

FISCAL NOTE
Requested by Legislative Council
03/23/2015

Amendment to: Engrossed HB 1387

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2013-2015 Biennium | | 2015-2017 Biennium | | 2017-2019 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| | 2013-2015 Biennium | 2015-2017 Biennium | 2017-2019 Biennium |
|------------------|--------------------|--------------------|--------------------|
| Counties | | | |
| Cities | | | |
| School Districts | | | |
| Townships | | | |

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Original bill provides preferred parking for pregnant or 'child at work' employees. Amendments add use of up to 160 hours Sick Leave to care for newborn, adopted, or placed child and up to 480 hours Sick Leave to care for child, spouse, or parent with a serious health condition.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The fiscal impact cannot be determined as there is no way to estimate how much additional leave would be taken based on the provisions. Also, the leave taken would be from the employee's accrued leave bank so no additional paid leave is provided.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Provides the use of accrued sick leave for the purposes specified so there are no specific expenditures other than lost productivity and potential need to 'back-fill' positions with temporary employees depending on specific circumstances.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: Ken Purdy

Agency: HRMS - OMB

Telephone: 328-4735

Date Prepared: 03/24/2015

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1387

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1387
2/13/2015
#23837

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Beckie Struge

Explanation or reason for introduction of bill/resolution:

Relating to parking on the capitol grounds for employees with infants

Minutes:

Attachments 1-3

Chairman Kasper opened the hearing on HB 1387.

Rep. George Keiser: Attachment 1 (Amendment). HB 1387 is the very closest thing I ever had relative to a constituent bill. The state has been allowing this for awhile now. The Office of Management and Budget and the Highway Patrol are working together to allow this to happen. This is a policy issue that should be addressed by the legislators to determine as a policy that would provide coverage for the Highway Patrol and OMB for the action they took unilaterally. We will give them statutorily the authority to do that. This bill makes it possible for an individual that is allowed, according to state rules and regulations, to bring their infant to the Capitol grounds for work. They can receive a temporary permit that allows the individual to park in any parking area in which the public is allowed to park. Not including some exclusions. This is a significant courtesy and should be a policy of the State of North Dakota. I have limited this to the parent who is bringing the child because of all the paraphernalia involved. If the committee chooses to expand this, I would have no objection.

Rep. Laning: What do they do with the children during the day, is there a day care facility at the Capitol?

Rep. Keiser: I am not certain. I do know that they are allowed to take them to their work station, under certain circumstances.

Vice Chair Rohr: Would this law impact women other than those that are nursing moms?

Rep. Keiser: You don't have to be nursing to bring your child to work.

Chairman Kasper: This bill does not describe "infant" and it does not describe years of age. Does your bill have any type of restrictions? How do we define "infant"?

5:45

Rep. Keiser: It intentionally does not because that's in the policy manuals in the departments of the state. This bill is making legal what is happening. This is directed only at parking.

Chairman Kasper: It says that it allows the individual to park in any area in which the public is allowed to park. Isn't that available right now without this legislation?

Rep. Keiser: No. There are public parking area designated for the public, and employees are technically excluded.

John Boyle, Director of Facility Management, appeared in support. I would like to concur with what Representative Keiser said. We do have a policy in place that includes pregnant women. Most agencies at the Capitol have a policy that will allow infants up to 5-6 months, most sit in their stroller or crib and sleep. If they child gets disruptive, the agency can disallow it. Our largest visitor parking lot that these folk use is west of the DOT - there are 80 parking spaces there. That lot is only full during legislative session, and this would be the only time there would be an issue. It is on a first come first serve basis. The Heritage Center expansion has taken a lot of use out of the parking lot, so it does work out well.

9:20

Rep. Louser: During the legislative session, what is happening now?

John Boyle: They still have to find the closest available spot. We don't designate spaces for them. We do have a form that they need to fill out, a vehicle tag number is given to Highway Patrol so they don't write them a ticket when they monitor the lots.

Rep. Louser: Could we do what you just suggested we don't do now?

John Boyle: We could. But at any given time, you're never going to have enough parking.

Rep. Laning: This procedure is already in place and you're just formalizing it in this bill?

John Boyle: That is correct. This would strengthen that policy.

Rep. B. Koppelman: Doesn't it just make sense for you to continue to make policy and use sound judgment?

John Boyle: We're not going to oppose a bill like this if it's already in policy. We are capable of setting the policies.

