a comma

Page 1, line 2, after "37-26-01" insert ", subsection 6 of section 37-28-02, and section 37-28-03"

Page 2, after line 12, insert:

**"SECTION 4. AMENDMENT.** Subsection 6 of section 37-28-02 of the North Dakota Century Code is amended and reenacted as follows:

6. "Period of service" means the period of time beginning December 5, 1992, and ending June 30, ~~2019~~2021.

**SECTION 5. AMENDMENT.** Section 37-28-03 of the North Dakota Century Code is amended and reenacted as follows:

**37-28-03. Payment of adjusted compensation for domestic and foreign service.**

Each national guard or reserve component resident veteran mobilized stateside is entitled to fifty dollars for each month or major fraction thereof for domestic service. Each national guard, reserve, or active component resident veteran of foreign service who received the expeditionary medal or campaign badge is entitled to one hundred dollars for each month or major fraction thereof. If the veteran received a purple heart for foreign service, the veteran is entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted compensation related to the mobilization during which the purple heart was earned. If the veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter to which the veteran would have been entitled. Applications for adjusted compensation may be filed with the adjutant general through June 30, ~~2019~~2021, or in the case of a soldier mobilized on June 30, ~~2019~~2021, not later than six months after the end of the mobilization period of service."

Renumber accordingly

**2019 SENATE STANDING COMMITTEE**  
**ROLL CALL VOTES** SB 2097  
**BILL/RESOLUTION NO.**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 19. 8061.01001

- 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 Oban      Seconded By Sen Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Davison	/		Senator Marcellais	/	
Vice Chairman Meyer	/		Senator Oban	/	
Senator Elkin	/				
Senator Roers	/				
Senator Vedaa	/				

Total (Yes) 7      No 0

Absent 0

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

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

Date: 1/10/11  
 Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2097

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. Oban Seconded By Sen. Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Davison	/		Senator Marcellais	/	
Vice Chairman Meyer	/		Senator Oban	/	
Senator Elkin	/				
Senator Roers	/				
Senator Vedaa	/				

Total (Yes) 7 No 0

Absent -0-

Floor Assignment Sen. Vedaa

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

**REPORT OF STANDING COMMITTEE**

**SB 2097: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2097 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the third "and" with a comma

Page 1, line 2, after "37-26-01" insert ", subsection 6 of section 37-28-02, and section 37-28-03"

Page 2, after line 12, insert:

**"SECTION 4. AMENDMENT.** Subsection 6 of section 37-28-02 of the North Dakota Century Code is amended and reenacted as follows:

6. "Period of service" means the period of time beginning December 5, 1992, and ending June 30, ~~2019~~2021.

**SECTION 5. AMENDMENT.** Section 37-28-03 of the North Dakota Century Code is amended and reenacted as follows:

**37-28-03. Payment of adjusted compensation for domestic and foreign service.**

Each national guard or reserve component resident veteran mobilized stateside is entitled to fifty dollars for each month or major fraction thereof for domestic service. Each national guard, reserve, or active component resident veteran of foreign service who received the expeditionary medal or campaign badge is entitled to one hundred dollars for each month or major fraction thereof. If the veteran received a purple heart for foreign service, the veteran is entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted compensation related to the mobilization during which the purple heart was earned. If the veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter to which the veteran would have been entitled. Applications for adjusted compensation may be filed with the adjutant general through June 30, ~~2019~~2021, or in the case of a soldier mobilized on June 30, ~~2019~~2021, not later than six months after the end of the mobilization period of service."

Renumber accordingly

**2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2097**



# 2019 HOUSE STANDING COMMITTEE MINUTES

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

SB 2097  
3/1/2019  
33048

- Subcommittee  
 Conference Committee

Committee Clerk: Carmen Hart

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

Relating to the operation of the ND national guard

### Minutes:

Attachment 1

**Chairman Kasper** opened the hearing on SB 2097.

**Chelsey Stoppeworth, Legal Extern to the Office of the Adjutant General**, appeared in support. Attachment 1. (:50-3:12)

**Rep. B. Koppelman:** My question is in reference to Section 3. Are you required to tie our definition of veteran in state law to the federal law?

**Chelsey Stoppeworth:** I am going to defer that question.

**Rep. Schauer:** There are only three years of service required prior to being the adjutant general, and yet, there are five years for the assistant? How was that figured?

**Chelsey Stoppeworth:** We did a little research and unsure why they were out of sync. We feel that the three years for the adjutant general is more than adequate, so we are looking to synchronize that with the assistant adjutant general.

**Rep. P. Anderson:** Every session we have to have a bill to change the ending date. Is there any way we don't have to do this each session?

**Chelsey Stoppeworth:** I will defer that question.

**Michelle Hagel, Legal Adviser, Office of the Adjutant General**, appeared to answer questions. Rep. Anderson, it is the way it is laid out in our appropriations. It is how the money is handled. Rep. Koppelman, there are many definitions of veterans in code. This particular definition is tied to immobilization, and because the federal government controls our federal immobilization, that is tied directly to US code.

