

## OTHER RESPONSIBILITIES OF THE GOVERNMENT SERVICES COMMITTEE - BACKGROUND MEMORANDUM

### APPROVE AGREEMENTS BETWEEN NORTH DAKOTA AND SOUTH DAKOTA

North Dakota Century Code (NDCC) Section 54-40-01 (attached as [Appendix A](#)) provides in subsection 3 that an agency, department, or institution may enter an agreement with the state of South Dakota to form a bistate authority to jointly exercise any function that the entity is authorized to perform by law. Any proposed agreement must be submitted to the Legislative Assembly or, if the Legislative Assembly is not in session, to the Legislative Council or a committee designated by the Council for approval or rejection. The agreement may not become effective until approved by the Legislative Assembly or the Legislative Council. The Government Services Committee has been assigned this responsibility for the 2009-10 interim.

The 2007-08 Public Safety Committee and the 2005-06, 2003-04, 2001-02, 1999-2000, and 1997-98 interim Budget Committees on Government Services were assigned this responsibility; however, no proposed agreements were submitted to the committee for approval to form a bistate authority with the state of South Dakota.

#### Action Plan

The committee may carry out this responsibility, if necessary, as follows:

1. Receive any proposed agreement from a state agency to form a bistate authority with an agency of South Dakota.
2. Receive testimony from interested persons on the proposed agreement.
3. Review the proposed agreement regarding costs, effect on services, economic impacts, quality, etc.
4. Approve or disapprove the proposed agreements.
5. Prepare a summary of the committee's study for inclusion in the final report to the Legislative Council.

### REPORTS ON COUNTY VETERANS' SERVICE OFFICERS ACCREDITATION

Section 4 of House Bill No. 1057 (2009) directs the commissioner of the Department of Veterans' Affairs to submit a report to the Legislative Council by December 1, 2009, regarding the number of county veterans' service officers accredited in accordance with the requirements of NDCC Section 37-14-18, the agency or organization through which each officer has been accredited, and an accountability report regarding the use of funds appropriated to the Department of Veterans' Affairs for the purpose of arranging for accreditation training for all county

veterans' service officers. Followup reports are required to be submitted to the Legislative Council by July 1, 2010, and December 1, 2010. Section 4 also directs the board of county commissioners for each county to report to the Legislative Council by December 1, 2010, regarding the status of the county's compliance with Section 37-14-08. The Government Services Committee has been assigned the responsibility of receiving these reports. A copy of House Bill No. 1057 is attached as [Appendix B](#).

### Previous Studies 2007-08 Interim Delivery and Funding of Veterans' Services Study

The Legislative Council's Public Safety Committee was assigned pursuant to House Concurrent Resolution No. 3063 (2007) a study of the delivery and funding of veterans' services by the state and counties.

The committee learned the North Dakota Department of Veterans' Affairs was established by the 1945 Legislative Assembly. Prior to that it had been known as the Office of the Veterans' Service Commissioner, which was established in 1927. The main office of the Department of Veterans' Affairs is located at 4201 38<sup>th</sup> Street SW in Fargo. There is a branch office located at 1929 North Washington Street in Bismarck.

The committee learned the mission of the Department of Veterans' Affairs is to ensure that every veteran in the state of North Dakota who has served in the military receives every benefit to which the veteran may be entitled from the federal Department of Veterans' Affairs, allied agencies, and from the state of North Dakota. The department has the responsibility of training county and tribal veterans' service officers. The department also provides the following services:

- Disseminates current information to the state veteran population through the use of news media, county veterans' service officers, and veterans' organizations;
- Assists veterans with the completion of claims for entitlement from the United States Department of Veterans' Affairs;
- Counsels veterans on employment, educational programs, disability benefits, and other related veterans' activities;
- Conducts training seminars for veterans' service officers; and
- Administers the veterans' aid loan program, the transportation program, and hardship assistance program.

### County Veterans' Service Officers

The committee learned NDCC Section 37-14-18 provides that the board of county commissioners of each county may appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county veterans' service officer. Such appointment must be made with the prior advice of the commissioner of the Department of Veterans' Affairs and in accordance with veterans' preference. It is the duty of the county veterans' service officer to become acquainted with the laws, both state and federal, enacted to assist returning members of the armed forces in the presentation, proof, and establishment of such claims, privileges, and rights as they have. It also is the duty of the county veterans' service officer, under the supervision of the commissioner of the Department of Veterans' Affairs, to actively cooperate with and to coordinate the activities of the state and federal agencies within the county which the officer serves to facilitate their operation and ensure promptness in the solution of the problems concerned with the reestablishment of returning servicemen and servicewomen in civilian pursuits.

North Dakota Century Code Sections 57-15-06.4 and 57-15-06.7(18) provide that a county may annually levy a tax to provide for the payment of the salary, traveling, and office expenses of the county veterans' service officer. The county mill levy rate may not exceed two mills.

The committee learned tribal veterans' service officers are appointed and employed by each respective tribe. The tribal veterans' service officers are invited to participate in the training seminars offered by the Department of Veterans' Affairs each spring and fall.