Vice Chair Rohr: Would this supercede the handicap permits?

John Boyle: No, nothing supercedes handicap parking.

Rep. Karls: If a parent does have baby with all the paraphernalia and the park in the DOT parking lot, does the patrol go through and run the plates? How do they know it's a state employee's vehicle?

John Boyle: Capitol security monitors with cameras everywhere. They know.

Chairman Kasper: Are you able to do this without the bill?

John Boyle: Yes, it's been in place about 14 months. It has worked out well.

Chairman Kasper: What do we need the bill for?

John Boyle: We really don't need the bill, because it's already being taken care of.

Rep. Wallman: How are employees notified that this possibility is out there?

John Boyle: Through their Human Resources contact through their agencies. The form is on our website. They fill it out, bring it to us, and we make a note of it and forward it to the Highway Patrol.

15:02

Chairman Kasper: I'd like you to send me an email that states you do this already. Address this bill number and tell me the policy as you stated will do exactly what this bill is saying.

John Boyle: I can do that.

Sargent Timothy Caughlin, Administrative Services of the North Dakota Highway Patrol: (Attachment 2)

I would like to include that I talked to Sargent Hudson who is in charge of Capitol Security who concurs.

NO OPPOSITION

NEUTRAL

Russ Buchholz, Department of Transportation: (Attachment #3)

We have a policy in place since April 1, 2010, where you can bring your infant to work up to the age of 5 months. We had 15 infants this last year. It is a first come first serve bases. There have been disruptions at times where we ask them to find daycare.

Hearing closed on HB 1387

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1387
2/19/2015
24140

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to parking on the capitol grounds for employees with infants

Minutes:

Attachment 1

Chairman Kasper opened the meeting on HB 1387. OMB and John Boyle testified that they can do this anyway. I asked Rep. Keiser why he put this bill in. He said the statue does not allow them to do this. They are doing it by policy and he thought we should have a statue. He presented and went over the amendment which is Attachment 1. The amendment provides a statue. We took out the Highway Patrol, because they didn't want to be involved. We are directing OMB to set the rules.

Rep. B. Koppelman We heard from Mr. Boyle that they only had so many spaces allotted. Do we need to put something in there that allows them to keep that policy in place where OMB may determine the scope of how many spots are allowed for this permit?

Chairman Kasper I don't think we need to do that. They already have the power to do it, and they can set by rule the rest of the things.

Rep. B. Koppelman moved the amendment.

Rep. Karls seconded the motion.

Rep. Wallman I don't quite understand the part on Section 1, 54-21-18. What does this do?

Chairman Kasper That is the section of statue that deals with this, and they are renaming. It is cleanup.

Voice vote. Motion carries.

Rep. Seibel made a motion for a DO PASS AS AMENDED.

Rep. Karls seconded the motion.

House Government and Veterans Affairs Committee

HB 1387

2/19/15

Page 2

A roll call vote was taken. 13 Yeas, 0 Nays, 1 Absent.

Rep. Schneider will carry the bill.

AB
2-19-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1387

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-21-18 of the North Dakota Century Code, relating to parking on the capitol grounds for employees with infants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-21-18 of the North Dakota Century Code is amended and reenacted as follows:

54-21-18. ~~Custody of office building - Considered~~ Office building part of capitol building - Director has control of public property capitol grounds - Parking for employees with infants - Rules - Penalty.

1. The director of the office of management and budget shall control, manage, and maintain the state office building. The building must be considered a part of the state capitol building within the meaning of statutes relating to the custody, maintenance, and control of the state capitol building and grounds, and within the meaning of statutes requiring state departments or agencies to maintain their offices in the state capitol building.
2. Except as otherwise provided by law, the director of the office of management and budget has charge and control of the executive mansion, the capitol, and the park and public grounds connected therewith. Except as provided by sections 39-10-48, 39-10-50, 44-08-18, and 54-21-17.1, the director may adopt rules to promote the health, safety, and general welfare, to prohibit disturbances and disorderly assemblies, to keep the peace, and to regulate nuisances on the capitol grounds and in any of the buildings located on the capitol grounds. The rules may include regulation of public assemblies and accessibility to the buildings and grounds, obstructions, fees, insurance, forms, indemnification by users, and waiver of insurance and indemnity requirements by the director. A person who violates a rule adopted by the director under this section is guilty of an infraction.
3. If an individual is allowed by a state agency housed on the capitol grounds to bring an infant to work, the office of management and budget shall provide the individual a temporary permit or use some other means that allow the individual to park in any parking area in which a member of the public is allowed to park, not including parking for the mobility impaired, emergency or fire zones, or zones for which another permit is required, on the capitol grounds for the time the individual is allowed to bring an infant to work."

