

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2201

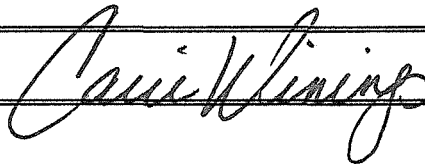
2013 SENATE STANDING COMMITTEE MINUTES

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

SB 2201
01/24/2013
Job Number 17657

☐ Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened the hearing on SB 2201.

Senator Luick, District 25: Appeared as sponsor of the bill and in support of the bill.

(3:59) Jon Martinson, Executive Director, North Dakota School Board Association:

Testified in support of the bill. This bill was brought forth on our behalf. We thought that with the expectations of no child left behind and without getting into all kinds of education jargon, there are expectations of the public for our students, there are lots of requirements for testing, there are many issues related to student achievement. We thought as we looked at this current law and it allows an exemption from veterans preference for school superintendents and teachers, there was a piece that was missing. The piece was principals. So as we looked at the possibility of adding principals to the law, our discussion was what about assistant principals or assistant superintendents? We decided to add the term "administrator", which would cover those positions and we think more closely parallels current law in terms of higher education. The current law allows positions in higher education including the chancellor, vice chancellor, the board, and others listed in state law to be exempt so we thought we should parallel that.

(5:46) Chairman Dever: Are there any of those positions that are not already certified teachers?

Jon Martinson: Essentially no; they have to have a teacher's certification in order to be a principal or superintendent.

Chairman Dever: So aren't they already covered as teachers?

Jon Martinson: I am hearing that is what we need to make clear. It helps to clarify it to including the term administrator. They may be covered but I am not sure.

Chairman Dever: I suppose that you could construe that to mean teachers working as teachers but if they are not in the classroom.

Jon Martinson: That is how we viewed it. Teachers working as teachers.

Vice Chairman Berry: Would you clarify a little more; I understand you are using this to draw parallel to the current law as it is written for higher education? And that would be naming certain positions that you were equating?

Jon Martinson: If you want to look on page 4 of the bill and staring with line 6, it begins to list those positions in higher ed. (reads the titles)

Chairman Dever: Do we have high school coaches that are not teachers? Would they be included in this definition?

Jon Martinson: Yes and I do not think so. That is not our attempt.

Senator Cook: Have you had a situation where someone applied for one these positions and asked for a veteran's preference or was forced to receive a veteran's preference? I suppose it is possible that you could have a teacher who is a veteran, gets hired as a teacher based on their own qualifications with no consideration to the fact that he was a veteran, and then later on applying to be a principle and asking for a veteran's preference at that time. Is that the only way this could happen?

Jon Martinson: To your first question, I do not have information that. I don't have examples or data that I could show you on that. Secondly, I think you question is if they

can move to a principal position, my understanding of the laws is that a transfer within an institution is not an issue. That should be allowed to happen.

Chairman Dever: My understanding is if you use veterans' preference to go to work and you seek another job, you don't get to use it again. I could be wrong.

Jon Martinson: Maybe that is a better way of saying it.

(10:52) Bev Nielson, North Dakota Council of Educational Leaders: Testified in support of the bill. Last session I was in here when higher Ed was here to add athletic coaches. Sometimes you sit here and you think of cleaning up code when you are actually sitting and reading code. I realized it leaped over our other administrative positions at that time. It was probably an oversight initially. Principals are licensed teachers, but then again, so are superintendents. We thought it would be clearer to include the administrators; the definition in "b" is the same definition in 15.1-13-01. We are fully in support of this. The position is as much about the chemistry with staff and the ability to relate with kids, as it is the qualifications on paper.

Chairman Dever: I recall a conversation last session and the need for clarification.

Bev Nielson: You are correct, and there wasn't time and it did not seem appropriate to attach an amendment because it was unrelated to rest of the bill.

Chairman Dever: Any additional in support, opposition?

(13:50) Lonnie Wangen, Commissioner of Veterans' Affairs North Dakota: Testified in opposition to the bill. To give you a little history, two sessions ago we got together with the Adjutant General's office, OMB's HR office, Department of Veterans' Affairs, Gene Cuba, Job Service veterans' representatives and cleaned up the veterans' laws. There was a little bit of misunderstanding in here and complications with whether you use a personnel system or if you do not use a competitive personnel system. There were administrative

code laws and there were Attorney General's opinions, and case laws. We took all these together and we re-wrote the entire century code on veterans' preference to make it easier to read for our HR people when they are having to administer veterans' preference. One thing we did is if you do not use a competitive personnel system, in other words, if you do not use a point scale to rate your applications than the law pretty much stayed the same. If you get a veteran that is qualified for the position, a disabled veteran has first right to it, and then a veteran, and then after that to a civilian. What we have done with a personnel ranking system we made it a lot easier for employers to get the applicant that they want and yet give an advantage to the veteran. As they review the applications, they look at the ones that meet the average requirement and if they use a 100 point scale, the most they will be able to get is a 100. Then if they have a veteran in there they would get the 5 points and if it is a disabled veteran, you would add the 10 points. That would simply give you a better opportunity of getting an interview. At that time veteran's preference for the most part stops. You have to have a predetermined number of applicants you are going to interview and we are hoping a veteran makes it up there. Then you are going to interview and you are going to hire the best person. It give that veteran a better chance at an interview, and it gives that agency the choice of who they are going to hire in that group. We have had no complaints on this, employers like this, and veterans like it and it is easier to understand. Veteran's preference appeals have gone down. There was another bill then to add a coach, and the House put in for a study for this in the interim of all the exempted positions that are listed on there and if they are necessary anymore. That was not approved for the study and we have not come back to clarify this at all. In reality I don't see exemptions being all that necessary anymore. We did change the law that you cannot have a promotion. The Attorney General's opinion was that veterans' preference is to help

a veteran get a job, not to get you promoted. State agency to state agency veterans' preference would not apply for you. If you are unemployed you could.

(19:22) Chairman Dever: Do I understand your opposition to the bill is that it expands an exemption or that the exemptions in here should not exist?

Lonnie Wangen: Yes that they should not exist. When discussing those the last time, we left those in there and we wanted to see if there was an effect and if it caused any problems. In reality, we did not feel that those exemptions were as necessary as they were in the past when you had to hire the disabled veteran that met the very minimal standard.

Senator Marcellais: It says veterans; does that mean wartime veterans, or all veterans?

Lonnie Wangen: It is a wartime veteran. That was part of our bill to remove that and it did not get removed. It basically means you served one day during a war.

Chairman Dever: I think that ran into a roadblock in this committee last session.

Senator Marcellais: That includes all of your veterans that qualify have to have at least 180 days active duty to qualify for this?

Lonnie Wangen: No, the laws have changed since then. Over the years, the requirements to become a veteran has changed and with the current war right now, if you are called to active duty as a guard member, or like the Air Force and you go for 3 months, it does not meet the 180 days, so they changed it so that you complete the period of duty you are required to and you are considered a veteran. We were having people go into a war zone and coming back not considered a veteran. Through the years you have to look at the definition of when you served.

(22:30) John Jacobson, North Dakota Veterans' Coordinating Council: Testified in neutral position because committee votes were not in yet. It is under consideration.

Chairman Dever: Closed hearing.

2013 SENATE STANDING COMMITTEE MINUTES

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

SB 2201
01/24/2013
Job Number 17662

☐ Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened SB 2201 for committee discussion.

Senator Nelson: Mr. Wangen says they have a process and it is not really necessary, but it isn't hurtful to put in a further definition of administrator either.

Senator Nelson: Moved a Do Pass.

Senator Schaible: Seconded.

Chairman Dever: Asked for any further discussion.

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

Bill passed.

Chairman Dever: carrier

Date: 1/24

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2201

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 Schaible

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 Dever

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

REPORT OF STANDING COMMITTEE

SB 2201: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2201 was placed on the Eleventh order on the calendar.

2013 HOUSE EDUCATION

SB 2201

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SB 2201
March 6, 2013
19510

☐ Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: We will open the hearing on SB 2201.

Sen. Luick: Sponsor, explained the bill. There are instances where veterans' participation in the job market is very valuable and needed. It is imperative that we give these individuals a first crack at the possibility of hiring a veteran. The question that comes up is making sure that veterans are entirely qualified to fill the positions that they are applying for. In working with younger students, is one of those areas where it's kind of imperative that we make sure that anybody that is filling those positions are not only qualified but are necessary to put them in the front lines of working with those students. This bill basically incorporates the positions of the superintendent and principal to give them a little more latitude when it comes to discretionary hiring when it comes to working with the veterans on these important positions.

Ch. Nathe: In the past, if I was an administrator or principal or technical ed. director applying for a job, I didn't get any veteran's preference points. This bill would give them that opportunity. Is that correct.

Sen. Luick: Yes.

Ch. Nathe: So the bill before us is current law with the exception back on page 4, on line 13-21.

Rep. Mock: I think it's quite the opposite. I think that superintendents are not granted veteran's preference under the current law and I think this would extend that to include all administrators.

Sen. Luick: You are exactly right. I was just going to correct that. It gives the hiring of those positions more discretionary hiring, so that we make sure that those positions are filled with qualified candidates. So if the veteran is qualified, then absolutely hire him. But he is not going to get that preferential treatment for that position.

Ch. Nathe: Thank you. Further testimony in support of SB 2201.