**Chairman Kasper** closed the hearing.

House Government and Veterans Affairs Committee

SB 2097

3/1/19

Page 2

**Rep. Schneider made a motion for a DO PASS.**

**Rep. Karls seconded the motion.**

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

**Rep. Karls will carry the bill.**

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

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2097**

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. Karls

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. Karls

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

**REPORT OF STANDING COMMITTEE**

**SB 2097, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** Engrossed SB 2097 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**SB 2097**

SB 2097  
1/10/19  
AH #1  
pg 1

TESTIMONY OF  
LIEUTENANT COLONEL MICHELLE HAGEL  
NORTH DAKOTA NATIONAL GUARD  
BEFORE THE  
SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
10 JANUARY 2019  
SENATE BILL 2097

Good morning Mr. Chairman and members of the committee, I am Lieutenant Colonel Michelle Hagel, legal advisor to the Office of the Adjutant General. I am here today to testify in support of Senate Bill 2097. This bill contains a number of updates to Title 37 with regards to our operations.

In State v. Julson the North Dakota Supreme Court held that while the State can incorporate federal law by reference, it can only adopt federal law in existence at the time of the enactment of the state law. Therefore, when there is a change to a referenced federal law, we must come back to update the State's law to reflect the most current federal law.

Section 1 of the bill updates N.D.C.C. 37-01-43, which incorporates the federal Servicemember Civil Relief Act. This change will bring the section up to date with current federal law.

Section 2 of the bill amends N.D.C.C. 37-03-02, specifically Assistant Adjutant Generals' qualifications. North Dakota law currently requires the assistant adjutant generals to have five years of service in the North Dakota National Guard prior to appointment, while the requirement for the Adjutant General is three years of service in the North Dakota National Guard. The requested change to this law will synchronize the requirements at three years of service in the North Dakota National Guard for both the Assistant Adjutant General and the Adjutant General.

Section 3 of the bill amends N.D.C.C. 37-26-01 which defines Veteran. Within this definition United States Code is cited, referencing federal mobilization orders. The referenced code is no longer current. It was moved to 10 U.S.C. 12301 and 10 U.S.C.12302 and this section of the bill reflects that change. We are not requesting to change the definition, but only to update the federal section of law referenced.

Finally, we have prepared an amendment to this bill. The amendment would add sections 4 and 5, which updates Chapter 37-28, the Veteran's Adjusted Compensation law. These section extends authority for the program through 2021. Again, we are only asking for authority. The funding is in our agency's budget bill.

I ask for your support of SB 2097 and will stand for any questions that you may have.

SB 2097  
1-10-19  
AH #1  
pg 2

PROPOSED AMENDMENTS TO SENATE BILL NO. 2097

Page 1, line 1, after "37-01-43" remove the word "and" and insert a comma

Page 1, line 2, after "37-26-01" insert a comma and "subsection 6 of 37-28-02 and 37-28-03"

Page 2, after line 12, insert

**"SECTION 4. AMENDMENT.** Subsection 6 of section 37-28-02 of the North Dakota Century Code is amended and reenacted as follows:

**37-28-02. Definitions.**

6. "Period of service" means the period of time beginning December 5, 1992, and ending June 30, ~~2019~~ 2021.

**SECTION 5. AMENDMENT.** Section 37-28-03 of the North Dakota Century Code is amended and reenacted as follows.

**37-28-03. Payment of adjusted compensation for domestic and foreign service.**

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Renumber accordingly

#1  
SB 2097  
3-1-19

TESTIMONY OF  
MS CHELSEY STOPPLEWORTH  
NORTH DAKOTA NATIONAL GUARD  
BEFORE THE  
HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
01 MARCH 2019  
SENATE BILL 2097

Good morning Mr. Chairman and members of the committee, I am Chelsey Stopplesworth, legal extern to the Office of the Adjutant General. I am here today to testify in support of Engrossed Senate Bill 2097. This bill contains a number of updates to Title 37 with regards to our operations.

In State v. Julson the North Dakota Supreme Court held that while the State can incorporate federal law by reference, it can only adopt federal law in existence at the time of the enactment of the state law. Therefore, when there is a change to a referenced federal law, we must come back to update the State's law to reflect the most current federal law.

Section 1 of the bill updates N.D.C.C. 37-01-43, which incorporates the federal Servicemember Civil Relief Act. This change will bring the section up to date with current federal law.

Section 2 of the bill amends N.D.C.C. 37-03-02, specifically Assistant Adjutant Generals' qualifications. North Dakota law currently requires the assistant adjutant generals to have five years of service in the North Dakota National Guard prior to appointment, while the requirement for the Adjutant General is three years of service in the North Dakota National Guard. The requested change to this law will synchronize the requirements at three years of service in the North Dakota National Guard for both the Assistant Adjutant General and the Adjutant General.

Section 3 of the bill amends N.D.C.C. 37-26-01 which defines Veteran. Within this definition United States Code is cited, referencing federal mobilization orders. The referenced code is no longer current. It was moved to 10 U.S.C. 12301 and 10 U.S.C.12302 and this section of the bill reflects that change. We are not requesting to change the definition, but only to update the federal section of law referenced.

Finally, sections 4 and 5 of 2097 update Chapter 37-28, the Veteran's Adjusted Compensation law. These two sections extend authority for the program through 2021. Again, we are only asking for authority to continue the program. The funding is in our agency's budget bill.

I ask for your support of SB 2097 and will stand for any questions that you may have.