



ADMINISTRATIVE COMMITTEE ON VETERANS AFFAIRS

CHAIRMAN
JOHN J. MULLEN
McVILLE, NORTH DAKOTA

SECRETARY
PAUL S. AABERG
WILLISTON, NORTH DAKOTA

**MINUTES OF THE JULY 7 & 8, 1995, MEETING OF THE
NORTH DAKOTA ADMINISTRATIVE COMMITTEE
ON VETERANS AFFAIRS**

**LOCATION--CAMP GRAFTON, DEVILS LAKE, NORTH DAKOTA
CONVENED AT 1:05 P.M.**

Rick Olek, President of Veterans Coordinating Council opened the joint meeting with Pledge of Allegiance and moment of silent prayer for POW/MIA.

President Olek introduced members of the Coordinating Council. Chairmen Mullen of the Administrative Committee on Veterans Affairs was called on to introduce his committee.

President Olek introduced the following for remarks:

Robert Hanson, State Tax Director:

Bob gave a short history of the Veterans Post War Trust Fund and problems involved in having fund restored through the initiated measure in 1988 election.

Kathi Gilmore, State Treasurer:

Kathi reported on the balance in the Post War Trust Fund and the projected earnings for the 1995-97 Biennium.

General Keith Bjerke, ND National Guard:

General Bjerke spoke on the difficulties that the Veterans Coordinating Council and the Guard had in the last legislative session. The General accepted the responsibility that there was a lack of communication between the Guard and the Veterans Coordinating Council. He felt that both the guard and the Veterans Coordinating Council should work more closely together prior to and during the next legislative session. The General commented on the tuition assistance program and stated that the \$100,000 funded from the Post War Trust Fund would not be used until the end of 95-97 Biennium and then only if needed. He requested that an advisory committee be appointed to work with the Guard and the Veterans Cemetery.

**SUBCOMMITTEE FOR
VETERANS AFFAIRS**
JOHN J. O'BRIEN, SUB CHR
MICHAEL VANDROVEC, VICE-SUB CHR
PAUL S. AABERG
JOE NOVAK
AL HUBER
KENT ANDERSON
DONALD WEIBLE

**RAY HARKEMA
COMMISSIONER
VETERANS AFFAIRS
EXECUTIVE SECRETARY**

**KEN ANDERSON
COMMANDANT
VETERANS' HOME
EXECUTIVE SECRETARY**

**SUBCOMMITTEE FOR
VETERANS' HOME**
KENNETH EVENSON, SUB CHR
SUZANNE KIME, VICE-SUB CHR
JAMES GROVEN
THOMAS RAINSBERRY
DEAN BAYER
GARY HOFFMAN
JAMES JOHNSON

**M/G KEITH D. BJERKE
ADJUTANT GENERAL**

**EX OFFICIO
DOUGLAS M. KENYON
VA CENTER DIRECTOR**

**GERALD BALZER
ND JOB SERVICE**

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Doug Kenyon, Fargo VA Hospital Director:

Doug reported on the VA Hospital, that there was to be a reduction of staff and that there would be a budget problem, also that the VA would be looking at cutting support for State Veterans Homes.

Recess 2:40 P.M., reconvene at 2:55 P.M.

Chairman Mullen called on to introduce Senator Harvey Tallackson:

Senator Tallackson commented on legislation authorizing Veterans Nursing Home in Stanley and in Grafton, that was defeated, and the possibility of an initiated measure to authorize these facilities.

Skip Wing, CVSO, Stanley:

Skip commented on his observance of the past Legislative session and how the State Long Term Care Association had worked to defeat the Stanley Veterans Home. Then how additional facilities had been authorized in the private sector. He also stated that Stanley would continue support for a Veterans Home.

Chuck Risch made some announcements regarding dinner and the time and place breakfast and lunch would be served Saturday morning.

Meeting recessed at 3:45 P.M. so Administrative Committee and Coordinating Council could meet separately.

