

ADMINISTRATIVE COMMITTEE ON VETERANS AFFAIRS
COMFORT INN, BISMARCK ND

November 29, 2012
1:00PM

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

Roll Call:

Present:

John Adolf	Ken Hasby	Dean Overby
Richard Belling	Dave Hilleren	Carroll Quam
Mike Fisher	Trish Hodny	Marlin Schneider
Jeff Hall	Robert Olzweski	Jim Verwey
John Hanson	Ron Otto	

Absent:

Lee Finstad

Guests:

Dave S, Attorney General's Office

Motion by Mike Fisher to accept September 2012 minutes, second by Richard Belling.

Ron Otto wanted Bill #17 clarified. It should read "Free Annual Fishing".

Motion carried with change.

Peggy Wheelden, Public Affairs Officer, VA Healthcare Center, Fargo

Michael Murphy, Director VA Healthcare Center sends greetings. He hopes to be able to attend the next meeting.

- ▶ Hired new a full-time pulmonologist and another psychologist.
- ▶ Approved by the Office of Academic Affiliations for a National Psychology Internship Program emphasizing mental health services. Trainees are offered opportunities to participate in a number of different training areas of health services.
- ▶ New program – Medical Foster Home – intended to serve veterans who are unable to safely live independently. The veteran will live in a person's home and pay for their own care. The VA will assist the caregiver in giving care to the veteran.

- ▶ Construction continues on the Operating Room, it should open around March 8th. All the equipment is state of the art.
- ▶ Expanding clinical areas; recently expended the red team area.
- ▶ Voluntary Services – held a Veterans Day Program with Senator John Hoeven as keynote speaker. The VA recently completed Stand Downs in Grand Forks, Fargo, and Minot.
- ▶ On December 4 & 5, representatives from the American Legion National Office will coming to the VA to conduct their program “System Worth Saving”. They will try to critique the facility and the programs for women veterans.
- ▶ Community Based Outreach Clinics (CBOCs) – Minot is now providing an orientation program for veterans coming into the system. Bismarck already implemented the program and its’ doing well. The Devils Lake CBOC plans are moving forward.

Ms. Wheelden was asked various questions regarding Voluntary Services, the Healing Garden, parking at the VA, and travel reimbursement for lodging. Voluntary Services will be moving back to their previous location. The Healing Garden is still in the discussion stage. Parking at the VA is a problem and they are looking at difference solutions. There is a van that will transport people from the parking lot to the facility and back to their vehicles. Travel reimbursement can be reviewed on a case by case basis. The reimbursement can take up to five or six weeks and phone calls are not returned. Mark Johnson, Administrator ND Veterans Home, questioned Ms. Wheelden on diabetics that are being transported to the VA if they can get their shots in the emergency room. Ms. Wheelden will look into these issues and get information back to the appropriate person.

Kelly Schmidt, State Treasurer

Handout provided.

- ▶ Funds available to ACOVA for Fiscal Year 2012 are \$111,020.93
- ▶ Funds available to ACOVA for Biennium to Date are \$143,907.08. The biennium ends June 30, 2013.

These figures are all netted fees, which mean fees have been paid out of the dollars.

Ms. Schmidt asked about the Melvin Norgard Fund. The State Treasurer’s Office is charged with investing the monies. She is being asked questions by legislators and doesn’t have information available about the Fund. Mark Johnson clarified where the money was going into their budget, how the money is being spent and how the legislature set up the funds.

Motion by Ron Otto that Treasurer Schmidt's report be made part of the minutes and posted on the website, seconded by John Adolf. Motion passed.

Mark Johnson, Administrator, ND Veterans Home

Norris Braaten is unable to attend due to a family commitment.

- ▶ The Gazebo has been moved, concrete work finished, grass has been planted and the sprinkler system is in place.
- ▶ Melvin Norgard Fund – the Veterans Home does have another oil well. There are a total of 128 acres of mineral rights. There is a lien on part of the land that will need to be paid before revenues can be received. The lien amounts to \$157,000.
- ▶ The National Guard will be doing one of their rotations at the Veterans Home this summer. They will be removing tree stumps and widening a dike on the property. A walking path for the residents will be put in also.
- ▶ The Guard may possibly put in a bridge in 2014.
- ▶ Three lawsuits are still moving forward.
- ▶ 49 skilled beds filled and 81 basic beds filled.

Mike Fisher questioned Mark if anyone has visited the land where the oil wells are located. Mr. Johnson would like to go out sometime and see it. Mr. Johnson reported that the Norgard family was upset at the last legislative session on how the donation was handled. They are trying to find ways to get the bequest back.

