

# NORTH DAKOTA NATIONAL GUARD ENLISTED ASSOCIATION RESOLUTIONS COMMITTEE REPORT

Annual General Membership Conference  
17-18 March 2017  
Bismarck, North Dakota

Madam President, Officers, Delegates, Members and Guests of the NDNGEA General Conference; The Committee for Resolutions met on March 17, 2017. The following members participated in the committee deliberations: Mandy Hoffland, Chuck Votava, Jess Hernandez, Taylor Rix, Jason Magnuson, Kaila Horning, Carol Quam, and committee chair, Chuck Kasin

The committee discussed a number of legislative actions for NDNGEA to pursue in support of the membership of our association and the members of the National Guard of our State and the Nation. We discussed 7 resolutions, all of which are presented for adoption by the general membership. We have renumbered and formatted the resolutions in accordance with our operating instruction and hereby present.

- 17-1 – Relating to State Tax Exemption of Drill Pay and Active Duty Pay
- 17-2 – Relating to Tax Exemption for Military Retirement Income
- 17-3 – Inclusion of Chiropractic and Acupuncture care into Tricare
- 17-4 – Relating to Expanding MSI in Every Student Succeeds Act
- 17-5 – Relating to Duty Status Reform & 10 U.S.C. §12304b Disparity
- 17-6 – Relating to Tricare as an option under FEHBP for Military Technicians
- 17-7 – Relating to Active Duty Days for Accomplishing Required Computer Based Training

Members, please take responsibility, stand up and become a politically active constituent. The political winds continuously change in this country. Law makers, from both the state legislature and national congress, want to take many of your hard earned pay and benefits away. NDNGEA is a grassroots professional organization. Be that constituent, the most powerful entity in a grassroots origination. You may ask why? Because, you vote! I urge you to use your power

Step up to the plate and make contact with all the elected officials who represent you and me in the state and Nation. Include both your Senator and Representative in the State Legislature, as well as, your Senators and Representative in the National Congress. Tell these law makers: I am an soldier/airman, in war, civilian in peace. I am the North Dakota National Guard. Be respectful and polite, you get far more attention with a friendly smile on your face and in your voice. With your zeal to complete this mission, our pay and benefits will remain secure, together we'll provide for our future generations of soldiers and airmen

At this time, I would like to thank the Committee members for their dedication and for formulating this year's legislative agenda for our Association.

Madam President, I move for acceptance of this report.

Respectfully,

Charles Kasin  
NDNGEA Resolutions Committee

## **NDNGEA RESOLUTION 2017-01**

**Pertaining to** - State Tax Exemption of Drill Pay and Active Duty Pay for Members of the North Dakota Army and Air National Guard.

**Background** - Currently there is only a \$1000.00 deduction for military pay in the North Dakota tax code. Members incur many expenses that are not reimbursed in performing their military duties and many travel long distances to participate. Most neighboring states do not tax this income. Not including states with no income tax, there are 13 states that do not tax pay from National Guard service. With the impending drawdown of forces, it may not seem a priority to add incentives for membership in the National Guard but history has shown that these drawdowns are usually temporary. When another buildup occurs it would be very helpful to have this added incentive in place to aid in recruiting.

**Recommendation** - The North Dakota National Guard Enlisted Association urges the North Dakota State Legislature to pass legislation to make Drill and Active Duty pay for Army and Air National Guard members exempt from state income tax.

## **NDNGEA RESOLUTION 2017-02**

**Pertaining to** - Tax Exemption for Military Retirement Income

**Background** - North Dakota state tax code does not currently have an exemption for military retirement income. With the impending drawdown there will be many people retiring from the military in North Dakota both in the National Guard and from our two active Air Force bases. The benefit of retaining this large pool of talent in our state is immeasurable. Making military retirement pay exempt from state income tax will help North Dakota compete with the other states that have seen the value of attracting military retirees.

**Recommendation** - The North Dakota National Guard Enlisted Association urges the North Dakota State Legislature pass legislation to make military retirement pay exempt from state income tax.

