

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2127

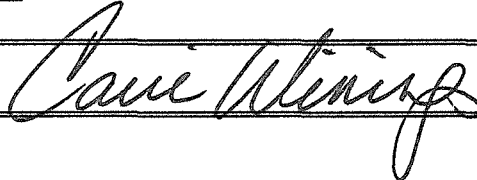
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2127
01/24/2013
Job Number 17661

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened hearing on SB 2127.

Senator Ron Sorvaag, District 45: Testified as sponsor to explain the bill. See attachment #1 for testimony.

(1:29) Senator Schaible: What does this do that they cannot do now?

Senator Sorvaag: Basically, there is a fear and my understanding that there have been situations in other states where there has been a law suit that they were discriminated against in employment because they chose to give that preference. This basically says that if they choose to do that in their hiring policy on a voluntary basis, that they cannot be sued that they showed discrimination against someone that is not a veteran.

Senator Cook: I just heard on the radio that Wal-Mart was implementing a program of hiring about 100,000 veterans. They obviously have some sort of a veteran preference law. Are you familiar with that?

Senator Sorvaag: No I am not. This is just to make clear if they want to they cannot be sued.

Chairman Dever: Wal-Mart has enough employees that 100,000 may not have any impact on any discrimination.

Senator Sorvaag: It might be being done by businesses in our state. This just protects them in law if they are doing it.

Chairman Dever: Would you expect if an employer does this that they need to have it in their policy and that they do it on an ongoing basis?

Senator Sorvaag: I would presume it would have to be in their policy and be consistent.

Chairman Dever: When I was asked to put my name on this bill, it was interesting to me that I was concerned about any unintended consequences. I visited with the state chamber and they did not see anything like that.

Senator Cook: I want to make sure I understand that second sentence. It states, only spouses of veterans who have a service- connected permanent and total disability, is that correct?

Senator Sorvaag: That is my understanding, the way it was written, that was the intent. That was the question. It matches what we do with veteran preference for disabled veteran spouses of the disabled.

Senator Cook: So the spouse just had to serve, do we do that anywhere else in veteran preference laws for spouses?

Senator Sorvaag: That is in the present veteran preference law for public employees.

Senator Marcellais: I know the federal government allows it for spouses, as long as the job announcement has veteran's preference.

(4:56) Senator Tim Flakoll, District 44: Appeared in support of the bill. In the past year or so, in reviewing opportunities in our state law, we need to do other things that are favorable to veterans. I was looking on the internet for a variety of ideas and this is one that I came across that had recently been enacted in the state of Washington and I thought it would be something that would provide the protections that private businesses would need in the

event someone felt that they were not favorably considered for a position within their company. We don't know if any problems, we are trying to be proactive in nature to head off those lawsuits at the pass. While we don't know that they would receive favorable consideration from the courts, this bill would help insure that we have guiding principles in place to provide those protections. I talked with our local chamber and they verbally supported the concept and felt that it was in the best interest of business.

(7:52) Chairman Dever: Is there any other testimony in support of the bill?

Lonnie Wangen, Commissioner of Veterans Affairs North Dakota: Testified in support.

I like the idea of providing any extra support for our veterans for helping them with employment. I do appreciate Senator Flakoll bringing this forward. I would just ask that some clarification would be made whether or not if someone was refused veterans preference if they were allowed veterans preference, would they have some kind of appeal policy or would this be totally separate? It is a good bill as far as helping out our veterans, to protect our businesses for discriminations on equal employment. I just want a clearer understanding if they would fall under all of the other laws as far as appeal procedures.

(9:20) Chairman Dever: It would seem to me that if the employer is going to have a veterans preference in their own policy, how they establish the policy would be what would govern any appeal process and that absent that kind of a policy their appeal would be to district court. Some employers have an internal process.

Lonnie Wangen: That makes sense.

(10:40) John Jacobsen, North Dakota Veterans Coordinating Council: Testified in neutral position because the votes are not in from our committee meeting. Personally I think it is a good bill.

Chairman Dever: Closed hearing on SB 2127.

Senator Nelson: Moved a Do Pass.

Senator Cook: Seconded.

Chairman Dever: Is there any discussion?

Committee: A brief discussion followed in the committee regarding general veteran's preference laws.

