

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1131

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1131
1/22/2015
22419

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the employment preference for veterans.

Minutes:

Attachment 1-5

Chairman Kasper opened the hearing on HB 1131.

Rep. Schatz, District 36, New England, appeared in support. (Attachment 1) (:22-04:43)

Rep. B. Koppelman You talked about Sections C and D. You said this just guarantees an interview, not a job. I believe in Section B it does give veterans preference on their score. They are getting a weighed advantage. Are they not?

Rep. Schatz Only if the employing agency uses that system. If they don't use that system, they don't have to. Referring to Page 4, Line 2, you have the right as the employing authority to decide who you want as your candidate. I do want to emphasize that it is an interview and it is not the job automatically.

Rep. Schneider Did you get a written legal opinion on that?

Rep. Schatz No.

Rep. Schneider You're just focusing on the amendment, right? The rest of the bill definitely gives a preference.

Rep. Schatz The rest of the bill is the law. All we are doing is crossing out those individuals on the overstrike on Page 4.

Chairman Kasper We're now making a veterans' preference for the individuals on Page 4 who were being struck. Other than that, the current law stays.

Rep. Schneider The current law has a definite hiring preference? If we move these people into the current law, it has a very strong hiring preference. Several areas were pointed out--the first sentence in 37-19.1-02 and Page 2, Paragraph 2, starting with Line 6.

I really appreciate your kindness to veterans, but I think this is way more than an interviewing preference. I am wondering if we maybe we didn't take these out because for these particular positions, it's critical to have folks who are the best qualified regardless of their military experience.

Rep. Schatz I can't change the way you read it. Letter D, hiring authority can choose the person they want.

Rep. Schneider I apologize to you and the speaker for my ignorance as a new person. There are a lot of things I don't know.

Chairman Kasper The current law provides veterans preferences as you read. It applies across the board except when we get to Page 4 where we have exceptions to the veterans preference. This bill is saying this veterans preference will now apply to those people as well.

Rep. Schatz That's correct.

Lonnie Wangen, Commissioner of Veterans Affairs, appeared. Between 2009 and the 2011 sessions, a group was put together to relook at veterans preference. We wrote that law up into two sections. One is if you have a personnel position where you rate, you do a 100 point scale. If you are not using that where you are going to interview a lot of people and pick the best one, then you have to hire the disabled veteran first. When it came to the exemptions, we decided we wanted to leave those in there until we saw how the new bill worked. It turns out that the amount of claims that I had on veterans appeals went way down. Veterans hiring seemed to be a lot higher, and the exemptions there no longer seem to be important, because you are not required to hire a veteran just because he met the minimum qualifications and was disabled. You're not required to hire a veteran because he's a veteran. This is to give a veteran more of a chance for the interview. Those who fought the war skipped education to serve. That's the reason for veterans preference.

Rep. B. Koppelman A veteran who would qualify for these exceptions--you gave an example of somebody who is in active duty in Vietnam. Is that true of what veteran means to this bill, that you would have to have served at least some time in active duty?

Lonnie Wangen This refers to a definition of a veteran and a war time veteran. You have to meet the qualification of six months of service active duty or put in the entire time that you were called up other than dishonorable, and you also have had to serve at least one day during a period of war.

Chairman Kasper Can you bring those definitions.

Rep. Schneider One of the early objections was there was a big gender imbalance. Do you know in North Dakota what the balance is? Are we closer between men and women being able to qualify for the preference?

Lonnie Wangen It depends on the job. If someone is going to apply for the position, they have to meet the minimum requirements. About 20% of our veterans are female and if they served during a period of war and meet the other definitions, they have just as much chance.

Rep. Schneider Do our National Guard people qualify under the definitions?

Lonnie Wangen They would if they were called up for active duty and completed that period of active duty and were released on other than dishonorable and it was during a period of war. Your everyday soldiers would not qualify.

Rep. Amerman Since putting this all together, would you say they are getting more interviews and more jobs?

Lonnie Wangen Yes. It has cut down on the number of appeals. They are hiring more veterans out there and doing it properly.

Rep. Wallman At the School Board we appoint a business manager. Can you explain Page 2, Section 1, No. 2?

Lonnie Wangen Yes, we broke this up into two sections. One section refers to the point system (Mr. Wangen gave some examples). This section says that you are not using that point system. You are taking the applications, and you are going to hire the best person for the job. Under that, you take your disabled veterans that meet the minimum qualification, and you interview that person first. If they cannot perform the job for whatever reason that has to do with that veteran, you have to hire them. If you find fault in it and know they can't actually do this job for a specific reason specific to them, then you would move on to the next person.

Rep. M. Johnson Does the legal definition include the war on terror, which is ongoing and never ending? It would seem like everyone would qualify.

