

2023 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1222

2023 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1222
1/19/2023

Relating to the definition of a veteran and required documentation when claiming veterans' preference for employment.

Meeting called to order by **Chairmen Schauer at 9:31 AM**

Chairmen Austen Schauer, Vice Chairmen Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider. All present.

Discussion Topics:

- Veterans Service points
- Civilian Employment

Representative Stemen- Testifies in favor (Testimony #14523)

Lonnie Wangen- Commissioner NDDVA- Testifies in favor (Testimony # 14485)

Representative Schauer Closed the hearing for HB 1222 at 9:46 AM

Phillip Jacobs, Committee Clerk By Risa Berube

2023 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1222
1/19/2023

Relating to the definition of a veteran and required documentation when claiming veterans' preference for employment.

Meeting called to order by **Chairmen Schauer at 3:18 PM, roll call was taken:**

Members Present: Chairmen Austen Schauer, Vice Chairmen Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider.

Members not Present- Representatives Satrom and Steiner

Discussion Topics:

- Amendment

Representative Rohr- Move to amend and remove “Within ND” (Testimony #15724)

Representative Karls – Second the motion

Voice Vote- Motion Carries

Representative Louse Move for a Do Pass as Amended

Representative McLeod- Seconds the Motion

Roll Call Vote was Taken:

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	A
Representative Landon Bahl	Y
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	A
Representative Steve Vetter	Y

House Government and Veterans Affairs Committee
HB 1222
Jan. 19th 2023
Page 2

Motion Carries 11-0-2 Representative Schneider will carry the bill.

Representative Schauer Closed the hearing for HB 1222 at 3:22 PM

Phillip Jacobs, Committee Clerk by Risa Berube

23.0741.01001
Title.02000

Adopted by the House Government and
Veterans Affairs Committee
January 19, 2023

44
2/19-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1222

Page 2, line 15, overstrike "located within North Dakota"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1222: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1222 was placed
on the Sixth order on the calendar.

Page 2, line 15, overstrike "located within North Dakota"

Renumber accordingly

2023 SENATE WORKFORCE DEVELOPMENT

HB 1222

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

HB 1222
3/9/2023

Relating to the definition of a veteran and required documentation when claiming veterans' preference for employment.

11:06 AM **Chairman Wobbema** called the hearing to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** are present.

Discussion Topics:

- Veterans service points
- Veterans' preference laws
- Eligibility of preference points
- Veterans' employment preference

11:07 AM **Representative Greg Stemen District 27**, introduced HB 1222 and testified in favor verbally.

11:08 AM **Lonnie Wangen, Commissioner, North Dakota Department Veterans Affairs** testified in favor. #22182

Senator Wobbema calls for discussion.

Senator Axtman moved **DO PASS**.

Senator Diane Larson seconded the motion.

Roll call vote.

Senators	Vote
Senator Michael A. Wobbema	Y
Senator Michelle Axtman	Y
Senator Jay Elkin	Y
Senator Diane Larson	Y
Senator Merrill Piepkorn	Y
Senator Jonathan Sickler	Y

The motion passed 6-0-0.

Senator Axtman will carry HB 1222.

11:13 AM Chairman **Wobbema** closed the hearing.

Patricia Lahr, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1222, as engrossed: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1222 was placed on the Fourteenth order on the calendar. This bill affects workforce development.

TESTIMONY

HB 1222

**Neutral Testimony
of Doug Sharbono, citizen of North Dakota
on HB1222
in the Sixty-eighth Legislative Assembly of North Dakota**

Dear Chairman Schauer and members of the House Government and Veterans
Affair Committee,

I am writing as a citizen and am providing neutral testimony on HB1222. I have
noticed in this legislation the definition of what a veteran is being revised.

I was a member of the North Dakota Army National Guard from 1990-1996
serving with HSC 142nd Engineer Combat Battalion (HV) in Fargo, ND as a
Concrete/Asphalt Equipment Operator. I was a part of the battalion that
volunteered for annual training in the Honduran mountains in 1991 for the
Fuertes Caminos projects. We built schools, roads, and water tanks. One of my
specific tasks was driving a M919 concrete mobile mixer. We could carry
constituents to produce nine yards of concrete.

Officially, Honduras at that time was considered a non-combat zone. However,
in reality this was not entirely true. There had been incidents of insurgency
causing casualties. While we were there, we had our company-issued M16s and
live ammo, which we carried at all times outside of the cantonment area. We
were escorted from the airstrip to the cantonment area in convoy by Humvees
with heavy machine guns. Admittedly, we were a little bare in defenses when we
were driving the 40 ton concrete truck picking up rock, sand, and cement without
escort with just two of us and our M16s. Although we had no casualties during
our tour, the previous tour had a death when the truck's brakes failed in the
mountains and became a runaway.

Despite some room for argument that Honduras was a combat zone, the
Pentagon has remained steadfast that it was safe and only training and war
games. Thus, many who served down there did not achieve veteran status
without the combat zone designation.

