

**2023 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1109**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1109  
1/12/2023

Relating to military definitions.

Meeting called to order by Chairmen Schauer at 9:30 AM

Chairmen Austen Schauer, Vice Chairmen Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider. All present.

### **Discussion Topics:**

- Updating Military definitions and century code

Representative Cory, District 42, Testifies in support, (#13042)

Jay Sheldon, policy officer, Testifies in support (#12977)

Lonnie Wangen, Commissioner for ND Department of Veterans Affairs, Testifies in support (#12948)

Chairman Schauer adjourns meeting at 9:47 AM

*Phillip Jacobs, Committee Clerk By: Leah Kuball*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1109  
1/12/2023

Relating to military definitions.

Meeting called to order by Chairman Schauer at 3:38PM.

Chairmen Austen Schauer, Vice Chairmen Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider. All present.

### Discussion Topics:

- Committee work

Rep. Steiner moved a do pass on HB 1109

Seconded by Rep. Vetter.

Roll Call Vote:

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Steve Vetter	Y

Motion carries 13-0-0.

Carried by Rep. Cory.

Chairman Schauer adjourned the meeting at 3:41PM.

*Phillip Jacobs, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1109: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)**  
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB  
1109 was placed on the Eleventh order on the calendar.

**2023 SENATE AGRICULTURE AND VETERANS AFFAIRS**

**HB 1109**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

SB 1109  
3/3/2023

A BILL for an Act relating to military definitions.

9:00 AM Chairman Luick called the meeting to order.

Members present: Chairman Luick, Vice Chairman Myrdal, Senator Lemm, Senator Weston. Members absent: Senator Hogan, Senator Weber.

### Discussion Topics:

- Legal definition
- Airforce benefits
- Dependent benefits
- Space force

9:00 AM Representative Cory, North Dakota Legislator District 42, introduced the bill and testified in favor. #21881

9:02 AM Major Jay Sheldon, Strategy and Policy Officer, North Dakota National Guard, testified in favor. #21884

9:08 AM Lonnie Wangen, Commissioner North Dakota Department of Veteran Affairs, testified in favor. #21319

### Additional written testimony:

Michelle Richart, US Department of Defense, State Liaison Office. #21286

9:10 AM Chairman Luick closed the hearing.

9:10 AM Senator Myrdal moved a DO PASS on HB 1109

9:10 AM Senator Lemm seconded the motion to HB 1109

Roll call vote:

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	AB
Senator Randy D. Lemm	Y
Senator Mark F. Weber	AB
Senator Kent Weston	Y

Motion passed 4-0-2

9:12 AM Senator Myrdal will carry the bill.

9:12 AM Chairman Luick adjourned the meeting.

*Brenda Cook, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1109: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman)** recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1109 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**TESTIMONY**

**HB 1109**



HB 1109

North Dakota Department of Veterans Affairs  
Lonnie Wangen-Commissioner

1/12/2023

**House Government and Veterans Affairs Committee**  
**68<sup>th</sup> Legislative Session**  
**Representative Schauer-Chair**

Chairman Schauer and House Government & Veterans Affairs Committee,  
Please accept this testimony in support of HB 1109.

Intent of this bill...

Provide legal definitions for Military, Armed Forces and Uniform Services in the NDCC

Need for bill...

- The North Dakota Century Code has many references to Military and Armed Forces.
  - No current definition exists
  - With no definition in state law-common definitions apply
- Armed Forces and Military are commonly considered the same. Many states define both as the same.
- There are distinct differences between the Military, Armed Forces and Uniform Services
  - Military: Department of Defense (DOD) branches:
    - Army
    - Marines
    - Navy
    - Air Force
    - Space Force
  - Armed Forces: DOD branches and Department of Homeland Security (DHS)
    - Military +
    - Coast Guard
  - Uniformed Services: DOD, DHS, Department of Health and Human Services (DH&HS) and Department of Commerce
    - Armed Forces +
    - Commissioned Corps of Public Health Services (PHS) under (DH&HS)
      - In ND: Minot, Belcourt, Fort Totten, Fort Yates
    - National Oceanic & Atmospheric Administration (NOAA) under Department of Commerce
- Uniformed Services utilize several different discharge documents
  - Armed Forces use form DD214
    - National Guard uses form NGB22 and DD214-1
  - NOAA uses NOAA 56-16
  - PHS utilized form PHS 1867 for years but is now authorized to issue DD214
- With benefits such as veteran's preference, income tax exemption for retired pay etc. definitions will allow,
  - legislators to better specify who will qualify for specific benefits
  - government employees clear understanding of benefit eligibility
- Many states include PHS and NOAA in their definition and eligibility for veteran benefits

