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ROLL NUMBER

DESCRIPTION

1244

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1244

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1244

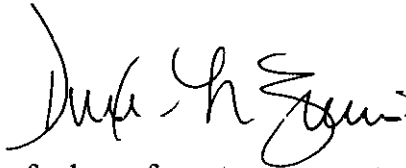
House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/3/05

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|---------|
| 3 | x | | 0-32.9 |

Committee Clerk Signature



Minutes: HB 1244 To provide for leave for veterans on veterans' day.

9 members present, 5 absent.

Rep. Bill Amerman-District 26-For-Testimony Attached-

Rep. Klemin: Some clarifications, line 7, that clause on 8 and 9, that only applies to, it doesn't apply to the other language up there?

Chairman Haas: That would be my interpretation.

Rep. Amerman: There might be, I work in a union shop and it might be in our contract that veterans get veterans day off, with pay. Otherwise we are not asking that they get the day off with pay, although if you ask me I think they deserve it.

Rep. Klemin: That reminds me of something you said last session about the union contract, I don't remember exactly what it was, but I think it was that you wanted the veterans to get there birthday off.

Rep. Amerman: No, I didn't ever ask for there birthday off, there was talk about that something I was trying to get for Bobcat, because we couldn't get it with bargaining, maybe that will refresh your memory.

Rep. Klemin: That correct, I really don't remember.

Rep. Amerman: That was the conversation. That was never what the bill was about.

Rep. Klemin: Line 4, what would be adequate for this.

Rep. Amerman: We talked about that last time and some thought maybe an honorable discharge, but that wouldn't be right. You can be out of the military, and you can be in the military for 2 or 3 years and you don't get your honorable discharge until you have your six year obligation. A dd214, it might be left up to the employer.

Rep. Klemin: Would it up to the employer or who would make that decision?

Rep. Amerman: I guess it would be, at that point it would be between employer and employee, employee might call in as service officer. I don't know what else you would need if you had your dd214.

Rep. Klemin: Line 11, create an undo hardship on the employer, how would you define that?

Rep. Amerman: It is strictly up to the employer.

Rep. Klemin: Why does the employer have to file a statement with the commissioner at all, if it is really up to the employer if the employee is going to be off or not.

Rep. Amerman: That might be sufficient and it is not happening out there.

Rep. Klemin: That statement would be public record, correct.

Rep. Amerman: That I am not sure.

Chairman Haas: I think it would be, because most of this records are public, is that not correct
Bob.

Bob Hanson-Government and Veterans Affairs Commission: That is correct.

Rep. Meier: What if an employer just does not want to let that employee off?

Rep. Amerman: If he doesn't submit anything, I think the veteran could take that day off without
any repercussions.

**John Jabcobson-Chairman of the Legislative Committee of North Dakota Veterans
Coordinating Counsel-We support this bill and ask for your support.**

Ray Rothman-Member of AmVets Post 9-Bismarck-Amvets strong support this bill.

Bill Butcher-State Director, National Federation of Independent Business-Against

Chairman Haas: Thank you very much. Any more questions on HB 1244.

Rep. Grande: I move a DO NOT PASS on HB 1244.

Rep. Froseth: I second the motion.

VOTE: YES 9 NO 4 ABSENT 1 DO NOT PASS

REP. GALVIN WILL CARRY THE BILL.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1244

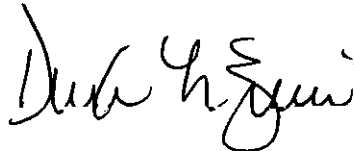
House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/10/05

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|---------|
| 5 | x | | 0-12.1 |

Committee Clerk Signature



Minutes: HB To provide for leave for veterans on veterans' day.

14 members present, 0 absent.

Chairman Haas: We will open the meeting on Governments and Veterans Affairs. We will discuss HB 1244.

Rep. Amerman: I appreciate the opportunity to discuss this again, I thought maybe, the biggest concern was the mandate, I thought the wording was correct and that is how the discussion went last time, that is why I put in subsection 2 that an employer if he has a hard ship or just imagines he has a hardship, all he has to do is send a letter to the commissioner of veteran affairs and he is off the hook. He doesn't have to let the employees off. I guess it doesn't really have to be a hardship. In doing so it would give a pro-action, where the employer would actually have to sit down and fill this out and doing so in some year or some day he might think, maybe I could let some veterans off. They don't have to, all they have to do is send a letter.

Rep. Klemin: Subsection 2, undue hardship, I think that is a different standard then, more of a hardship then undue. If you look at the number, if there was just one veteran in those 20,000 employers that decided to send in these letters, the Commissioner of Veterans Affairs would be getting somewhere over 20,000 of these letters each year. I don't think that is really workable, I am not saying they would get 20,000 letters, but we created the potential that the minimum they would get is 20,000 letters and maybe more. That also becomes a public record and where is he going to put all of this stuff. I understand the intention, but as a practical matter it is probably not to workable.

Chairman Hass: Anymore discussion.

Rep. Amerman: I don't have figures in my head, so I won't tend to argue with numbers of Rep. Klemin, as far as a public record, I am a great fan of public record, you shouldn't worry about it if you have nothing to hide.

Rep. Galvin: I think that word veteran covers a lot of people, including me. I don't think I deserve special treatment because I was laying on the beach in Hawaii. Most veterans work on a regular job like I do and they don't feel they deserve special treatment.

Rep. Grande: I move a Do Not Pass on HB 1244.

Rep. Froseth: I second the motion.

Chairman Haas: Any further discussion. Ask the clerk to take roll on a Do Not Pass on HB 1244.