Chairman, Dean Overby, and Secretary, John Adolf, need to find people for the Governing Board. There are three people whose terms are up: Lee Finstad, Norris Braaten and Daryl Beard. Chairman Overby asked the committee members to also think of people who would want to be on the Board. If they find someone, to please forward their name onto John Adolf or himself so that person can be considered.

Commissioner's Report – Lonnie Wangen

[POWER POINT PRESENTATION]

- ▶ Attended Budget Meeting with Chairman Overby in Bismarck; gave overview of budget request.
- ▶ Updates given on staff outreach and presentations.
- ▶ Commissioner has been busy attending events and meetings throughout the State
- ▶ Has had several meetings with legislators on various bills.
- ▶ Two hearing requests on veterans preference – (1) veteran found to meet minimum qualifications and was put back into the interview pool and (2) employing agency didn't give veterans preference and veteran settled for a monetary amount from the agency.
- ▶ Updates given on grant program and general fund appropriations.
- ▶ Two transportation vans are for sale, a 7 passenger and a 12 passenger.

► Work is being done on the Veterans Court. Commissioner outlined progress being made in training law enforcement officers and procedures being put in place with the judges. There have been over 100 cases handled so far.

Commissioner presented information on the Calendar on Department website. Many entities are able to post events and meetings on it. It is a very interactive calendar and should be a good asset.

Mike Fisher asked about the Letter to the Editor that was published in the Towner County paper and Bismarck Tribune. The Commissioner explained the circumstances regarding that position. The Towner CVSO passed away and the county asked the Commissioner for guidance on hiring a replacement. The County Commissioners at their next meeting filled the position in house. A veteran questioned the Commissioners on how they filled the position. The position was never posted so the veteran could never apply for it.

Subcommittees met.

November 30, 2012
Committee Reconvened
9:00AM

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

Roll Call:

Present:

John Adolf
Richard Belling
Mike Fisher
Jeff Hall
John Hanson

Ken Hasby
Dave Hilleren
Trish Hodny
Robert Olzweski
Ron Otto

Dean Overby
Carroll Quam
Marlin Schneider
Jim Verwey

Absent:

Lee Finstad

Speakers:

Marlys Morgenstern, Job Service North Dakota

SkillBuildND is a \$2 million grant that targets Native Americans and veterans to give them the skills necessary for jobs in oil fields, truck driving, HVAC and other building trades. A strategic planning meeting was held and various entities have been briefed on the availability of the program. It pays full tuition, books and fees, and tools for the participants. Ten veterans are enrolled, the program goal is 280. Because of the low numbers, the program may be opened to all unemployed ND persons with veterans getting priority.

Joint Meeting with Coordinating Council

Chairman Overby called on Bob Krause, President, ND Veterans Coordinating Council and John Hanson, Legislative Subcommittee to give a report on legislative issues.

John Hanson reviewed the legislative bills as prepared by the Attorney General's Office: Melvin Norgard Trust (Bills #1 & #1a)

- (1) Amends 37-15-21 of the NDCC. Subcommittee recommends changing line 18 from \$2,500 to \$10,000.
- (2) Amends 37-15-23 of the NDCC. Subcommittee recommends changing line 15 from "Legislative Assembly to "Administrative Committee on Veterans Affairs".

License Plates (Bill #2)

Subcommittee recommends changing "Remember Veterans" to "Patriotic" wherever it appears in NDCC Section 39-04.

Bill #2a – Subcommittee agrees that it was of no value and recommends that it be dropped.

Disabled Veterans' Eligibility for a Homestead Tax Credit (Bill #3)

Amends NDCC Section 57-02-08.8. Subcommittee accepts this bill as written.

Post War Trust Fund (Bill #4)

- (1) Two bills were originally presented. The first was incorporated into the second.
- (2) Amends NDCC Section 37-14-14. Subcommittee accepts this bill as written.

Bills #6 & #12

Subcommittee accepts this bill as written.

Subcommittee discussed a bill affecting taking a hunter safety course and agreed not to get involved in this bill.

Bob Krause reported the Coordinating Council had discussions on many of the bills and finally worked thru the details. The Legislative Session is almost here and hopefully we can start hitting the halls and getting people fired up to vote on these bills. There was an issue on Bill #7, at the end of the bill there is a section "ii. Organizations would provide attorney for appeals." This generated a lot of discussion. Commissioner Wangen was asked for clarification on that section. If there is an appeal that goes to the Board of Veterans Appeals, each organization has an attorney to represent the veteran. That is already in place.

Chairman Overby asked if anyone had questions regarding any of the bills that are being proposed. If there is any discussion or confusion on the bills, they should get it clarified now.