Jon Martinson, ND School Board Association: Support. This bill was brought forth on our behalf. The purpose of it has to do with the focus these days on public education in terms of accountability. We have No Child Left Behind, we have state assessments, we have testing, we have student achievement issues, we have the ND scholarships that students can apply for. We have high expectations of the public, that the public schools perform and educate our students. With that in mind, the focus of this bill is on page 4, line 4; current law exempts superintendents of schools, teachers, and then a list of other people primarily with higher education from veterans preference. We looked at it and saw a gap, on line 4, between a superintendent of a school and a teacher. How about the principal, which is a critical role in education. So initially, we were thinking that we could just add the word "principal". But then we thought about an asst. principal, asst. superintendent, so we decided to present to you the concept of the term "administrator" which is in code and it is defined in this bill on lines 13 down to 21, in which an administrator now means a school superintendent, an assistant or associate school superintendent, a school principal, an assistant or associate school principal, special education director, etc. thus the term of administrator is added and defined in code. Our view is that our very talented veterans can compete with anybody on any field, and certainly in this particular area of competing for a position of principal, those that are qualified should certainly get the position.

Rep. Meier: Are you aware of how this lines up with the rest of the US and what other states are doing.

Mr. Martinson: I am not.

Rep. Mock: If two applicants apply for any position that is not exempt. If one is a veteran and one is not, the veteran preference only kick in if both candidates are equally qualified and then the preference must go to the veteran or does the veteran get additional points that they may be less qualified but be required to be offered the position first. How does that work and to what degree or variation is there between qualifications and preference.

Mr. Martinson: I am not an expert on veterans preference, but what I do know, you outlined very accurately. When the veteran applies for a position, the veteran would receive 5 additional points on some type of rating scale and if all things were equal, or even if things were not quite equal, those 5 points would put the veteran over the top and would receive the position.

Rep. Wall: The veteran's preference points would get the veteran to the interview process. Does it go beyond the interview process, would they be given points after the interviews are completed.

Mr. Martinson: I don't know that for sure.

Ch. Nathe: Thank you. Further testimony in support.

Doug Johnson, Exec. Dir., ND Council of Educational Leaders: Support. I believe this bill was passed back in the 2005 session and as we worked with this particular structure, we found that the administrative staff, the principals, the career and tech ed. directors, the special education directors and CTE directors and all those individuals were not included in the list, because it only specified for the superintendent. All of the other licensed staff and credentialed staff were included in that. For that reason, we do support this bill. It does streamline the process for a school district to go into that particular process. During the 2005 session, I believe when this bill was passed, the way that most school districts need to set this up, they need to have a screening process where they assign points towards individuals as they apply for the position and then the veterans preference is usually given an additional point weighting, on a 100 point scale, it is usually 10 points. That would get them an additional 10 points over another individual in that scoring process and would allow that individual the additional opportunity to be considered for an interview. That is not the final determinant; it's obviously the process of the interview that makes that final decision for the person that's selected for the position.

Rep. Heller: Do other states offer preference for veterans in the hiring process.

Mr. Johnson: I would only be speculating on that, but I'm going to say, for the most part, most states do.

Rep. Wall: Do the preference points disappear during the interview process then, or are they applied in some way.

Mr. Johnson: It usually is still applied as far as the process they go through that and each school district is going to be different. They will usually set up a scoring system for the questions that they ask and then score that as they go through that selection process. They will look at those numbers that they've had for the admittance to the interview process and along with the scoring rubric that they set up for the questions they have asked in the interview. I think both of those play into the decision-making process. That's going to vary from district to district as they do it.

Ch. Nathe: How does this streamline the process?

Mr. Johnson: It streamlines the process procedurally. Take advertising, for example, that they would have for a school district position, so all the positions that are in the licensed or credentialed area are now all exempt status by this. Whereas, a school district, for those particular individuals who were not included in this part of the changed bill, would have to make sure that they did that process and set that up. It would not exempt them from that process for the non-classified staff. You will still use that same process of selection.

Ch. Nathe: Thank you. Further testimony in support. Testimony in opposition.

John Jacobsen, Legislative Committee for the ND Veterans Coordinating Council: Opposed (see attached #1 and #2). He read #1 to the committee for Lonnie Wangen who was unable to be at the hearing.

Rep. Meier: When your council reviewed this legislation, are you aware if other states are exempting administrators from veteran's preference currently.

Mr. Jacobsen: I don't know.

Rep. Meier: When your council reviewed this legislation, was it unanimous that you did not support this legislation. It has to be unanimous that you do or do not support something.

Mr. Jacobsen: It requires a unanimous vote for us to support. If we get one vote against the bill, we cannot support it. On behalf of the coordinating council, we ask for a Do Not Pass.

Rep. J. Kelsh: When you talk about a disabled veteran, does that mean that they have to be disabled in some kind of duty, or if they are a veteran and are involved in a car accident and are disabled, does that qualify them as a disabled veteran.

Mr. Jacobsen: It is my understanding that if the veteran is injured while on duty, he could be classified a disabled veteran, depending on the VA.

Rep. J. Kelsh: So in other words, if he was out of the service it makes him a veteran, has a car accident, it's not a disabled veteran.

Mr. Jacobsen: I would say not.

Rep. Wall: Looking at the bill, it appears to me that the new language added is to make up for an error of omission earlier. How do you see this as detrimental?

Mr. Jacobsen: I have read the bill and since my total knowledge of veteran's preference is not what it could be, I don't know.

Ch. Nathe: In the bill, the current law and the way it stands, teachers, administrators, heads of departments are already exempt from preference points. Does your organization support the current law exempting teachers, and those groups from preference points, because all we're doing is adding one more class to the exemption?

Mr. Jacobsen: I think in Lonnie's testimony, he doesn't feel that there is justification to exempt more positions from the veteran's preference laws. In fact, there is more justification to remove some of the existing exemptions from the law. That's about all I can go by.

Rep. D. Johnson: Did veterans come in when it was heard by the Senate opposed to this bill.

Mr. Jacobsen: I missed the testimony on that, because I was on another bill.

Ch. Nathe: Thank you. Further testimony in opposition. We will close the hearing on SB 2201.

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SB 2201
March 12, 2013
19784

☐ Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: Let's take a look at SB 2201.

Rep. Schatz: I have some amendments for this bill. On page 4, line 3 and 4. Line 3a says "this section does not apply when the position to be filled is that of an administrator, teacher, and administrative head". My amendment would be to remove "an administrator" and overstrike "teacher". In other words, the veteran's preference would apply to administrators and teachers. Also on page 4, it removes lines 13-21, which deals with what is an administrator. This was drawn up by Legislative Council, and I wanted to include administrators and teachers as far as veteran's preference, and being able to apply the points when you apply for a job.

Ch. Nathe: What is the reason for doing that, because we've had teacher in there currently in code?

Rep. Schatz: Veterans do not get a preference when they are applying for a job to be a teacher.

Ch. Nathe: That is the way that it stands right now.

Rep. Schatz: I would like the veterans to get preference to be interviewed, to be teachers, if they are qualified.

Ch. Nathe: Along with administrators.

Rep. Schatz: Yes. I move the amendment.

Rep. Heller: Second the motion.

Rep. Rust: I would oppose that amendment and much prefer to see the way the bill was originally presented to us that we would vote on that bill. I like that better, it seems more appropriate. We have not had a veteran's preference for superintendent or a teacher in the past, and I would like to keep that plus add the principal.

Ch. Nathe: (To Jon Martinson, ND School Boards Association) What is the reasoning for not giving a teacher preference points. Why is that currently in code, and why we want to do it for administrators?

Jon Martinson: I think there are a number of reasons for adding administrator and those positions that include principal. For example, right now I am working with the Finley/Sharon School District and they are hiring a superintendent/high school principal. Would that position be entitled to veteran's preference or would they be exempt from veteran's preference that is vague. That's one of the reasons that we wanted administrator, which would include principal added to that.

Ch. Nathe: Does this make the hiring process go more smoothly.

Mr. Martinson: It makes the hiring process extremely complicated. If you would like to have some first-hand information about that, I have two members of our staff that works with that that can briefly give you an idea of how complex that would become.

Alyssa Martin, Director of Policy Services, ND School Boards Association: One of my jobs is to guide school districts through the process involved with hiring employees. Under law right now, our classified staff, janitors, cooks, business managers are subject to veteran's preference. When we have to hire those individuals, the first thing we have to do is write a very detailed job description, the job announcement that goes out. That way we establish a high set of qualifications to make sure that we get the right person for the job. The next step is to develop a classified personnel system and that's this 100 point system that we have to use in order to rank individuals and to provide them veterans preference. We have to get that in order before we start the hiring process. After we run our qualified candidates through that system, then finally we can assess the top candidates through the interview process. As you can imagine, it is a simpler process where a janitors, cooks, etc. because you can quantify qualifications. When we're talking about leadership positions in a school district, such as a superintendent or a principal it becomes very difficult to develop a competitive personnel system on a 100 point basis to determine who would be best qualified for the position.

Rep. J. Kelsh: Is the veteran's preference only for the interview process or does that carry through to the hiring process. Is the veterans preference still in effect when it comes time to offer the job to someone; you are trying to make a choice between a veteran and someone else after the interview, would the veterans preference still be in effect at that point.

Ms. Martin: It is a 3-tier process and it all leads up to the hiring decision. The first phase is to determine if candidates are qualified. If you want to, at that point, you can stop and if a veteran is qualified, hire the veterans. You can, then go on to step 2 if you are not satisfied and you can, at that point, develop a classified personnel system. That is the 100 point system that you use to determine who seems to have the skill set that you are looking for. Under that system, the veteran gets 5 points automatically, a disabled vet get 10 points. Typically, a school district will look at the top three candidates after running the classified personnel system. Those

individuals will then be subject to an interview. After the interview, then a hiring decision will be made.

Ch. Nathe: With the amendments before us, this would give the teacher's veteran's points, so if it is a teacher/vice president that would create problems, because we can't give veterans points to one but not the other.