Lonnie Wangen Yes, because of the definition for war time. That says if you are called up for any period and since we have been at war since 2001, anybody who has served on active duty since then qualifies.

Rep. Amerman To clarify, since 2001 we've been in war. It means you have to serve during the time?

Lonnie Wangen Yes. If you served at least one day of your active service during that period of war, you are considered a war time veteran.

Jon Martinson, ND School Boards Association, appeared in support. (24:04-25:05)
Attachment 2

Chairman Kasper The bill the way it is with opening it up to the school system, your organization and most likely your members are in favor of that?

Jon Martinson Yes, we are.

Lyle Schuchard, Member of the Legislative Committee of ND Veterans Coordinating Council, appeared in support. Attachment #3-4 (26:04-26:54)

No opposition.

The hearing was closed.

Rep. Laning made a motion for a DO PASS.

Rep. Seibel seconded the motion.

Chairman Kasper It is nice to have all parties to say we like it.

Rep. Wallman On Page 2, Line 6, it says if a veteran is found to possess the qualifications required for the position applied for whether educational or by way of experience and is able to perform the other duties, I am wondering if that is in conflict with Mr. Martinson's testimony that each position requires applicants to be credentialed and we welcome veterans who are working on their credentials or superintendent's certificate. Does this bill override what credentials might be required?

Lonnie Wangen Please clarify.

Rep. Wallman repeated the question.

Lonnie Wangen No. What this says is as it was set by that organization.

A roll call vote was taken. 14 Yeas, 0 Nays, 0 Absent.

Rep. Amerman will carry the bill.

Attachment #5 was handed out later.

Date: 1-22-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1131

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Lanning Seconded By Seibel

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------------|-----|----|---------------------|-----|----|
| Chairman Jim Kasper | X | | Rep. Bill Amerman | X | |
| Vice Chair Karen Rohr | X | | Rep. Gail Mooney | X | |
| Rep. Jason Dockter | X | | Rep. Mary Schneider | X | |
| Rep. Mary C. Johnson | X | | Rep. Kris Wallman | X | |
| Rep. Karen Karls | X | | | | |
| Rep. Ben Koppelman | X | | | | |
| Rep. Vernon Lanning | X | | | | |
| Rep. Scott Louser | X | | | | |
| Rep. Jay Seibel | X | | | | |
| Rep. Vicky Steiner | X | | | | |
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Total (Yes) 14 No 0

Absent 0

Floor Assignment Amerman

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

REPORT OF STANDING COMMITTEE

HB 1131: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1131 was placed on the Eleventh order on the calendar.

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1131

2015 SENATE STANDING COMMITTEE MINUTES

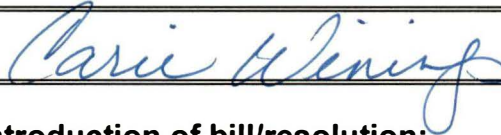
Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HB 1131
3/5/2015
Job # 24351

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the employment preference for veterans.

Minutes:

Attachments 1 - 2

Chairman Dever: Opened the hearing on HB 1131.

Representative Schatz, District 36: Testified as sponsor and in support of the bill. Explained the bill. Currently many schools have few if any veterans. I would be good for the schools and good for the veterans. Schools really are government jobs and veterans, having served the country, deserve a chance at those jobs. This is about the interview not getting the job; it is getting an interview. I have been over this with the lawyers time and again and they have confirmed that. I am passionate about this because of family members that have served and I have a deep respect for the military. If it is good for the staff to have veteran's preference, then it is ok for the superintendents, principles, teachers, presidents, vice presidents, coaches, assistant coaches, and chancellors.

(3:45)Senator Flakoll: What problem will this solve?

Representative Schatz: We do not have enough veterans in the school systems. It will also give the veterans the opportunity to get into education.

Chairman Dever: I am looking at the point system on page 3, are you saying that the point system gets an interview but it does not play into the decision to hire?

Representative Schatz: In section D; it is up to the employing authority to choose who they want. They get to choose and do what they want. Point system, or no point system, they can do what they want.

Chairman Dever: Under previous law, they interviewed veterans and non-veterans, and then if they operated on a point system and they were equal, the veteran got points added to their score for preference in hiring.

Representative Schatz: I am not familiar with that part of it.

Chairman Dever: I should know that and I was troubled when we amended this in a previous session when after we acted on it, we received an e mail from a teacher who was recently returned from Afghanistan and should have been offered that preference in my view. She is now a teacher in Bismarck and not because of her veteran's preference.

Senator Davison: With regards to the superintendent and teachers; subsection 2-A, pg. 2, lines 14-15, if a school district does not have a competitive personnel system, or a point system that is graded out per their resume, then they are required to hire the veteran?

