

ADMINISTRATIVE COMMITTEE ON VETERANS AFFAIRS
COMFORT INN
BISMARCK, ND

September 24, 2010
9:00 a.m.

Meeting called to order by Chairman Schuchard. Pledge of Allegiance and Moment of Silence for POW/MIAs and those serving overseas.

Roll Call:

Present:

John Adolf
Ron Braaten
Lee Finstad
Mike Fisher
John Hanson

Ken Hasby
Dave Hilleren
Orletta Kilen
Mark Landis
Ron Otto

Dean Overby
Carroll Quam
Lyle Schuchard
Jim Verwey

Absent:

Jeff Hall

Guests:

Joe Scmalz

Chairman Schuchard introduced the two new members – Jim Verwey and Ron Braaten. Each gave a little background about themselves.

Motion to accept the May 21, 2010 meeting minutes by Orletta Kilen, seconded Ken Hasby. Motion passed unanimously.

Speakers:

MG David Sprynczynatyk, Adjutant General, NDARNG

- ▶ Welcomed home troops at Fort Sill, they should be in North Dakota soon.
- ▶ Mobilizing 188th into theater.
- ▶ 835th and 839th on alert for 2011
- ▶ Air side, continue to deploy
- ▶ Home Town Hero 300+ soldiers 9/11 - 2008
- ▶ Freedom Salute – Fargo 250 soldiers from 231. Planning for Bismarck
- ▶ Three Vietnam combat veterans were serving in ND Guard. As they retire, the Guard is making sure they are recognized for their service with military events and public events.
- ▶ Retired General C. Emerson Murray gave a very moving speech at the Memorial Day event. DVD's of the ceremony are available from the Guard.

Marlys Morgenstern, Veterans Program Administrator, Job Service ND

The Jobs for Veterans State Grant allows 1% of the funding - \$5,500 – to be allocated to Job Service staff or offices who go above and beyond their services to veterans. The incentive award recipients donate their award to a charity or organization of their choice. The recipients are: Job Getting Unit, Bismarck Local Office, CSA II; Minot Customer Service Office, CSA I; Brad Aune, Disabled Veterans' Outreach Specialist, CSA III; Phil Davis, Customer Service Area Manager, CSA I/II; Fargo Customer Service Office, CSA III; and Marlys Morgenstern, State Veterans' Program Administrator.

Norris Braaten, Chairman, ND Governing Board, Veterans Home [HANDOUT]

As of August, there are 65 residents in basic care and 38 residents in nursing home unit. They are still admitting residents but it is a slow process. Mark Johnson, Administrator, and other staff members are attending an intense week-long seminar on the operation of the neighborhood concept home. Last summer a condition of a high water table caused problems on the east to southeast area of the site This caused considerable delays and a debate over who is responsible for the situation. The original completion date was October 1, 2010 but due to delays it won't be done until March or April 2011. Every month there is a delay in opening, the Home incurs a loss of approximately \$600,000. There is \$148,000 remaining in the Contingency Fund. The Fund started at an estimated \$900,000.

Report distributed on the construction progress of the new veterans' home.

Carlee McLeod, Deputy Treasurer, State Treasurer's Office

Report distributed on the Postwar Trust Fund Status. The current balance as of August 31, 2010 is \$4,183,700.03. Some of the accounts have been moved into more income producing rather than just growth. The information on the website is posted by seven days after reconciliation has taken place between the Treasurer's Office and Edward Jones Investments.

The NDSU study is still ongoing. The Commissioner's office and other organizations have been contacted for information. It is not known yet if the study will be completed by the start of the legislative session.

Mike Fisher asked various questions on how the funds are invested and transferred to different investments.

Appeals Committee - Orletta Kilen, Chairman

Had a hearing scheduled but the applicant cancelled.

Motion to approve report by Mike Fisher, second by John Adolf. Motion passed unanimously.

Budget Committee – Ken Hasby, Chairman

Updated expenditures sheet of the department's budget. An early draft of the 2011—2013 budget given to committee.

Motion to approved report by Lee Finstad, second by Jim Verwey. Motion passed unanimously.

Postwar Trust Fund Committee – John Hanson, Chairman

Mark Landis gave committee report.

