

MINUTES

December 3, 2004

1:00pm
COMFORT SUITES
BISMARCK, NORTH DAKOTA

Meeting called to order by Chairman Rudy Jenson. Pledge of Allegiance, followed by moment of silence for POW/MIAs and troops serving overseas.

Roll Call:

Members **PRESENT:**

Daryl Beard	Rudy Jenson	Paul Smathres
Carl Bloomquist	Dean Overby	Dave Vandergon
Larry Dakken	Lyle Schuchard	Bob Volk
Orletta Kilen		

Members **ABSENT:**

Wally Buckingham	Rick Ryan	Gary Skarphol
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Guest:

Senator Dick Dever, District 32, Bismarck

Motion by Smathers to accept the minutes of October 15 & 16, 2004, second by Dakken. Motion passed unanimously.

Guest Speakers:

Jerry Meske, DOL Veterans Employment & Training Service [HANDOUTS]- Veterans Benefit Seminar is scheduled for January 19, 2005 in Fargo. There may be one in May 2005 in Bismarck. This seminar is for returning troops and will offer information and services to help them adjust to civilian life.

MG Haugen, Adjutant General, and Col Dave Thiele, JAG, ND National Guard . [HANDOUT]– Update on overseas troops. Information on bonus - \$5 million will be requested and the applicant must be a North Dakota resident to receive the bonus. The Guard is trying to match Minnesota’s tuition assistance to stay competitive with recruitment. A constitutional amendment is being submitted regarding the definition of active militia. The Cemetery Fund is running at about a million and a half, needs to be at three million to be self-sufficient. The Air Force has put out bids to study the air space initiative and the accompanying ground piece. Should this initiative becomes reality, this would help retain the air bases in Minot and Grand Forks.

Tim Nolz, Job Service North Dakota. [HANDOUT] – Update on usage of postwar trust fund monies given to Job Service.

Eric Monson, NOVUS [HANDOUT] – Strategic/Operational Plan 2005. Include Tribal Service Officers in discussion under Goal 4. Include human services and county social services in discussion under Goal 1. The plan will help set policies, inform policyholders on department plans, track and monitor operations plan.

Veterans Home Update – Neil Asper, Administrator [HANDOUTS]

- ▶ Complaint by former resident investigated; any complaint filed against the Home is handled by the Department of Health. The Home received a letter stating the complaint issues were not substantiated.
- ▶ Outline for the Handbook on Basic Care discussed
- ▶ Audit Recommendations update
- ▶ H.R. 3936 – important piece of legislation for the veterans home

Governing Board – Daryl Beard, Chairman

- ▶ Interim legislative committee has tasked the Veterans Home to do a study on adding a dementia unit to the Home.
- ▶ Audit Recommendations Update
- ▶ Request legislation for Veterans Home. Distribution of HB 1027 & HB 1028 from the 2003 session, both failed.

Motion by Smathers to support the resubmission of HB 1027, second by Kilen. Discussion. Motion and second withdrawn.

Motion by Smathers to combine HB 1027 & HB 1028 from the prior legislative session into one bill and support that bill in the upcoming session, second by Dakken. Motion passes 9 yeas – Beard, Bloomquist, Jenson, Kilen, Overby, Schuchard, Smathers, Vandergon, Volk; 1 nay - Dakken, 3 absent – Buckingham, Ryan, Skarphol. [MOTION #1]

Discussion on doing a study on the long term care needs of veterans but not limit it to a dementia unit.

Motion by Dakken that the committee solicit proposals for a long term needs study of the veterans of North Dakota, second by Smathers. Motion passed unanimously.

Motion by Smathers to excuse Neal for Saturday's meeting due to prior commitments, second by Volk. Motion passed, 1 nay.

Distribution of proposed legislation for the 2005 Session.

Motion by Smathers to recess meeting until 8:30 Saturday morning, second by Volk. Motion passed unanimously.

Meeting recessed until 8:30am Saturday at the Comfort Suites.

December 4, 2004
Comfort Suites, Bismarck

Meeting reconvened at 8:30am by Interim Chairman Jenson. Pledge of Allegiance, followed by moment of silence for POW/MIA

Roll Call:

Members **PRESENT:**

Daryl Beard	Orletta Kilen	Paul Smathers
Carl Bloomquist	Dean Overby	Dave Vandergon
Larry Dakken	Rick Ryan	Bob Volk
Rudy Jenson		

Members **ABSENT:**

Wally Buckingham	Lyle Schuchard	Gary Skarphol
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No subcommittee reports.

Motion by Beard on HB 1027, line 9 to remove "for at least 30 days", second by Smathers. Discussion. Motion and second withdrawn.