Representative Schatz: I cannot answer that but others can.

Senator Flakoll: How is this going to make it better? If they are getting an interview that they would ordinarily be deemed qualified for, are we not in essence creating a discouragement scenario because they get the interview but they are not really considered for the position.

Representative Schatz: They have to be qualified to get the interview. If they don't meet the qualifications of the job description, then they do not get the interview.

Senator Flakoll: Generally, the qualifications are listed as very general, and usually they are pretty bare bones. That is why they get sifted through. I am not sure that we are doing them a favor.

Representative Schatz: I think you are doing a favor. If you are a first time teacher and you are getting an interview that you would normally not get one for, that is experience in itself. The process is important when you get a job in education. If you can keep getting interviews, you are probably going to get a job.

Senator Marcellais: I have been on school boards since 1998 and I know what you are getting at because I have seen positions advertised and the veteran's preference is not advertised on that job announcement. It is a good chance to get an interview. Veteran's preference applies in most other job.

Representative Schatz: That is correct. These are government jobs because it comes through government money. All other government jobs, veterans get preference.

(12:33) Lonnie Wangen, Commissioner, Veteran's Affairs of North Dakota: Testified in support of the bill. I, Veteran's Employment Services, and the Attorney General's Office met in recent years and looked at cleaning up what we had in veteran's preference laws. We had a booklet that took the Century Code, Administrative Code, and Attorney General's opinions for the last 15 years or so and we put it into the North Dakota Century Code and rearranged it so it was easier to read for ourselves and for the veterans and agencies that have to administer and employ. We implemented the Attorney General's opinions in here and we did split up, so that it is clear, Section 2 and 3. Section 2 is if you do not use a competitive personnel system and Section 3 is if you do so that it is very clear how you treat those individuals. A competitive personnel system is just a ranking order. It is preset points. Section C clears up what we were talking about earlier. The employing authority

should have a prescribed number of eligible individuals that they are going to consider for the position. You rank all the applicants applications and then add veteran's preference for those that it applies to and hopefully it will move them up on the scale so they make it for an interview. They are not guaranteed an interview just because they get the points for veteran's preference. Giving them the extra points helps them compete with their peers for the jobs.

(15:55) Chairman Dever: If you use the point system to get the interview, do the points get applied again for the hiring considerations after the interview?

Lonnie Wangen: You get the top applicants and if the veteran is in there, then it is a fair game for those positions from then. The agency hires the best person for the job.

Senator Flakoll: That is if you use the point system. What if you don't use the point system?

Lonnie Wangen: If there is not a point system then it goes back to the old system. That law has not changed since we redid this. A disabled veteran, who meets the minimum qualification, gets an interview and if you have multiple veterans, you decide which one to interview first. You interview the first one you pick and if you like them and they meet the criteria, you give them the job. If that veteran has something that prevents them from doing the job properly, then you go to the next applicant for an interview. We have no way to change it if you are not using a point system so it has remained the same. The point system is only when you are reviewing the applications for interviews.

Senator Flakoll: Which if these listed here, on page 4, use the point scale verses the non-point scale for these positions?

Lonnie Wangen: That is up to the agency.

Chairman Dever: Regarding teachers, different school districts may do it differently.

Senator Flakoll: Back to my question, what problem are we solving here?, if you go down the list here, which are doing which?

Lonnie Wangen: When we looked at this in 2009-2011 we were hoping to get rid of the need to have these as exempt because the old law stated basically a disabled veteran gets the job. The new law, if you have a point system, you can hire the person that you want. We seem to have less problems and appeals when we changed to this system. The reason they were first exempted was that you wanted the best person for the job for you children. The way that we did this was so that the veteran gets a better chance for an interview but the best candidate can still be hired. If the school chooses not to use a point system at all, then they would be using the old system.

Senator Flakoll: My concern is that we have a coach opening and we have two people that apply, one of which is a veteran, and the veteran gets the job because of the preference even though the other person has more experience. I am trying to get over the worry that we are able to hire the best candidate in the end.

Lonnie Wangen: Both would be interview and you would choose who would be the best. They just have to use the point system.

Senator Davison: The biggest issue I have is that many of the school systems don't have a point system in place. I know Fargo does not. Do you have data on the complaints of veterans not getting interviews?

Lonnie Wangen: No, but it is probably about 10 a year that I get a call on. Most have an HR system in place for other positions. It is simple to set up.

Senator Davison: I agree that it is not the most difficult thing in the world but I think you are headed for a train wreck here.

Lonnie Wangen: The education system is not here but they have said that they are not against it because they believe that it is something that they can implement.

Chairman Dever: I do not think teachers should be excluded from that consideration.

Senator Marcellais: Does this apply just to the initial hire and not a promotion?