Motion by Mark Landis to accept subcommittee recommendation to restore the grant program's previous category levels, second by Lee Finstad.

Discussion on the effect of raising the levels and what happens if there is no funding available. Dean Overby spoke against the motion since the funding presently is limited. Increasing the amounts will drain the money given quarterly that much sooner so fewer applicants will be helped. Mark Landis spoke on showing the true demand on the grant program as we head into the legislative session. The demand is now artificially low due to the cutbacks.

Motion passed.

Motion by Orletta Kilen to approve report, second by Jim Verwey. Motion passed unanimously.

Veterans Affairs Committee – Dave Hilleren, Chairman

Committee recommends that the draft Transportation Policy be presented to the full committee for approval.

Lee Finstad talked on tightening up the definition of what is “routine”, it could instead be “specialized”. Ron Otto spoke on whether the “state rate” should be set at North Dakota’s state rate or the state the applicant is traveling to for their appointment. Jim Verwey spoke on the escorts accompanying the applicant can also apply for the transportation grant. Carroll Quam remarked that since it is a North Dakota program, the rates should remain at North Dakota levels. Jim Verwey questioned if applicants have the money to go to appointments based on their income level. Ron Otto reported that one of his veterans had to charge her expenses to her brother-in-law’s charge card to be able to get to the appointment. It was pointed out that under state policy, receipts are submitted for reimbursement. Discussion on paying an escort/spouse only for meals, not mileage and lodging. Consensus of committee that it will be at the Commissioner’s discretion whether to reimburse an escort for meals if it’s deemed the applicant cannot travel alone.

Motion by Dave Hilleren to approve Transportation Policy, second by Carroll Quam. Motion passed unanimously.

Motion by Dave Hilleren to approve report, second by Lee Finstad. Motion passed unanimously.

Legislative Committee – Lee Finstad

Report given on legislative issues. Chairman Finstad gave an explanation and background on each issue.

Change the dates of qualifying Korean War service to match the federal and state definition for the purpose of determining eligibility for honorary high school diplomas. Committee recommends approval.

Motion to approve by John Hanson, second by John Adolf. Motion passed unanimously.

Amend state law to allow issue of disabled veteran license plates to veterans who receive VA compensation at the 100% rate due to individual un-employability.

Committee recommends approval

Motion to approve by Ken Hasby, second by Ron Braaten. Motion passed unanimously.

Extend the disabled veterans property tax credit at the 100% to widows who receive DIC. Committee recommends approval

Motion by Ron Otto, second by Dave Hilleren. Motion passed unanimously.

Create a safety net for the Postwar Trust Fund by increasing the principal from various sources, including the gas & oil extraction tax.

Committee recommends approval

Motion by Carroll Quam, second by Mike Fisher. Motion passed unanimously.

Create a check box on state income tax returns to allow citizens to support veterans programs. Committee recommends approval

Motion by Ken Hasby, second by John Hanson. Motion passed unanimously.

Pursue legislation to set aside funds in the NDDVA 410 account on a biennial basis to be utilized for department programs that benefit veterans. Committee recommends approval

Motion by Dean Overby, second by Mark Landis. Motion passed unanimously.

Change state law to allow up to 24 hours of paid leave per year for state employees to participate in Honor Guard activities. Committee recommends approval

Motion by Carroll Quam, second by Ron Otto. Motion passed unanimously.

Clarify language in state veterans' preference laws.

Committee recommends approval

Motion by Dean Overby, second by Ron Otto. Motion passed unanimously.

Add language to state law to exempt ACOVA appeals hearings from open meetings requirements, due to privacy concerns. Committee recommends approval

Motion by Dean Overby, second by Dave Hilleren. Motion passed unanimously.

Establish March of each year as Women's Veterans month

Committee recommends approval

Motion to approve by Ken Hasby, second by Carroll Quam. Motion passed unanimously.

Allow the Department of Motor Vehicles to indicate veteran status on drivers licenses and other state-issued identification cards, and allow the DMV to provide veterans data to the NDDVA for official purposes, with the consent of the veteran. Committee recommends approval

Motion to approve proposed legislation by Dave Hilleren, second by Mike Fisher.

Motion passed unanimously.

Allow the state judicial system to establish a veterans court for criminal law.

