

MINUTES

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

- DATE:** Thursday, February 28, 2013
- TIME:** 1:30 P.M.
- PLACE:** Room WW54
- MEMBERS PRESENT:** Chairman Tippetts, Vice Chairman Patrick, Senators Cameron, Goedde, Guthrie, Martin, Lakey, Schmidt and Durst
- ABSENT/ EXCUSED:**
- NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Tippetts** called the meeting to order at 1:30 p.m.
- UNANIMOUS CONSENT REQUEST FOR RS 22158:** **Chairman Tippetts** explained how the rules of the Board of Architectural Examiners were partially rejected and in the process were renumbered, which caused confusion. A new RS was created and the new RS would be sent to a privileged committee and then to the Tenth Order of business on the floor of the Senate. **Vice Chairman Patrick** asked for unanimous consent to send **RS 22158** to a privileged committee for printing and to reject **Docket No. 24-0101-1201**, Bureau of Occupational Licenses relating to rules of the Board of Architectural Examiners, Section 550, Subsection 03, Relating to Contracts, only, adopted as pending rules; and final rule Section 550, Subsection 04, relating to direct supervision only. There were no objections.
- S 1041** **Chairman Tippetts** introduced **Senator Marv Hagedorn** who presented this bill relating to state personnel and providing for the noncompetitive appointment to state agencies of disabled veterans. He stated this bill was also sponsored by Senator Branden J. Durst. He said the legislation would change state hiring practices by establishing the option of noncompetitive appointment to state agency jobs when considering applicants who were qualified disabled veterans. The following must occur in order for the appropriate authority to appoint a disabled veteran on a noncompetitive basis: a) The disabled veteran has served in the United States armed forces and is included on a United States armed forces permanent disability list with a disability rating of at least thirty percent or the disabled veteran has been rated by the United States Department of Veterans Affairs as having a compensable service-connected disability of at least thirty percent; b) The disabled veteran presents to the appointing authority written documentation from an appropriate department of the federal government certifying the existence and extent of the disability. The certification must have been issued by the appropriate department of the federal government within the year preceding appointment; and c) The appointing authority determines that the disabled veteran meets the minimum qualifications for the vacant position.
- If an appointing authority elects to appoint a disabled veteran to a vacant position on a noncompetitive basis, an appointing authority is not required to interview any other person.

Chairman Tippetts and **Senator Hagedorn** had a conversation regarding the advantages currently built into the system for veterans. They discussed additional preference points awarded to veterans during the application and interview process.

Senator Cameron and **Senator Hagedorn** discussed the possible ramifications of not hiring a veteran, discretion of the agency or director to make the final decision to hire the best qualified person for the job, regardless of whether they were a veteran. They had a conversation about disabled veterans having a higher unemployment rate than non-disabled veterans, veterans having an unemployment rate of two to three percent higher than non-veterans, the contributing factor of the high suicide rate among veterans (22 suicides a day nationwide), and the idea that steps needed to be taken to get veterans back into the private sector as soon as possible. Costs of training, depending upon the disability of the veteran and medical coverage were discussed. **Senator Schmidt** questioned **Senator Hagedorn** regarding written documentation submitted by a disabled veteran certifying the existence and the extent of the disability. He asked whether the nature of the disability was transmitted or just the existence of and the extent of the disability.

Senator Guthrie and **Senator Durst** talked about definitions of a "nonclassified officer" (the classification in terms of employment) and "appointing authority" (the agency who is hiring the individual). They discussed the authority to appoint someone for a job, going through the proper hiring procedures, and clarification of terms in the bill.

Senator Guthrie and **Senator Hagedorn** discussed the three minimum requirements for thresholds of disability ratings. **Vice Chairman Patrick** mentioned the key words were "may appoint" with an option "to appoint", which did not require someone to be appointed.

Chairman Tippetts questioned lines 31 and 32 that said "an appointing authority is not required to interview any other person" and line 14 "the appointing authority may appoint a disabled veteran". **Chairman Tippetts** said he did not see anything in the bill that would require the agencies to advertise a vacancy. **Senator Durst** explained the bill referred to nonclassified jobs on line 13 that did not have to be advertised and line 37 referred to classified jobs that had to be advertised. **Senator Hagedorn** explained that if an agency advertised for a position, there were many applicants and one of the applicants was a qualified disabled veteran, the agency was not required to finish going through the hiring process, but could appoint a qualified disabled veteran. **Chairman Tippetts, Senators Durst, Goedde** and **Hagedorn** had a conversation about an agency being allowed to talk to a disabled veteran ahead of time about a job, hand-selecting someone, how much of the hiring process would be disregarded. They discussed how other veterans or disabled veterans could be precluded from consideration for an upcoming vacancy, hiring the best disabled veteran for the job, and job and agency priorities.

TESTIMONY:

Chairman Tippetts welcomed **Vickie Tokita**, Administrator, Division of Human Resources, who explained there was a current statute in Idaho Code § 59-1602, that federal merit system standards be applied to nonclassified positions, financed in whole or in part by federal funds, and that the standards must be applied to personnel administration of a merit system. The same language applied to classified employees. Currently, the classified system agencies receive a list of 25 applicants who they can consider, interview and hire. Disabled veterans have to be interviewed. The current system allows for a qualified disabled veteran to be hired if he or she is in the top 25 and no one else, including a veteran, has to be interviewed. **Ms. Tokita** and **Chairman Tippetts** talked about the 100 point rating system for a job applicant, including an additional five points given to a veteran and ten points for a disabled veteran with the possibility of a final score of 115 points.