Lonnie Wangen: No, veteran's preference cannot be used for a promotion. The intent is to get you employed, not to get a promotion

Chairman Dever: If you use it to get hired by a state agency, can you use it to get hired by a different state agency?

Lonnie Wangen: No, because they are both state agencies therefore they are considered the same employer.

Senator Flakoll: On page 4, line 7, it references instructors, does it currently allow faculty, lecturers? What is there status here?

Lonnie Wangen: If you are not listed on here directly, then veteran's preference does apply.

Senator Flakoll: Can you get us information that shows us higher education positons and veteran numbers? Are we hiring a larger percentage of veterans?

Lonnie Wangen: I do not have that information.

(28:30) Lyle Schuchard, North Dakota Veterans Coordinating Council: See Attachment #1 for testimony in support of the bill.

(29:56) Larry Skogen, Interim Chancellor, North Dakota University System: See Attachment #2 for testimony in opposition to the bill.

(31:55)Chairman Dever: You said that none of this helps qualify me to better coach a football team, better teach children in mathematics, or be a better professor; if you were one of those and a veteran, should that be a consideration in you hiring?

Larry Skogen: Do you mean that I should get points ahead of people that are equally qualified? I do not think so. It bothers me if you are going to interview the top three and two of them are veterans, then you could be knocking out someone who would be better for the position for no other reason than service to your country. Service is honorable and noble and I did it for 26 years and I honor everyone that has done it, but that does not mean that I should be able to knock out people better people qualified for that position. It does not mean you have to hire them but you may have caused someone else to get knocked out of getting an interview. I think they should be able to get the interview based on what you bring to the table.

Chairman Dever: On the point system, they are closely qualified and it just gives them a small advantage.

Larry Skogen: I do not know if it is small. It is a 5% advantage on a veteran or a 10% advantage on a disabled veteran.

Senator Flakoll: I was involved in a search in another state and they had two failed searches before they had a pool of applicants where they had one person qualified to get that position. How often does that happen with what you have right now?

Larry Skogen: I cannot give you statistics on that. You do have failed searches or you have to extend them because you do not get enough names in the pool. It is part of the process. I just don't know why, at any point in this process, that we would give an advantage to any group of people.

Senator Flakoll: Do you have the data on the percentage of veterans at the various different academic levels?

Larry Skogen: No.

(36:35) Dean Bresciani, NDSU President: Testified in opposition to the bill. I have worked with, hired, and supervised representatives of all branches of our services. Many are some of the finest individuals that I have worked with. That said, I am not sure what this bill is intended to solve. I am not aware of anyone and I do not think anyone would discriminate against a veteran. I am curious what the bill is solving. It does come with some unintentional liabilities. One would be in higher education and I currently oversee an operation that has about a half billion dollar annual operating budget with over 6,000 employees and it is our states first institution that is in the top 100 research universities in the nation. I would think the state of North Dakota would want the very best qualified pool of people to draw from for positions. One of the liabilities would be unintentionally bumping out someone who was more qualified simply because of a veteran's preference. I am also worried about unnecessary bureaucratic complications. Bureaucracy tend to slow and complicate things and in the higher education we come against a lot and adding something that is not a value added is troubling to me as well. I am very troubled about the notion of

disrespecting a veteran by simply bumping them up even if simply to an interview when they are not the most qualified person for the position or if there is no real intention of hiring them ultimately because they are not the most qualified.

(39:11)Chairman Dever: With the exception of these exceptions, does NDSU apply veteran's preference to other positions?

Dean Bresciani: We follow the law in hiring of all positons.

Chairman Dever: Do you consider that to be disrespecting those veterans then?

Dean Bresciani: There are different kinds of positions and demands of those positions. I think the exceptions are well thought out exceptions. Perhaps the intention of this bill is more toward the K through 12 instructor and not higher education. But higher education is perhaps unintentionally being brought into the equation.

Senator Flakoll: I thought about the fact that in a previous employment you worked for the Secretary of Defense, Mr. Gates, does that provide you with any thoughts and/or perspective?

Dean Bresciani: Dr. Gates would be an exemplar of military service as an application to broader public service and I think he would be the first to argue that the transferrable skills are substantial but he would not be a person who argues that a person should get preferential treatment outside of the skill set and their match with the demands of the position. He would not be supportive of reverse discrimination in this sense.

Senator Davison: If at one point there are two people that are brought forward to you and they are really close as far as being competitive - do you see this as interfering with that?

Dean Bresciani: I agree with your perspective. It is my concern that when we get to the final stage and we ask for the finalists and one person could have gotten bumped due to a veteran getting preference.

Chairman Dever: I am curious if your competitors in sports employ veteran's preference?

