

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SPS 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

1435

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS  
HB 1435

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1435 A

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/1/01

Tape Number	Side A	Side B	Meter #
I		X	69-2623
Committee Clerk Signature <i>Robin D. Small</i>			

Minutes:

REP. M. KLEIN called the meeting to order, all members were present.

In favor:

REP. BERG introduces the bill, BERG is one of the sponsors on the bill. Maintaining the infrastructure in North Dakota is absolutely critical. Critical for our commerce, farmers, ranchers and everyone else. Some of the dollars that have come from the federal government have been tied into minority contractors. Certain quotas. It isn't an issue that has cost us money at this point, but the concern that BERG has in the proposed rule making suggests that certain thresholds that are met in the general bid, then that bid would not be accepted and then it would go to the next highest bid, that would meet a certain threshold for that quota. Certainly not advocating anything but keeping the process fair.

REP. M. KLEIN asks if this bill is modeled after some bill initiated out on the west coast?

REP. BERG replies yes it is. It was passed this fall out in California.

Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1435 A

Hearing Date 2/1/01

In favor:

CURT PETERSON, ASSOCIATED GENERAL CONTRACTORS OF NORTH DAKOTA

PETERSON states that they are in full support of house bill 1435. They are the people that thrive on competition. In North Dakota there will be no discrimination what so ever.

REP. M. KLEIN asks about the percentage of minorities being ten percent, is that correct?

PETERSON replies that is almost correct it will vary. REP. M. KLEIN asks in most cases do you have a problem finding qualified minority contractors to meet that goal? PETERSON replies yes that is the case sometimes.

REP. METCALF asks if a general contractor has to accept bids from all minority contracts? Not necessarily approve them but review them? PETERSON replies that they absolutely review every opportunity. Higher sub-quote, operate on a low bid.

In favor:

REP. ECKRE, one of the sponsors of the bill. States to the committee that this is a fair bill to all.

Please see attached testimony regarding what was passed out on the west coast.

REP. KLEMIN asks about preferential treatment. ECKRE replies that it would not be preferential treatment.

In favor:

REP. DEKREY speaks to the committee in favor of the bill. DEKREY is a sponsor on the bill also. DEKREY tells the committee that a window company in Fargo has the majority of its employees are of minorities. Affirmative action has not worked.

Oppose:

CAROL TWO EAGLES, SELF

TWO EAGLES states to the committee that affirmative action is still needed. TWO EAGLES tells the committee what happened to her when she went in to buy a vehicle for an association that she belongs to, and the financial institute would not give her the loan because of her race, and the history of past other Native Americans.

THOMAS M. DISSELHORST, STAFF ATTORNEY FOR THE THREE AFFILIATED TRIBES.

DISSELHORST states to the committee that unemployment on the reservations is still very high, which is something that they are trying to correct. On certain projects they try to make sure that tribal members act as employees.

REP. M. KLEIN states that this bill would do that.

Neutral:

KRISTA ANDREWS, ND DEPARTMENT OF HUMAN SERVICES

Please see attached testimony.

Neutral:

PAT SEAWORTH, NDUS

SEAWORTH is only concerned about the Indian scholarship program. Wishes the committee to take that in consideration.

There was no action taken at this time on the bill, therefore the hearing was then closed.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1435 B

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/15/01

Tape Number	Side A	Side B	Meter #
1	X		873-2183
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

COMMITTEE WORK:

REP. M. KLEIN called the committee to order. HB 1435 was heard on Feb. 1, 2001.

ACTION:

All members were present, except REP. BRUSEGAARD.

REP. RICK BERG introduces the amendments to the committee. General discussion.

REP. GRANDE motioned to accept the amendments, seconded by REP. KLEMIN. A voice vote was taken, with the majority passing them. REP. CLARK motioned for a DO PASS AS

AMENDED, seconded by REP. METCALF. The roll call vote was taken with 10 YES, 4 NO

and 1 ABSENT AND NOT VOTING. The motion carries. The CARRIER of the bill is

REP. M. KLEIN.

HB 1435: DO PASS AS AMENDED 10-4

CARRIER: REP. M. KLEIN

PROPOSED AMENDMENTS TO HB 1435

Page 1, line 15, remove "or"

Page 1, line 18, replace the period with a semicolon and insert immediately thereafter  
"or"

Page 1, after line 18, insert:

"A Prohibit programs and policies at state institutions of higher education intended to encourage diversity and provide opportunities for members of disadvantaged or diverse groups in order to prepare students to be knowledgeable contributing members of an increasingly global, multicultural society."