Renumber accordingly

Date: 2-19-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1387

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 15.0866.02002

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By B. Koppelman Seconded By Karls

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------------|-----|----|---------------------|-----|----|
| Chairman Jim Kasper | | | Rep. Bill Amerman | | |
| Vice Chair Karen Rohr | | | Rep. Gail Mooney | | |
| Rep. Jason Dockter | | | Rep. Mary Schneider | | |
| Rep. Mary C. Johnson | | | Rep. Kris Wallman | | |
| Rep. Karen Karls | | | | | |
| Rep. Ben Koppelman | | | | | |
| Rep. Vernon Laning | | | | | |
| Rep. Scott Louser | | | | | |
| Rep. Jay Seibel | | | | | |
| Rep. Vicky Steiner | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 2-19-15
Roll Call Vote #: 2

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1387**

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Seibel Seconded By Karls

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------------|-----|----|---------------------|-----|----|
| Chairman Jim Kasper | X | | Rep. Bill Amerman | X | |
| Vice Chair Karen Rohr | X | | Rep. Gail Mooney | X | |
| Rep. Jason Dockter | X | | Rep. Mary Schneider | X | |
| Rep. Mary C. Johnson | X | | Rep. Kris Wallman | X | |
| Rep. Karen Karls | X | | | | |
| Rep. Ben Koppelman | X | | | | |
| Rep. Vernon Laning | X | | | | |
| Rep. Scott Louser | X | | | | |
| Rep. Jay Seibel | X | | | | |
| Rep. Vicky Steiner | X | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 13 No 0

Absent 1

Floor Assignment Schneider

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

REPORT OF STANDING COMMITTEE

HB 1387: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1387 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-21-18 of the North Dakota Century Code, relating to parking on the capitol grounds for employees with infants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-21-18 of the North Dakota Century Code is amended and reenacted as follows:

54-21-18. Custody of office building - Considered Office building part of capitol building - Director has control of public property capitol grounds - Parking for employees with infants - Rules - Penalty.

1. The director of the office of management and budget shall control, manage, and maintain the state office building. The building must be considered a part of the state capitol building within the meaning of statutes relating to the custody, maintenance, and control of the state capitol building and grounds, and within the meaning of statutes requiring state departments or agencies to maintain their offices in the state capitol building.
2. Except as otherwise provided by law, the director of the office of management and budget has charge and control of the executive mansion, the capitol, and the park and public grounds connected therewith. Except as provided by sections 39-10-48, 39-10-50, 44-08-18, and 54-21-17.1, the director may adopt rules to promote the health, safety, and general welfare, to prohibit disturbances and disorderly assemblies, to keep the peace, and to regulate nuisances on the capitol grounds and in any of the buildings located on the capitol grounds. The rules may include regulation of public assemblies and accessibility to the buildings and grounds, obstructions, fees, insurance, forms, indemnification by users, and waiver of insurance and indemnity requirements by the director. A person who violates a rule adopted by the director under this section is guilty of an infraction.
3. If an individual is allowed by a state agency housed on the capitol grounds to bring an infant to work, the office of management and budget shall provide the individual a temporary permit or use some other means that allow the individual to park in any parking area in which a member of the public is allowed to park, not including parking for the mobility impaired, emergency or fire zones, or zones for which another permit is required, on the capitol grounds for the time the individual is allowed to bring an infant to work."

Renumber accordingly

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1387

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HB 1387

3/12/2015

Job # 24748

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 54-21-18 of the North Dakota Century Code, relating to parking on the capitol grounds for employees with infants.

Minutes:

Attachments 1

Chairman Dever: Opened the hearing on HB 1387.

Representative Keiser, District 47: Testified as sponsor and in support of the bill. I was approached by some mothers that work here at the capitol to put in a bill for them to be able to park in the public areas of the capitol. There is an existing policy in the state for some of the state agencies for young mothers to bring their newborn children with them to work. It will allow those that can bring their children to work to park in the visitors designated areas that are closer to the building. It was amended on line 8 to have OMB provide a temporary permit or use. OMB is extremely well run and it is a great organization for our state. They were basically allowing it to happen. There was not a permit and it just was that they informed OMB what vehicle they are driving and they were allowing it. The questions are where the statutory authority is and it also allows all folks that will be coming into parenthood to be able to say that it is in the law and it can be publicized. It covers OMB to allow them to park in those areas if it is in statute.