Dean Bresciani: At a Division 1 level it would be unheard of. The hiring of coaches in the Division 1 level is so competitive and fast moving. Any veteran's preference complication would be unworkable and I think we would have trouble getting head coaches if they had to give a veteran's preference in hiring an assistance coach.

Chairman Dever: Closed the hearing in HB 1131.

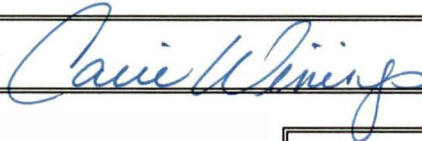
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

HB 1131
3/5/2015
Job # 24383

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened HB1131 for committee discussion.

Senator Nelson: Moved a Do Not Pass.

Senator Cook: Seconded.

Chairman Dever: I will be voting no on the motion because I think teachers should not be exempted from veteran's preference.

Senator Marcellais: I will be voting no also.

A Roll Call Vote Was Taken: 5 yeas, 2 nays, 0 absent.

Motion Carried.

Senator Davison will carry the bill.

Date: 3/5
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1131

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Nelson Seconded By Code

| Senators | Yes | No | Senators | Yes | No |
|-----------------------|-----|----|--------------------|-----|----|
| Chairman Dever | | ✓ | Senator Marcellais | | ✓ |
| Vice Chairman Poolman | ✓ | | Senator Nelson | ✓ | |
| Senator Cook | ✓ | | | | |
| Senator Davison | ✓ | | | | |
| Senator Flakoll | ✓ | | | | |
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Total (Yes) 5 No 2

Absent 0

Floor Assignment Davison

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

REPORT OF STANDING COMMITTEE

HB 1131: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
HB 1131 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1131

#1
HB 1131
1-22-2015

HB 1131 Veterans Preference

Mr. Chairman and Members of Government and Veterans Affairs Committee

For the Record, I'm Rep Mike Schatz, D 36 New England

- Introduce HB 1131 - employment preference for veterans in education.
- Having been a teacher and coach for 27 years, I feel we need more veterans in the classrooms and in the administrative offices. They can bring a sense of patriotism, discipline, and often times see things from a different prospective.
- Currently many schools have few, if any, veterans. It will be good for the schools and it will be good for the veterans.
- Schools, be they k-12 or colleges are government jobs and veteran having served the country deserve a chance at those jobs.
- Let's look at the bill, change in law comes on page 4 line two through eight
- Make no mistake - this bill is about an INTERVIEW, not the job, I have been assured by our fine legal minds that page 3, section c and d allow the hiring authority the right to choose who they feel is the best candidate.
- My family, son, grandfather, first cousin, dad
- If it is ok for the cooks, janitors, and bus drivers to have veteran's preference, then it is ok for the superintendents, principals, teachers, presidents, vice presidents, coaches, assistant coaches, and chancellors. Acting Chancellor Skogen is a veteran and I thank him for his service. If this bill passes, he would at least be assured of getting interviewed for the real job.
- Thank you for your attention and I will field the questions that I am capable of answering.

#2
HB1131

House Government and Veteran's Affairs Committee

January 22, 2015

Testimony by Jon Martinson, Executive Director
North Dakota School Boards Association

HB1131 (Veteran's Preference)

NDSBA supports our veterans and this bill. It extends veteran's preference to positions such as teachers, superintendent of schools, and others.

Our position is that members of the military are among the most honorable, disciplined, skilled, and highly trained individuals we have ever had performing their duties in the service to our country. Experience, responsibility, and duty in the military are as diverse as in civilian life.

North Dakota is experiencing a teacher shortage and the pool of applicants for superintendent positions gets smaller every year. Each position requires applicants to be credentialed and we welcome veterans who have or are working on their teaching credentials or a superintendent's certification to apply for these positions.

We need your experience and leadership in our schools.

#3 HB 1131 1-22-15

NORTH DAKOTA VETERANS COORDINATING COUNCIL

Mr. Chairman and members of the Committee:

My name is Lyle Schuchard, 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. They are:

American Legion

AMVETS

Disabled American Veterans

Veterans of Foreign Wars

Vietnam Veterans of America

I served in the United States Army for two years and in the Army Reserves for 26 years, retiring as a Sergeant Major. It is the policy of the Coordinating Council to support Legislation that will benefit the welfare of the members of the Armed Forces. The committee must concur totally, that is all 15 members must agree on the Legislation to be supported, or else it does not get the support.

In this case I have been instructed to recommend to this Legislative Committee that a "Do Pass" on HB 1131 is supported by the Veterans Coordinating Council.

If there are any questions I will try to answer them at this time.



The Administrative Committee on Veterans Affairs (ACOVA) is responsible for the organization, policy, and general administration of all veterans' affairs in North Dakota. The Administrative Committee is comprised of 15 voting members, each appointed by the Governor, representing the five major patriotic veteran organizations in the state.