Thank you for your consideration.

Lonnie Wangen Commissioner-NDDVA

TESTIMONY OF  
MAJOR JAY SHELDON  
TASK FORCE FOR MILITARY ISSUES IN NORTH DAKOTA  
BEFORE THE  
HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
12 JANUARY 2023  
HOUSE BILL 1109

Good morning, Chairman Schauer, members of the committee, I am Jay Sheldon, Strategy and Policy Officer for the North Dakota National Guard (NDNG) and administrator for the Task Force for Military Issues in North Dakota (TF MIND). I am here today to testify in support of House Bill 1109.

I would like to take a moment to explain TF MIND. It is a Governor's appointed task force chaired by the Lt. Governor with members from around North Dakota with a focus on Minot, Grand Forks, Fargo, and Bismarck, communities with the largest military footprint. The group normally meets twice a year and discusses issues that impact military members and their families in North Dakota. TF MIND has used a Department of Defense website that lists the top issues, heavily focused on occupational licensing and military children.

TF MIND supports the update to the definitions of "armed forces" and "uniformed services" in century code. Recent force structure changes require updates to ensure that states' definitions of military service align with federal law. North Dakota can minimize disruptions in benefits and services for eligible service members and dependents by clearly defining "armed forces."

North Dakota provides an array of programs and services to members of the armed forces and their dependents; however, eligibility depends on how the state defines "armed forces." Synchronizing our definition with United State Code will close gaps and ensure programs are available to those eligible.

Recently the United States Space Force was established as an independent branch of the uniformed services. With the conversion of the Cavalier Air Station to the Cavalier Space Station it is important that North Dakota include the Space Force in our definition.

Other states are starting to align their definition of armed forces with Title 10 United States Code, to include Space Force and the Coast Guard. We want North Dakota to be a leader in aligning our definition to ensure programs and benefits are available to those that qualify.

The change broadens support for the "armed forces" to include all of the "uniformed services," such as the National Oceanic and Atmospheric Administration Commissioned Officer Corps and the Commissioned Corps of the U.S. Public Health Service who also wear the uniforms of the armed forces.

These changes, as previously stated, ensure all eligible service members and their family members receive access to applicable state benefits by aligning the definitions of "uniformed services" and "armed forces" match current force structure.

I ask for your support of HB 1109 and will stand by for any questions that you may have.



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360

#13042



## **Representative Claire Cory**

District 42  
P.O. Box 5094  
Grand Forks, ND 58206-5094

C: 701-213-6553

[clairecory@ndlegis.gov](mailto:clairecory@ndlegis.gov)

## **COMMITTEES:**

Judiciary  
Government and Veterans Affairs

Mr. Chairman and Members of the House Government Veterans Affairs Committee,

For the record, my name is Claire Cory, and I represent District 42 in Grand Forks.

I am seeking your support for House Bill 1109.

House Bill 1109 was brought to my attention by The Office of the Adjutant General and the Department of Veterans Affairs.

The North Dakota Century Code wasn't updated when the United States Space Force was established as an independent branch of the uniformed services. The intent of the bill is to update the legal definition of "military", "armed forces", and "uniformed services". The reasons this is needed include but are not limited to, benefit eligibility, veteran's preference, and income tax exemption for retired pay.