(3:38) Chairman Dever: Do signs need to be put up by facility management?

Representative Keiser: It would be a permit that they can temporarily put in their window.

Chairman Dever: Are there parking spots designated for visitors?

Representative Keiser: Yes there are.

Senator Marcellais: If you are not going to put a sign up, what would say that anyone cannot park in those spaces?

Representative Keiser: Anyone can park in those but if you do it repeatedly and you find a pattern of parking there then you are in violation.

Senator Marcellais: Is there a fine for this?

Representative Keiser: I assume they can be ticketed and we do not often do that.

Senator Cook: There is one hour visitor parking out here; can they park there and stay there all day?

Representative Keiser: I do not believe so. We have tried to specify those areas that they cannot park in. They just want to the closest spot available that is not limited otherwise.

(6:15) John Boyle, Director, OMB: Testified in neutral position on the bill. Our policy actually does go a little further than this. We do allow expecting mothers also to come early and we do designate the lot west of the DOT building. It is a visitor parking lot and it is a first come, first serve basis. We are hoping that the way that this bill reads now it might only restrict it to employees that are bringing their infants to work and it may not allow pregnant women. Currently our policy does allow pregnant women. We do not want them to slip and fall etc. We get that info and the Highway Patrol monitors that. They have a list and capitol security has a list of what cars are allowed to be there. It is working well now. If there was a statute, but we want it to match what we are doing now if it is done. We want it to include pregnant women as well.

(8:10) Chairman Dever: So you are concerned that the bill might preclude allowing expectant mothers?

John Boyle: Yes I am.

Chairman Dever: You have made your provisions in your policy right now so the bill may not even be necessary?

John Boyle: That is correct. If there is something in statute that will always trump our existing policy.

Chairman Dever: Would it there be an advantage to you to have the statute to reflect the policy if we were to amend it?

John Boyle: Not really. Everyone on the campus abides by the OMB policies.

Chairman Dever: And they are aware if it?

John Boyle: Yes.

Chairman Dever: Can you provide a copy of the written policy?

John Boyle: I can do that.

Senator Marcellais: What age is an infant in reference to this bill?

John Boyle: Right now the policy is up to 6 months that the agency could allow the parent to bring the infant to work.

(10:27) Russ Buchholz, IT Director, DOT: See Attachment #1 for testimony in neutral capacity on the bill. The east parking lot is our responsibility and we have our own policies as well. We allow infants up to 6 months. They can park up front and they can park in the visitor parking.

(11:48) Chairman Dever: Do you have the same policies for other facilities around the state?

Russ Buchholz: Yes, at the district offices as well.

Senator Marcellais: How many parking spots are we talking about?

Russ Buchholz: It all depends on how many are bringing their infants. Currently we have 8.

Representative Keiser: I understand everything that they are saying but it is not the way that people feel and they would like it in statute. If you want to amend to allow pregnant women I have no problem with that. I love it when we say we have a policy and we don't put it in statute.

Chairman Dever: Closed the hearing on HB 1387.

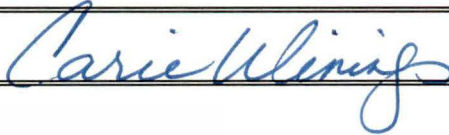
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

HB 1387
3/12/2015
Job # 24761

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened HB 1387 for committee discussion. I had asked for a copy of the policy but what would it look like if we just said that OMB should develop a policy to provide preferred parking for expectant mothers and mothers with infants.

Senator Flakoll: They already have that.

Chairman Dever: This would codify it.

Senator Marcellais: They have a policy and they are doing it now.

Senator Marcellais: Moved a Do Not Pass.

Motion Failed due to a lack of second.

Chairman Dever: We will come back to this after we have the information that we requested from OMB.

Chairman Dever: Closed the committee discussion on HB 1387.

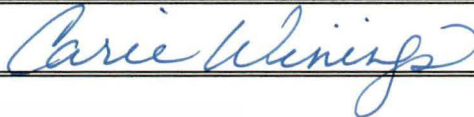
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

HB 1387
3/20/2015
Job # 25168

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Minutes:

Attachments 1

Chairman Dever: Opened HB 1387 for committee discussion.