Chairman Mullen convened meeting at 4:00 P.M.

Roll call: Following members present:

John Mullen
Donald Weible
Paul Aaberg
Kent Anderson

Michael Vandrovec
Joseph O'Brien
Joe Novak
Dean Bayer

Thomas Rainsberry
Kenneth Evenson
Gary Hoffman
James Johnson

ABSENT:

Al Huber

James Groven

Suzanne Kime

(Sue Kime elected to attend Coordinating Council of which she was now a member)

Others in attendance were:

Commissioner Ray Harkema
Commandant Ken Anderson

Chuck Risch, Claims Officer
Gene Kouba, Bismarck
Branch DVA

Col. Thilmony, National
Guard

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Chairmen called for reading of minutes of previous meeting. Evenson moved that minutes be approved as distributed. Second by Vandrovec. Carried.

Rainsberry reported on Post War Trust Fund Committee meeting. Possibly there would be \$42,200.00 interest earned over appropriated funds for use in each six month period in the next biennium.

Moved by Novak that sub committees continue with present members and reorganize at the next meeting when the newly appointed members are present. Second by Rainsberry. Carried.

Recess at 4:35 P.M. so sub committees could meet.

July 8, 1995: 8:00 A.M.

Administrative Committee Members met with Coordinating Council on issue of whether to go ahead and attempt to get a constitutional amendment protecting the Post War Trust Fund to be voted on in the 1996 general election. Cost, time and manpower to circulate petitions was discussed, also if there was any other way to protect this fund so that the interest earnings could be used for the benefit of needy veterans and veterans programs.

Chairman Mullen reconvened the Administrative Committee at 10:05 A.M.

Chairman Mullen announced that Mr. Dominic Volesky was present and Administrative Committee would consider his appeal. Commissioner Harkema was asked to respond to questions and complaints in the prepared statement and tape that the Committee had read and listened to at the meeting in Lisbon on May 13, 1995.

Statement of Ray Harkema re Dominic Volesky:

On May 13, 1995, this committee was provided a five page brief which included six enclosures and a tape was played of the brief. Half of the contents involved Mr. Volesky's problems with the Game and Fish Department. That part of the brief has nothing to do with Veterans Preference. I will address the allegations made against myself, Gene Kouba and the Department. Veteran states that my response to him was not satisfactory. (See enclosure 1)

Veteran claims that I refused to speak to him while at the Capitol. I have never met this individual and had no knowledge of his desire to speak to me. I received word from three National Service Officers at the VA Regional Office that Mr. Volesky is blaming me for not being employed by the Department of Transportation. He states that my letter is unprofessional. (See enclosure 2)

While veteran was at our Claims Office at the VA Regional Office, Chuck Risch offered to call me and told Mr. Volesky that I would drive to the VA Regional Office to meet with him. Mr. Volesky declined.

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Veteran stated that I and Mr. Kouba are not working for Veterans and that this is also the opinion of a job service interviewer. I question the qualifications of a job service interviewer to make decisions regarding Veterans Preference Laws.

Mr. Volesky stated that he has heard grapevine anecdotes and rumors of Mr. Harkema not wanting to rumple any political feathers with anyone associated with the Governor and his appointed officials. Mr. Chairman, I refuse to even respond to this allegation because it is so ridiculous. Mr. Volesky demanded an apology from the Department of Veterans Affairs. This committee passed a motion for the Chairman to send a letter of apology to Mr. Volesky. Mr. Volesky will not accept that. He is now dictating to the committee what action they will take. Mr. Volesky's initial complaint is that I failed to request a hearing within 15 days. The current law does not mandate a specific time period for me to request a hearing. During the 91-93 session we submitted HB 1090 which had the 15 day requirement, this bill was defeated in February 1993.

