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3/26/04
Date

2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1240

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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1240

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-24-03

Tape Number	Side A	Side B	Meter #
1		x	15.-end

Committee Clerk Signature *Jody Kovick*

Minutes:

Chairman Klein: opened the hearing on HB 1240. All committee members were present.

Representative Froelich: appeared in favor of HB 1240. **(SEE ATTACHED TESTIMONY).**

Broc Lietz, Human Resources Director for NDSU: appeared in opposition of HB 1240.

(SEE ATTACHED TESTIMONY).

Ardy Pfaff Human Resource Director, Information Technology Dept.: Testified in opposition she echos the concerns of the previous testimonies, I hire people for a living and the candidate follows in 2 catagories students directly out of college who don't have any experience, and leave our state because they become discouraged, or there is the experienced person out there looking for a job.

What are we doing down stream with college students to help them prepare and guide them for the proper career.

Do our high schools have a social studies class, that invites employers to come on in and talk

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Dorena Baller
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10/2/03
Date

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House Government and Veterans Affairs Committee
Bill/Resolution Number HB 1240
Hearing Date 1'-24-03

about the good things about the great careers out there. Change the negative talk and get some real interaction between our high school, colleges and employers. Students are hungry for opportunities. I'm opposed to this particular bill. No further testimony.

Representative Meier: What are the hard positions to fill?

Ardy Pfaff: All of our technology jobs.

Representative Winrich: Do you have entry level positions?

Ardy Pfaff: Yes we do. Program analyst has the highest turn over rate.

Irish Linnertz, Director of Human Services, DPI: And she does support what she has heard in opposition, but I want to add one other consideration, and that is the state already offers veterans preference and we provide an additional 5 points for veterans on a 100 point scale. And how this would work if we would give them a 10 point preference to in state employment I think that would cause some kind of a conflict, and this bill does not really provide any kind of provisions or guidelines on how we can provide that preference. So there would be a conflict.

Chairman Klein: what your basically saying is if we offered 10 points here and 5 points as a veteran it would severely restrict your capabilities?

Irish Linnertz: Yes it would.

Laurie Sterioti Hammeren, Central Personnel Director: appeared in opposition of HB 1240.

The impact of the bill might be discriminatory, and it might also be not constitutional. I would ask that maybe the committee ask the Attorney Generals Office about that for some legal advice. I'm also concerned about the impact of keeping residents and kids here. This bill would

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House Government and Veterans Affairs Committee
Bill/Resolution Number HB 1240
Hearing Date 1'-24-03

have the opposite effect on keeping North Dakotans here, they would not get the preference if this bill went through.

Rita Lindgren, Director of Human Resources BSC; appeared in opposition of HB 1240 and provided written testimony (SEE ATTACHED TESTIMONY).

No further testimony provided.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1240

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-30-03

Tape Number	Side A	Side B	Meter #
2	x		29.7-31.9
Committee Clerk Signature <i>Grace Rente</i>			

Minutes: Chairman Klein: called the meeting to order, all members were present.

Representative Haas: made a **DO NOT PASS** motion on HB 1240.

Representative Meier: **SECOND** the motion.

VOTE 13 YES 0 NO 0 ABSENT

Representative Meier: will carry bill to the floor.

Meeting adjourned.

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Date: 1-30-03
Roll Call Vote #: 1240

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House GOVERNMENT AND VETERANS AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DNP

Motion Made By Rep. Haas Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	A	
W.R. Devlin	X		C. Williams	X	
C.B. Haas	X		L. Winrich	X	
J. Kasper	X				
L.R. Klemin	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 13 No 0

Absent 1 Rep. Potter

Floor Assignment Rep Meier

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

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1/2/03
Date

REPORT OF STANDING COMMITTEE (410)
January 30, 2003 11:32 a.m.