Senator Poolman: See Attachment #1 for amendments proposed to HB 1387. The amendment puts what was in SB 2258 relating to family leave in this bill in order to make sure that bill is still in existence. This is a hog house amendment that still includes what is in HB 1387. The difference is that they are allowed to use up to 6 weeks of leave as opposed to 12 weeks. This is a little more specific and more comprehensive in terms of how the leave can be used.

Senator Nelson: Did the House not like our bill.

Chairman Dever: I am not sure. I think this is more generous than either of the other two bills. I think all parties like it.

Senator Marcellais: Where does the borrowed leave fall into this?

Senator Poolman: That is not a part of this bill.

Committee Discussion: The committee proceeded to discuss how borrowed leave works and who it applies to.

Chairman Dever: It appears to me that these amendments are an improvement to this bill.

Senator Poolman: I think it is important to point out that we have compromised a little bit in terms of the birth and the adoption piece of that. In talking with the House I think this is going to be something that they will concur with.

Senator Poolman: Moved Amendment 15.0866.03003.

Senator Nelson: Seconded.

Senator Nelson: I am reading the amendment and I like that you get 160 hours of sick leave following the birth and that leaves room for other leave being taken in addition to this.

Senator Poolman: You are right and another thing that I was thinking about is that this also allows them to have the mother and father take turns on the time. It opens it up for men to be able to access this to because it is not just specific to mom.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Poolman: Moved a Do Pass As Amended.

Senator Flakoll: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Poolman will carry the bill.

3/20/15
JSE
108

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1387

Page 1, line 1, after "to" insert "create and enact section 54-06-14.5 of the North Dakota Century Code, relating to state employee use of sick leave and annual leave; and to"

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "54-21-18" insert "and 54-52.4-03"

Page 1, line 2, after "for" insert "pregnant employees and"

Page 1, line 2, after "infants" insert "and state employee use of sick leave"

Page 1, after line 3 insert:

"**SECTION 1.** Section 54-06-14.5 of the North Dakota Century Code is created and enacted as follows:

54-06-14.5. Use of sick leave and annual leave - Birth or adoption - Family leave priority.

1. During the first six weeks following birth or placement, an employer shall grant an employee's request to use up to one hundred sixty hours of sick leave under section 54-06-14 to care for the employee's newborn child or to care for a child placed with the employee, by a child-placing agency licensed under chapter 50-12, for adoption or placed with the employee as a precondition to adoption under section 14-15-12, but not both. The employer shall compensate the employee for leave used by the employee under this subsection on the same basis as the employee would be compensated if the leave had been taken due to the employee's illness, medical needs, or health needs. This subsection does not prevent an employee from using sick leave for the employee's illness, medical needs, or health needs following the birth of a child or from using leave under section 54-52.4-03.
2. If an employee requests to use annual leave under section 54-06-14 for any of the reasons identified under subsection 1 of section 54-52.4-02, the employer shall give priority to the request."

Page 1, line 7, after "for" insert "**pregnant employees and**"

Page 2, replace lines 3 through 9 with:

- "3. The office of management and budget shall provide to a state employee a temporary permit or some other means that allow that employee to park on the capitol grounds in any parking area in which a member of the public is allowed to park, if the state employee is pregnant and employed by a state agency housed on the capitol grounds or if the state employee is allowed by a state agency housed on the capitol grounds to bring an infant to work. This subsection does not authorize a state employee to park in an emergency or fire zone, in parking for the mobility impaired, or in a zone for which another permit is required. The special parking authorized under

this subsection expires when the employee is no longer pregnant or no longer authorized to bring an infant to work.

3/20/15
Jare
2015

SECTION 3. AMENDMENT. Section 54-52.4-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52.4-03. Use of other available leave for care of parent, spouse, or child.

An employer that provides leave for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take ~~eighty~~four hundred ~~eighty~~ hours of leave under this section in any twelve-month period and, ~~upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget,~~ the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. The employer shall compensate the employee for leave used by the employee under this section on the same basis as the employee would be compensated if the leave had been taken due to the employee's own illness."