Committee recommends approval

Motion to approve proposed legislation by Jim Verwey, second by Ron Braaten. Motion passed unanimously.

Change state law to allow up to 24 hours of paid leave per year for state employees to perform duties on gubernatorial appointed committees. Committee recommends disapproval.

Motion to approve proposed legislation by Ron Otto, second by Dean Overby. Motion fails.

Modify state law to allow exemption from the motor vehicle excise tax for unremarried widow(er)s of disabled veterans. Committee recommends approval.

Motion to approve proposed legislation by John Hanson, second by Dean Overby. Motion passed unanimously.

Motion to approve report by Dean Overby, second by John Hanson. Motion passed unanimously.

Strategic Plan – Lonnie Wangen, Commissioner

Lyle Schuchard, Ron Otto and Dave Hilleren working on updating the ACOVA's portion of the strategic plan. They will get it to the Commissioner's office by next week to be incorporated into the overall plan.

Department of Veterans Affairs Report – Lonnie Wangen, Commissioner [HANDOUT]

- ▶ Brenda Bergsrud, Women Veteran's Coordinator, conducting outreach and setting up women's group.
- ▶ Staff has attended various training in and out of state.
- ▶ Fall CVSIO Training Conference held September 20-22, 2010 in Fargo. 46 participants
- ▶ Gene and Brenda participated in the Bismarck Stand Down on September 1st.
- ▶ Update on loan and grant program
- ▶ Completed 46 site visits, need to complete 7
- ▶ Reported to Legislative Committee on Government Services on August 17th

Mark Landis asked about the Women's Coordinator being transferred to Bismarck. Commissioner Wangen reported that she is working part-time out of the Fargo and Bismarck offices. Mark had heard that phone lines and computer lines were being put in the Bismarck office to accommodate another person, possibly Brenda. The Commissioner reported he was considering her to work mainly out of the Bismarck office to be more centralized for training purposes. There is no timeline on when this would happen, it has only been discussed with Brenda a few days ago. Committee members asked about the cost of updating the website. Ron Otto spoke on the Women's Coordinator and that's it's a good plan to move her out to Bismarck because they were relying on someone from Mark's office and she has now retired. They don't have anything in the western part of the state for women veterans.

Subcommittee assignments given out by Chairman Schuchard.

Subcommittee Reports:

Budget Committee – Ken Hasby elected Chairman
Appeals Committee – John Hanson elected Chairman
PWTF Committee – Orletta Kilen elected Chairman
Veterans Affairs – Dave Hilleren elected Chairman
Legislative Committee – Lee Finstad elected Chairman

Motion to accept subcommittee reports by Ron Otto, second by Mark Landis. Motion passed unanimously.

Chairman's Report – Lyle Schuchard

Opinion from Governor's Office on County Veterans Service Officers serving on ACOVA. Chairman doesn't believe there is any reason to discuss this. The Governor's Office reversed their decision about putting service officers on the committee. They feel there is no conflict of interest.

He is willing to go out to groups and speak on ACOVA. If he is unavailable, Ron Otto as Secretary will attend. If he is unable, there is usually another ACOVA in the area who can do it. If an ACOVA member is speaking, Chairman Schuchard would like them to contact him first so everyone is on the same page as far as information coming from ACOVA.

Any request for an Attorney General's Opinion should come from the ACOVA committee, not an individual member.

Appointments by the Governor's office were late this year. There is nothing that can be done to speed up the process.

The Committee will meet with the Coordinating Council and turn over the proposed legislative issues. Lee Finstad stated he hoped we would get the same support from the Attorney General's Office that we have in the past in getting the bill drafts written.

Committee recessed for lunch.

Discussion on scheduling the next meeting in November.

Motion by Ken Hasby to schedule the meeting November 18 & 19, 2010, Mike Fisher second. Motion passed unanimously.

Chairman Schuchard recognized the ND Veterans Coordinating Council. He called on Lee Finstad to report on the proposed legislation passed by ACOVA.

John Adolf reported he had ben contacted by a legislator who would like to carry legislation to have money available for the state Stand Downs. A written proposal will be given to the Council.

Motion to adjourn by John Hanson, second by Mike Fisher. Motion passed unanimously.

Respectfully submitted

Ron Otto
Secretary