## NDNGEA RESOLUTION 2017-03

**Relating To** – Inclusion of Chiropractic care and Acupuncture into Tricare plans

**Background** - Following decades of inaction and neglect on behalf of the Department of Veterans Affairs (VA), the process of integrating chiropractic care into the VA health care delivery system was initiated during the past decade, but only after Congress enacted a series of statutes (Including PL 107-135 and PL 108-170) that included specific directives instructing the VA to hire doctors of chiropractic and place them at VA health care facilities. Prior to the intervention of Congress, no doctors of chiropractic served on the staff of any VA treatment facility and the availability of the services delivered by doctors of chiropractic for eligible veterans was limited to VA “referrals” to those doctors serving in private practice outside of the VA system. Such referrals were so rarely provided, that as a practical matter, it would be fair to say that access to the services provided by doctors of chiropractic within the VA system was virtually nonexistent until Congress took action to address that glaring deficiency. As a result of the previous referenced congressional directives, including recommendations issued by a congressionally-mandated advisory committee, the VA (as of early 2015) currently provides access to a Doctor of Chiropractic at just over 50 major VA treatment facilities within the U.S.

Despite the above progress, the overwhelming majority of America’s eligible veterans continue to be denied access to chiropractic care, because the VA has failed to take any significant action to provide chiropractic care at nearly 100 additional major VA treatment facilities that comprise the major sites where VA care is offered. The VA has no doctors of chiropractic on staff at these locations and referrals to doctors of chiropractic care outside of VA’s system are rarely provided at these and other location. Virtually all major VA service organizations have formally testified in support of enacting new legislation to correct this deficiency.

The disparity has been allowed to continue, despite important data demonstrating a critical need within the VA for the specific type of health care doctors of chiropractic specialize in providing. Past Department of Veterans Affairs data (Analysis of VA Health Care Utilization Among Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) Veterans) cite “diseases of Musculoskeletal System/Connective System,” such as back pain, as the number one ailment of Iraq/Afghanistan veterans accessing VA treatment.

Recently, the Joint Commission an independent non-profit organization that certifies more than 20,000 health care organizations and programs in the United States, including every major hospital, revised its pain management standard to include chiropractic services.

Clinical experts in pain management who provide input to the Commission’s standards affirmed that treatment strategies may consider both pharmacologic and non-pharmacologic approaches. Services provided by doctors of chiropractic (who were recognized in 2009 as “physicians” by the Commission are now included in the standard of care for pain management, effective January 2015.

The treatment plan offered by DCs is a non-pharmacologic approach to pain management. The Joint

Commission standard advises facilities, when considering the use of medications to treat pain, to weigh both the benefits to the patient, as well as the potential risks of dependency, addiction, and abuse of opioids.

### **Recommendation -**

- In 2015 the Senate passed S. 1203, the 21st Century Veterans Benefits Delivery Act, which contains a provision that phases-in the services of doctors of chiropractic at more VA major medical facilities over several years and codifies chiropractic as a standard benefit for veterans accessing VA care.
- In the House of Representatives, Rep. Alan Grayson (D-FL) has introduced a bill, HR 1170, the Chiropractic Care Available to All Veterans Act, which mirrors the chiropractic provision found in S. 1203 (see above). Co-sponsorship of HR 1170 is requested.
- Members of the House of Representatives to are urged to show support for greater access to chiropractic services in the VA by sponsoring/cosponsoring a House bill and working for the passage of Senate bill in the 115<sup>th</sup> Congress.

## **NDNGEA RESOLUTION 2017-04**

### **Relating To - EXPANDING MSI IN EVERY STUDENT SUCCEEDS ACT**

#### **Background -**

President Obama signed S. 1177, the Every Student Succeeds Act (Public Law 114-95) into law on December 10, 2015. The law requires states to better track and report about homeless, foster care, and military-connected students. Among the provisions in the legislation is the creation of a military student identifier (MSI). The aforementioned organizations wish to expand Public Law 114-95 to include students with a parent who serves in the Reserve Component.

A recent Department of Defense Demographics Report indicates that there are more than approximately 400,000 military-connected school-aged students of the National Guard and Reserve components. They reside within all fifty states, yet are almost hidden from public recognition as being from a military family. The parents of these children deploy globally in response to our nation's call, just as the active duty service members do. They also deploy within their respective state in response to state emergencies, directives, or while in training.