Renumber accordingly

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1387

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 15.0866.03003

Recommendation: ☒ Adopt Amendment

- ☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Poolman Seconded By Nelson

| Senators | Yes | No | Senators | Yes | No |
|-----------------------|-----|----|--------------------|-----|----|
| Chairman Dever | ✓ | | Senator Marcellais | ✓ | ✓ |
| Vice Chairman Poolman | ✓ | | Senator Nelson | ✓ | |
| Senator Cook | ✓ | | | | |
| Senator Davison | ✓ | | | | |
| Senator Flakoll | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 3/60
Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1387

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Poolman Seconded By Flakoll

| Senators | Yes | No | Senators | Yes | No |
|-----------------------|-----|----|--------------------|-----|----|
| Chairman Dever | ✓ | | Senator Marcellais | ✓ | |
| Vice Chairman Poolman | ✓ | | Senator Nelson | ✓ | |
| Senator Cook | ✓ | | | | |
| Senator Davison | ✓ | | | | |
| Senator Flakoll | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 7 No 0

Absent 0

Floor Assignment Poolman

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

REPORT OF STANDING COMMITTEE

HB 1387, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1387 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact section 54-06-14.5 of the North Dakota Century Code, relating to state employee use of sick leave and annual leave; and to"

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "54-21-18" insert "and 54-52.4-03"

Page 1, line 2, after "for" insert "pregnant employees and"

Page 1, line 2, after "infants" insert "and state employee use of sick leave"

Page 1, after line 3 insert:

"SECTION 1. Section 54-06-14.5 of the North Dakota Century Code is created and enacted as follows:

54-06-14.5. Use of sick leave and annual leave - Birth or adoption - Family leave priority.

1. During the first six weeks following birth or placement, an employer shall grant an employee's request to use up to one hundred sixty hours of sick leave under section 54-06-14 to care for the employee's newborn child or to care for a child placed with the employee, by a child-placing agency licensed under chapter 50-12, for adoption or placed with the employee as a precondition to adoption under section 14-15-12, but not both. The employer shall compensate the employee for leave used by the employee under this subsection on the same basis as the employee would be compensated if the leave had been taken due to the employee's illness, medical needs, or health needs. This subsection does not prevent an employee from using sick leave for the employee's illness, medical needs, or health needs following the birth of a child or from using leave under section 54-52.4-03.
2. If an employee requests to use annual leave under section 54-06-14 for any of the reasons identified under subsection 1 of section 54-52.4-02, the employer shall give priority to the request."

Page 1, line 7, after "for" insert "**pregnant employees and**"

Page 2, replace lines 3 through 9 with:

- "3. The office of management and budget shall provide to a state employee a temporary permit or some other means that allow that employee to park on the capitol grounds in any parking area in which a member of the public is allowed to park, if the state employee is pregnant and employed by a state agency housed on the capitol grounds or if the state employee is allowed by a state agency housed on the capitol grounds to bring an infant to work. This subsection does not authorize a state employee to park in an emergency or fire zone, in parking for the mobility impaired, or in a zone for which another permit is required. The special parking authorized under this subsection expires when the employee is no longer pregnant or no longer authorized to bring an infant to work.

SECTION 3. AMENDMENT. Section 54-52.4-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52.4-03. Use of other available leave for care of parent, spouse, or child.

An employer that provides leave for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take eightyfour hundred eighty hours of leave under this section in any twelve-month period ~~and, upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition.~~ The employer shall compensate the employee for leave used by the employee under this section on the same basis as the employee would be compensated if the leave had been taken due to the employee's own illness."

Renumber accordingly

2015 TESTIMONY

HB 1387

HB 1387 2/13/15

#1

15.0866.02001
Title.

Prepared by the Legislative Council staff for
Senator Oban

February 6, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1387

Page 1, line 8, replace "highway patrol" with "office of management and budget"

Renumber accordingly

House Bill 1387
House Government and Veterans Affairs Committee
Rep. Jim Kasper, Chairman
February 13, 2015

#B1387
2-13-15
#2

Mr. Chairman, members of the House Government and Veterans Affairs Committee, my name is Sergeant Timothy Coughlin, administrative services of the North Dakota Highway Patrol. I am here to provide testimony regarding House Bill 1387.

This bill would allow individuals bringing an infant to work on the capitol grounds to park in certain areas with the Highway Patrol issuing a permit. We understand this change is beneficial; however, the Highway Patrol does not issue parking permits. Facility Management is the issuing body of permits for parking on the capitol grounds. The Highway Patrol enforces parking violations and traffic laws for motorists on the capitol grounds.