VOTE: YES 9 NO 4 ABSENT 1 DO NOT PASS

REP. GALVIN WILL CARRY THE BILL.

FISCAL NOTE
Requested by Legislative Council
01/10/2005

Bill/Resolution No.: HB 1244

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| 2003-2005 Biennium | | 2005-2007 Biennium | | 2007-2009 Biennium | |
|-----------------------|-------------|--------------------|-------------|--------------------|-------------|
| General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | |
| Expenditures | | | | | |
| Appropriations | | | | | |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2003-2005 Biennium | | | 2005-2007 Biennium | | | 2007-2009 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

No fiscal impact.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name: Laurie Sterioti Hammeren
Phone Number: 328-4735

Agency: OMB
Date Prepared: 01/11/2005

Date: 2/11/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1244

House House Government and Veterans Affairs

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Not Pass

Motion Made By Rep. Grande

Seconded By Rep. Froseth

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------------|-----|----|-----------------------|-----|----|
| Chairman C.B. Haas | ✓ | | Rep. Bill Amerman | | ✓ |
| Bette B. Grande - Vice Chairman | ✓ | | Rep. Kari Conrad | AB | |
| Rep. Randy Boehning | ✓ | | Rep. Louise Potter | | ✓ |
| Rep. Glen Froseth | ✓ | | Rep. Sally M. Sandvig | | ✓ |
| Rep. Pat Galvin | ✓ | | | | |
| Rep. Stacey Horter | ✓ | | | | |
| Rep. Jim Kasper | | ✓ | | | |
| Rep. Lawrence R. Klemin | ✓ | | | | |
| Rep. Lisa Meier | ✓ | | | | |
| Rep. Margaret Sitte | ✓ | | | | |

Total (Yes) 9 No 4

Absent 1

Floor Assignment Rep. Balwin

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 22, 2005 12:54 p.m.

Module No: HR-33-3465
Carrier: Galvin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1244: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING).
HB 1244 was placed on the Eleventh order on the calendar.

2005 TESTIMONY

HB 1244

CHAIRMAN HAAS
MEMBERS OF THE GVA COMMITTEE

SUBJECT: VETERANS DAY LEAVE
FEB. 3, 2005

For the record my name is Bill Amerman, Representative from Dist.26. The bill before you is the same bill I brought before you last session, only with a new section added.

As you know Veteran's day is a day set aside to honor our nation's Veteran's it is their day. On this day some banks might close, schools are closed, the postal system is closed and maybe some others. Different functions are held this day, parades, dinners, etc.

How ever through no fault of their own many Veteran's in this state have to work and don't get to enjoy their own day. The reason is that they punch a clock for a living, in others words they work for an employer in the private sector. The only way they might get the day off is to use a day of vacation, or call in and tell their employer they won't be coming in. However doing that might get them in trouble with their employer.

This bill as written this time would be a small step in maybe getting some of these Veterans the day off. As you can see in the first part of section one, a veteran showing adequate proof of military service in a timely manner would be eligible to get the day off. However in the second part of sec. 1 if the employer sees this would create a undue hardship for him he simply has to send a statement to the commissioner on Veteran's affairs in a timely manner to get relief.

I'm not going to get into how much this country owes our Veteran's, we owe them everything and I know each one of you sitting here today know's that. Please take this small step fot those who took such a large step for their country and support this bill.

Thank You



NORTH DAKOTA

Testimony of Bill Butcher, State Director, National Federation of Independent Business (NFIB) in opposition to HB 1244

NFIB represents approximately 3000 small business owners throughout North Dakota and 600,000 nationwide. Our average members employ three to five workers.

We stand in opposition to providing for a holiday from work for certain employees but not for others. Such a practice could easily create a hardship for our members' businesses and likely ill will. HB 1244 does make a provision for employers to get relief from requests by employees who are veterans for a holiday if it would create a hardship for the business, but in practice such application for relief would not be practical and would only serve to create unnecessary animosity between employer and employee.

Our position does not in any way suggest that our members are not appreciative of our veterans. Of course we are. In fact, a significant number of our members are veterans themselves.

I served in the U. S. Navy for about five years and, while I appreciate the recognition that my government and countrymen currently give me for being a veteran, I did not serve my country in order to get an extra day off or to receive special privileges that others don't get. I know that I speak for many employers who are veterans when I make that statement.

On behalf of NFIB/ND I urge that this Committee submit a "Do Not Pass" recommendation.

North Dakota Veteran's Coordinating Council

My name is John L. Jacobsen. I am the chairman of the Legislative Committee of the North Dakota Veterans Coordinating Council. I am a member of both the VFW and the American Legion. I am also a member of the VFW National Legislative Committee. We work directly with our Members of Congress on legislation at the national level.

I served 29 years in the ND National Guard and the US Army Reserve, retiring in 1995 with the rank of Colonel. I served on active duty in 1991 in the Persian Gulf stationed in the United Arab Emirates.

The NDVCC membership is comprised of 15 members representing the five (5) veterans' organizations in the state. (3 from each organization) They are:

- American Legion
- AMVETS
- Disabled American Veterans (DAV)
- Veterans of Foreign Wars (VFW)
- Vietnam Veterans of America (VVA)

These organizations represent approximately 60,000 veterans currently living in North Dakota.

I am a member of the Legislative Committee of the NDVCC. I am not a member of the NDVCC but report directly to them. In order for the Legislative Committee to support any bill brought up before our Legislature, concurrence must be unanimous, that is all 15 members must agree that we should support the bill. A single negative response will kill our support.