

The North Dakota Veterans Coordinating Council convened November 11, 1992, at 1:00 p.m. at the American Legion Club in Mandan.

The meeting was called to order by President Earl Redlin.

Pledge of Allegiance led by Earl Redlin.

**MINUTES:**

A motion was made by Mike Dobmeier to accept the minutes from the previous meeting as printed. A second was made by James Groven. The motion was passed.

**TREASURER'S REPORT: Robert Evans**

The present balance is \$2657.51. A motion was made by Ken Evenson to accept the report. A second was made and the motion was passed.

**PRESENTATION OF BILLS:**

Earl Redlin - travel expenses of \$111.63. Ken Evenson made a motion to pay the travel expenses for the President, Earl Redlin. A second was made by Glen Maurer. The motion was passed. The bill for the Lawmakers Booklets was \$150.00. It was agreed upon to have Robert Evans order the Lawmakers Booklets.

**COMMUNICATIONS:**

No communications at the present time.

**AGENCY REPORTS:**

**VETS: Leo Swenson**

The Congress has appropriated sufficient monies for the DVOP/LVER, so that the staff of ten LVERs and five DVOP can be unchanged.

There is a Veterans On-The-Job Training program at the present time with twenty-eight veterans. They are still trying to get some more money for the classroom training.

The new Defense Authorization Act, that was signed on Oct. 23, has 75 million dollars in it at the time, for a training program for veterans.

Leo Swenson has formally submitted his recognition. A thank you to the committee from Leo Swenson. This will be his last report.

**North Dakota Job Service: Dennis Mock**

A reminder that there is a new brochure from ND Veterans Employment Agency which has information on all the programs that Job Service has available along with programs from VETS. The brochure is made available to all Job Service Offices throughout the state.

**Veterans Post War Trust Fund: Bob Hanson and Cathy Gilmour**

The principal balance of the post war trust fund will be four point one million dollars. A summarization of the handout was made by Bob Hanson.

Cathy Gilmour assures you that she will keep sharing the information on the Post War Trust Fund. Please feel free to come to her for any questions or help.

**Adm. committee on Veterans Affairs: Bernie Wagner**

Comments were made to ask the support of the Coordinating Council for the Legislative Committee.

**Chairman for the Subcommittee on VA: Adrian Crowfeather**

The members of the subcommittee on the Dept. of VA are: Vice, Victor Hass; Robert Bohn; Sue Kime; Paul Aaberg; Al Huber; and Jerry Balzer.

The subcommittee meeting held the previous day included discussion on the Veterans Loan Program. The program is doing good. Discussion was also held on the Hardship Grant Program. There is a proposition that there be \$20,000.00 to start with by utilizing the interest earned on the PWTF.

The Legal Aid Fund, which involves the high cost of legal assistance, came into discussion. It became clear that the money there to work with now, is not adequate. There is a proposition that the balance be increased to \$25000.00 for the next two years. There has been a brochure published listing services available to veterans in ND. Discussion was held on the report given by Adrian Crowfeather.

**ND Veterans Home: Chuck Godke**

The subcommittee did meet November 12. There are three veterans taking part in the Handicapped Deer Hunt at Camp Grafton. There are 38 skilled beds, 44 waiting, and 112 basic beds full, 6 waiting. There were 44 on the nursing home waiting list and 6 domiciliary waiting list.

There was approval on the rate increase rent to a maximum of \$250.00 a month. There is a decorating program going on at the home and it is going good. The DAV donated \$3000.00 to the Decorating Fund. There are 42 of the 60 rooms done. Everyone is joining in and all the help is much appreciated.

There was approval of a 20 bed addition at Lisbon, which did not include \$600,000.00 from the general fund budget. There is a need in the western part of the state and there is a proposition for construction of a 60 bed unit. He asked the Administrative Committee to approve borrowing funds from the principal earned on the PWTF. Discussion was held on the issue of the 60 bed unit.