Ms. Martin: Right.

Ch. Nathe: It looks to just stay more consistent.

Ms. Martin: Exactly, we are looking for some consistency. We believe that when the bill was originally created, it was an oversight that principals were omitted, so our hope was for inclusion of all administrators in the exemption under law.

Ch. Nathe: That goes the same for athletic coaches.

Ms. Martin: Yes, actually the definition that we used for administrator, comes from the teacher licensing section of law, and we borrowed language from that section, NDCC 15.1-13-01.

Rep. Schatz: As I am looking at this, I believe more and more in it all the time, because I think administrators and teachers, veterans should be given preference for interviewing. You talk about leadership. Veterans have had a lot of leadership, that's what they've done when they were in the service. There is a definite element for that for them. When they served our country, isn't it our job to give them an opportunity to at least interview. I don't see why administrators and teachers should be excluded from that list at all.

Rep. Meier: Do you know if other states give veterans preference to teachers or administrators.

Ms. Martin: I am uncertain of the state in other states.

Rep. Meier: Is there anybody that knows if other states have preference to veterans for teachers from DPI. Could we find that out?

Rep. J. Kelsh: In other words, if we don't take teachers out of here and allow them veteran's preference, an administrator who would do any teaching, which in a lot of smaller schools is the case, you couldn't use the veteran's preference. How would it work?

Ch. Nathe: How does that work right now when you have a teacher/administrator under the current system?

Ms. Martin: Right now, if the school district is simply hiring for a teaching position, then that teacher is exempt from veteran's preference. If the school district advertised for a principal/teacher, we have been advising them that they need to

honor the veterans preference law, and apply it during the hiring process. That does become very cumbersome.

Rep. Heller: I did a little research on why these veterans' preference laws ever came to be, it was because while these people were serving our country, the ones that were home were moving on with their lives, getting to college, getting a job, so that when these veterans come back, they are behind. They were protecting our country so when they hit the ground back home, these were meant to level the playing field.

Rep. B. Koppelman: I don't have a problem with the bill as written, where it does add the administrator, having been on the school board, I understand the variety of administrators that might have very specialized needs that you want. This is not like a standard classroom teacher or standard principal. I find troubling that the only one of these things that we define in here, is administrator. As we've reviewed multiple laws, we constantly have to take stuff out of law and give a new laundry list because the old laundry list is old-fashioned or out-of-date. I don't see having to define what a teacher is, I don't see having to define what an executive Dean, so I would be more comfortable taking out the administrator section, let that become fluid with how we define it in other places in code, and also because I can give you examples of directors in my home school district that aren't listed here. So is a director of Food Service allowed to use veteran's preference but not the director of athletics? I would almost like to suggest taking the description out and let it defer to the other parts in code where we have the licensing; or if you do have to list something specific, say somebody who is on an administrative contract. Clearly they have different contracts than the teacher's contracts.

Ms. Martin: When we originally drafted the bill, we just had the cross referencing in, but they wanted an expansion of that. So that's why it is in this current format.

Mr. Martinson: If the committee would be interested in another option, and that is rather than listing administrator in this bill, according to code and having a number of those positions, maybe you would consider just adding principal, that one position.

Ch. Nathe: Principal in place of administrator.

Mr. Martinson: Right.

Rep. Schatz: Didn't the veterans group come in opposed to this bill. All veterans are against it; it hurts the veterans. My amendment gives them preference. I think they deserve preference as teachers and administrators during the interview process.

Ch. Nathe: The veterans wanted the exemption removed for all the positions currently in law.

Rep. Meier: In MN they do give veterans preference to educators.

Rep. Rust: The testimony that was read from Lonnie Wangen said, in fact, there is more justification to remove some of the existing exemptions, not all of them.

Rep. B. Koppelman: If that's the direction that we were going to go, then I see no point in having a lot of the references to higher ed educators, coaches, etc. in this section either, if that is what the goal was. If the goal was just to better represent the section and keep the section, and not go to the extreme and remove it, then I think I agree with Rep. Rust in leaving the language in context but my only problem is not liking the description in section b in there.

Rep. Mock: The amendment would leave the overstruck language of superintendent of schools, so anyone applying for a superintendent position would get veterans preference as would any administrator and teacher.

Ch. Nathe: Correct.

Rep. Mock: Currently, veteran's preference does not apply to superintendents and teachers.

Ch. Nathe: According to the amendment, the overstruck language would stay in.

Rep. Mock: We would be going from current law, which is superintendent and teacher are exempt from veterans preference; administrators are not, as are administrative heads to departments.

Rep. Schatz: On line 3, it says remove "a", and remove administrator overstrike teacher, insert thereafter and administrative head, that of an administrative head. It wouldn't say "an" and then superintendent because you can't do that. So the intent was to go from there to there, otherwise she wouldn't have put "an" in there. According to Anita Thomas from LC, that stays struck, get rid of administrator, get rid of teacher and put the letter "an" because you got rid of "a". So superintendent is struck.

Ch. Nathe: Amendment motion fails, 5-8-0.

Rep. B. Koppelman: I would like to amend the bill in section b by removing it and that would essentially allow the statute to refer back to other sections of law just like it does for all those other descriptive categories. It would be lines 13-21.

Rep. Meier: Second the motion.

Ch. Nathe: Ms. Martin, would this cause any problems with the hiring process if we were to strike this language.

Ms. Martin: I don't see any anticipated problems; however I would suggest that on line 4, we say "a school administrator" to clarify that we are speaking within an educational context.

Ch. Nathe: Versus administrator.

Ms. Martin: We think administrator is too vague, it doesn't quantify that it is an education administrator.

Rep. B. Koppelman: I will amend my motion to include "a school administrator" in place of just administrator.

Rep. Meier: I so amend my second.

Ch. Nathe: On line 4, we will take out an administrator, and add a school administrator.

Rep. Heilman: Would that then include non-public schools.

Rep. B. Koppelman: In reading earlier in the bill, the whole section talks about public employment so I think they would all be exempted anyway.

Annette Bendesh, Legal Counsel to the ND School Boards Association: I think that clarifying it as a school administrator would be fine. Just leaving it as an administrator would leave it ambiguous; administrator of what. But if we say school administrator, then our school boards have the ability to figure out what administration is relative to their district.

Rep. Mock: I can only assume or presume that we have sections of code that define what a school administrator would be and more importantly, are there conflicting sections of what a school administrator may be.

Ms. Bendesh: Under the teacher licensing section of code, which is in title 15.1 it does define administrator and I believe that is the only place in title 15.1, which is our school code, that administrator is defined. That was the definition we relied on when we originally worked on the language for this bill.

Rep. Rust: For purpose of decreasing confusion, I would suggest that we vote no on the amendment and leave it as it was presented to us.

Rep. B. Koppelman: One of the concerns that I have with leaving it this way is you're going to have a bunch of equal level positions within a school district, and some you're going to say you get that veterans preference and you don't, you do and you don't, just because you happen to be in the laundry list. When school districts try to create a hierarchy or payment levels for their administrators, they are going to try and determine what the job responsibility is, what the education requirements are, to decide what the salaries are, and often times have equal level positions that do different things. For example, a director of food service and a director of special education might be somewhere similar in levels; that's what you would have in this bill. If you take that out, then you are leaving it to the local school district to decide; if these people on an administrative contract, we're going to treat them as administrators. We're going to have an administrative way of doing things; if they're

a teacher we do the same thing. This would be a very unique way of segmenting that if we don't approve the amendment.

Rep. J. Kelsh: I think we should know why there were these exceptions to the veteran's preference law. What were the reasons for those in the first place? Without knowing that, why are we changing it. I suppose there were reasons at one time, and I'm not sure what they were. I understand what Rep. Heller said about the reasons for the veteran's preference but why are they exceptions.

Rep. Rust: One of the reasons is because with a school administrator there are some things that are probably more important than qualifications. One of which might be communication skills, which is really difficult to quantify. You could have two people that are equally qualified and you would be best suited if you hired the person with the best communication skills, because that is probably going to get that individual in that school district through a lot of problems in the future. It is difficult to quantify communication skills, how many points do you give those. I think that might have been some of the intangibles that dealing with people that bring about that cause those exceptions to be put in there. As such, I liked the bill as it was originally introduced with section b.

Rep. Hunskor: If you have two people apply for the superintendent's job, and one is a veteran and his preference points gives him the greatest number of points, does the school board have to hire that person, or can they at their own whim decide to take the non-veteran.

Rep. Rust: They are exempt right now.

Rep. Hunskor: If they weren't exempt. Does the board have to hire the veteran if he has the greater number of points or can they choose someone else?

Rep. Rust: Better have a reason for choosing somebody else.

Rep. Hunskor: But they could, if they so choose.

Rep. B. Koppelman: It doesn't become that black and white because a superintendent is only hired once in a while. Teachers you hire all the time. There is a very standardized process and so they may have a point system for a teacher or for a regular administrator maybe. For a superintendent oftentimes the school board might write a section of questions. Then they might decide, while I the school board member like this guy because of the way he answered these 10 questions. But it probably isn't he gets 3 points for this and 5 points for that on a 100 point scale, where you can give them 10% preference. It isn't that easy. The veteran's preference oftentimes does not apply because they aren't using a point system like that.

Rep. Heller: I was under the impression that this just got them to the interview. After the interview, the preference law goes away.

Rep. Wall: That's correct. The preference points only apply long enough to get to the interview process. After the interview is over, veteran's preference points go away and are negated.

Rep. J. Kelsh: I had asked Ms. Martin a question, and was under the impression that they carried through. If they had 5 points given to them because they were a veteran and 10 because they were a disabled veteran that they were carried through.