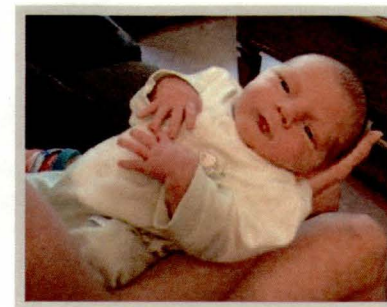
This issue could likely be solved by a change in policy, not requiring legislation.

This concludes my testimony. I would be happy to answer any questions.

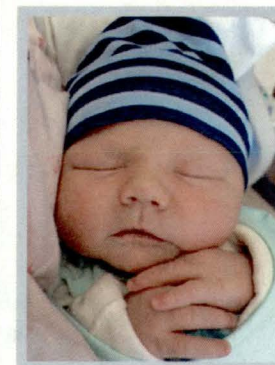
#33
4/13/15
HB1387

Celebrating New Life at NDDOT

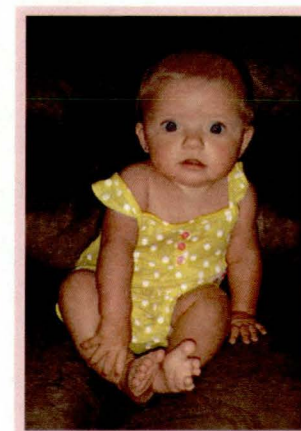
Last year was a very busy year for the NDDOT, including the influx of offspring to our dedicated DOT employees. Communications recently gathered most of the 2014 parents and babies from Central Office for a photo with hopes to continue the tradition each year watching our NDDOT family grow. The Districts also sent in photos of those employees who welcomed little ones in 2014.



Lee Westling (Grand Forks)
Eli - Born in August



Brie Moore (Minot)
Hudson - Born in December



Crist Hanson (Dickinson)
Kambrie - Born in January

Front Row: Alayna Gottsman – Olin (born in April), Sarah BaeHurst – Nathaniel (born in March), Aline Uwunkunda – Ethan (born in December), Dina Papalichev – Harris (born in August), Leisa Mathwich – Fiona (born in December), Poppy Mills – Gloria (born in June)
Back Row: Paul Moch – Henry (born in May), Logan & Amy Beise – Theodore (born in November), Deanna Froehlich – Ottilia (born in September), Kayla & Justin Schlosser – Raina (born in January), Jamie Olson – Jocelyn (born in August), Mike & Stacy Wilz – Piper (born in April), Whitney Ibach – Grayson (born in June), Ashlee Doan – Jaxton (born in August) & Jared Loegering – Lillian (born in August)

#33
4-13-15
1387
next page

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1387

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-21-18 of the North Dakota Century Code, relating to parking on the capitol grounds for employees with infants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-21-18 of the North Dakota Century Code is amended and reenacted as follows:

54-21-18. Custody of office building - Considered Office building part of capitol building - Director has control of public property capitol grounds - Parking for employees with infants - Rules - Penalty.

1. The director of the office of management and budget shall control, manage, and maintain the state office building. The building must be considered a part of the state capitol building within the meaning of statutes relating to the custody, maintenance, and control of the state capitol building and grounds, and within the meaning of statutes requiring state departments or agencies to maintain their offices in the state capitol building.
2. Except as otherwise provided by law, the director of the office of management and budget has charge and control of the executive mansion, the capitol, and the park and public grounds connected therewith. Except as provided by sections 39-10-48, 39-10-50, 44-08-18, and 54-21-17.1, the director may adopt rules to promote the health, safety, and general welfare, to prohibit disturbances and disorderly assemblies, to keep the peace, and to regulate nuisances on the capitol grounds and in any of the buildings located on the capitol grounds. The rules may include regulation of public assemblies and accessibility to the buildings and grounds, obstructions, fees, insurance, forms, indemnification by users, and waiver of insurance and indemnity requirements by the director. A person who violates a rule adopted by the director under this section is guilty of an infraction.
3. If an individual is allowed by a state agency housed on the capitol grounds to bring an infant to work, the office of management and budget shall provide the individual a temporary permit or use some other means that allow the individual to park in any parking area in which a member of the public is allowed to park, not including parking for the mobility impaired, emergency or fire zones, or zones for which another permit is required, on the capitol grounds for the time the individual is allowed to bring an infant to work."

