

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

_____ Session, 2021

H. B. 22- 85

A BILL FOR AN ACT

To amend Title 1, Division 2, Part 1, Chapter 1, Article 7 of the Commonwealth Code by permitting private employers to exercise a voluntary veterans' preference in employment relating to veterans' relief; and for other purposes.

**BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings.** It has been said that, “a veteran is someone who, at
2 one point in his/her life, wrote a blank check made payable to ‘The United States
3 of America,’ for an amount of ‘up to and including my life.’” The Legislature finds
4 that members of the US Armed Forces, National Guard and other veterans have
5 been doing the heavy lifting in Afghanistan and Iraq and other military efforts
6 around the world and throughout history. Further, because the military is a major
7 employer for CNMI residents, and many veterans return here once they are
8 discharged, we find that the veteran population is growing larger while the
9 economic opportunities continue to diminish. This bill is a reasonable way to honor
10 those who have served their country by following both federal and state laws that

1 provide preferences for honorably discharged veterans in employment in federal,
2 state, and local government.

3 For example, with regard to some public employment positions, applicants
4 must take a competitive examination. In those cases, preference is given to veterans
5 by adding a percentage to the passing mark, grade, or rating of an examination.

6 Federal law allows states and US Commonwealths to provide some
7 preferences to assist veterans. This legislation intends to mirror public employment
8 preferences. There is no disparate impact against women with this preference under
9 this law.

10 This Act provides an express shield against litigation for employers who
11 want to provide a preference to veterans. There is an express safe harbor in Title
12 VII to allow for these types of state laws. The Legislature finds that this is consistent
13 with the wishes of many companies that would like to prefer veterans, but are
14 concerned about litigation. This legislation will remove the fear factor, and allow
15 more companies to reach out to veterans. This would help take down one barrier to
16 hiring veterans and allow companies to work to transition military members into
17 the larger workforce.

18 Consistent with the Legislature's intention to establish a permissive
19 preference in private employment for certain veterans, this legislation also provides
20 that in private, nonpublic employment veterans and their widows or widowers may
21 be preferred for employment. Spouses of honorably discharged veterans who have

1 a service connected permanent and total disability may also be preferred for
2 employment. These preferences are not considered violations of any state or local
3 equal employment opportunity law.

4 **Section 2. Amendment.** Title 1, Government, Division 2 Executive
5 Branch, Part 1 Organization of the Executive Branch, Chapter 1, Office of the
6 Governor, Article 7 Office of the Military Liaison and Veteran Affairs shall be
7 amended to add a new section 20134 to the Commonwealth Code as follows:

8 **“Section 20134. Voluntary Veterans' Preference In**
9 **Employment.** There shall be a permissive preference in private
10 employment for certain veterans as set forth herein.

11 (A) In every private, nonpublic employment in this state, honorably
12 discharged soldiers, sailors, and marines who are veterans of any war of the
13 United States, or of any military campaign for which a campaign ribbon has
14 been awarded, and their widows or widowers, may be preferred for
15 employment. Spouses of honorably discharged veterans who have a service
16 connected permanent and total disability may also be preferred for
17 employment. These preferences are not considered violations of any state
18 or local equal employment opportunity law.

19 (1) **‘Veteran’ Defined.** As used in this Act, veteran includes
20 every person, who at the time he or she seeks the benefits of this Act
21 has received an honorable discharge, is actively serving honorably,

1 or received a discharge for physical reasons with an honorable
2 record and who meets at least one of the following criteria:

3 (a) The person has served between World War I and
4 World War II or during any period of war, as defined herein
5 as either:

6 (i) A member in any branch of the armed
7 forces of the United States;

8 (ii) A member of the women's air forces
9 service pilots;

10 (iii) A U.S. documented merchant mariner
11 with service aboard an oceangoing vessel operated
12 by the war shipping administration, the office of
13 defense transportation, or their agents, from
14 December 7, 1941, through December 31, 1946; or

15 (iv) A United States documented merchant
16 mariner with service aboard an oceangoing vessel
17 operated by the department of defense, or its agents,
18 from both June 25, 1950, through July 27, 1953, in
19 Korean territorial waters and from August 5, 1964,
20 through May 7, 1975, in Vietnam territorial waters,
21 and who received a military commendation.

1 (v) A civil service crewmember with service
2 aboard a U.S. army transport service or U.S. naval
3 transportation service vessel in oceangoing service
4 from December 7, 1941, through December 31,
5 1946; or

6 (b) The person has received the armed forces
7 expeditionary medal, or marine corps and navy
8 expeditionary medal, for opposed action on foreign soil, for
9 service:

10 (i) In any branch of the armed forces of the
11 United States; or

12 (ii) As a member of the women's air forces
13 service pilots.

