



Arnold I. Palacios
Governor

David M. Apatang
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

31 JAN 2023

The Honorable Edmund S. Villagomez
Speaker, House of Representatives
Twenty-Third Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Edith E. Deleon Guerrero
President of the Senate
Twenty-Third Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Madam President:

This is to inform you that I have signed into law **House Bill No. 22-85** entitled, "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.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 22-30**. Copies bearing my signature are forwarded for your reference.

Sincerely,


ARNOLD I. PALACIOS
Governor

cc: Lt. Governor; Attorney General's Office; Commonwealth Law Revision Commission; Public Auditor; Military and Veterans Affairs; Programs and Legislative Review Office



House of Representatives

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

December 30, 2022

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 22-85**, entitled: "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.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

Sincerely yours,


Linda B. Muna
House Clerk

Attachment



Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

SECOND REGULAR SESSION

DECEMBER 20, 2021

REPRESENTATIVE EDMUND S. VILLAGOMEZ OF SAIPAN, PRECINCT 3 (*for himself*, Representatives Blas Jonathan "BJ" T. Attao, Celina R. Babauta, and Donald M. Manglona,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 22-85

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.

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Federal and Foreign Affairs.

THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FIRST AND FINAL READING, AUGUST 29, 2022;
without amendments in the form of H. B. No. 22-85 and transmitted to **THE SENATE.**

IN THE SENATE

The Bill was referred to the Senate Committee on Judiciary, Government, Law and Federal Relations.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 28, 2022;
without amendments and returned to **THE HOUSE OF REPRESENTATIVES.**

H. B. NO. 22-85 IS DULY PASSED BY THE TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE.


Linda B. Muña, House Clerk



Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

FIRST DAY, FOURTH REGULAR SESSION

AUGUST 29, 2022

H. B. No. 22-85

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 TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **SECTION 1. FINDINGS.**

2 It has been said that, "a veteran is someone who, at one point in his/her life, wrote a
3 blank check made payable to 'The United States of America,' for an amount of 'up to and
4 including my life.'" The Legislature finds that members of the US Armed Forces, National
5 Guard and other veterans have been doing the heavy lifting in Afghanistan and Iraq and other
6 military efforts around the world and throughout history. Further, because the military is a
7 major employer for CNMI residents, and many veterans return here once they are discharged,
8 we find that the veteran population is growing larger while the economic opportunities continue

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1 to diminish. This bill is a reasonable way to honor those who have served their country by
2 following both federal and state laws that provide preferences for honorably discharged
3 veterans in employment in federal, state, and local government.

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

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

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

17 Consistent with the Legislature's intention to establish a permissive preference in
18 private employment for certain veterans, this legislation also provides that in private, nonpublic
19 employment veterans and their widows or widowers may be preferred for employment.
20 Spouses of honorably discharged veterans who have a service connected permanent and total
21 disability may also be preferred for employment. These preferences are not considered
22 violations of any state or local equal employment opportunity law.

23 **SECTION 2. AMENDMENT.**

24 Title 1, Government, Division 2 Executive Branch, Part 1 Organization of the
25 Executive Branch, Chapter 1, Office of the Governor, Article 7 Office of the Military Liaison
26 and Veteran Affairs shall be amended to add a new section 20134 to the Commonwealth Code
27 as follows:

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

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

8 (1) 'Veteran' Defined. As used in this Act, veteran includes every person, who
9 at the time he or she seeks the benefits of this Act has received an honorable discharge,
10 is actively serving honorably, or received a discharge for physical reasons with an
11 honorable record and who meets at least one of the following criteria:

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

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

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

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

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

25 (v) A civil service crewmember with service aboard a U.S. army
26 transport service or U.S. naval transportation service vessel in oceangoing
27 service from December 7, 1941, through December 31, 1946; or

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1 (b) The person has received the armed forces expeditionary medal, or
2 marine corps and navy expeditionary medal, for opposed action on foreign soil,
3 for service:

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

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

6 (2) A 'Period of War' Defined:

7 (a) World War I;

8 (b) World War II;

9 (c) The Korean conflict;

10 (d) The Vietnam era, which means:

11 (i) The period beginning on February 28, 1961, and ending on May 7,
12 1975, in the case of a veteran who served in the Republic of Vietnam during
13 that period;

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

15 (e) The Persian Gulf War, which was the period beginning August 2,
16 1990, and ending on the date prescribed by presidential proclamation or law;

17 (f) The period beginning on the date of any future declaration of war by
18 the congress and ending on the date prescribed by presidential proclamation or
19 concurrent resolution of the congress; and

20 (g) The following armed conflicts, if the participant was awarded the
21 respective campaign badge or medal: The crisis in Lebanon; the invasion of
22 Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope;
23 Haiti, Operation Uphold Democracy; Bosnia, Operation Joint Endeavor;
24 Operation Noble Eagle; southern or central Asia, Operation Enduring Freedom;
25 and Persian Gulf, Operation Iraqi Freedom.

26 (3) 'Veteran' also includes a every person who at the time he or she is seeking
27 to assert permissive preference in private employment is a current member of the
28 national guard or armed forces reserves who has been deployed to serve in an armed
29 conflict or has received an honorable discharge or received a discharge for medical

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1 reasons with an honorable record, where applicable, and who has served in at least one
2 of the following capacities:

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

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

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

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

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

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

20 **SECTION 3. SEVERABILITY.**

21 If any provisions of this Act or the application of any such provision to any person or
22 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this
23 Act or the application of its provisions to persons or circumstances other than those to which
24 it is held invalid shall not be affected thereby.

25 **SECTION 4. SAVINGS CLAUSE.**

26 This Act and any repealer contained herein shall not be construed as affecting any
27 existing right acquired under contract or acquired under statutes repealed or under any rule,
28 regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect
29 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not

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1 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which
2 shall already be in existence on the date this Act becomes effective.

3 **SECTION 5. EFFECTIVE DATE.**

4 This Act shall take effect upon its approval by the Governor, or its becoming law
5 without such approval.

Attested to by:




Linda B. Muña, House Clerk

Certified by:



SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
22nd Northern Marianas Commonwealth Legislature

Approved this *31st* day of *January*, 202~~2~~³



ARNOLD I. PALACIOS
Governor
Commonwealth of the Northern Mariana Islands