Ms. Martin: The competitive personnel system is where the points are assigned. Each school district determines what the competitive personnel system is going to look at. For some schools, the interview process itself is the competitive personnel system, so that is where the points are assigned. In other school districts, they will create a screening mechanism where they will give 5 points for a master degree, and 10 points if you have had a certain number of years of experience as an administrator. After they run the candidates through that screening mechanism, Rep. Heller is correct, the points go away and then they interview the top three or four. A lot depends on how the school district structures the competition personnel system. If they structure it as such that it is just a screening mechanism where a master's degree gets 5 points, etc. then Rep. Heller is correct. But if the competitive personnel is the interview itself, then those points are built into that system.

Rep. Mock: At the risk of adding to the confusion; I was visiting with Annette and others, I can support removing subsection b on page 4, as it was originally presented was to have an administrator on line 4, page 4, to read "an administrator as defined in 15.1-13-01, teacher, administrative head" etc. That way you do have the reference in law, and you only have one definition in law, and if that definition ever changes you don't have to change multiple sections of law in order for this to be consistent. I don't know if Rep. B. Koppelman and Rep. Meier would like to amend their motion, or just want to act on it as is, but I think we can simplify this section, the intent of the bill to reference that definition and then we can act on the bill as it was presented to us.

Rep. B. Koppelman: I think that solution is fine. That's what I was trying to get at. So we would be removing the "school" and it would become "an administrator as defined by section 15.1-13-01" and section b would still be removed.

Rep. Meier: I will move that as well.

Ch. Nathe: On line 4, it will stay as an administrator as defined in section 15.1-13-01 and so the motion we have will be to add that, along with removing language on lines 13-21. Teacher stays in. Clerk will call the roll. 13 YES 0 NO 0 Absent. We now have the bill before us as amended. What are the committee's wishes?

Rep. Rust: I move a Do Pass for SB 2201 as amended.

Rep. B. Koppelman: Second the motion.

8 YES 5 NO 0 ABSENT DO PASS AS AMENDED CARRIER: Rep. B. Koppelman

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SB 2201
March 18, 2013
20067

☐ Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: We had to bring this back from the Floor, it has to do with the veteran's preference points.

Rep. Schatz: I move that we reconsider our actions on SB 2201.

Rep. Rohr: Second the motion.

Ch. Nathe: We will take a voice vote. Motion carried.

Rep. Schatz: I have amended SB 2201. The point of this was that I felt we needed veteran's preference for everybody in education. I think that's important from the Chancellor on down to food service, that an interview strictly only is veteran's preference. That is basically what this bill does, it removes on page 4, everything from line 3 down to line 21; it does strike out the "a" and #5. That's the basic idea of the bill. I move the amendments, .01003.

Rep. Rohr: Second the motion.

Rep. B. Koppelman: One of the reasons why, when we went over this before, that I was so interested in striking out lines 13-21 on the original bill, was because I thought that administrator belonged there if we were going to have the rest of the education jobs there. If we're going to remove them all, that's fine with me. I just wanted consistency.

Ch. Nathe: We will take a voice vote; motion carried. We now have the bill before us as amended.

Rep. Schatz: I move a Do Pass as amended.

Rep. Wall: Second the motion.

13 YES 0 NO 0 ABSENT DO PASS AS AMENDED

CARRIER: Rep. Schatz

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SB 2201
March 27, 2013
20546

☐ Conference Committee

Committee Clerk Signature: 

Minutes:

Ch. Nathe: We need to take another look at SB 2201. We need a motion to reconsider.

Rep. Schatz: I move that we reconsider our actions on SB 2201.

Rep. Rust: Second the motion.

Ch. Nathe: Voice vote, motion carried.

Brief recess.

Ch. Nathe: We have SB 2201 before us.

Rep. Schatz: I've got some amendments (see attached #1 and #1A). The bill is the same except for the 4th page. If you remember we took at section 4 in the last amendments and found out that there are some problems with that. We are adding part of section 4 back in. Basically it says that, "This section does not apply when the position to be filled is that of an administrative head of a department required by law, or the chief deputy or private secretary of an elected or appointed official. Temporary committees and individual or group appointments made by the governor or legislative assembly are also exempted from the provisions of this section. If an exempt position is advertised, the advertisement must state that veterans' preference does not apply to the position being advertised."

Laurie Sterioti Hammeren, Director, Human Resource Management Services, a division of OMB: Last biennium when we amended the veterans' preference law, we worked closely with Lonnie Wangen from Veterans Affairs and he worked closely with the veterans' groups and we felt like we really got a workable veterans' preference law and it has been working great. We were a little surprised about this bill and the changes to expand it. We didn't feel that it was necessary to expand the exemptions. The amendment to SB 2201 went a little bit too far and actually wiped out all of the exemptions and clearly we need to retain those that Rep. Schatz talked about this morning. We are very comfortable with the latest revision.

Ch. Nathe: So you are comfortable with striking out vice chancellors, presidents, assistants, athletic team coaches, on lines 6, 7 and 8 of the amendment.

Laurie Sterioti Hammeren: I should mention that my jurisdiction doesn't cover schools and/or higher education. I can't speak for those groups.

Rep. D. Johnson: If everything is working, why do we need the bill?

Ch. Nathe: It came from the ND School Board Association, they wanted to add administrator into the list of exemptions. In the original bill, 4b explained what administrator means and what it includes. Really, it was just to add administrator to the list of exemptions.

Rep. D. Johnson: So our amendments have gotten us to this point. Why isn't the bill working?

Rep. Schatz: It's my feeling that if teachers and school administrators should be part of the veterans' preference. I don't see why they are excluded. Basically that's what I had done with the amendments before and so under this amendment, teachers and administrators, there would be a veterans' preference when they come for an interview for them. Before they were not, they were excluded. That's the purpose of what I've done here.

Ch. Nathe: Was it also your intention for chancellor, vice chancellor, athletic coaches, and presidents.

Rep. Schatz: I've been reading this bill over and over and over again. On page 3, in section 3, if you have the bill in front of you, it says, "When a veteran applies for employment to a position that is being filled through a competitive personnel system". So "competitive" meaning there are four criteria that include being competitive: "a) No distinction or discrimination may be made in the administration of the competitive personnel system examination because the applicant may be a veteran." So right away, the veteran is not given any preference there; they are given 5 points on this test, on this examination in b); and c) the employing authority shall designate a prescribed number of eligible individuals to be considered from the top number of the group of eligible candidates in rank order, from highest to lowest, based on the applicant's final score. So you're going to rank all of your people, 1 through 8, for example. If the veteran is #4, then obviously he is not going to get the job. Finally on d) the employing authority shall fill the position from the group of eligible individuals to be considered. The employing authority may further inquire into the qualifications of each eligible individual from within that group through means including interviews, background checks, and skills testing. That section, to me, basically says whoever the hiring authority is; they are going to be able to pick the person that they want to hire. As far as veterans mandatorily being hired, no. That section prevents that.

Ch. Nathe: You're just looking for them to get the 5 point credit.

Rep. Schatz: Correct, the 5 points to get the interview. That's what I am looking for.

Rep. Rohr: This bill in the last session went to GVA and we actually had a female coach from UND at the meeting to testify to add that part that has now been struck from the bill. I don't know the details about it.

Lonnie Wangen, Commissioner of Veterans Affairs, State of ND: Yes, we worked on our revisions of this during the biennium, up until last session, so we brought that bill forward and we were unaware that they were bringing this coaches' bill forward, so that kind of blind-sided us. At that point, we were questioned on this section and when we worked on the bill, we didn't really look at the history of why these were on there, and our feeling at that time, was with the new bill it shouldn't apply here because as Rep. Schatz has said, now we're giving the hiring authority their choice. They don't have to hire the veteran that meets the minimum qualifications. They get the best person for the job. We felt that the coaches wouldn't even be necessary to be added at that point, but it did go through and the GVA asked that there be a study done to answer those questions. It didn't get picked up for a study. That's where we are at today.

Rep. Rust: Do you think the current bill is working well.

Lonnie Wangen: Are you talking about before any of this legislation is done here, yes. We've had a pretty good decrease in appeals from veterans on veterans' preference, and those appeals, the request for hearings, I've had one since we made the changes, that actually went to a hearing and it was settled. This really gives the employer a better chance to hire who fits and it gives that veteran a better chance of getting an interview. It's good all around.

Ch. Nathe: You support the amendments.

Lonnie Wangen: Yes, the way the amendments are that Rep. Schatz had brought today, I fully support them. We did meet with higher education and we did meet with the board of instructions and they didn't seem to have a problem.

Ch. Nathe: They saw the amendments as well.

Lonnie Wangen: Yes, they are aware of them and we explained how it works and they didn't seem to have any problems with it.

Rep. Rust: I'm going to go back to my original question; you really feel the current law, without any amendments this session has been working pretty well, so perhaps "it ain't broken".

Lonnie Wangen: I'm not saying that it's broken, but to have these exemptions for the teachers are no longer necessary. Those exemptions were in before we made the changes to the law. It isn't necessary; I believe that someone with a teaching degree does have a right to have those veterans' preference to be a teacher. With the

troops, there are a number of programs out there to encourage the military to become teachers. This is anti-productive to that. Our military is very well trained on training people and make great teachers.

Rep. Rohr: This question relates to the reason that the bill was brought forth by the school board people and I'm just throwing it out, because it was an issue of those with dual roles, like principal/superintendent. Is that going to create a problem?

Lonnie Wangen: With the discussion yesterday, and I forgot the name of the person who was part of this bill coming forward, their feeling initially was that if you read the way the law is now, it says teacher and then superintendent and it didn't include principal, and they thought that was kind of a skip; you go from teacher to superintendent, but the principal wasn't included and they thought that they would include that and when they started working on it, they created this whole new section and once we had the visit with them and explained how the program works, I can't testify for them, but they didn't have any objections.