Each year, the Governor is to appoint one member from a list of two names submitted by the following North Dakota veteran organizations: American Legion, Veterans of Foreign Wars, Disabled American Veterans, AMVETS, and Vietnam Veterans of America. The ACOVA is also comprised of three nonvoting members who are to serve in an advisory capacity - the North Dakota Adjutant General, the Center Director of the Federal Veterans Affairs, and the Executive Director of the Job Service of North Dakota. The Governor also appoints the ACOVA's Chairman and Secretary.

The ACOVA has several activities they monitor on behalf of the Governor and the state's veterans.

North Dakota Veterans Home: The ACOVA appoints a seven member governing board for administration of the North Dakota Veterans Home located in Lisbon, ND. It assists in creating the management and not in the day to day management of the Veterans Home.

Post War Trust Fund: The veterans' post-war trust fund (PWTF) is a permanent trust fund of the state of North Dakota and consists of moneys transferred or credited to the fund under NDCC 37-14-14 and other laws. All income received from investments is to be utilized only for programs of benefit and service to veterans or their dependents, and all income earned in a biennium is appropriated to the (ACOVA) on a continuing basis.

ND Department of Veterans Affairs: The committee shall appoint the commissioner of the department of veterans' affairs. The commissioner of veterans' affairs shall serve as the executive secretary for the subcommittee. The commissioner has no vote in the affairs of the subcommittee.



*Who We Are
and What We
do for Veterans*

#4
1-22-15



What is the difference between the NDVCC and the ACOVA? The acronym NDVCC stands for the North Dakota Veterans Coordinating Council and is a Non-Governmental Council comprised of the five principal veteran organizations in the state of North Dakota. Their purpose is to discuss and develop a unified consensus on veteran issues. ACOVA stands for the Administrative Committee on Veterans Affairs which is a committee whose members are appointed by the North Dakota Governor for the purpose of discussing and creating legislation that impacts the veterans of our state.

The ND Veterans Coordinating Council is made up of three members from each of the following five ND Veterans' Patriotic Organizations; The American Legion, Veterans of Foreign Wars, Disabled American Veterans, AMVETS, and the Vietnam Veterans of America.



5,000 North Dakota Members, 11 Local Chapters
1.2 Million Members Nationwide

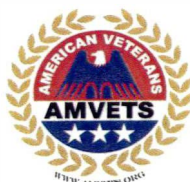


7,715 North Dakota Members, 54 Local Posts
1.7 Million Members Nationwide

The NDVCC was established to bring veterans organizations together in a united effort on behalf of all veterans and dependents. It is meant to provide a practical means through which the Veterans organizations throughout the state may effectively contribute to the betterment of all veterans.

The three major responsibilities of the Coordinating Council are to sponsor and monitor legislation that affects veterans and their dependents, monitor all general programs for veterans including hospital benefits, employment programs, social programs and finally to establish a system of public relations for veterans.

No member of the Coordinating Council may hold concurrent membership on the Administrative Committee on Veterans Affairs. The three representatives from each Veterans organization shall be the Department



2,800 North Dakota Members, 14 Local Posts
290,000 Members Nationwide



16,000 North Dakota Members, 215 Local Posts
2.4 Million Members Nationwide

Commander, the Department Adjutant, and one other representative. Each member has one vote. The office of president, vice-president, and secretary/treasurer are elected from within these voting members.

The members are volunteers and do not receive salaries for performing their duties as outlined in the organizations by-laws. The third segment of the Council is the Legislative Committee. Two members are appointed from each of the veterans organizations and a committee chairman. They are appointed for two years. They should be from the Bismarck area so they may attend hearings on bills affecting the veterans.

The Coordinating Council's main function is drafting, monitoring, and seeking sponsors for veterans legislation. It is not an administrative body. Administration and implementation of veterans laws is the function of the Administrative Committee on Veterans Affairs. (ACOVA).



436 North Dakota Members, 10 Local Chapters
66,367 Members Nationwide

Handwritten initials or signature.