Renumber accordingly

February 15, 2001

VR  
2/15/01

HOUSE AMENDMENTS TO HB 1435 HOUSE GVA 2/15/01  
Page 1, line 15, remove "or"

Page 1, line 18, replace the period with ";

- d. Preclude contracting standards that have a preferential effect for federally recognized Indian tribes and tribal entities;
- e. Prohibit an employment preference for enrolled members of federally recognized Indian tribes whose principal duties are on behalf of state activity, program, department, agency, instrumentality, or political subdivision that primarily benefits Indians or federally recognized Indian tribes;
- f. Prohibit an employment or contracting preference for enrolled members of federally recognized Indian tribes under any contract funded in whole or in part by the state where the principal activities of the contract are undertaken on an Indian reservation within the state;
- g. Prohibit any educational program, including any program offering scholarships or loans, which is intended to benefit primarily or exclusively students who are economically disadvantaged and who are enrolled members of federally recognized Indian tribes; or
- h. Prohibit programs at state institutions of higher education intended to encourage diversity and provide opportunities for members of disadvantaged or diverse groups to prepare students to be knowledgeable, contributing members of an increasing global, multicultural society."

Renumber accordingly



Date: Feb. 15<sup>th</sup>, 2001

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1435

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken adopt the amendments

Motion Made By Grande Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN			REP KROEBER		
VICE CHAIR GRANDE					
REP BELLEW					
REP BRUSEGAARD					
REP CLARK					
REP DEVLIN					
REP HAAS					
REP KASPER					
REP KLEMIN					
REP MEIER					
REP WIKENHEISER					
REP CLEARY					
REP HUNSKOR					
REP METCALF					

*voice vote passed*

*Haas - No*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: Feb. 15<sup>th</sup>, 2001

Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HR 1435

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Clark Seconded By Metcalf

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP KROEBER		✓
VICE CHAIR GRANDE	✓				
REP BELLEW	✓				
REP BRUSEGAARD					
REP CLARK	✓				
REP DEVLIN		✓			
REP HAAS		✓			
REP KASPER	✓				
REP KLEMIN	✓				
REP MEIER	✓				
REP WIKENHEISER	✓				
REP CLEARY		✓			
REP HUNSKOR	✓				
REP METCALF	✓				

Total (Yes) 10 No 4

Absent 1

Floor Assignment Rep. Klein

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

**REPORT OF STANDING COMMITTEE**

**HB 1435: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1435 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "or"

Page 1, line 18, replace the period with ";

- d. Preclude contracting standards that have a preferential effect for federally recognized Indian tribes and tribal entities;
- e. Prohibit an employment preference for enrolled members of federally recognized Indian tribes whose principal duties are on behalf of state activity, program, department, agency, instrumentality, or political subdivision that primarily benefits Indians or federally recognized Indian tribes;
- f. Prohibit an employment or contracting preference for enrolled members of federally recognized Indian tribes under any contract funded in whole or in part by the state where the principal activities of the contract are undertaken on an Indian reservation within the state;
- g. Prohibit any educational program, including any program offering scholarships or loans, which is intended to benefit primarily or exclusively students who are economically disadvantaged and who are enrolled members of federally recognized Indian tribes; or
- h. Prohibit programs at state institutions of higher education intended to encourage diversity and provide opportunities for members of disadvantaged or diverse groups to prepare students to be knowledgeable, contributing members of an increasing global, multicultural society."

Renumber accordingly

2001 HOUSE JUDICIARY

HB 1435

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1435b

House Judiciary Committee

Conference Committee

Hearing Date 02-20-01

Type Number	Side A	Side B	Meter #
TAPE I	x		3105 to 5337
Committee Clerk Signature <i>Jan Deere</i>			

Minutes:Chairman DeKrey: Called the committee to order. we have before us HB 1435. This bill has been referred to us by GVA.

Rep Eckre: The bill was amended in GVA. they won't be meeting again. if you look at the amendments, the adding on of amendments d,e,f,g,h. d through g are for exempting Indian programs, but H allows an out for higher education. In talking to some attorneys. they said H would gut the whole bill, because it allows an exempting. therefore it would open the whole thing up and would be thrown out in court. I am proposing. to take H off. then the bill would be intact.

Rep Kelmin: I would like to give some background. There were a couple of sets of amendments that came in, D through G was one set, and H was separate by itself.

Rep Eckre: It was on the back and got approved and a lot of the committee didn't even see it.

And now Legislative Council put them all as one. Some of the committee members did not even see H.