This concludes my testimony, and I am happy to answer any questions, Mr. Chairman.



**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE**  
1500 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-1500

**March 3, 2023**

**Chairman Larry Luick**  
**Chair, Senate Agriculture and Veterans Affairs**

**Remarks of**  
**Michelle Richart**  
**Midwest Regional Liaison**  
**United States Department of Defense-State Liaison Office**

**Support of: HB 1109 – Relating to Military Definitions**

**Testimony**

Chairman Luick and honorable Committee members, the Department of Defense is grateful for the opportunity to support the policies reflected in House Bill 1109 and hopes that North Dakota will become one of the first states that have legislation addressing this key issue. The United States Space Force plays a crucial role in protecting the United States' interests in space and ensuring national security. By adding the Space Force to the definition of armed forces in the state of North Dakota the state government can recognize the important role the Space Force plays in protecting the country and supporting state residents.<sup>1</sup>

My name is Michelle Richart. I am the Midwest Regional Liaison at the United States Department of Defense-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness. We represent the Department and establish relationships with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

It is important to note that with the creation of the Space Force, changes in force structure have occurred at the federal level. In order to ensure that state laws align with these federal changes, the Department perceives states can minimize disruptions in benefits and services for service members and dependents by updating various definitions of military service in North Dakota to include the Space Force.

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<sup>1</sup> Title 10 U.S. Code, Section 101 defines the term "armed forces" to include the Army, Marine Corps, Navy, Air Force, Space Force and Coast Guard. It defines the term "uniformed services" to include the "armed forces, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service." States are starting to align their definition of armed forces and uniformed services with Title 10; however, definitions have varied widely between states, which are not adjusting every use of the terms throughout the entire state code or law. A consistent approach to align state definitions of members of the uniformed services and armed forces will ensure service members and their families are equally represented under all state laws defining military service, military retiree or the term veteran.

The Space Force is the newest branch of the armed forces, and was established in 2019 with the mission of protecting and defending the interests of the United States in space.<sup>2</sup> The mission of the Space Force is to organize, train, and equip military personnel for space operations, as well as to provide early warning of missile launches and other potential threats.<sup>3</sup> The Space Force also works closely with other branches of the military and with allies to ensure the security and stability of space-based assets and operations.<sup>4</sup>

Failure to pursue the modifications proposed in House Bill 1109 may have significant negative consequences on military recruiting, readiness, resiliency, and retention.<sup>5</sup> One of the key reasons for adding the Space Force to the definition of armed forces is to ensure that the men and women who serve in this new branch receive the same benefits and protections as those in the other branches of the military.<sup>6</sup> This includes access to healthcare, housing, education, and other benefits that are essential to the well-being of military personnel and their families.

Additionally, adding the Space Force to the definition of armed forces will ensure that the families of Space Force members have access to the same support and resources as the families of other service members.

The legislation modifies policy to confer various benefits and resources afforded to veterans of the other armed forces. Without access to the same benefits and services as their counterparts in other branches of the military, this could create a sense of unfairness and dissatisfaction for Space Force Guardians, impacting morale and making it more difficult for the Space Force to recruit and retain highly-skilled individuals.

By adding the Space Force to the definition of armed forces in the state of North Dakota, members of the Space Force and their families will have access to the same state benefits and services as members of other branches of the military. This includes access to state-funded healthcare, education, and housing programs, which will help to ensure that Space Force veterans are able to transition successfully to civilian life in the state.

In conclusion, the Department of Defense strongly supports the policies articulated in House Bill 1109, to add the United States Space Force to the definition of armed forces in the state of North

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<sup>2</sup> On December 20, 2019, Congress enacted the “United States Space Force Act” (USSFA), which established the “United States Space Force as an armed force within the Department of the Air Force.” USSFA, Public Law 116-92, sections 951-952, 133 Stat 1198, 1561-62 (2019). Subsequently, Congress expanded the definition of “veteran” and made other amendments to title 38 to require VA to furnish benefits and services on the basis of service in the Space Force. William M. (Mac) Thornberry NDAA for FY 2021, Public Law 116-283, section 926, 134 Stat. 3388, 3829 (2021).