Renumber accordingly

Celebrating New Life at NDDOT

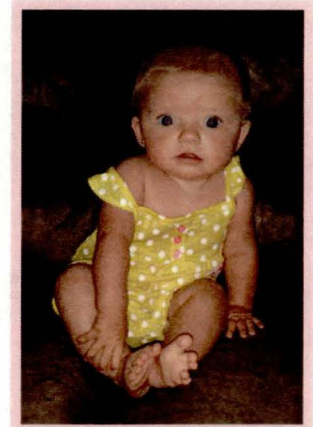
Last year was a very busy year for the NDDOT, including the influx of offspring to our dedicated DOT employees. Communications recently gathered most of the 2014 parents and babies from Central Office for a photo with hopes to continue the tradition each year watching our NDDOT family grow. The Districts also sent in photos of those employees who welcomed little ones in 2014.



Lee Westling (Grand Forks)
Eli - Born in August



Brie Moore (Minot)
Hudson - Born in December



Crist Hanson (Dickinson)
Kambrie - Born in January



Front Row: Alayna Gottsman – Olin (born in April), Sarah BaeHurst – Nathaniel (born in March), Aline Uwonkunda – Ethan (born in December), Dina Papalichev – Harris (born in August), Leisa Mathwich – Fiona (born in December), Poppy Mills – Gloria (born in June)
Back Row: Paul Moch – Henry (born in May), Logan & Amy Beise – Theodore (born in November), Deanna Froehlich – Ottilia (born in September), Kayla & Justin Schlosser – Raina (born in January), Jamie Olson – Jocelyn (born in August), Mike & Stacy Wilz – Piper (born in April), Whitney Ibach – Grayson (born in June), Ashlee Doan – Jaxton (born in August) & Jared Loegering – Lillian (born in August)

3/12 HB 1387 #1

March 19, 2015

3/20 HB 1387 #1
pg 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1387

Page 1, line 1, after "to" insert "create and enact section 54-06-14.5 of the North Dakota Century Code, relating to state employee use of sick leave; and to"

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "54-21-18" insert "and 54-52.4-03"

Page 1, line 2, after "for" insert "pregnant employees and"

Page 1, line 2, after "infants" insert "and state employee use of sick leave"

Page 1, after line 3 insert:

"**SECTION 1.** Section 54-06-14.5 of the North Dakota Century Code is created and enacted as follows:

54-06-14.5. Use of sick leave and annual leave - Birth or adoption - Family leave priority.

1. During the first six weeks following birth or placement, an employer shall grant an employee's request to use up to one hundred sixty hours of sick leave under section 54-06-14 to care for the employee's newborn child or to care for a child placed with the employee, by a child-placing agency licensed under chapter 50-12, for adoption or placed with the employee as a precondition to adoption under section 14-15-12, but not both. The employer shall compensate the employee for leave used by the employee under this subsection on the same basis as the employee would be compensated if the leave had been taken due to the employee's illness, medical needs, or health needs. This subsection does not prevent an employee from using sick leave for the employee's illness, medical needs, or health needs following the birth of a child or from using leave under section 54-52.4-03.
2. If an employee requests to use annual leave under section 54-06-14 for any of the reasons identified under subsection 1 of section 54-52.4-02, the employer shall give priority to the request."

Page 1, line 7, after "**for**" insert "**pregnant employees and**"

Page 2, replace lines 3 through 9 with:

- "3. The office of management and budget shall provide a state employee a temporary permit or some other means that allow that employee to park on the capitol grounds in any parking area in which a member of the public is allowed to park if the state employee is pregnant and employed by a state agency housed on the capitol grounds or if the state employee is allowed by a state agency housed on the capitol grounds to bring an infant to work. This subsection does not authorize a state employee to park in an emergency or fire zone, parking for the mobility impaired, or a zone for which another permit is required. The special parking authorized under this

subsection expires when the employee is no longer pregnant or no longer authorized to bring an infant to work.

SECTION 3. AMENDMENT. Section 54-52.4-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52.4-03. Use of other available leave for care of parent, spouse, or child.

An employer that provides leave for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take ~~eightyfour hundred eighty~~ hours of leave under this section in any twelve-month period and, upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, ~~the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition.~~ The employer shall compensate the employee for leave used by the employee under this section on the same basis as the employee would be compensated if the leave had been taken due to the employee's own illness."

Renumber accordingly