Members of the North Dakota Veterans Coordinating Council 2015

President: Gary Maddock ND AMVETS
Vice President: Russ Stabler ND VVA
Secretary: Dave Rice ND American Legion

Members:

American Legion

Don Weible 701-391-3080 dweible@bektel.com
 David Johnson 701-293-3120 adjutant@ndlegion.org
 Dave Rice 701-866-9085 commander@tristateveterans.com

AMVETS

Keith Peterson 701-871-0208 peteronkeith96@yahoo.com
 Gary Maddock 701-880-0091 ndamvets@gmail.com
 Murray Strom 701-220-1408 murrayo@bektel.com

DAV

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 Warren Tobin 701-252-9043 wtobin@nd.gov
 Thomas Saddler Jr. 701-795-7062 tsaddler@gra.midco.net

VFW

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 Dale Ronning 701-282-3016 daleronning@far.midco.net
 Wayne Paulson 701-838-8470 vfwnd@minot.com

VVA

Dan Stenvold 701-284-6426 troy@polarcomm.com
 Russ Stabler 701-306-2659 pal_kid@aol.com
 Larry Young 701-786-3494 yohound50@yahoo.com



LEGISLATIVE ISSUES 2015

HB1025 - NDDVA Budget

NDCC:

Origination of Bill: ACOVA

Approved by ACOVA; YES, Dec. 5, 2014

Approved by NDVCC: YES, Dec. 4, 2014

Carry Bill: Commissioner

Sponsor: Commissioner

| | |
|---|-------------|
| ♦ Funding for one FTE (Training, PR, Outreach) | \$ 135,574 |
| ♦ Temporary employee | \$ 59,488 |
| ♦ Website Improvements | \$ 60,935 |
| ♦ Marketing & Advertising | \$ 20,000 |
| ♦ PTSD & TBI Study | \$ 108,353 |
| ♦ Continued Funding for Agent Orange Grant | \$ 50,000 |
| ♦ PTSD Dog Grant | \$ 50,000 |
| ♦ NSO Funding Grant \$50,000 Per VFW, American Legion, DAV per year | \$ 300,000 |
| One time funding for PWTF | \$1,750,000 |

Bill Number - 2; Reduced Tuition for Dependents of 50-90% disabled veterans

NDCC: 15-10-18.3

Origination of Bill: ACOVA

Approved by ACOVA; YES, Dec. 5, 2014

Approved by NDVCC: YES, Dec. 4, 2014

Carry Bill:

Sponsor:

- ♦ Reduced tuition for Qualified dependents of 50-90% disabled veterans to have that percent deducted from tuition costs
- ♦ Same scale as used for Property tax exemption.

LEGISLATIVE ISSUES

2015

Bill Number - 3; Retain interest of PWTF Clearing Account 410

NDCC:

Origination of Bill: ACOVA

Approved by ACOVA; YES, Dec. 5, 2014

Approved by NDVCC: YES, Dec. 4, 2014

Carry Bill:

Sponsor:

- ♦ The clearing account (Fund 410) of the PWTF interest earnings are not currently retained by the 410 account .

Bill Number - 4; Veteran and Patriotic License Plate Decal

NDCC: 39-04 (Add New Section)

Origination of Bill: ACOVA

Approved by ACOVA; YES, Dec. 5, 2014

Approved by NDVCC: YES, Dec. 4, 2014

Carry Bill:

Sponsor:

- ♦ Would establish patriotic license plate decals with up to four decals; American Flag, Bald Eagle, Boonie stomper and one to be added in the future. Proceeds to be added to the Post War Trust Fund.
- ♦ DAV Plates; a. If 100% disabled: Allow veteran to use exemption on other ND Plate. Must pay fees. b. Un-remarried spouse continue 1 exempt plate.

Bill Number - 5; Property Tax; Remove "Un-remarried" surviving spouse

NDCC: 57-02-08.8 (1)

Origination of Bill: DAV—NDVCC

Approved by ACOVA; YES, Dec. 5, 2014

Approved by NDVCC: YES, Dec. 4, 2014

Carry Bill:

Sponsor: One is available? NDVCC

- ♦ Remove the word "un-remarried" from the law.

Bill Number - SB2042; Income Tax exemption for military retirement pay.

NDCC: 57-38-30.3(2)

Origination of Bill: GVA Interim Committee

Approved by ACOVA; YES, Dec. 5, 2014

Approved by NDVCC: YES, Dec. 4, 2014

Carry Bill: Recommendation of bill from Interim Committee which was chaired by Senator Sorvaag.

Sponsor: Interim Committee maybe Sponsor?

- ♦ Exempt military retirement pay from state income tax.

Bill Number - 6; Veterans Preference

NDCC:37-19.1-02(4)

Origination of Bill: Rep. Schatz

Approved by ACOVA; YES, Dec. 5, 2014

Approved by NDVCC: YES, Dec. 4, 2014

Carry Bill: Representative Schatz

Sponsor: Representative Schatz

- ♦ Removal of some exemptions from veterans preference laws: Superintendent of schools, teacher, chancellor and vice chancellors of board of higher education; and presidents or executive dens, vice presidents, assistants to the president, provosts, instructors and athletic team coaches of board institutions.