<sup>3</sup> United States Space Force Mission, *United States Space Force*, <https://www.spaceforce.mil/About-Us/About-Space-Force/Mission/>.

<sup>4</sup> Space Doctrine Publication (SDP) 1-0, *Personnel*, United States Space Force, 7 September 2022. <https://www.starcom.spaceforce.mil/Portals/2/SDP%201-0%20Personnel%207%20September%202022.pdf?ver=erudfM8rwArAPlxplIu47g%3D%3D>

<sup>5</sup> Jim Absher, “Space Force’ Is Now Official to the VA, but Not Everyone Is on the Same Page,” *military.com*, May 3, 2022, <https://www.military.com/daily-news/2022/05/03/va-officially-recognizes-space-force-military-branch-recognition-problems-still-persist.html>

<sup>6</sup> Defining Armed Forces, *United States Department of Defense*, <https://statepolicy.militaryonesource.mil/key-issue/defining-armed-forces>.

Dakota. This proposed modification is necessary to ensure that service members and their families have access to the same benefits and services as their counterparts in other states. Furthermore, it will ensure that the state laws align with recent federal changes and that service members and their families have a smooth transition when they move to North Dakota.<sup>7</sup>

Finally, adding the Space Force to the definition of armed forces will also ensure that the Space Force is able to operate effectively and efficiently. By providing the same benefits and protections as the other branches of the military, the Space Force will be able to focus on its mission and carry out its responsibilities without worrying about issues related to benefits and protections. The Space Force will be able to attract and retain the highly skilled and dedicated individuals who are essential to the success of this new branch.

We thank the Committee for considering this important legislation and are especially grateful for the tremendous efforts North Dakota has historically made in supporting our service members and their families.

Very Respectfully,



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BROYHILL.1287311466  
Date: 2023.02.24 12:54:26 -07'00'

**MICHELLE RICHART**  
Midwest Regional Liaison  
Defense-State Liaison Office

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<sup>7</sup> Advisory Opinion Number 1-2020, “Are the families of U.S. Space Force members covered by the Compact?,” *Military Interstate Children’s Compact Commission*, November 19, 2020, [https://mic3.net/wp-content/uploads/2020/12/18-AdOp\\_1-2020\\_Space-Force\\_20201119.pdf](https://mic3.net/wp-content/uploads/2020/12/18-AdOp_1-2020_Space-Force_20201119.pdf)

HB 1109

North Dakota Department of Veterans Affairs  
Lonnie Wangen-Commissioner

3/3/2023

**Senate Agriculture and Veterans Affairs Committee**  
**68<sup>th</sup> Legislative Session**  
**Senator Luick-Chair**

Chairman Luick and Senate Agriculture & Veterans Affairs Committee,  
Please accept this testimony in support of HB 1109.

Intent of this bill...

Provide legal definitions for Military, Armed Forces and Uniform Services in the NDCC

Need for bill...

- The North Dakota Century Code has many references to Military and Armed Forces.
  - No current definition exists
  - With no definition in state law-common definitions apply
- Armed Forces and Military are commonly considered the same. Many states define both as the same.
- There are distinct differences between the Military, Armed Forces and Uniform Services
  - Military: Department of Defense (DOD) branches:
    - Army
    - Marines
    - Navy
    - Air Force
    - Space Force
  - Armed Forces: DOD branches and Department of Homeland Security (DHS)
    - Military +
    - Coast Guard
  - Uniformed Services: DOD, DHS, Department of Health and Human Services (DH&HS) and Department of Commerce
    - Armed Forces +
    - Commissioned Corps of Public Health Services (PHS) under (DH&HS)
      - In ND: Minot, Belcourt, Fort Totten, Fort Yates
    - National Oceanic & Atmospheric Administration (NOAA) under Department of Commerce
- Uniformed Services utilize several different discharge documents
  - Armed Forces use form DD214
    - National Guard uses form NGB22 and DD214-1
  - NOAA uses NOAA 56-16
  - PHS utilized form PHS 1867 for years but is now authorized to issue DD214
- With benefits such as veteran's preference, income tax exemption for retired pay etc. definitions will allow,
  - legislators to better specify who will qualify for specific benefits
  - government employees clear understanding of benefit eligibility
- Many states include PHS and NOAA in their definition and eligibility for veteran benefits

Thank you for your consideration.

