

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1158

Introduced by

Judiciary Committee

(At the request of the Labor Commissioner)

1 A BILL for an Act to amend and reenact sections 14-02.5-31 and 14-02.5-36 of the North
2 Dakota Century Code, relating to labor department administrative hearings and representation
3 in enforcement actions.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 14-02.5-31 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **14-02.5-31. Administrative hearing.**

8 1. If a timely election is not made under section 14-02.5-30, the department shall
9 provide for a hearing on the charge. The attorney general, at the request of and
10 on behalf of the department, may participate in and advocate in favor of the
11 department's finding of probable cause. The aggrieved person may be
12 represented by private counsel. Except as provided in this section, chapter 28-32
13 governs a hearing and an appeal of a hearing. A hearing under this section on an
14 alleged discriminatory housing practice may not continue after the beginning of the
15 trial of a claim for relief commenced by the aggrieved person under federal or state
16 law seeking relief with respect to the discriminatory housing practice.

17 2. If a claim filed by an aggrieved person proceeds to a hearing, the aggrieved
18 person is a party in the hearing. Neither the department nor the attorney general
19 represents an aggrieved person at a hearing under this chapter. The attorney
20 general, at the request of and on behalf of the department, may participate in the
21 hearing and advocate in favor of the department's finding of probable cause. The
22 aggrieved person may be represented by private counsel in any action or
23 proceeding under this chapter.

1 3. If a claim filed by the department proceeds to a hearing, the department is a party
2 in the hearing. The attorney general represents the department in any action or
3 proceeding under this chapter.

4 **SECTION 2. AMENDMENT.** Section 14-02.5-36 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-02.5-36. Attorney general action for enforcement.** If a timely election is made
7 under section 14-02.5-30, the department shall authorize and the attorney general shall file not
8 later than the thirtieth day after the date of the election a claim for relief seeking relief ~~on behalf~~
9 for the benefit of the aggrieved person in a district court. In any action for enforcement under
10 this section, the attorney general represents the department. Venue for an action is in the
11 county in which the alleged discriminatory housing practice occurred or is about to occur. An
12 aggrieved person may intervene in the action. If the court finds that a discriminatory housing
13 practice has occurred or is about to occur, the court may grant as relief any relief that a court
14 may grant in a civil action under sections 14-02.5-39 through 14-02.5-44. If monetary relief is
15 sought for the benefit of an aggrieved person who does not intervene in the civil action, the
16 court may not award the monetary relief if that aggrieved person has not complied with
17 discovery orders entered by the court.