Module No: HR-18-1342
Carrier: Meler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1240: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends DO NOT PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1240 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-18-1342

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10/2/03
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2003 TESTIMONY

HB 1240

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10/2/03
Date



NORTH DAKOTA CENTRAL PERSONNEL DIVISION

A Division of the Office of Management & Budget
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Bismarck, North Dakota 58505-0120
www.discovernd.com/cpers

Information: 701-328-3290
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Director: 701-328-3293
Fax: 701-328-1475

December 23, 2002

The Honorable Rodney Froelich *in favor*
8710 Highway 6
Selfridge, ND 58568 *H.B. 1240*

Dear Representative Froelich:

In response to your phone request of December 4, 2002, for information on new hires in state government, the Central Personnel Division surveyed agencies on Central Payroll who have had new hires within the last two years. The data collected from these agencies shows:

- 1,093 employees were hired into non-temporary positions from January 1, 2001, until December 1, 2002. This includes new elected/appointed officials also.

Of those new hires:

- 84 employees were county clerks who transferred to the state's judicial system and payroll in April, 2001, as a result of legislative action.
- 149 employees were employed with a different state agency immediately prior to being hired by a state agency.
- 732 employees were employed with other employers in North Dakota, were students, or were unemployed before coming to work in state government.
- 128 employees were employed out of state before this employment.

Of the out-of-state hires, 76 indicated on their application forms attendance at a North Dakota college or university or previous employment with a North Dakota employer. This indicates that perhaps the employee was returning to North Dakota.

This data does not include new hire information from the North Dakota University System or agencies not on Central Payroll (Bank of North Dakota, Housing Finance Agency, and Roughrider Industries).

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12/2/03
Date

Representative Froelich

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12/23/2002

I hope this provides the information you were seeking. If you have any questions, please feel free to contact me.

Sincerely,

Virginia Rivinius
Virginia Rivinius, SPHR
Senior Personnel Officer

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Deanna Ballerich
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12/23/03
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**Testimony on HB 1240
Opposition**

Mister Chairman, members of the committee. My name is Broc Lietz. I am the Human Resources Director for North Dakota State University. I was born and raised in Hoople, North Dakota, attended Elementary and High School at Valley Public School, and received my Bachelor's Degree from Mayville State University. In the past ten years, I have been employed in both the public and private sector, exclusively in North Dakota, including currently my second stint with the North Dakota University System.

I give you this brief history to point out that I am and have been a resident of North Dakota my entire life. Although presented with opportunities in South Dakota, Minnesota, and Georgia, I have made a conscious decision to remain in North Dakota and pursue my professional life. I do so with a commitment and loyalty that I believe is second to none. I take pride in North Dakota, I am thankful for the education and professional opportunities afforded me in North Dakota, and I am committed to helping North Dakota thrive in the future.

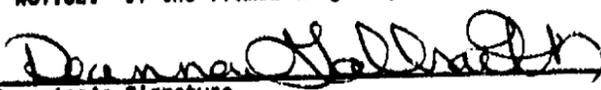
This said, I stand before you today in opposition to House Bill 1240, a Bill for an Act to provide preference to residents in hiring for employment by the state.

I offer the following points to support a **DO NOT PASS** on HB1240.

- Out migration v. Returning to North Dakota
- Potentially limits applicant pools
- Concerns from border cities

Out migration v. Returning to North Dakota: The topic of out migration has been very prevalent recently in this state, and I agree that it is a problem that faces us. I am sure there are several solutions that could be offered to help prevent out migration, and hopefully we will continue to work toward those efforts. I believe out migration is about opportunity. The best way to get people to stay in North Dakota, or better yet, to return to North Dakota, is to create opportunities. Create more jobs, and better jobs. People should want to stay here because the opportunity is too great to leave. Individuals should be getting jobs that they are qualified for and provide them with the challenge and opportunity they are looking for, they should not be getting jobs by default, because they are a resident of the state in which they are applying for a job. On returning to North Dakota, there have been many on-going efforts to attempt to bring people home to North Dakota. For example, NDhasjobs.com is a state funded effort that targets former North Dakota residents to return home for professional opportunities. HB 1240 is in direct competition with this effort. A few years ago, many economic development groups in the state were promoting an effort called "Project Back Home", which again was aimed at former North Dakota residents who have left, to get them to consider returning to North Dakota for professional opportunities. HB 1240 is in direct competition with this effort also. Below are some examples of recent hires at NDSU who have returned home for employment opportunities:

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- Kristi Wold McCormick, Director of Registration and Records, B.A./M.S. from NDSU, PhD from UND, returned from Colorado.
- James Baker, Research Specialist, NDSU graduate in Mechanical Engineering, returned after 10 years in Denver, CO.
- Lee Hoedl, Assistant Director Memorial Union, NDSU graduate, returned from St. Paul, MN.