### Committee Findings and Observations

The committee received information from county veterans' service officers regarding the delivery and funding of veterans' services. The committee learned 95 percent of the state's veterans' claims processed originate through county veterans' service officers. Training is important for county veterans' service officers, and many county veterans' service officers only receive training provided by the state which the committee learned is not adequate. The committee received the following suggestions for improving the delivery and funding of veterans' services:

1. Modify the mission of the Department of Veterans' Affairs to train and provide support.
2. Review job descriptions of county veterans' service officers.
3. Eliminate the Department of Veterans' Affairs claims personnel and assign them to training and support.
4. Budget the necessary funding for training and support.
5. Encourage regionalization and cooperation between counties.

The committee received information from other interested persons regarding the delivery and funding of veterans' services. The committee learned:

- Many of the state's veterans are elderly and cannot travel very far on their own. It is essential that North Dakota maintain and improve on its current system to ensure veterans and other claimants receive the benefits for which they are entitled.
- It is a challenge for county veterans' service officers to keep current on their advocacy skills. The Department of Veterans' Affairs should employ a staff of field officers, each of whom would be responsible for training county veterans' service officers within an assigned region.

The committee learned the mission of the National Association of County Veterans Service Officers is to promote and protect the rights of veterans and their dependents through education, communication, and technology. Through membership in the association, county veterans' service officers receive training and can become nationally certified. Some states have adopted National Association of County Veterans Service Officers certification as a requirement for their county veterans' service officers.

### Committee Recommendations

The committee recommended 2009 House Bill No.1057. Provisions of House Bill No. 1057 relating to veterans' service officers were:

- Require county veterans' service officers to maintain accreditation by the National Association of County Veterans Service Officers within one year of appointment. The bill was amended to require accreditation for all county veterans' service officers by August 1, 2011.
- Provide a \$20,000 general fund appropriation to the Department of Veterans' Affairs for arranging for National Association of County Veterans Service Officers accreditation training during the 2009-11 biennium.
- Require two of the Department of Veterans' Affairs existing full-time equivalent (FTE) positions to be used for training officers for the 2009-11 biennium. The bill was amended to allow, rather than require, the department to use two FTE positions for training officers.

### Performance Audit

The State Auditor's office was directed pursuant to Section 3 of 2003 House Bill No. 1007 to conduct a performance audit of the Department of Veterans' Affairs and the Administrative Committee on Veterans' Affairs. The audit was completed and the report presented to the Legislative Audit and Fiscal Review Committee on August 10, 2004. The audit report covered the period July 1, 2001, through

December 31, 2003. The goals of the performance audit were:

1. Is management and the organizational structure of the Department of Veterans' Affairs effective?
2. Is the Administrative Committee on Veterans' Affairs and the Department of Veterans' Affairs using financial resources efficiently and effectively?

The audit report contained 27 recommendations. Based on the performance audit, the State Auditor's office determined:

- Improvements could be made to improve the effectiveness of the Department of Veterans' Affairs.
- The Administrative Committee on Veterans' Affairs should improve the supervision/monitoring of the Department of Veterans' Affairs and ensure state laws are complied with.
- A conservatorship program should be established within the Department of Veterans' Affairs.
- The Administrative Committee on Veterans' Affairs and the Department of Veterans' Affairs should be more proactive in informing veterans and the public about programs and services available to veterans and their dependants.

### **2009 Related Legislation**

As previously stated, Section 4 of House Bill No. 1057 directs the commissioner of the Department of Veterans' Affairs and the board of county commissioners of each county to submit reports to the Legislative Council regarding compliance with NDCC Section 37-14-18.

Section 1 of House Bill No. 1057 amends NDCC Section 37-14-18 to require that by August 1, 2011, all county veterans' service officers must be accredited by the National Association of County Veterans Service Officers.

Section 3 of House Bill No. 1057 provides that the commissioner may use up to two of the Department of Veterans' Affairs existing FTE positions as training officers for the 2009-11 biennium.

Section 5 of House Bill No. 1057 provides an appropriation of \$20,000 from the general fund to the Department of Veterans' Affairs for the purpose of arranging for accreditation training for all county veterans' service officers in the state during the 2009-11 biennium.

### **Action Plan**

The following is a proposed action plan for the committee's consideration relating to its responsibility to receive reports from the Department of Veterans' Affairs and boards of county commissioners:

1. Receive presentations from the Department of Veterans' Affairs regarding the number of county veterans' service officers accredited in accordance with the requirements of NDCC Section 37-14-18, the agency or organization through which each officer has been accredited, and accountability reports regarding the use of funds appropriated to the Department of Veterans' Affairs for the purpose of arranging for accreditation training for all county veterans' service officers.
2. Receive written reports from the board of county commissioners from each county regarding accreditation of county veterans' service officers.
3. Receive testimony from other interested persons.
4. Develop recommendations and any bill drafts necessary to implement the recommendations.
5. Prepare a final report for submission to the Legislative Council.

ATTACH:2