Ch. Nathe: Was that Jon Martinson, from the School Board Association.

Laurie Sterioti Hammeren: We visited first with Kirsten Baesler, Superintendent of Public Schools and Jon Martinson was on the conference call with us. He was aware. Bob Marthaller was also at the meeting. I asked if they would contact their other counterparts such as NDEA and the other groups that were interested in this. Kirsten's comment to me was that she felt in light of the way we revised the statute last biennium, that it would be appropriate for teachers to be considered for veterans' preference. They get the 5 points and 10 points if they are a disabled veteran. Really, last biennium, we wanted to say that people don't get absolute preference if you're a veteran, if you have a competitive process. So we have the best of both worlds. Veterans get consideration, they get a foot in the door for an interview, and they still have to prove themselves so that the employer then can still select the best candidate for the job. That's a workable situation. She said that she thinks they can apply veterans' preference to teachers now. Similarly, we met with Kirsten Franzen, who is the chief compliance officer for the University System yesterday and she said similarly she is trying to work with the HR folks in the University System to change some things. She said that she believes we should be applying veterans' preference to many of these positions. I'm a little surprised about that, but I said that was her area and it was her decision.

Rep. Wall: On page 4, who are we exempting now that we didn't before?

Rep. Schatz: Who are we exempting now by this amendment? The administrative heads of departments, chief deputies. If you're the head of a department, you're going to want your #2, is somebody you want to have, that thinks like you. So the Governor has a deputy, and if you had to go through a process, he wouldn't get the person he wanted for the job that could fulfill the requirements that he is looking for.

Ch. Nathe: I think it would be like the Dept. of Labor, his deputy. He would be exempt and so would the deputy.

Laurie Sterioti Hammeren: That is correct. As an elected official or appointee; the administrative heads of agencies required by law would be appointees of the governor. The governor's cabinet. Then it would be those deputies, the Ag commissioner and the Deputy of the Ag Commissioner, so the Ag Commissioner could appoint his own deputy and one private secretary for the official. Of course, temporary committees and individual groups appointed by the governor or the legislature. We don't have a typical recruitment process for those positions. People choose those individuals because they support their philosophy.

Rep. Wall: Am I to assume, starting on page 4, line 6, that a lot of these deal with higher education. Are they exempt from veterans' preference or are they included in getting veterans' preference.

Laurie Sterioti Hammeren: This latest amendment that Rep. Schatz introduced, would require them not to be subject to veterans' preference because you can see that there is struck through and so now that would put them back under the purview of being subject to veterans' preference.

Rep. Rust: I am trying to recall how the process works. Is it the veteran when he applies for a job asks for veteran preference or is it that it is clearly established in law so you must have the procedure in place to begin with?

Lonnie Wangen: If you are a qualified agency, such as a state agency, county, municipalities, then you have to abide by the veterans' preference laws and so on your application that you provide to your applicants there is a veterans' preference check box, and it asks if they are a veteran and if you would like to apply for veterans' preference and you check box for 5 points and if you are a disabled vet you would check the box for 10 points and provide the documentation. Once they've added up all the points for all the applicants, then at the end of that, they would add the 5 or 10 points. If you had a 100 point scale, and you have the perfect candidate and they had 100 points, they could end up with 110 if they are a disabled veteran. They have a prescribed number of interviews, so they say they are going to interview the top 5 that helps the veteran get up to that interview. They interview the top 5 and they choose from that group.

Rep. Rust: There may be a need for some education then with some employers once this passes.

Rep. Schatz: To answer Rep. Wall's question, on page 3, section d, it says the employing authority shall fill the position from the group of eligible individuals to be considered. The employing authority may further inquire into the qualifications of each eligible individual from within that group through means including interviews, background checks and skills testing. I think that sets it apart. It is going to give that employing authority the right to decide who they are going to hire.

Rep. Wall: I have no problem with that. One of my questions is, what exactly does this amendment change.

Rep. Schatz: Veterans' preference points will be awarded to veterans applying for employment as teachers and administrators of our public schools. Currently points are not being considered as part of the application process. Veterans were not given preference if they want to be a teacher in a school.

Rep. Wall: I thought we had addressed before.

Rep. Schatz: We did, we knocked out all of section 4, but we are bringing back these parts of section 4.

Ch. Nathe: To address the concerns of OMB.

Rep. Schatz: The amendments we passed before, when it went up to the Floor, there was no section 4; section 4 was gone.

Ch. Nathe: In section 4a and 4b were taken out when we last acted on this bill. Rep. Schatz's amendment brings back the positions that OMB needs to be exempt.

Rep. Schatz: I move the amendment 13.0661.01005, 04000.

Rep. B. Koppelman: Second the motion.

Ch. Nathe: We will take a voice vote. Motion carried. We now have the bill before us as amended. What are your wishes?

Rep. Schatz: I move a Do Pass as Amended.

Rep. Rohr: Second the motion.

Rep. Rust: If the current law has been working well, I'm not sure why we are changing it.

Ch. Nathe: The clerk will take the roll.

11 YES 2 NO 0 ABSENT DO PASS AS AMENDED CARRIER: Rep. Schatz

13.0661.01002
Title.02000

Adopted by the Education Committee

March 12, 2013

VLC
3/13/13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2201

Page 4, line 3, remove "a."

Page 4, line 4, after "administrator" insert "as defined in section 15.1-13-01"

Page 4, remove lines 13 through 21

Renumber accordingly

*Amendment was adopted on 3/12 but
was changed 3/18/2013.*

March 18, 2013

✓
3/18/13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2201

In lieu of the amendments as printed on page 900 of the House Journal, Senate Bill No 2201 is amended as follows:

Page 4, line 3, remove "a."

Page 4, line 3, overstrike "This section does not apply when the position to be filled is that of"

Page 4, line 4, remove "an administrator"

Page 4, line 4, overstrike ", teacher, administrative head of a"

Page 4, overstrike lines 5 through 12

Page 4, remove lines 13 through 21

Page 4, line 22, overstrike "5."

Renumber accordingly

March 27, 2013

VK
3/27/13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2201

In lieu of the amendments adopted by the House as printed on pages 991 and 992 of the House Journal, Senate Bill No. 2201 is amended as follows:

Page 1, line 2, remove "school district"

Page 4, line 3, remove "a."

Page 4, line 4, remove "an administrator"

Page 4, line 4, overstrike ", teacher," and insert immediately thereafter "an"

Page 4, line 5, overstrike the comma

Page 4, line 6, overstrike "; the chancellor and vice chancellors of the board of higher"

Page 4, overstrike line 7

Page 4, line 8, overstrike "president, provosts, instructors, and athletic team coaches of board institutions"

Page 4, remove lines 13 through 21

Renumber accordingly

Date: 3/12/13

Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2201

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13.0661.01001

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

Motion Made By Rep. Schatz Seconded By Rep. Heller

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe		<input checked="" type="checkbox"/>	Rep. Bob Hunskor		<input checked="" type="checkbox"/>
Rep. Mike Schatz	<input checked="" type="checkbox"/>		Rep. Jerry Kelsh		<input checked="" type="checkbox"/>
Rep. Joe Heilman	<input checked="" type="checkbox"/>		Rep. Corey Mock	<input checked="" type="checkbox"/>	
Rep. Brenda Heller	<input checked="" type="checkbox"/>				
Rep. Dennis Johnson		<input checked="" type="checkbox"/>			
Rep. Ben Koppelman		<input checked="" type="checkbox"/>			
Rep. Lisa Meier	<input checked="" type="checkbox"/>				
Rep. Karen Rohr		<input checked="" type="checkbox"/>			
Rep. David Rust		<input checked="" type="checkbox"/>			
Rep. John Wall		<input checked="" type="checkbox"/>			

TOTAL (YES) 5 (NO) 8 (ABSENT) —

FLOOR ASSIGNMENT _____

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

Schatz amendment. Failed

Date: 3/12/13Roll Call Vote #: 22013 HOUSE STANDING COMMITTEE
ROLL CALL VOTESBILL/RESOLUTION NO. 2201

House

EDUCATION

Committee

☐ Check here for Conference CommitteeLegislative Council Amendment Number 13.0661.01002 02000Action Taken: ☒ Do Pass ☒ Amended ☐ Rerefer to Appropriations☐ Do Not Pass ☐ Adopt AmendmentMotion Made By Rep. Koppelman Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor	✓	
Rep. Mike Schatz	✓		Rep. Jerry Kelsh	✓	
Rep. Joe Heilman	✓		Rep. Corey Mock	✓	
Rep. Brenda Heller	✓				
Rep. Dennis Johnson	✓				
Rep. Ben Koppelman	✓				
Rep. Lisa Meier	✓				
Rep. Karen Rohr	✓				
Rep. David Rust	✓				
Rep. John Wall	✓				

TOTAL (YES) 13 (NO) 0 (ABSENT) 0

FLOOR ASSIGNMENT _____

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

Koppelman Amendment. Carried.