These are just a few examples of employees who have specifically said their reason for applying and accepting positions was to "return home to North Dakota". HB 1240, potentially limits these individuals from accomplishing what both they, and we want, which is to return to North Dakota.

Limits Applicant Pools: Many people around the country seem to have a perception that North Dakota is not an advantageous place to live and pursue a career. We hear all the time about people referring to our cold weather, flat ground, lack of scenery, small population, etc. These issues serve as a deterrent in some cases for people to apply for positions in North Dakota. Knowledge from external applicants that North Dakota will provide hiring preference to North Dakota residents will serve as an additional deterrent. We should all want the ability to hire the best possible candidates, from the best possible pools for all job openings. Getting a highly talented and diverse applicant pool is the key to hiring the best candidate. I believe it is a mistake to create limits for people in the application process.

Concerns from Border Cities: North Dakota State University is currently the third largest employer in Fargo, according to the latest information received from the economic development group. Many of NDSU's employees are residents of Moorhead, MN. Although we may lose some population due to being a border city, we also gain significantly from students or employees of Concordia or the University of Minnesota - Moorhead. The point is, a person's residence should not be criteria in determining their qualifications for employment. We want to hire the best possible people, regardless of whether or not they choose to live across the Red River. The University of North Dakota and North Dakota State College of Science face same issue with residence of East Grand Forks, Breckenridge, and other small towns on the North Dakota/Minnesota border.

Thank you for your time and the opportunity for me to be here today. I re-iterate my desire for a **DO NOT PASS** on HB 1240. I will be happy to respond to any questions you may have.

Respectfully submitted,

Broc Lietz
North Dakota State University

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10/2/03
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**Testimony – HB 1240
Opposition**

Mister chairman, members of the committee, I testify in opposition to HB 1240. I am Rita Lindgren, Director of Human Resources at Bismarck State College. I have worked at BSC for 24 years. Most of my experience has been in human resources. My testimony reflects the position of the North Dakota University System Human Resource Council. This is a representative group of the human resource professionals within the North Dakota University System.

The following points are in opposition of HB 1240:

- **Discriminatory Issues -**

For example, if we had a qualified applicant from Canada and one from North Dakota, we would be giving the North Dakotan preference. It could leave us open for some discrimination claims (national origin).

- **Most Qualified Candidate –**

In the hiring process, the goal is to hire the best or most qualified candidate. The ultimate goal of hiring for all government agencies is to have a well-rounded, diverse pool of applicants. This bill potentially limits this process by giving preference to North Dakota residents.

- **Diversity –**

Higher education is encouraged by North Central Accreditation (North Central Association of Colleges and Schools Commission on Institutions of Higher Education) to be diverse. The NCA is our accrediting association for the North Dakota University System. The following is a quote from North Dakota State University's North Central Accreditation report: "Individual and group differences in ideas, view points, perspectives, backgrounds, and values add richness to the teaching and learning process which can strengthen an institution." This bill would limit our ability to work towards a more diverse workforce.

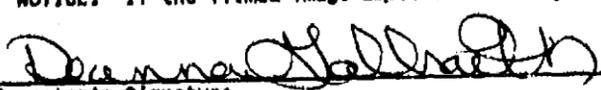
- **Faculty, Administrative and Professional Searches –**

To recruit and obtain the most qualified faculty, administrative and professional positions we generally recruit nationally and regionally. In specialized fields, we may not either produce any or enough graduates to fill these types of positions. The North Dakota University System needs to be able to provide the best learning experience for our students. A significant part of accomplishing that is by hiring the best candidates we can. This bill would limit our potential to hire the most qualified candidate in national and regional searches.

I would like to thank the committee for your time and answer any questions you may have.

Respectfully submitted – Rita Lindgren, Bismarck State College

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