Mr. Kouba did the initial research in this case and I followed up with my own research. My decision was that the veteran did not meet the minimum requirements for the job. (See Enclosures 3 & 4)

Justifiable Cause — In my response I used the term "Justifiable Cause". I should have stated that you do not meet the minimum requirements. In the Dyer case, Chief Justice of the Supreme Court Vande Walle wrote an opinion on this subject. (See enclosure 5)

I feel that I have answered his questions and now I believe that he intended to draw us into a hearing that was scheduled with the State Personnel Board against the Game and Fish Department.

I feel that we do a good job considering the law. The Council has attempted to improve the Veterans Preference Law without much success.

We are able to resolve many cases simply by working with the employers.

Mr. Chairman, I have no other comments.

Question by Mike Vandrovec: "Did you make your judgement on the information you had received?"

Answer: "Yes, I made the decision after all the information was received."

There being no further questions and Chairman Mullen ruling that Mr. Volesky would not be allowed to make further statements as we were dealing with the prepared statement of Volesky, that all the members of the committee had a copy of, and that Commissioner Harkema had not had a chance to previously respond. It was moved by Aaberg that Administrative Committee would support Commissioner Harkema's decision and that the case be closed. Second by Rainsberry. Motion carried unanimously.

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Tape of Mr. Volesky's complaint to be stored in the office of the Department of Veterans Affairs.

Col. Thilmony reported on the successful and well attended Memorial Day program at the Veterans Cemetery. He also gave an update on the Persian Gulf Veterans bonus. About \$30,000 had been paid and they were working on additional applications. About \$700.00 was the average payment.

Presentation by Pat Lindsay and Steve Ragan from Minot State University requesting Post War Trust Funds to continue and complete the North Dakota Vietnam Veterans Children's Assistance Program. About \$70,000.00 needed to complete the program.

Presentation by Rick Ryan and Gary Hoffman for an on the job training program sponsored and administered by job service. Cost of program \$100,000.00. They felt that this was a cost efficient program with 90% of funding going for veteran training and 10% for administration.

Presentation by Commissioner Harkema and Chuck Risch on a proposal to fund a program to train personnel in the Commissioner's office. This to allow staff to attend training sessions put on by the VA, on the filing of claims and procedures. \$10,000.00 would support this training program for the 95-97 biennium.

Presentation by Commandant Anderson on some remodeling and improvement of the nurses station at the Veterans Home. \$76,000.00 had been budgeted but had not been funded by the Legislature.

Recess for lunch at 12:10 P.M.

Reconvene at 1:15 P.M.

Vandrovec moved to fund Commissioner Harkema's training program request. Second by O'Brien. Carried.

Evenson moved to fund Commandant Anderson's request for Veterans Home improvement. Second by O'Brien. Motion defeated.

Moved by Novak that Commandant's request for Veterans Home improvement be reconsidered at a later meeting, when Committee has a better knowledge of interest earnings available. Second by Vandrovec. Motion carried.

Moved by Evenson that requests for the two other proposals be tabled until a later date. Second by Bayer. Carried.

Chairman O'Brien reported for the Veterans Affairs sub committee. Moved by Anderson to approve the report. Second by Vandrovec. Carried.

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Chairman Evenson reported for the Veterans Home sub committee. Evenson moved to approve the new resident rate schedule proposed for the Veterans Home. Second by Rainsberry. Motion carried.

Bayer moved to grant Commandant Anderson's request to go to Veterans Home Commandants conference in Colorado. Second by Hoffman. Motion carried.

Evenson moved that Veterans Home report be approved. Second by O'Brien. Motion carried.

Hoffman moved that Commissioner's office send a thank you to Guard personnel involved in setting up meeting at Camp Grafton. Second by Evenson. Motion carried.

Hoffman thanked Chuck Risch for his work in setting up the meeting.

Chairman Mullen announced that tentative date for the next meeting was set for November 17-18, 1995, in Bismarck at the Comfort Inn.

Meeting adjourned at 1:55 P.M.

Submitted by
Paul S. Aaberg, Secretary

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July 18, 1995