Date: 3/12/13Roll Call Vote #: 32013 HOUSE STANDING COMMITTEE
ROLL CALL VOTESBILL/RESOLUTION NO. 2201

House

EDUCATION

Committee

☐ Check here for Conference CommitteeLegislative Council Amendment Number 13.0661.01002 02000Action Taken: ☒ Do Pass ☒ Amended ☐ Rerefer to Appropriations
☐ Do Not Pass ☐ Adopt AmendmentMotion Made By Rep. Rust Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunskor	✓	
Rep. Mike Schatz		✓	Rep. Jerry Kelsh		✓
Rep. Joe Heilman	✓		Rep. Corey Mock		✓
Rep. Brenda Heller		✓			
Rep. Dennis Johnson		✓			
Rep. Ben Koppelman	✓				
Rep. Lisa Meier	✓				
Rep. Karen Rohr	✓				
Rep. David Rust	✓				
Rep. John Wall	✓				

TOTAL (YES) 8 (NO) 5 (ABSENT) —FLOOR ASSIGNMENT Rep. Koppelman

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

Roll Call Vote #:

2013 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2201

House

EDUCATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken: ☐ Do Pass ☐ Amended ☐ Rerefer to Appropriations

☐ Do Not Pass ☐ Adopt Amendment

Motion Made By Rep. Schatz Seconded By Rep Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe			Rep. Bob Hunskor		
Rep. Mike Schatz			Rep. Jerry Kelsh		
Rep. Joe Heilman			Rep. Corey Mock		
Rep. Brenda Heller					
Rep. Dennis Johnson					
Rep. Ben Koppelman					
Rep. Lisa Meier					
Rep. Karen Rohr					
Rep. David Rust					
Rep. John Wall					

TOTAL (YES) _____ (NO) _____ (ABSENT) _____

FLOOR ASSIGNMENT _____

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

Voice Vote - Motion Carried to
Reconsider SB 2201

Date: 3/18/13

Roll Call Vote #: ✓

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2201

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13.0661.01003 03000

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

Motion Made By Rep. Schatz Seconded By Rep. Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe			Rep. Bob Hunsakor		
Rep. Mike Schatz			Rep. Jerry Kelsh		
Rep. Joe Heilman			Rep. Corey Mock		
Rep. Brenda Heller					
Rep. Dennis Johnson					
Rep. Ben Koppelman					
Rep. Lisa Meier					
Rep. Karen Rohr					
Rep. David Rust					
Rep. John Wall					

TOTAL (YES) _____ (NO) _____ (ABSENT) _____

FLOOR ASSIGNMENT _____

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

Voice Vote. Motion passed.

Date: 3/18/13Roll Call Vote #: 12013 HOUSE STANDING COMMITTEE
ROLL CALL VOTESBILL/RESOLUTION NO. 2201

House

EDUCATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☒ Amended ☐ Rerefer to Appropriations☐ Do Not Pass ☐ Adopt AmendmentMotion Made By Rep. Schatz Seconded By Rep. Wall

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor	✓	
Rep. Mike Schatz	✓		Rep. Jerry Kelsh	✓	
Rep. Joe Heilman	✓		Rep. Corey Mock	✓	
Rep. Brenda Heller	✓				
Rep. Dennis Johnson	✓				
Rep. Ben Koppelman	✓				
Rep. Lisa Meier	✓				
Rep. Karen Rohr	✓				
Rep. David Rust	✓				
Rep. John Wall	✓				

TOTAL (YES) 13 (NO) 0 (ABSENT) 0FLOOR ASSIGNMENT Rep. Schatz

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

Date: 3/27/13

Roll Call Vote #: —

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2201

House

EDUCATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Reconsider actions

Action Taken: ☐ Do Pass ☐ Amended ☐ Rerefer to Appropriations

☐ Do Not Pass ☐ Adopt Amendment

Motion Made By Rep. Schatz Seconded By Rep. Rust

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe			Rep. Bob Hunsakor		
Rep. Mike Schatz			Rep. Jerry Kelsh		
Rep. Joe Heilman			Rep. Corey Mock		
Rep. Brenda Heller					
Rep. Dennis Johnson					
Rep. Ben Koppelman					
Rep. Lisa Meier					
Rep. Karen Rohr					
Rep. David Rust					
Rep. John Wall					

TOTAL (YES) _____ (NO) _____ (ABSENT) _____

FLOOR ASSIGNMENT _____

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

voice vote, motion carried.

Date: 3/27/13
Roll Call Vote #:

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2201

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13.0661.01005 04000

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

Motion Made By Rep. Schatz Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe			Rep. Bob Hunskor		
Rep. Mike Schatz			Rep. Jerry Kelsh		
Rep. Joe Heilman			Rep. Corey Mock		
Rep. Brenda Heller					
Rep. Dennis Johnson					
Rep. Ben Koppelman					
Rep. Lisa Meier					
Rep. Karen Rohr					
Rep. David Rust					
Rep. John Wall					

TOTAL (YES) _____ (NO) _____ (ABSENT) _____

FLOOR ASSIGNMENT _____

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

Voice Vote - motion Carried.

Date: 3/27/13Roll Call Vote #: 12013 HOUSE STANDING COMMITTEE
ROLL CALL VOTESBILL/RESOLUTION NO. 2201

House

EDUCATION

Committee

☐ Check here for Conference CommitteeLegislative Council Amendment Number 13.0661.01005 04000

Action Taken:



Do Pass



Amended



Rerefer to Appropriations



Do Not Pass



Adopt Amendment

Motion Made By Rep. Schatz Seconded By Rep. Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor	✓	
Rep. Mike Schatz	✓		Rep. Jerry Kelsh	✓	
Rep. Joe Heilman	✓		Rep. Corey Mock	✓	
Rep. Brenda Heller	✓				
Rep. Dennis Johnson		✓			
Rep. Ben Koppelman	✓				
Rep. Lisa Meier	✓				
Rep. Karen Rohr	✓				
Rep. David Rust		✓			
Rep. John Wall	✓				

TOTAL (YES) 11 (NO) 2 (ABSENT) 0FLOOR ASSIGNMENT Rep. Schatz

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

REPORT OF STANDING COMMITTEE

SB 2201: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the Sixth order on the calendar.

Page 4, line 3, remove "a."

Page 4, line 4, after "administrator" insert "as defined in section 15.1-13-01"

Page 4, remove lines 13 through 21

Renumber accordingly

*The Bill was reconsidered and
brought back to committee.*

REPORT OF STANDING COMMITTEE

SB 2201: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 900 of the House Journal, Senate Bill No 2201 is amended as follows:

Page 4, line 3, remove "a."

Page 4, line 3, overstrike "This section does not apply when the position to be filled is that of"

Page 4, line 4, remove "an administrator"

Page 4, line 4, overstrike ", teacher, administrative head of a"

Page 4, overstrike lines 5 through 12

Page 4, remove lines 13 through 21

Page 4, line 22, overstrike "5."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2201: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 991 and 992 of the House Journal, Senate Bill No. 2201 is amended as follows:

Page 1, line 2, remove "school district"

Page 4, line 3, remove "a."

Page 4, line 4, remove "an administrator"

Page 4, line 4, overstrike ", teacher," and insert immediately thereafter "an"

Page 4, line 5, overstrike the comma

Page 4, line 6, overstrike "; the chancellor and vice chancellors of the board of higher"

Page 4, overstrike line 7

Page 4, line 8, overstrike "president, provosts, instructors, and athletic team coaches of board institutions"

Page 4, remove lines 13 through 21

Renumber accordingly

2013 CONFERENCE COMMITTEE

SB 2201

2013 SENATE STANDING COMMITTEE MINUTES

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

SB 2201
04/11/2013
Job Number 21102

☒ Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened the conference committee on SB 2201.

Roll Call Was Taken: All Committee members were present.

Representative Schatz: See Attachment #1 for House amendments - explained the amendments and that they were to include education jobs and reads from the bill where those apply.

(7:34) Representative Jerry Kelsh: When you said that this is a veteran's preference, with either 5 or 10 points depending if it is a veteran or disabled, to get an interview- if they have the same point system for the job they would not put the same 5 or 10 ten points back in on the job qualification after the interview. I am not 100% sure how that would work. I can understand that they get the interview because they have veteran's preference, but afterword they were in the pool of three of five or whatever, would that same 5 or 10 points be put into the rating system for the job?

Representative Schatz: From Section B, it talks about the 100 point scale and that is an exam and now it says if a scale other than the 100 point scale is used, then the examiner shall add 5% of the scale used for a veteran and 10% used for a disabled veteran. I do not find anything after that stating that they are going to give any kind of preference or any additional points. That is the only place I find that.

Chairman Dever: Does that clarify that for you?

Representative Kelsh: Yes.

Senator Nelson: Can you tell me the differences between 2, 3, and 4? It looks to me that they are all on the back page, where you are jumping back and forth between what you are doing with the administrators and what you are not doing. Yet there is no corresponding single set of paper that says that this is an amendment. I am not sure what you did.

Representative Schatz: We did have a couple of amendments that we took them back down into committee because we figured out that it was not going to work. We re-amended it to look like the marked up version.

Senator Nelson: We do not have a Christmas tree version. Ours is black and white. I just wondered what your rational was because by the time you get to version 4 it is kind of half and half.

Chairman Dever: I would be interested in knowing what happened in the House. There are three House versions of the bill here.

Representative Schatz: We virtually eliminated section 4 and then it was pointed out to us by Human Resources of OMB that if we did do that then there would be a problem. What we are giving in this amendment is the ability for them to choose their own chief deputy or private secretary if that be the case.

Discussion: The committee then discussed how all of the versions came about. The committee came to the conclusion that they needed to look at the bill further and wanted to see the colored, marked up version of the bill before making a decision. Representative Kelsh pointed out that it took a few times in committee to get the final version that was before the conference committee because there were veterans opposed to the bill and as the committee looked at the bill they felt like no one should be excluded; if they are qualified they should have a chance at an interview.

(15:17)Chairman Dever: We deal with this every session. After the 2009 session, I had a teacher come to me that had returned from Iraq or Afghanistan asking us to change this and it was too late at that time. There is reason to give consideration to that. We had a fairly major bill in the last session that changed all of veteran's preference that made it a lot easier for agencies to work with and for my own purpose I need to review those changes. I think part of that has to do with the fact that it gets you the interview and it does not get you the job.