Motion by Smathers on HB 1027, line 9 to remove “for at least 30 days”, on HB 1028 to remove “one year marriage requirement and age of spouse” and give the commissioner authority to adjust the bill as necessary, second by Vandergon. Motion passed unanimously. [MOTION #1]

Proposed legislation – Commissioner Hanson

37-18-04 Relates to duties of commissioner.

Motion by Bloomquist to add “veterans” before “county service officers” to bill and to make the same change where necessary, second by Vandergon. Motion passed unanimously.

The Commissioner will work with the Association of Counties in proposing additional language to the bill giving the Commissioner the ability to propose or recommend qualifications, etc. for service officers. The Commissioner is directed to send the proposed changes to the Association of Counties for their approval.

37-14-06 Department may provide aid

37-14-07 Repayment to be made to aid fund.

Proposed change would allow department to collect fees on loans. Change needs to be reflected in both sections.

Motion by Smathers to approve both bill changes, second by Volk. Motion passed unanimously. To be submitted by agency.

37-14-18 County veterans’ service officer – Appointment – Duties.

Motion by Smathers to support the bill, have it submitted by the department and to declare an emergency, second by Bloomquist. Concern raised on how this would affect counties who share a service officer, Commissioner will review this with Attorney General’s office before bill is submitted. ***Friendly amendment to delete “to declare an emergency”. Friendly amendment to include “or shared basis” after “part-time basis”. Amended motion passed unanimously.***

39-4-10.10 North Dakota veterans’ cemetery number plates

North Dakota Coordinating Council asking for support on this legislation.

The Administrative Committee would like to replace “cemetery” with “vehicular license” and make this change wherever the license plate is referred to in this the legislation.

Motion by Ryan to support legislation, second by Smathers. Discussion. Motion withdrawn.

Motion by Ryan that the committee doesn’t support the bill in its entirety and new legislation be submitted for a veterans license plate, second by Smathers. Motion passed unanimously.

15-10-18.2 Definitions

Motion by Smathers that the committee support the legislation and return it to the Association of Counties for their action, second by Vandergon. Motion passed unanimously.

Commissioner Hanson reviewed a letter from Richard Rathge, Director, NDSU Data Center, stating that those living at the Veterans Home should, according to Bureau of Census, be counted as being a resident of Ransom County. An Attorney General's Opinion has been requested on this same issue.

Motion by Smathers that the committee support the legislation proposed from the Adjutant General regarding a bonus and the active militia. Motion passed unanimously.

The Commissioner is directed to discuss with the Association of Counties other possible legislation concerning veterans' issues they plan to submit.

Appeals Committee Report – Rick Ryan

Three appeals heard by committee; all three were denied based on income limitations. Housebound and Aid & Attendance benefits increase a veteran's income even though it is used to assist the veteran to stay in his home. The amount could be deducted as an expense if it is used to pay outside sources.

Department of Veterans Affairs – Commissioner Hanson
Hardship Assistance Program, Policies and Procedures – Katie Potts [HANDOUTS]

Motion by Bloomquist that the department go ahead with the policies and procedures the committee approves of and bring back to the committee for consideration at the next meeting those items needing further discussion (life time caps, income limitations, land value), second by Smathers. Motion passed unanimously.

Chairman appointed the Postwar Trust Fund Committee, Daryl Beard and asked for someone from the department to put together a Homeless Program.

Veterans Aid Fund, Policies and Procedures – Katie Potts [HANDOUT]

- ▶ Committee recommends the department come back to the next meeting with other options regarding late payments than the two presented under the interest refund policy.
- ▶ Commissioner Hanson requested the authority to negotiate with loan applicant for a lesser amount than requested.

Motion by Ryan that the Department operate off the policies and procedures with the exception of the interest refund policy, second Dakken. Motion passed unanimously.

Bills of Rights– Rick Ryan [HANDOUTS]

1. County Commissioners' Bill of Rights
2. County Veterans Service Officers Bill of Rights
3. ND Department of Veterans Affairs Bill of Rights

The Commissioner agreed to work on a Bill of Rights Policy for the Department and will present it to the Committee at a future meeting.

Press Release about ACOVA – Carl Bloomquist

Positive information about actions of Administrative Committee going out to news outlets. Committee members would take news release to their local newspaper. Synopsis of meeting to be completed within next two weeks. Notify veterans organizations' newspapers/newsletters along with putting information on department website.

Next meeting scheduled for March 4 & 5, 2005 in Bismarck.

Possible legislation regarding veterans preference may be submitted. Commissioner will inform committee if this happens.

Motion to adjourn, seconded, passed.

Submitted by

Rick Ryan
Secretary