Bill Number - 7; Veterans Education Training: NDUS Budget

NDCC: State Board of Education

Origination of Bill - NDUS

Approved by ACOVA; YES, Dec. 5, 2014

Approved by NDVCC: YES, Dec. 4, 2014

Carry Bill: NDUS

Sponsor: Agency Bill



5 H131131
1-22-15

CHAPTER 37-19.1

VETERANS' PREFERENCES

37-19.1-01. Definitions.

As used in this chapter:

1. "Agency" or "governmental agency" means all political subdivisions and the state, including any state agency, board, bureau, commission, department, officer, and any state institution or enterprise authorized to employ individuals either temporarily or permanently.
2. "Chief deputy" means the individual who is appointed by an elected or appointed official under express statutory authority to hire a chief deputy and who is authorized to act on behalf of that official. The term does not include an individual appointed to a position that must be filled under a competitive personnel system.
3. "Competitive personnel system" means a system that rates applicants for a position using an objective set of skills, knowledge, abilities, behaviors, or other characteristics required for the position.
4. "Disabled veteran" means a veteran who is found to be entitled to a service-connected disability rating as determined by the United States veterans' administration.
5. "Justifiable cause" means grounds for action that are in accord with sufficient reason that can be justified or defended as correct. Justifiable cause not to hire a veteran must be something specific to that individual which renders the individual unsuitable for the position.
6. "Political subdivision" means counties, cities, townships, and any other governmental entity created by state law which employs individuals either temporarily or permanently.
7. "Private secretary" means the individual who is appointed by an elected or appointed official under express legal authority to hire a private secretary or administrative assistant and who is authorized to handle correspondence, keep files, schedule appointments, and do other clerical work of a more personal and confidential nature for that official, but does not include an individual appointed to a position that must be filled under a competitive personnel system.
8. "Veteran" means a North Dakota resident who is a wartime veteran as defined in subsection 2 of section 37-01-40.

37-01-40. Veteran and wartime veteran defined - Uniform service dates for wartime veterans.

1. A "veteran" is an individual who has served on continuous federalized active military duty for one hundred eighty days or the full period for which the individual was called or ordered to active military duty for reasons other than training, and who was discharged or released under other than dishonorable conditions. A discharge reflecting "expiration of term of service" or "completion of required service" or words to that effect qualifies the shorter term of service as making the individual a veteran.
2. A "wartime veteran" is an individual who served in the active military forces, during a period of armed conflict or who received the armed forces expeditionary or other campaign service medal during an emergency condition and who was discharged or released under other than dishonorable conditions. "Wartime veteran" also includes an individual who died in the line of duty in the active military forces, as determined by the armed forces.

NORTH DAKOTA VETERANS COORDINATING COUNCIL

Mr. Chairman and members of the Committee:

My name is Lyle Schuchard, 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. They are:

American Legion

AMVETS

Disabled American Veterans

Veterans of Foreign Wars

Vietnam Veterans of America

I served in the United States Army for two years and in the Army Reserves for 26 years, retiring as a Sergeant Major. It is the policy of the Coordinating Council to support Legislation that will benefit the welfare of the members of the Armed Forces. The committee must concur totally, that is all 15 members must agree on the Legislation to be supported, or else it does not get the support.

In this case I have been instructed to recommend to this Legislative Committee that a "Do Pass" on HB1131 is supported by the Veterans Coordinating Council. Mr. Chairman that is my testimony.

If there are any questions I will try to answer them at this time.

HB 1131

Senate Government and Veterans Affairs

Larry C. Skogen, Interim Chancellor

701.328.2974 | larry.skogen@ndus.edu

Good morning Chairman Dever and members of the committee. I am Larry Skogen, Interim Chancellor of the NDUS, and I'm here to speak in opposition to HB1131 that eliminates the exemption from veterans preference for positions in all your educational institutions, K through 20. I think it's also important to tell you that I'm a veteran. I spent 26 years in service to our country, including during a number of our wars, beginning with the Vietnam War. As an enlisted man, I spent time in Europe in law enforcement and protecting nuclear weapons. Later in my career, as an officer I spent a good number of years as a Cold War warrior operating a nuclear weapons delivery system. I spent time developing policies and plans for the North American Aerospace Defense Command with our Canadian neighbors. And I spent time in the United States Space Command headquarters working closely with the general responsible for all US military space activities. But none of this helps qualify me to better coach a football team, better teach children in mathematics, be a better professor in a university classroom, or be a better educational administrator.

There was thoughtful wisdom in a previous session whereby the legislature understood that. It's not a coincidence, I propose, that the exemptions, as currently in the law, were added. I don't know what problem is now being solved by eliminating those exemptions. I do agree that it is important to recognize and value our veterans. But I don't believe that potentially depreciating the education of our children is the way to do that. Thus, I strongly encourage a do not pass from this committee on HB1131. Thank you.