

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2143

Introduced by

Political Subdivisions Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact section 14-02.4-19 of the North Dakota Century Code,
2 relating to the administrative adjudication of discriminatory practices.

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

4 **SECTION 1. AMENDMENT.** Section 14-02.4-19 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-02.4-19. Actions - Limitations.**

- 7 1. Any person claiming to be aggrieved by a discriminatory practice with regard to
8 public services or public accommodations in violation of this chapter may file a
9 complaint of discriminatory practices with the department or may bring an action in
10 the district court in the judicial district in which the unlawful practice is alleged to
11 have been committed or in the district in which the person would have obtained
12 public accommodations or services were it not for the alleged discriminatory act
13 within one hundred eighty days of the alleged act of wrongdoing.
- 14 2. Any person claiming to be aggrieved by any discriminatory practice other than
15 public services or public accommodations in violation of this chapter may file a
16 complaint of discriminatory practice with the department or, except as limited by
17 this section, may bring an action in the district court in the judicial district in which
18 the unlawful practice is alleged to have been committed, in the district in which the
19 records relevant to the practice are maintained and administered, or in the district
20 in which the person would have worked or obtained credit were it not for the
21 alleged discriminatory act within three hundred days of the alleged act of
22 wrongdoing.
- 23 3. If Except as otherwise limited by this section, if a complaint of a discriminatory
24 practice is first filed with the department, the period of limitation for bringing an

1 action in the district court is ninety days from the date the department dismisses
2 the complaint or issues a written probable cause determination.

3 4. If a person elects to bring an action in the district court under this chapter, any
4 ~~pending~~ administrative action pending before the department based upon the
5 same discriminatory acts must be dismissed immediately.

6 5. A person whose collective bargaining agreement, employment contract, or public
7 employee rights provides a process through which recourse for discriminatory acts
8 is available must exercise that process to completion before commencing an action
9 under this section, and if that process provides for judicial review by statutory
10 appeal or through special proceedings, then that process must be followed to
11 completion. The period of limitation for bringing an action in the district court if
12 there is no statutory appeal is ninety days from the date the available process is
13 completed or if a complaint is filed with the department, ninety days from the date
14 the department dismisses a complaint or issues a written probable cause
15 determination, whichever is greater. In those cases when there is no statutory
16 appeal, a request for an administrative hearing under section 14-02.4-23 must be
17 made within twenty days from the date the department dismisses a complaint or
18 issues a probable cause determination, but no administrative hearing may be held
19 until any available internal process is completed. A person found to have been
20 subjected to a discriminatory act through an administrative process may apply to
21 the district court for an award of reasonable attorney's fees and costs. Nothing in
22 this subsection limits the ability of the department to receive and investigate
23 complaints of discrimination and engage in informal conciliation.