*Gone is gone* for a child of the respective service member, regardless of the reason for parental absence. These children live with continual stressors and transition adjustments that their civilian classmates do not experience. In its conference report (H. Rept. 114-354), the Conferees expressed, "intent that States and districts may also include students with a parent in the National Guard or Reserves as part of the group of students with a parent who is an active member of the Armed Forces." Our organizations ask that you please:

#### **Recommendation -**

Urge the Congress of the United States to Amend 20 U.S.C. §6311 (h)(1)(C)(ii) to strike the words "on active duty"

***If our children aren't counted...they don't count!***

## **NDNGEA RESOLUTION 2017-05**

**Relating To – DUTY STATUS REFORM & 10 U.S.C. §12304b DISPARITY**

**ISSUE - Support Reduction of National Guard and Reserve Duty Statuses & Solve 10 U.S.C. §12304b Duty Status Disparity**

### **BACKGROUND -**

S. 1356, The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) requested the Department of Defense (DOD) submit a report to Congress regarding consolidation of statutory authorities by which members of the reserve components of the Armed Forces may be ordered to perform duty. The Department conducted its study and officials will brief the Congressional Defense Committees about its findings to decrease duty statuses to four, down from thirty-two. The aforementioned associations supported the findings of the Military Compensation and Retirement Modernization Commission's final report from 2015 that similarly recommended a dramatic decrease in duty statuses, and feel strongly that the Department's and Commission's findings should be made Public Law.

Of particular concern to our membership is the disparity in benefits currently not attributed to Guard and Reserve Service members deploying under 10 U.S.C. §12304b status. Since its creation in 2012, to give Combatant Commanders authority to utilize the Reserve Component, 12304b has been a mechanism used at increasing man hour rates per year. While our constituency wants to serve in any capacity (state or federal), we believe that they should be afforded benefits such as: tuition assistance, early retirement credit, transitional healthcare access, and Post-9/11 G.I. Bill benefits currently not funded under 10 U.S.C. §12304b status. Furthermore, we feel it appropriate to retroactively extend retirement credit and education benefits to Service members that recently deployed under 10 U.S.C. §12304b status, and who failed to receive these earned benefits. National Guard and Reserves members deploy in support of operational support to the nation, and should receive the same benefits and entitlements as those serving alongside them on active duty. Our associations ask that the 115th Congress support the following recommendations.

### **Recommendation -**

- Reduce the number of Guard and Reserve Duty Statuses to four as recommended by the Department of Defense
- Fund all benefits currently not attributed to Guard and Reserve Service members deploying under 10 U.S.C. §12304b Duty Status
- Recommend rescinding U.S.C. §12304b.

## **NDNGEA RESOLUTION 2017-06**

**Relating To** – Tricare as an option under FEHBP for Military Technicians

### **Background - Military Health Care Reform**

According to a 2014 Demographics report, *Profile of the Military Community* provided by militaryoneSource.mil, there are 831,992 Selected Reserve personnel. Forty-two percent are in the Army National Guard and nearly thirteen percent are Air National Guard. Most EANGUS members participate in TRICARE Prime, TRICARE Reserve Select (TRS), TRICARE Retired Reserve (TRR), and TRICARE for Life (TFL).

TRICARE Prime is for Reservists on active duty status: mobilized, Active Guard and Reserve (AGR), Active Duty Operational Support (ADOS), Full Time National Guard Duty (FTNGD), or active duty for training over 30 days, but not annual training.

For active duty service members, there are no fees or copays. Overall, there are 4,931,544 people enrolled and of that total, there are 1,562,658 enrolled who are retirees or family members under age 65.3 TRS is provided for Reservists not eligible for the Federal Employee Health Benefit Plan (FEHBP).

There are 119,775 TRS plans covering 326,710 people which is 25.6 percent take rate. TRR is similar to TRS, but is designed for working age retirees who wish to stay on TRICARE and do not mind paying a 100 percent of the costs, determined by the Defense Health Agency. TFL is designed for retired service members who are Medicare eligible; it is a Medicare supplement.

### **Recommendation -**

TRICARE has been a very successful healthcare solution for military members, and would be a very viable addition to the FEHB program for Military Technicians. The North Dakota National Guard Enlisted Association urges the Enlisted Association of the National Guard of the United States (EANGUS) to request the United States Congress to enact such legislation.

## **NDNGEA RESOLUTION 2017-07**

**Relating To** – Providing Active Duty Days for Accomplishing Required Computer Based Training

**Background** – Requirements for computer based training by soldiers and airmen continues to increase. Without accomplishing these blocks of training soldiers and airmen will effectively be unable to be promoted. Active duty personnel are paid 360 days per year, and are thus afforded full pay during these “classroom” at home training period, while National Guard and Reserve personnel must accomplish these blocks of training outside of regular scheduled drill/UTA periods for no pay.

Both services have determined the amount of time it should take soldiers or airmen to complete these courses successfully.

**Proposed Recommendation** –

- Urge EANGUS support to urge the Department of Defense to authorize active duty/UTA periods commensurate the time frame set for completion of a course
- Urge EANGUS support to urge Congress to enact legislation requiring DoD to authorize AD/UTA periods for completion of courses.