(16:32) Laurie Sterioti-Hammeren, Director, Human Resource Management Services: We did work with the veterans groups and Lonnie Wangen in the last biennium to modify the veterans preference bill and we wanted to make sure that we gave preference to veterans when agencies had a competitive system that would give them extra points to make it into the interview and then they could compete so that agencies and entities could select the best candidate for the job. Not just the minimally qualified person. We also made a commitment to veteran's groups that we were not then going to expand more exceptions to this. When this bill came forward we were concerned about that because it was exempting more jobs under education and we had made that commitment to veteran's groups that it was not our intent. The way that we modified that has been working very well. We did not see the need to make more exceptions to the veteran's preference law. We did visit with Kirsten Baesler, Superintendent of Schools, and she said that the way the veteran's preference law currently works is fine. There is no reason why veterans who are teachers could not be considered for jobs. I feel like the last version of what we have is working very well.

(19:08)Chairman Dever: Laurie is the primary person that has to work with these kinds of issues for different agencies.

Senator Nelson: But she has nothing to do with school districts.

Laurie Sterioti-Hammeren: Absolutely. That is correct. I do not have jurisdiction over schools or higher ed. That is why I visited with Kirsten Baesler about this because schools would be subject to this.

Chairman Dever: Could the term "administrative head of a department" apply to the chancellor or college presidents?

Representative Rohr: The other individual that was at our meeting was John Martinson from the school board association and he brought up the fact that there were some jobs that were principal/superintendent and that is why he wanted them exempted from this. Since then he has come around and he has visited with Laurie and with Kirsten. I think they were happy with the most recent version of the amendment.

Laurie Sterioti-Hammeren: My understanding of my conversation with Kirsten Baesler was that originally the way the statute read, it exempted superintendents and teachers and I think the school entities were feeling like they missed a level and that principals were not exempted. Then they got into the definition what an administrator was and that is how those other positions got included.

Representative Kelsh: I would like to find out what the representative from the educational leaders thinks about this.

Bev Nielson, North Dakota Council of Educational Leaders: We were not involved in any of these discussions that were referred to and we were pretty surprised because the intent of the bill was to plug principals in between superintendents and teachers. That was all that we wanted. Then the people crafting the bill made it much broader and took the whole definition of administrators; which was not the original intent of it. It was just to include Principals. It was not to eliminate all of the education exemptions. There was never

a hearing on eliminating all the exemptions, which from a policy perspective is an entirely different issue than taking out one or two exemptions. Our biggest concern was that no one had the opportunity to testify on the implications of removing all of these. Let me be clear that no one is anti-veteran here - it is a discussion of how things operate. It has to do with the right fit for the system. I understand that it only applies to getting an interview. Many of our school systems do not use the competitive point system in their hiring process. What you are talking about is getting to every little school and training their staff to use the point system. I would be for this school year's hiring if they hire after August 1st. While people who are into the human resources as their career this is no big deal, but when you go into schools that have a superintendent and a secretary, these kinds of things take time. This is basically the opposite intent of the bill and there was not a chance for people to discuss what the implications of that would be and how we would put it into effect was not given. The opportunity should have been given for a hearing on that.

(24:24) Representative Schatz: When we proposed these amendments you had the ability to speak because Laurie had the ability to do so. We were listening to testimony on the whole thing. No one would have denied you that. Do you admit that you would have been allowed you to speak?

Bev Nielson: By the time I heard about what you had done and you were going to bring it back down there was no way that we could have gotten our administrators in there to testify for you. I did not know what your amendment was when you took it back down to the committee and that it was only going to take care of politics. I thought you were going to bring it back down and change it in other ways. We would have had no time to have our administrators in from the small schools to help explain.

Representative Schatz: We don't really want them in here. If you have an argument about something we are doing and you have the opportunity to testify, then you should have had someone else come in and testify. The whole thing was done on the floor and it was not hidden from anyone. Everything was out in the open and you had as much opportunity as anyone else to speak. I don't sympathize with that.

Bev Nielson: My objection is the amendments that changed the entire intent of the bill. Thank you for giving me a chance to say what we thought of the process and what some of the implications might be with the change.

Chairman Dever: That is something that we should factor in to our consideration.

Chairman Dever: Adjourned the meeting.

2013 SENATE STANDING COMMITTEE MINUTES

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

SB 2201
04/12/2013
Job Number 21148

☒ Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened the conference committee on SB 2201. I think there were some concerns expressed that the school systems do not generally use the point system.

Senator Nelson: I think that the biggest concern was that the smaller districts don't have the point system and trying to put that into effect in the short period of time between now and August 1st is not too doable.

Representative Schatz: I think they can do it. It is pretty much an online system. You can get that almost any place. I think it is an easily overcome hurdle.

Chairman Dever: I am sympathetic to the fact that school districts are not set up to do this, but I am not sympathetic to the idea that they should not become. I do not understand why there should be that exception unless someone else feels differently and would like to make the argument.

Representative Schatz: I guess in referencing the potential problem, school gets out in May and the bill will not go into effect August 1st. They would have two and one half months to come up with some kind of point system in that period of time.

Chairman Dever: Are the amendments that the House put on all or nothing?

Representative Schatz: That is pretty final but I would say we are firm in our belief that veterans should get an opportunity to interview.

Chairman Dever: It seems to me that our choices that the House recedes from its amendments or the Senate accede to the House amendments. Do we have the information we need or do we need additional information to make the decision.

Representative Kelsh: Does anyone have any idea how many of the schools use the point system at this time? The smaller schools this is not going to affect but most of the teachers have been hired by that time and in the smaller schools where they may not have this it might not be used for another year. I first voted against this amendment and I got to thinking - why would we not give veterans at least an opportunity to have an interview, so when we brought it back, I voted for it at that time. I kind of feel we owe those folks at least the opportunity to have an interview. I feel pretty fair about the House amendments.

Chairman Dever: After my conversation with Bev Nielson the other day was that there are some school districts that operate on a point system, but it sounded like it is pretty limited. I don't recall that she mentioned any number. Someone asked me to visit with John Martinson of the North Dakota school board association and I did not have time to do that.

Representative Schatz: We have an e mail from Mr. Martinson and he signed off on what we have done.

Chairman Dever: Do you have a copy of that with you?

Representative Schatz: I can get that to you. There is a provision in here for them to add 5% if they do not have the point system. I think that is kind of an open ended situation. It gives them the opportunity to use whatever system they are already.

Chairman Dever: It seems to me that the North Dakota school board provides education to the school boards across the state to adjust to legislation. Even though it becomes August 1st, I think you are right about the time available to work on it over the summer.

Representative Rohr: They do have a newsletter that they put out regularly.

Chairman Dever: Do you know if they made a comment on veteran's preference in the newsletter.

Representative Rohr: I am a little behind on my mail.

Representative Schatz: I am looking at this as our responsibility rather than theirs.

Whether the school boards like it or they don't. It is our decision on whether our veterans are going to get an interview or a fair shake.

Chairman Dever: The other argument against it was that this provision did not get a hearing.

Representative Schatz: That is not true. We had a hearing. This is not major legislation. It just says they get an interview. It is not saying they get the job.

Representative Kelsh: When this amendment was given to us the first time, it got defeated in committee and I don't know what the impotence was to bring it back. I am assuming it was Representative Schatz that got it back. I got to thinking about why they are given preference in a lot of areas but not in the school system and that is where I have come down on my side. It is only in the interview process.

Chairman Dever: It seems to me that those people who are charged with implementation would be the school boards.

Representative Kelsh: I think in a lot of cases now, like in the choosing of a superintendent, the education leaders get involved in that.

Chairman Dever: My understanding is that veteran's preference is used at the entry level but not beyond that. So if they hired a teacher from within the system, it would not apply.

(13:26)Chairman Dever: I am not getting the sense that we are ready to make a decision.

Senator Poolman: Moved the Senate Accede to House Amendments.

Senator Nelson: Seconded.

Chairman Dever: Is there any further discussion?

Discussion: See Attachment #1 for e mail from Jon Martinson.

Chairman Dever: Is this the most recent e mail from Jon Martinson?

Representative Schatz: Yes. I believe our chairman just talked to him again.

Chairman Dever: Am I reading this correctly to say that as a consequence that the North Dakota School Boards Association withdraws its support of this bill and encourages action to be taken in the best interest of the veterans?

Senator Nelson: This is dated March 14th.

Representative Schatz: This was before the 4th version of the bill which we then brought back the deputies and those people. This was when section 4 was completely struck.

Chairman Dever: But this is the most recent e mail you have?

Representative Schatz: Correct.

Senator Nelson: So you have nothing on the current version?

Representative Schatz: What we have was on the 3rd version. The 4th version puts back in executive heads of departments and the chief deputies and so forth.

Chairman Dever: We have a motion on the floor. I don't want to rush the vote if anyone needs any additional information.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Date 4/11/2013

Roll Call Vote # 1

**2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2201 as (re) engrossed

Senate GVA Committee

- Action Taken**
- ☒ SENATE accede to House Amendments
- ☐ SENATE accede to House Amendments and further amend
- ☐ HOUSE recede from House amendments
- ☐ HOUSE recede from House amendments and amend as follows
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Poolman Seconded by: Senator Nelson

Senators	Attendance		Yes	No		Representatives	Attendance		Yes	No
	4/11	4/12					4/11	4/12		
Chairman Dever	✓	✓	✓			Rep. Schatz	✓	✓	✓	
Senator Poolman	✓	✓	✓			Rep. Rohr	✓	✓	✓	
Senator Nelson	✓	✓	✓			Rep. Kelsh	✓	✓	✓	
Total Senate Vote						Total Rep. Vote				

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Sen. Dever House Carrier Rep. Schatz

LC Number _____ of amendment

LC Number _____ of engrossment

REPORT OF CONFERENCE COMMITTEE

SB 2201: Your conference committee (Sens. Dever, Poolman, Nelson and Reps. Schatz, Rohr, J. Kelsh) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1010 and place SB 2201 on the Seventh order.