Lonnie Wangen Commissioner-NDDVA



# North Dakota House of Representatives

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#21881



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## **COMMITTEES:**

Judiciary  
Government and Veterans Affairs

March 3, 2023

Chairman Luick and Senate Agriculture and Veterans Affairs committee members,

For the record, my name is Claire Cory. I represent District 42 in Grand Forks, which includes the northwestern corner of Grand Forks and expands out to include the Grand Forks Air Force Base. I am here to ask for support of House Bill 1109. I was informed of a need for this bill after having conversations with the Office of the Adjutant General and the Veterans Affairs Commissioner.

House Bill 1109 updates the legal definition of "military", "armed forces", and "uniformed services" to include the U.S. Space Force. The newest branch of the armed services, the U.S. Space Force, was established in 2019. The N.D.C.C hasn't been updated since. This change ensures our Space Force will receive the same benefits (benefit eligibility, veterans preference, income tax exemptions...) as other branches. This is a positive change we can make to show that North Dakota is pro-military.

Chairman Luick and members of the Senate Agriculture and Veterans Affairs Committee, this concludes my testimony. I respectfully ask for a do pass recommendation from your committee. I am happy to stand for any questions.



TESTIMONY OF  
MAJOR JAY SHELDON  
TASK FORCE FOR MILITARY ISSUES IN NORTH DAKOTA  
BEFORE THE  
SENATE AGRICULTURE AND VETERANS AFFAIRS COMMITTEE  
03 MARCH 2023  
HOUSE BILL 1109

Good morning, Chairman Luick, members of the committee, I am Jay Sheldon, Strategy and Policy Officer for the North Dakota National Guard (NDNG) and administrator for the Task Force for Military Issues in North Dakota (TF MIND). I am here today to testify in support of House Bill 1109.

I would like to take a moment to explain TF MIND. It is a Governor's appointed task force chaired by the Lt. Governor with members from around North Dakota with a focus on Minot, Grand Forks, Fargo, and Bismarck, communities with the largest military footprint. The group normally meets twice a year and discusses issues that impact military members and their families in North Dakota. TF MIND has used a Department of Defense website that lists the top issues, heavily focused on occupational licensing and military children.

TF MIND supports the update to the definitions of "armed forces" and "uniformed services" in century code. Recent force structure changes require updates to ensure that states' definitions align with federal law. North Dakota can minimize disruptions in benefits and services for eligible service members and dependents by clearly defining "armed forces."

North Dakota provides an array of programs and services to members of the armed forces and their dependents; however, eligibility depends on how the state defines "armed forces." Synchronizing our definition with United State Code will close gaps and ensure programs are available to eligible individuals.

Recently the United States Space Force was established as an independent branch of the uniformed services. With the conversion of the Cavalier Air Station to the Cavalier Space Station it is important that North Dakota include the Space Force in our definition.

Other states have started to align their definition of armed forces with Title 10 United States Code, to include Space Force and the Coast Guard. HB 1109 puts North Dakota in the lead by aligning our definitions to ensure programs and benefits are available for qualified individuals.

The change broadens support for the "armed forces" to include all "uniformed services," such as the National Oceanic and Atmospheric Administration Commissioned Officer Corps and the Commissioned Corps of the U.S. Public Health Service, who also wear the uniforms of the armed forces.

These changes, as previously stated, ensure all eligible service members or family members receive benefits by aligning the definitions of "uniformed services" and "armed forces" are consistent with federal definitions.

I ask for your support of HB 1109 and will stand for questions.