Chairman Dever: called for roll call vote.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

SB 2127 passed.

Vice Chairman Berry: Carrier.

Date: 1/24

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2127

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Nelson Seconded By Senator Cook

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais	✓	
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Berry

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

REPORT OF STANDING COMMITTEE

SB 2127: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2127 was placed on the Eleventh order on the calendar.

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS


SB 2127

2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2127
March 8, 2013
19631

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to private employers providing a voluntary veterans' preference in employment.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the hearing on SB 2127.

Senator Sorvaag appeared in support of this bill. **Attachment 1.** (1:20-2:48)

Rep. Ben Koppelman Is the language about the spouses of those that are permanently and totally disabled in the veterans' preference language that we use for government jobs?

Senator Sorvaag Yes, I am pretty sure it is in the public employee too.

Rep. Vicky Steiner How does this prevent a lawsuit in the sense that you have a private business that hires one veteran and then they don't hire the second veteran?

Senator Sorvaag In the public sector right now, the more qualified doesn't necessarily get hired because you add those vet preference points on. It would be up to the employer to probably establish a criteria just like the public sector does so it is in their hiring laws that says you get X points for this and X points for that. Walmart does it.

John Jacobsen, member of the Legislative Committee of the North Dakota Veterans Coordinating Council, handed out **Attachment 2** which states support of SB 2127.

The hearing was closed.

Rep. Vernon Laning moved for a Do pass.

Rep. Karen Karls seconded.

A roll call vote was taken and resulted in **DO PASS, 12-0, 2 ABSENT.** **Rep. Bill Amerman** is the carrier.

Date: 3-8-13
Roll Call Vote #: _____

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2127

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Laning Seconded By Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chairman Randy Boehning	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Marie Strinden		
Rep. Karen Karls	X		Rep. Steven Zaiser	X	
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur	X				
Rep. Karen Rohr					
Rep. Vicky Steiner	X				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Amerman

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

REPORT OF STANDING COMMITTEE

SB 2127: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
SB 2127 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

SB 2127

Senate Government & Veterans Affairs Committee

Jan. 24, 2012

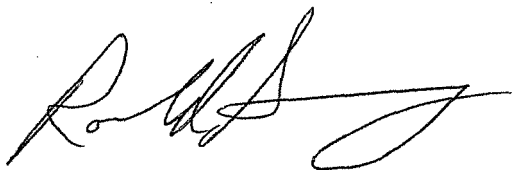
Testimony Senator Ronald Sorvaag

Senate Bill 2127

Mr. Chairman and members of the Government & Veterans Affairs Committee, I stand in support of Senate Bill 2127. SB 2127 purpose is to allow private business the right to offer Veteran Preference in their hiring practices, on a voluntary basis. SB2127 would allow them to offer preference without fear of being in violation of any state or local equal employment opportunity laws. It is important to note that it is a voluntary choice for each business to make in their hiring and promotions policies not a requirement.

Mr. Chairman I do know some states have this preference, the State of Minnesota has just enacted a law last year and Washington State approved a law in 2011, to allow private nonpublic employers to grant veterans preference in hiring and promotions.

Mr. Chairman, thank you for your consideration of this bill.

A handwritten signature in black ink, appearing to read 'R. Sorvaag', written in a cursive style.

Senator Ronald Sorvaag

Attachment
1

House Government & Veterans Affairs Committee

March 8, 2013

Testimony Senator Ronald Sorvaag

Senate Bill 2127

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Senator Ronald Sorvaag

NORTH DAKOTA VETERANS COORDINATING COUNCIL

My name is John Jacobsen. I am a member of the Legislative Committee of the North Dakota Veterans Coordinating Council. The Coordinating Council is made up of 15 members, 3 from each of the five veterans' organizations in North Dakota.

American Legion

AMVETS

Disabled American Veterans

Veterans of Foreign Wars

Vietnam Veterans of America

It is the policy of the Coordinating Council to support legislation that will benefit the welfare of the members of the Armed Forces. The committee **MUST** concur totally, that is all 15 members must agree on the legislation to be supported or else it does not get the support.

In this case, I have been instructed to recommend to this legislative committee that a "DO PASS" on SB 2127 is supported by the Veterans Coordinating Council.