SB 2201 was placed on the Seventh order of business on the calendar.

2013 TESTIMONY

SB 2201

SB 2201
Relating to Veterans Preference
3/6/2013 Hearing
Testimony of Lonnie Wangen
Commissioner ND DVA

House Education Committee
Representative Mike Nathe Chairman

Chairman Nathe,

I am unable to be present today as I am in Washington DC for testimony this week.
Please accept this letter as my testimony in opposition to SB 2201.

During the interim of the 61st and 62nd Legislative Assembly I worked with the ND State Human Resources Office, Job Service North Dakota and the ND Attorney Generals' Office to update, organize and clarify the Veterans Employment Preference laws of North Dakota under NDCC 37-19.1. The changes were unanimously approved by the organization members working on the changes, the Administrative Committee on Veterans Affairs and the North Dakota Veterans Coordinating Council.

The changes made by SB 2279 of the 62nd Legislative Session took the administrative code, attorney generals opinions on Veterans preference laws and combined these into the NDCC so that the Century code would be up to date. We also made changes that we felt would better serve the Veterans and make hiring veterans easier for the employing agencies.

One area of concern for employers in the previous veterans' preference law was the requirement of a hiring agency to hire the veteran or disabled veteran who meets the minimum

qualifications unless they could show justifiable cause why that person could not perform the duties outlined in the minimum qualifications. By changing the rules of using a competitive personnel system we removed this concern and provided the following process;

- Hiring agencies must pre-determine the number of applicants they will interview before advertising the position.
- Veterans applying for a position must first meet the "minimum qualifications" for the position.
- After the applications are scored, using a 100 point scale, the hiring agency must add 5 points (or 5% if other than a 100 point scale is used) to the total score of a veteran.
- For a disabled veteran 10 points are added (or 10% if other than a 100 point scale is used).
- The hiring agency then ranks the applicants from highest score to lowest and interviews the pre-determined number of applicants.
- The agency hires the best applicant from those that were interviewed regardless of veteran status.

The new Veterans Preference law in the competitive personnel system takes away the requirement of a hiring agency to automatically hire a veteran if they meet the minimum qualifications, whether or not they are the best candidate. What the law does is it provides the veteran a better chance at getting an interview. The concerns that the school teachers and superintendents be exempted in NDCC37-19.1-02 (4) are no longer valid as the hiring agency can choose their best candidate from the top candidates interviewed regardless of veterans' status.

Please keep in mind that one of the main reasons for veterans' preference is to help our veterans compete with their peers for employment they are qualified for. While our service members serve in the military and fight our Nations wars their classmates and peers go on to gain education, work experience, and build on their resume. When the service members return to the civilian work place their peers have more time in their perspective fields. By providing our


veterans these extra points it provides them with a better chance to compete with their peers for employment.

Our veterans serve in all career fields and possess excellent training and leadership abilities which they gained in the military. Programs such as Troops-To-Teachers, has recognized the value that these veterans can bring to our education system and promotes this career field.

Section 5 of SB 2279 of the 62nd Legislative Session called for a study of Veterans Preference Laws to address which sections of NDCC 37-19.1-02 (4) should be removed from exemption as the changes to the Veterans Preference Laws made by SB 2279 made some of these exemptions no longer valid. The legislative studies council, however, did not choose this as one of their interim studies.

For the above reasons we do not feel that there is justification to add more exempt positions to the Veterans Preference laws. In fact there is more justification to remove some of the existing exemptions from the law.

Thank you,



Lonnie Wangen
Commissioner
ND Department of Veterans Affairs

LW

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 NOT PASS" on SB 2201 is supported by the Veterans Coordinating Council.

13.0661.01001
Title.

Prepared by the Legislative Council staff for
Representative Schatz
March 6, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2201

Page 4, line 3, remove "a."

Page 4, line 4, remove "an administrator"

Page 4, line 4, overstrike ", teacher," and insert immediately thereafter "an"

Page 4, remove lines 13 through 21

Renumber accordingly

Failed

PROPOSED AMENDMENTS TO SENATE BILL NO. 2201

In lieu of the amendments adopted by the House as printed on pages 991 and 992 of the House Journal, Senate Bill No. 2201 is amended as follows:

Page 1, line 2, remove "school district"

Page 4, line 3, remove "a."

Page 4, line 4, remove "an administrator"

Page 4, line 4, overstrike ", teacher," and insert immediately thereafter "an"

Page 4, line 6, overstrike "; the chancellor and vice chancellors of the board of higher"

Page 4, overstrike line 7

Page 4, line 8, overstrike "president, provosts, instructors, and athletic team coaches of board institutions"

Page 4, remove lines 13 through 21

Renumber accordingly

Sixty-third
Legislative Assembly

1 qualifications of each eligible individual from within that group through means
2 including interviews, background checks, and skills testing.

3 4. ~~a.~~—This section does not apply when the position to be filled is that of a
4 superintendent of schools~~an administrator, teacher, an~~ administrative head of a
5 department required by law, or the chief deputy or private secretary of an elected or
6 appointed official; ~~the chancellor and vice chancellors of the board of higher education;~~
7 ~~and presidents or executive deans, vice presidents, assistants to the president,~~
8 ~~provosts, instructors, and athletic team coaches of board institutions.~~ Temporary
9 committees and individual or group appointments made by the governor or legislative
10 assembly are also excepted from the provisions of this section. If an exempt position is
11 advertised, the advertisement must state that veterans' preference does not apply to
12 the position being advertised.

13 ~~b.~~ ~~For purposes of this subsection, "administrator" means an individual who holds~~
14 ~~an administrator's credential and who is employed by the board of a school~~
15 ~~district for the primary purpose of providing administrative services to the schools~~
16 ~~of the district. The term includes a school district superintendent, an assistant or~~
17 ~~associate school district superintendent, a school principal, an assistant or~~
18 ~~associate school principal, a special education director, a director of a multidistrict~~
19 ~~special education unit, a career and technical education director, and a director of~~
20 ~~an area career and technology center. The term may include an athletic or activity~~
21 ~~director who meets the requirements of this subdivision.~~

22 5. An employee of a state agency is not eligible for preference when applying for a
23 different job within the same state agency or other state agencies. An employee of a
24 political subdivision is not eligible for preference when applying for a different job
25 within the same political subdivision.

13.0661.01005
Title.04000

Adopted by the Education Committee

March 27, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2201

In lieu of the amendments adopted by the House as printed on pages 991 and 992 of the House Journal, Senate Bill No. 2201 is amended as follows:

Page 1, line 2, remove "school district"

Page 4, line 3, remove "a."

Page 4, line 4, remove "an administrator"

Page 4, line 4, overstrike ", teacher," and insert immediately thereafter "an"

Page 4, line 5, overstrike the comma

Page 4, line 6, overstrike "; the chancellor and vice chancellors of the board of higher"

Page 4, overstrike line 7

Page 4, line 8, overstrike "president, provosts, instructors, and athletic team coaches of board institutions"

Page 4, remove lines 13 through 21

Renumber accordingly

NDLA, Intern 03 - Maurer, Molly

From: Schatz, Mike A.
Sent: Friday, April 12, 2013 11:44 AM
To: NDLA, Intern 03 - Maurer, Molly
Subject: Fwd: Veterans' Preference Bill (SB2201)

Begin forwarded message:

From: Jon Martinson <jon.martinson@ndsba.org>
Date: March 14, 2013 9:34:06 AM CDT
To: "mrnathe@nd.gov" <mrnathe@nd.gov>
Cc: "mischatz@nd.gov" <mischatz@nd.gov>, "bheller@nd.gov" <bheller@nd.gov>, "jaheilman@nd.gov" <jaheilman@nd.gov>, "djohnson@nd.gov" <djohnson@nd.gov>, "bhunskor@nd.gov" <bhunskor@nd.gov>, "jkelsh@nd.gov" <jkelsh@nd.gov>, "bkoppelman@nd.gov" <bkoppelman@nd.gov>, "lmeier@nd.gov" <lmeier@nd.gov>, "crmock@nd.gov" <crmock@nd.gov>, "kmrohr@nd.gov" <kmrohr@nd.gov>, "drust@nd.gov" <drust@nd.gov>, "jwall@nd.gov" <jwall@nd.gov>
Subject: Veterans' Preference Bill (SB2201)

Chairman Nathe and members of the House Education Committee:

Although this bill sailed through the Senate Education Committee and the Senate, it is now apparently viewed as an "anti-veteran" bill in the House. Let me assure you that sponsors of the bill along with supporters are NOT anti-veteran and any perception to the contrary would be damaging to us personally and professionally.

As a consequence, the North Dakota School Boards Association withdraws its support for this bill and encourages you to take action in the best interests of our veterans.

To explain further, our only goal was to bring clarity and consistency to state law that provides an exemption to school superintendents and teachers, but not to principals. Therefore, when a school looks to fill a "Superintendent/High School Principal" vacancy, is the position exempt from veterans' preference or not? Current state law is unclear. Since we thought that the omission of "principal" was an oversight, we wanted to include that position along with other administrator positions in K-12 public education.

Thank you for the consideration you've given this issue.

Jon Martinson
Executive Director
ND School Boards Association