[Central America War | Central America War \(1979 – 1992\) \(uscontrawar.com\)](http://uscontrawar.com)

HB1222 has caught my attention as it would change my veteran status. I really
am indifferent as to whether this happens, but I do have some questions and
concerns for the sponsors and the GVA committee:

1. Will this new proposed state provision cause conflict with the federal
definitions of veteran?
2. Are there other states that have this revised definition?

3. Have the Veteran Service Organizations been contacted for their position on this bill?
4. Has the North Dakota National Guard been contacted for their position on this bill?
5. When a number of prior service military members achieve veteran status, what will the financial costs to the state be for this change as they potentially could qualify for more benefits? A fiscal note would have been handy.
6. What is the reason or source driving this change of veteran definition?
7. Will this revision cheapen the current veteran status of those who are currently recognized for serving in combat zones?

Thank you Chairman Schauer and members of the House GVA committee for allowing me to provide this neutral testimony on HB1222.

Doug Sharbono
1708 9th St S
Fargo, ND 58103

Good morning Chairman Schauer and members of the GVA Committee. My name is Greg Stemen, State Representative in District 27. My district includes a portion of South Fargo as well as the communities of Horace, Oxbow, Hickson and the rural agricultural area to the southern edge of Cass County.

I stand before you today to introduce House Bill 1222 on behalf of the North Dakota Department of Veteran's Affairs. What this bill does is expand the definition of "Veteran" status to include those who are in the process of serving at the end of their service commitment.

Currently, military personnel need to submit a copy of their discharge papers in order to be awarded Veterans Service Points. What is happening now, is that military branches are assisting the upcoming discharging members in gaining employment prior to actual discharge.

This change in language would allow members to be eligible for "preference points" to better compete for employment as they are finishing their commitment prior to discharge.

Another important aspect of this definition expansion is that it would bring state statute in line with current Federal Veterans Preference Laws under Chapter 21 of Title 5 United States Code Sub Section 2108a. This was changed in 2011 under the VOW Act (Veterans Opportunity to Work) (Hire Heroes Act) Public Law 112-56. It would also amend the DD214 from active duty in the uniformed services under other than "dishonorable" conditions not later than 120 days after the date of the submission of the certification.

The next allowance this would provide is that all current or prior members in good standing would be eligible for the five veterans preference points. While current law requires 20 years of service prior to eligibility, this expansion would factor in the reality that most guard members have a civilian career while serving the 20 years. Also, if a guard member served in a combat zone, they would be eligible as a "veteran" under section 8 (a).

An important value of this expansion of the definition of "Veteran" status is to help our discharging veterans gain employment in a more seamless manner and help to strengthen the workforce in North Dakota. I want to emphasize; this bill only changes the definition of a "Veteran" for this section of the law-veterans employment preference. No other benefits are affected.

I respectfully ask for your support of HB 1222 and I will welcome the opportunity to stand for questions. I do want to inform the committee that Lonnie Wangen, Commissioner of North Dakota Department of Veterans Affairs is available to answer any questions you may have as well.

Thank you, Mr. Chair and committee members.

Proposed Amendment to HB 1222

SECTION 1. AMENDMENT. Section 37-19.1-01 of the North Dakota Century Code is amended and reenacted as follows:

37-19.1-01. Definitions.

8. "Veteran" means an individual who:

- a. Is a veteran as defined in subsection 1 of section 37-01-40; or
- b. Has is serving in or has been honorably discharged from the national guard or a reserve unit. ~~located within North Dakota~~ and:
 - (1) ~~Has completed a minimum of twenty years of service; or~~
 - (2) ~~Served in a combat zone.~~

Page 2, Line 15 → Add a period after "unit"

Page 2, Line 15 → remove/overstrike "located within North Dakota"

HB 1222

North Dakota Department of Veterans Affairs
Lonnie Wangen-Commissioner

3/09/2023

Senate Workforce Development Committee
68th Legislative Session
Senator Wobbema-Chair

Chairman Wobbema and Senate Workforce Development Committee,

Please accept this testimony in support of HB 1222

Intent of this bill:

Allow military service members within 120 days of separation eligibility for 5 veteran employment preference points.

Amend ND National Guard member eligibility for veteran employment preference points from “after completion of 20 years” to current and former members.

Need for bill:

Current military service members

- Service members separating from service are seeking civilian employment.
- ND wants to attract these service members back to ND
- Current law requires a copy of discharge paper (DD214) showing character of service.
- DD214 is not issued until date of separation.
- Federal Government allows letter from command 120 prior to discharge in lieu of DD214

National Guard and Reserve

- While serving in a reserve status would normally have a career established by 20 years
- If served in combat zone would already qualify for veterans’ employment preference
- Deserve employment preference while serving as a part time soldier/airman

Outcome

- Attract our service members back to ND workforce.
- Another benefit to joining the ND National Guard and Reserve. Another recruiting tool.
- In line with Federal process and many other states
- In line with the original intent of veteran employment preference- to allow the service member to better compete with their civilian peers
 - Veteran joined service while high school peers entered work force and have more years on their resume.

Fiscal Note:

- None

Thank you for your consideration.

Lonnie Wangen Commissioner-NDDVA