It was asked of the council to support writing up a bill to drop the certain pieces of legislature in the Blue (law) Book, which are no longer in affect. Three of these laws include 37-24-25 and 54-17.1. It was decided that Milt Kane would take care of the bill for the Blue Book. There was a question asked by Ken Evenson which was "If there is a shortfall from the general funding where do you get the money from to keep operating?" The answer was given by Milt Kane, which was they go to the Emergency Commissions.

**Commissioner of VA: Milt Kane**

Milt Kane commented on that he made a bid for the convention

of the National Association of Commissioners and ND won. The convention will be in Bismarck during the second week in September of 1993. It will be a five day event.

**Commandant of ND Veterans Home: Frank Gathman**

There was a report on the Decorating Committee. They are doing a fantastic job. The goal is to have the home fixed up before the centennial. The lobby should be done by December 3. Fourty-two rooms have been done.

The Centennial for the home is August 2, 1993. The first resident was admitted to the home on August 2, 1893. The big day will be August 7, 1993. There will be a parade, a fly over, cook-outs, tours, a Military Ball, and a golf tournament. The most important event will be the memorial. The donations are starting to come in. A thank you for the outstanding support of the activities of the home!

Recess until 9:00 a.m. at the Mandan Legion Club.

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Reconvene at 9:00 a.m. at the Mandan Legion Club.

**COMMITTEE REPORTS:**

There were no committee reports at the present time. A reminder that each commander is responsible for their organization.

**OLD BUSINESS:**

**Alt. NEC Dept. of ND Am. Leg.: Jim Coats**

A letter was given out to each adjutant from Jim Coats in regards to the State Veterans Cemetery. At the National Executive Committee meeting of the American Legion, there was a resolution passed to attempt to give the National Reserves release time to take care of the two man honor guard.

It was stated that the Tuition Fee Waiver, some how, got through the Appropriations Committee and there was an amendment attached to it, that applied the basics of needs from the Higher Education Act of 1965.

**Veterans Transportation Program: Milt Kane**

The program coming out of Bismarck is being handled by Dennis Berg. There has been a formal request put in for a vehicle. The program coming out of Devils Lake ran into some problems when formulating the budget. They are working with the Senior Citizens to tie into their bus. The program coming from the north is as before and he will be meeting with them in January. There was authorization to use money out of the P WTF when it is available. Discussion was held on the different programs.

**Veterans Preference: Jerry Balzer**

There have been reports on some of the greatest cases that deal with chapter 37-19-1, which deals with veterans preference for wartime veterans in public appointment. At the Administrative Committee meeting, we approved a motion to provide the legislation be introduced to the 53rd session. The Veterans Preference law

would include a penalty clause. It seems to be that the employers are getting off by saying the law speaks to justifiable cause and they had justifiable cause. There needs to be a piece of legislation that speaks to veterans preference, takes care of justifiable cause, and provides a penalty clause.

In the hearing process, there used to be three people deciding; the veteran chose one, the employer chose one, and those two people chose another. Now it all goes through the Office of Administrative Hearings, which is a new state department, not connected to the Attorney General's office. They have voiced some concern with the time lines in that piece of legislation. The director is introducing legislation that changes those time lines. There are two references. The first one states that the hearing officer shall hold that hearing within 15 days, he wants to change that to 45 days. The second part says the hearing officer shall issue the findings of the hearing and the order within 15 days, and he wants to change that to 30 days. It was asked of the Coordinating Council to agree to that if this legislation be introduced speaking to the justifiable cause, putting in the penalty clause, and Milt Kane be instructed to correspond back that we don't agree to the time changes. He suggested to change the 15 to 45 to 20 days, and the 15 to 30 to 20 days, also. There was comments from Milt Kane on the Department of Education case. Ray Atol makes a motion to accept changes as was suggested by Jerry Balzer, a second by Mike Dobmeier, the motion was passed.

**Legislative Liaison Director: Joe Novak**

The AmVets petition to change the dates for veterans preference has been considered by the council on several occasions. It was introduced at the last Legislative Session, and it went through both the houses and it then went to the governor where it was vetoed. The legislation then almost overruled the veto. Discussion was held on Veterans Preference. Dave Schmidt made a motion that the Legislative Committee be instructed to take action to strengthen the Veterans Preference Laws by introducing legislation to provide the penalty clause and a clearer definition of justifiable cause. A second was made by Elmer Ekrin, motion passed. A question was asked as to where the veterans preference law applies. Milt Kane commented that there is no designation - either entry or other levels.