Trish Hodny asked about Bill #13 regarding Legal Services. She had spoken to someone at Legal Services and they are unaware of the bill. They need to know if there is a bill going forward with their name on it. Commissioner Wangen doesn't feel it's a bill they should go forward with. He will be contacting the Labor Commissioner in case agency may be able to provide attorney services. The bill will not go forward until Legal Services has been contacted.

Ron Otto stated the Committee didn't talk about the VSO position in Bill #9. Bob Krause reported the Coordinating Council is not supporting the bill since they had dissent on it. Chairman Overby reported the Legislative subcommittee discussed it and it is in the Department's budget. Mr. Otto maintained the VSO position wasn't discussed in the full committee.

Motion by Ron Otto to take the VSO position out of the bill and retain the training position. The motion dies for lack of second.

Motion by Trish Hodny to support the two positions for the ND Veterans Affairs in a bill if the Governor does not include them in his budget recommendation, second by Jeff Hall.

Mr. Otto is asking for the justification why the Department would need the VSO position. The Department doesn't need the position because their numbers don't justify it. Commissioner Wangen talked about why the numbers are skewed when it comes to veterans selecting a POA. He explained that the Commissioner before him told the department staff to send all the claims to the D.A.V. and there are service officers who only use the D.A.V. He also talked about the reasons for having two positions given all the projects and programs that he is working to put in place. He is trying to work with many entities to coordinate their services to better help veterans. He needs staff to go out and work with the counties who need assistance. With such a small staff he presently has, it is difficult for him to do it all himself.

Commissioner Wangen was asked if there is a job description for the positions and replied there is for each position.

Motion passes unanimously. [MOTION #1]

Chairman Overby asked Bob Krause if the Coordinating Council would like to revote on this bill given the new information. The Council voted to support Bill #9 for two FTE's for the Department of Veteran Affairs – VSO and Training.

Joint meeting adjourned.

Subcommittee reports

Public Relations – John Adolf, Chairman

At the last meeting, there was discussion on placing notices in newspapers. After checking into it the cost is prohibitive. The subcommittee is asking veterans organizations to disseminate information to their members by mailings or emails. Commissioner and Chairman will prepare the information.

Motion by Dave Hilleren to accept the subcommittee report, second by Jim Verwey.
Motion carried.

Appeals & Postwar Trust Fund – Trish Hodny, Chairman

ND State Treasurer Schmidt attended the Postwar Trust Fund meeting. She gave information and advice regarding the money. Subcommittee recommends up to \$8,000 for the additional cost of transportation vans to come out of the \$210,000 general fund dollars appropriated. The subcommittee recommends to the Veterans Affairs subcommittee to raise the cap on the grant program from \$3,000 to \$4,000 and raise the cash asset limit from \$2,000 to \$4,000 to start December 1. This was presented to the subcommittee for their consideration.

The subcommittee wanted to put to the full membership how to effectively spend the postwar trust fund monies if there are other services or programs that should be done. Are there things that were funded before that are not now being funded that maybe the PWTF could support.

Appeals subcommittee heard three appeals Thursday evening. A report will be presented later with the decisions.

The money for the transportation van will be coming out of the \$70,000 remaining general fund dollars.

Motion by Mike Fisher to appropriate up to \$8,000 towards the transportation vans, second by Jim Verwey. Motion carried.

Motion by Jim Verwey to accept the subcommittee report, second by Mike Fisher. Motion carried.

Veterans Affairs & Budget – Dave Hilleren, Chairman
Minutes from previous meeting accepted.

The small money grant that was set-up at the last meeting was reviewed. It was discussed with Dave Schaibley from the Attorney General's Office and he felt there was nothing to prevent the program from moving forward. The Department budget was reviewed and accepted. Strategic plan was reviewed with no changes. The subcommittee recommended the van purchase come from the PWTF. They talked about the ACOVA logo.

At a meeting in the morning, the subcommittee recommended the grant cap to be raised from \$3000 to \$4000 and to raise the cash asset limit from \$2000 to \$4000. These are to be effective December 1, 2012.

Motion by Carroll Quam to raise the annual cap from \$3,000 to \$4,000 to be effective December 1, 2012, second by Trish Hodney. Motion passed unanimously. [MOTION #2]

Motion by Trish Hodny to raise the cash asset limit from \$2,000 to \$4,000 to be effective December 1, 2012, second by Ron Otto. (Policy 412).

Ms. Hodny clarified that there would still be allowed the \$5,000 in a cd in addition to the \$4,000 in cash assets. ***Motion passed unanimously. [MOTION #3]***

Motion by Bob Olzweski to accept the subcommittee report, second by Richard Belling. Motion passed.

Legislative Subcommittee – John Hanson

The subcommittee reviewed their Mission Statement. A motion was made to strike "especially disabled". The motion died for lack of second.

Motion by Ron Otto to approve the subcommittee report, second by Jim Verwey.