14 **(2) A 'Period of War' Defined:**

15 (a) World War I;

16 (b) World War II;

17 (c) The Korean conflict;

18 (d) The Vietnam era, which means:

19 (i) The period beginning on February 28, 1961, and
20 ending on May 7, 1975, in the case of a veteran who served
21 in the Republic of Vietnam during that period;

1 (ii) The period beginning August 5, 1964, and ending
2 on May 7, 1975;

3 (e) The Persian Gulf War, which was the period
4 beginning August 2, 1990, and ending on the date prescribed
5 by presidential proclamation or law;

6 (f) The period beginning on the date of any future
7 declaration of war by the congress and ending on the date
8 prescribed by presidential proclamation or concurrent
9 resolution of the congress; and

10 (g) The following armed conflicts, if the participant
11 was awarded the respective campaign badge or medal: The
12 crisis in Lebanon; the invasion of Grenada; Panama,
13 Operation Just Cause; Somalia, Operation Restore Hope;
14 Haiti, Operation Uphold Democracy; Bosnia, Operation
15 Joint Endeavor; Operation Noble Eagle; southern or central
16 Asia, Operation Enduring Freedom; and Persian Gulf,
17 Operation Iraqi Freedom.

18 (3) 'Veteran' also includes a every person who at the time he
19 or she is seeking to assert permissive preference in private
20 employment is a current member of the national guard or armed
21 forces reserves who has been deployed to serve in an armed conflict

1 or has received an honorable discharge or received a discharge for
2 medical reasons with an honorable record, where applicable, and
3 who has served in at least one of the following capacities:

4 (a) As a member in any branch of the armed forces
5 of the United States, including the national guard and armed
6 forces reserves, and has fulfilled his or her initial military
7 service obligation;

8 (b) As a member of the women's air forces service
9 pilots;

10 (c) As a member of the armed forces reserves,
11 national guard, or coast guard, and has been called into
12 federal service by a presidential select reserve call up for at
13 least one hundred eighty cumulative days;

14 (d) As a civil service crewmember with service
15 aboard a U.S. army transport service or U.S. naval
16 transportation service vessel in oceangoing service from
17 December 7, 1941, through December 31, 1946;

18 (e) As a member of the Philippine armed
19 forces/scouts during the period of armed conflict from
20 December 7, 1941, through August 15, 1945; or

1 (f) A United States documented merchant mariner
2 with service aboard an oceangoing vessel operated by the
3 department of defense, or its agents, from both June 25,
4 1950, through July 27, 1953, in Korean territorial waters and
5 from August 5, 1964, through May 7, 1975, in Vietnam
6 territorial waters, and who received a military
7 commendation.”

8 **Section 3. Severability.** If any provision of this Act or the application of
9 any such provision to any person or circumstance should be held invalid by a court
10 of competent jurisdiction, the remainder of this Act or the application of its
11 provisions to persons or circumstances other than those to which it is held invalid
12 shall not be affected thereby.

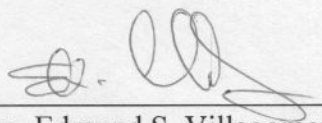
13 **Section 4. Savings Clause.** This Act and any repealer contained herein
14 shall not be construed as affecting any existing right acquired under contract or
15 acquired under statutes repealed or under any rule, regulation, or order adopted
16 under the statutes. Repealers contained in this Act shall not affect any proceeding
17 instituted under or pursuant to prior law. The enactment of the Act shall not have
18 the effect of terminating, or in any way modifying, any liability, civil or criminal,
19 which shall already be in existence on the date this Act becomes effective.

1 **Section 5. Effective Date.** This Act shall take effect upon its approval by
2 the Governor, or its becoming law without such approval.

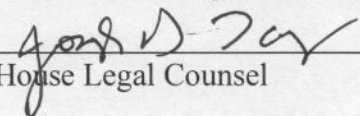
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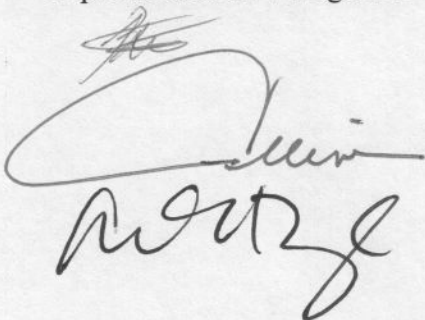
Date: 11/27/2021

Introduced by:


Rep. Edmund S. Villagomez

Reviewed for Legal Sufficiency by:


House Legal Counsel

 11/23/21