



Tier Group 2 Meeting Notes
August 17, 2022
12:00 PM – 1:00 PM ET

PRESENT	Debra Jackson Deanna McLaughlin Douglas Ragland Darrel Floyd Steve Bullard Ernise Singleton Kathleen Berg	New York Commissioner Tennessee Commissioner Alabama Commissioner Oklahoma Commissioner Kentucky Commissioner Louisiana Commissioner Hawaii Commissioner	Tier Group 2 Facilitator
EXCUSED	Tremekia Priester Peter Laing Craig Neuenswander Pete LuPiba Wayne Marquis Brian Henry Darcy Benway	South Carolina Commissioner Arizona Commissioner Kansas Commissioner Ohio Commissioner Alaska Commissioner Missouri Commissioner Illinois Commissioner	
STAFF	Cherise Imai Stephanie Ramsey Lindsey Dablow	Executive Director Communications Associate Training & Operations Associate	
GUEST	Laura Anastasio Stuart Michael	Connecticut Commissioner General Counsel	Commission Chair

ITEM 1 – CALL TO ORDER

1. The meeting was called to order at 12:03 PM ET by Tier Group 2 Facilitator and New York Commissioner Debra Jackson.

ITEM 2 – ROLL CALL

2. MIC3 Training and Operations Associate Lindsey Dablow conducted a roll call. As this is not a formal committee of the Commission, per Robert's Rules, a quorum is not necessary. However, a minority of the Tier Group 2 states were present as established by the presence of seven state's Compact Commissioners.

ITEM 3 – COMMITTEE REVIEWED PRIOR TO MEETING

3. Commissioner Jackson had the General Counsel representative, Mr. Michael, explain the three documents provided to the tier group prior to the meeting.

4. **COMPACT CITATION CORRECTION MEMORANDUM** – Mr. Michael summarized the first document, a one-page summary of the Compact Citation Correction. Mr. Michael informed the Members there is an incorrect citation in the model language of the Compact in Article II(A) and in Article III(A)(1), both of which refer to "members of the National Guard and Reserve on active-duty orders pursuant to 10 U.S.C. Section 1209 and 1211." (emphasis added). These provisions should both cite instead to 10

U.S.C. Chapter 1209 and 1211. This is a scrivener's (i.e. technical) error in a section of the Compact which controls its coverage area, and as such it is best practice the citation error should be corrected in each impacted state. Mr. Michael stressed the importance of this being corrected efficiently and only this area of the Compact should be touched at this time to not create other issues.

5. **COMPACT CITATION CORRECTION MATRIX** – Mr. Michael explained the second document was requested by the Executive Committee. This was done using data collected from the 2020 National Guard and Reserve Task Force using the number of NGR-Dependent children in each state. This was compared to the severity of the correction necessary for the member state and then divided into three priorities. Tier one being states with unusually severe compact situations to be addressed immediately or states with the largest population of NGR children to be addressed with a relatively quick amendment. Priority one should be addressed first and use the most efficient use of the Commission's resources. Most states fall into tier two states with a moderate number of NGR children paired with a standard Compact citation error. Lastly, tier three states have a smaller number of NGR children or a complicated citation correction which makes these states not the most efficient use of the Commission's resources.

6. **APPLICATION OF MILITARY INTERSTATE CHILDREN'S COMPACT TO NGR MEMBERS MEMORANDUM** – Mr. Michael reviewed the last document; the memorandum address different options states may take to extend coverage under the Compact to all members of the NGR. General Counsel recommends standalone legislation enacted outside of the Compact. This is recommended as it will not interfere with the Compact itself and allows interested states to make provisions. Mr. Michael summarized a meeting with the Defense State Liaison Office (DSLLO) where Marcus Beauregard recommended taking out the reference to NGR members entirely (full stop) and then further defining active duty.

ITEM 4 – DISCUSSION

7. Chair Anastasio informed the group Council of State Governments has estimated it will cost the Commission 1.2 million dollars to correct the citation issue. She also noted the Commission rules-making procedure does require a majority to approve a rule.

8. Commissioner Darrel Floyd (OK) asked Mr. Michael what course General Counsel recommends taking. Mr. Michael responded it depended on how the Commission wanted to address these issues. He stated separate legislation by the state would not increase dues for any member state which has been a concern.

9. Commissioner Douglas Ragland (AL) asked Mr. Michael about the results from a survey sent out last year regarding each state's decision was for expanding NGR coverage. Executive Director Cherise Imai answered a majority of states were not in favor of changing the statute itself. Chair Anastasio added the complicating recent factor of the citation error could change decisions.

10. Commissioner Jackson stated New York's leadership in National Guard is not in support of extending coverage to NGR and is apprehensive not knowing how dues will be affected. Commissioner Ragland seconded this statement. Commissioner Jackson also asked ED Imai if the National Guard leadership is in support of extending coverage. ED Imai responded there has been a connection and leadership is currently waiting to hear back to schedule a call. The belief is the data does not exist on how many children are affected by National Guard.

11. **PROJECTED DUES** – ED Imai shared the projected dues of each state if coverage were to extend to NGR children. These projected dues are based on a formula. There has been discussion on changing this formula with different appropriate options. She pointed out a majority of the increases fall on the second and third tiers. ED Imai stated dues are projected to be higher than originally accounted for especially if the Commission decides to pursue the technical amendment. She also noted dues will have to increase regardless as the cost of business has gone up tremendously. She added the reserve typically holds two years of operational cost which would be drained significantly by the 1.2 million costs of the technical amendment.

12. Commissioner Deanna McLaughlin (TN) asked if it was possible to recover costs from the original creator of the Compact language. ED Imai responded she met with the DSLO where the Compact was reviewed, and they would be unable to help financially. Commissioner McLaughlin suggested the Commission create a draft letter Commissioners can send to their Congressional Delegation of their state to ask for financial assistance. Chair Anastasio responded she can discuss this option with the Executive Committee but attaining 1.2 million from Congress would be difficult.

ITEM 5 – ADJOURNMENT

13. As there was no further commentary or questions Commissioner Jackson ended the meeting by reminding the group they will need to be prepared to vote on these issues at ABM. The meeting was adjourned at 1:02 PM ET.