TESTIMONY: **Tamara Mackenthun**, Deputy Administrator of Veterans Services, shared her own personal experience as a disabled veteran, the difficulty in getting hired due to the different skill set required for work experience, the exams that did not address knowledge, but emphasized work experience, and how difficult it was to make the transition from the military service to the private sector. She said the letter from Veteran's Affairs did not state the disability, but only that a veteran was 30 percent or more disabled.

Senator Hagedorn, in his closing comments, said this bill would give disabled veterans a greater opportunity for employment, send a positive message, and provide a solution to serve the group who has sacrificed so much for our country.

MOTION: **Senator Durst** moved that **S 1041** be sent to the floor with a **do pass** recommendation. **Senator Martin** seconded the motion. **Senator Goedde** said he was ready to support the bill, but had a concern about not making veterans aware of job openings and the potential for abuse. The motion carried by **voice vote**. Senator Durst will carry the bill on the floor of the Senate.

S 1045 **Senator Marv Hagedorn** presented this bill relating to the amendment of Idaho Code § 65-505 to revise the definition of "veteran." Currently, the definition of a veteran, as defined in § 65-502 § 17, requires a person to have served on active duty in the armed forces during a war or in a combat zone. The current definition of "veteran" under state code, alienates many who have served, but may not have served in what is considered a war or combat zone as defined by the federal government under United States Code. This revision strikes out the requirement "to have served in a war or combat zone" as defined by the federal government under United States Code. He cited the United States Code and cited a lengthy description of what the feds consider a "veteran" for hiring purposes. He indicated that Section 2108 of United States Code was repealed on April 10, 1989 which defined a "veteran" and this bill would remove that language from Idaho Code. **Senator Hagedorn** said, for the purposes of hiring only, the bill would change the definition of veteran to someone who served on active duty for a minimum of 180 consecutive days and was honorably discharged." He said the Idaho Division of Veteran's Services, the American Legion, the Veterans of Foreign Wars, the American Veterans, the Marine Corps, along with a variety of smaller veterans service organizations, have all expressed support for the change in definition.

A discussion ensued among **Chairman Tippetts**, **Senators Martin, Schmidt, Durst, Guthrie, Lakey**, and **Hagedorn** relating to a clear definition of "active duty" requirements. **Senator Hagedorn** requested unanimous consent for **S 1045** to be held in committee until the meeting of March 5, 2013 until the definition of "active duty" could be clearly defined. There were no objections.

S 1068 **Senator Branden Durst** presented this bill relating to the authorization of professional and occupational licensing boards within self-governing state agencies to promulgate rules expediting occupational licensure for active-duty service members and their spouses, with the requirement that the license seeker has an equivalent license in another state, commonwealth, possession or territory of the United States or the District of Columbia.

Senator Durst said a new section would be added to the code for a provisional certificate for a service member or spouse of a service member. They may obtain a certificate with stipulations, and a provisional educator endorsement in a specific content area or areas, if he or she holds a valid teaching certificate or license in good standing from another state, meets the qualifications of educators outlined in the chapter and rules of the State Board of Education, and has not engaged in any misconduct that would prohibit an individual from obtaining a license pursuant to Idaho law, including without limitation, any administrative rules of the State Board of Education. He defined "service member" as meaning any person who, at the time of application, was an active duty member of the United States Armed Forces or any reserve component of the United States Armed Forces or the National Guard of any state, commonwealth, possession or territory of the United States Armed Forces or the National Guard of any state, commonwealth, possession or territory of the United States or the District of Columbia. A provisional educator endorsement is valid until June 30 immediately following two years of the license being issued, during which time any remaining testing and coursework deficiencies must be met. Failure to satisfy all stated deficiencies shall mean the individual, including any service member or spouse who has obtained a certificate with stipulations and a provisional educator endorsement in a specific content area or areas, is ineligible to receive a certificate at that time. A provisional educator endorsement on a certificate with stipulations shall not be renewed.

Section two of the bill would be amended. Each of the professional and occupational licensing boards within the department of self-governing agencies may expedite the application of a member of the armed forces or reserves of the United States, the national guard of any state, the military reserves of any state or the naval militia of any state or a spouse of such person to receive licensure, certification or registration, if such member or spouse of such member possesses necessary education, qualifications or licensure or certification from another state, possession, commonwealth or territory. Each professional and occupational licensing board is authorized to promulgate rules to implement the provisions of this subsection.

A conversation ensued among **Chairman Tippetts**, **Senators Goedde**, **Schmidt**, **Cameron**, and **Durst** relating to requirements by the State Board of Medicine for doctors, the State Credentialing Commission for teachers, and the fiscal impact for the various boards and agencies relating to fees and promulgation of rules. **Chairman Tippetts** pointed out that the word "may" did not refer to whatever agency was issuing the certificate, but rather referred to the service member or spouse, and it was up to them whether they would get the certificate.

TESTIMONY:

Tana Cory, Chief of the Bureau of Occupational Licenses (Bureau), said she could only speak about the requirements of occupational licenses. **Senator Guthrie** and **Ms. Cory** had a conversation about how the Bureau tried to treat all applicants the same.

Senator Durst made some closing comments about the credentialing requirements for educators. **Senator Goedde** stated he had a concern about the provisional certificate and wanted input from the State Board of Education. He expressed a concern about the word "may" and said it was written at the option of the service member or spouse, not at the option of the Bureau. **Senator Durst** said he would support sending **S 1068** to the Fourteenth Order for amendment to clarify the Professional Standards Commission was issuing the certificate.

MOTION: **Senator Goedde** moved to send **S 1068** to the amending order. **Senator Durst** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman Tippetts** adjourned the meeting at 2:58 p.m.

Senator Tippetts
Chairman

Linda Kambeitz
Secretary