Chairman Overby expressed concern over the "especially disabled" is not acceptable. A veteran is a veteran is a veteran. Ron Otto said it was the Subcommittee chairman Lee Finstad who wanted it in the mission statement. Disabled veterans hold a special place in

the veteran community. Ron Otto proposed dissolving the subcommittee and starting over with a new subcommittee. Chairman Overby wants the Legislative Subcommittee to review the mission statement at the next meeting when all the members are present.

John Hanson would like the Commissioner to check with the Attorney General's Office as to whether the discussion is discriminatory. Trish Hodny questioned how it will affect the perception at the legislative assembly.

Motion passed to accept the report.

Motion by Trish Hodny that the Chairman or Commissioner do research regarding the language with the Governor's Office and Attorney General's Office, second by Marlin Schneider.

John Hanson stated he serves on a board that doesn't designate certain groups. The organization serves all who need their services.

Motion failed 6 – yes; 7 – no 2- Absent [MOTION #4]

Chairman Overby asked the following persons their opinion:

Dave Johnson, State Adjutant American Legion – Mission statements should be broad based. His perception is the statement is prioritizing the veteran's status; because you could add Native American or Women Veterans.

Bob Krause, State Commander American Legion – Agrees with Dave Johnson that a mission statement should be broad based and not cover specific groups. "We're here to serve everybody."

Mark Johnson, Administrator ND Veterans Home – A veteran is a veteran is a veteran.

Jerry Samuelson, McKenzie CVSO – Doesn't believe people would be offended by using "especially disabled".

Steve Frojen, Dickey CVSO – A majority of his clients are non-disabled veterans but he doesn't find it offensive either.

John Hanson talked with someone at ADA and they said if the committee keeps "disabled" then "women veterans", "homeless veterans", and "families" need to be added to make sure it is all inclusive.

Chairman Overby talked about the logo for the Administrative Committee. At the next meeting there will be information on shirts and jackets.

Chairman Overby stated the Legislative Session starts in January. Space is unavailable at the start of the session for a Committee meeting. A meeting could be scheduled around crossover which is March 1st. Ron Otto felt that was too late to meet. Different dates

were discussed, contingent on getting meeting space and rooms. Once the bills have been written, the Chairman would like them emailed out to the committee members. He asked the committee members to help find sponsors for the bills.

The next ACOVA meeting is scheduled for January 10 & 11, 2013 at the Comfort Inn, Bismarck. There will be a joint meeting with the ND Veterans Coordinating Council.

There is a request from Veterans Home for equipment using the \$64,000 from the postwar trust fund:

- | | |
|--|----------|
| (1) 2 Therapy Complete Mobiles, 2 Mobile Pro, 3 Accessories Packages,
Shipping, Annual Licensing and Training | \$72,405 |
| (2) Bladder Scanner | \$10,000 |
| (3) Eight - 3 Wheel Bikes | \$3,200 |
| (4) Exercise Bike | \$6,300 |

The committee discussed the purpose of the items and the need to have them. Mark Johnson, Administrator ND Veterans Home, answered questions and talked about when money would be received from the oil wells. Once the Veterans Home starts getting funding from an outside source, then they can take care of things like this rather than requesting PWTF monies but that won't be for some time.

The PWTF & Appeals Subcommittee will meet and discuss the request.

PWTF & Appeals – Trish Hodny, Chairman

Subcommittee met and is recommending to the full committee to approve the Veterans Home request for up to \$50,000 for a Mobile Therapy unit, a Bladder Scanner, eight to nine bikes.

Motion by Carroll Quam to appropriate a Mobile Therapy unit (one large, one small), a Bladder Scanner, and eight to nine bikes (one being an exercise bike) from the Post War Trust Fund, second by Marlin Schneider. Motion passed unanimously. [MOTION #5]

Mike Fisher asked if the Council has found someone to be a lobbyist. Bob Krause reported they voted on hiring someone and they are in the process of checking with the Attorney General's Office if there is a conflict between her job and being a lobbyist. Chairman Overby stated the Department is requesting two positions and now there is time for someone to take time off for ninety days. Mr. Krause reported during the phone interview she stated she has the time to take off. The Commissioner is checking with Human Resources on the issue also. Chairman Overby questioned how she had enough

time to take off since she's only been with the Department for two years. Commissioner Wangen replied she has comp time also.

Mike Fisher would like to receive more timely notices to attend the legislative hearings. Since he lives in Bismarck, he could get to the hearings. Sometimes the hearings are scheduled very quickly or end up being cancelled. The ACOVA members who live in Bismarck could attend the hearings to assist the Veterans Home and the Department.

Motion to adjourn, seconded. Meeting adjourned.

Respectfully submitted

John Adolf
Secretary