

68th Legislative Assembly
Regular Session (2023)

H.B. 1285

Senate State and Local Government Committee

Kristin Roers, Chairman
Jeff Barta, Vice Chairman

Testimony of Nathan Svihovec

Commissioner of Labor
N.D. Department of Labor and Human Rights

OPPOSITION

March 24, 2023

I. Introductory Summary

Chairman Roers, Vice Chairman Barta, and members of the Senate State and Local Government Committee, my name is Nathan Svihovec and I was appointed as the North Dakota Department of Labor and Human Rights Commissioner beginning December 2022. I am a licensed attorney in the State and prior to my appointment, primarily practiced in labor and employment law as well as other civil litigation areas. I have been fortunate to formerly represent the Department as an Assistant Attorney General and to represent private businesses and individuals before the Department while I was in private practice.

Chapter (Ch.) 34-05 of the North Dakota Century Code (N.D.C.C.) created the North Dakota Department of Labor and Human Rights and prescribes the powers and duties of the Commissioner of Labor (Labor Commissioner). The Department's statutory duties can be most concisely summarized as ensuring citizens can live, work, and prosper in North Dakota. It is my deeply held belief that the mission of the Department is an essential service to the public.

II. Efficiencies

There are many fundamental benefits to the Legislative Assembly permitting state agencies to introduce their own legislation. Primarily, specialized knowledge and history of an agency are driving motivations for such flexibility. For example, my prior experience representing the Department, as well as representing clients before the Department, helped me identify several areas of our laws that need to be amended to provide clarity or prevent conflicts. These amendments would provide clarity to the public and resolve certain ambiguities currently in existence.

I started this position with only one month before the current Legislation Session began. Consequently, I had many other priorities before a comprehensive statutory clean-up. I will therefore need to address the statutory issues next Session. Although I could likely find a legislator to sponsor a clean-up bill, there are nuances in employment law, housing discrimination, wage collection, and the various other areas the Department provides services. It is unrealistic to expect a sponsor to have the adequate historical and technical understanding of the areas the Department administers.

Moreover, in my first Session it is readily apparent that Legislators are already spread quite thin with other bills for which they sponsor. By allowing the Department – and other state agencies – to introduce their own legislation, it frees Legislators’ time and resources to reduce the burden on them during Session. Furthermore, while the legislative functions are Constitutionally reserved to the Legislative Assembly, the simple act of introducing legislation does nothing to strip the Legislature of its Constitutional authority to determine which bills become North Dakota law. Accordingly, the separation of powers is maintained while increasing efficiencies and reducing burdens on the Legislative Branch.

I respectfully request the Committee vote for a DO NOT PASS on H.B. 1285. Thank you for your time and service to North Dakota.