Joe Novak introduced Mel LaFontaine's question concerning the travel expenses of the Minot color guard when coming to Bismarck for military funerals. They are unable to pay all of the mileage. They proposed to use Gaming money. Joe Smith commented that it is not legal to use gaming money for travel.

There has been lots of controversy of the constitutionality of bonuses. We are dealing with a constitutional change. Part of it deals specifically with theater. An Attorney General's opinion was received and Joe Novak highlighted that letter. That constitutional amendment allows for the payment of just compensation to WW II, Korea, and Vietnam veterans. Questions were asked in the letter to the Attorney General and they were answered. In respond to the question concerning payment to the ending date of the Persian Gulf, it was in the A.G.'s opinion that the legislature

could provide a just compensation to terms of service that do not correspond to August 2, 1990 or the date the last ND Guardsman/reservists serving the Persian Gulf. The legislature has been given the authority to set the terms of the service and qualify the terms of service.\*\*\*\*\* The Constitutional measure does not allow for the payment of a bonus to those servicepersons who served outside theater.

In regards to the PWTF, there seems to be a confusion between the principal and the actual fund. He calculated that from today to July 1, 1995, that the interest will come at five percent or above, with \$518,900.00. When you are dealing with the interest from the PWTF, there should be some explanation of what that money is going to be used for.

As of December 15, 1992, all the members of the Administrative Committee will be presumably be resigned from their positions. The governor has the right to appoint eight new members. At that time it will have to be decided if the chair and secretary be reappointed and new members be appointed. The veterans organizations may be called upon to supply the members. This comes from chapter 54-07.2.

**Joe Mullen:**

He is representing the Veterans Affairs subcommittee concerned veterans who need help paying for hearing aids, dental care, glasses, and so on. The current program has set aside \$20,000.00 for emergency care for certain veterans that may not be covered under Medicaide. If the Pilot Program is a success, then \$20,000.00 will not be enough.

**Adjutant General: A.P. MacDonald**

The Guard Cemetery is going well. There are 59 interments and the governor's budget shows that there is \$108,000.00 in the budget. This will give them one full time person and some part-time summer maintenance. There were 40,000 requests sent out and it brought in \$60,000.00. Some of the money will be put away. Please keep the donations coming. He encourages you all to go out and get support for the cemetery. There was a film on display of the veterans cemetery.

There has been arguing with the Congress and the Administration over the size of the guard and the composition of the guard. This is causing a large amount of friction between the active and reserves. This will cause a cut in ND.

**Grant Program:**

Further discussion was held on the Grant Program. There was a motion made by Dave Schmidt to immediately allocate \$40,000.00 to the grant program when it is available, that an additional \$60,000.00 be held in reserve, so there will be a total of \$100,000.00. A second was made by Ray Atol, the motion was passed. Discussion was then held on the motion.

**Bernie Wagner:**

He comments that it would be a good idea to have meetings at the same time. It was decided that Bernie Wagner, Bob Evans, and

Earl Redlin figure out new plans for the meeting dates. Further discussion was held on how to meet at the same time.

Dave Schmidt made a suggestion that before making decisions of support or nonsupport of the Veterans Home that more information be made to the council.

**NEW BUSINESS:**

**Resolutions:**

Discussion was held on the VFW Resolution. It was decided that the issue had been taken care of in the July meeting. There was no more discussions held on any resolutions.

**Time and Place:**

Ken Evenson moved to meet in Bismarck, on January 28, at 1:00 p.m. and January 29, at 9:00 a.m. The meeting will be held at the Seven Seas Inn and reservations will be made.

**Good of the Order:**

It was suggested by Joe Novak that there be a Happy Hour at the next NDVCC meeting. Ken Evenson suggested that if the council can't afford to pay for it, then each person give five or ten dollars.

Elmer Ekren made a motion to adjourn the meeting. A second was made by Jim Groven, the motion was passed.