

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1315

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1315

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1315 A

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-25-01

Tapo Number	Side A	Side B	Meter #
2	x		2876-end
		x	0-end
3	x		0-818
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

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

In favor:

REP. EKSTROM introduces the bill to the committee. Please see attached testimony.

REP. M. KLEIN asks who makes up this advisory commission, and how many members are on it? EKSTROM hands a report out that tells who was on that commission.

REP. KASPER asks how were the members on that committee appointed or chosen? EKSTROM replies that they were put on an interim study, and chosen by legislative council.

REP. DEVLIN asks if there is any thing that would stop a county or a city from putting their own human rights commission in order? EKSTROM replies no there is not. REP. DEVLIN takes note of EKSTROM'S local control.

REP. CLARK asks about the bill due to its two year terms to five year terms. EKSTROM talks about the length of the terms.

REP. M. KLEIN asks about the total appropriations. EKSTROM replies that it would be a one time appropriations. A federal fund will flow. REP. M. KLEIN asks about levy fines.

EKSTROM replies that there are penalties in statute already.

REP. KLEMIN talks about civil penalties.

REP. DEVLIN asks if the offending party is always a person? EKSTROM replies that she is not a legal expert.

REP. KASPER asks if the commission in the bill has the power of a judge and jury? EKSTROM replies that she would not put it in so many words, then proceeds to read from the bill.

REP. KASPER then reads from the bill, asking in so many words, is this not the meaning of "judge and jury"? EKSTROM replies that there are penalties in the statutes.

REP. CLARK asks about class B misdemeanors? EKSTROM replies that she would have to refer to legal counsel.

In favor:

SEN. T. MATHERN, DISTRICT 11

MATHERN expresses that this bill is a reality of peoples lives in our state. It is the legislators duties to look at this bill. Move forward and look at the details.

REP. BRUSEGAARD asks what additional authority would the commission need to have?

MATHERN replies that the commission would have a broader representation of the population of our state. It could make sure that the legislature had an input into the commission. Know what people would be appointed, make sure that the governor and the tribes have input into the commission and then the action set forth. There needs to be another dimension beyond the labor

commission. REP. BRUSEGAARD comments that they are essentially addressing the same complaints. MATHERN replies that there are some greater limitation of the labor department.

D. JOYCE KITSON, COORDINATOR AKE WANIKTA

KITSON explains her life's trials and tribulations. Tells the committee that she was evicted out of her home on a number of reasons. She was also arrested many times for protesting in front of a detox center. KITSON states that 60% of the people in the prisons and foster homes are native Americans. There needs to be something done.

REP. M. KLEIN asks if she approached the labor department with her problems. KITSON replies that yes she did.

CAROL TWO EAGLES, GRASSROOTS INDIAN PEOPLE, BOARD OF DIRECTORS

ACLU OF DAKOTAS

TWO EAGLES talks about the discrimination she has suffered being a Native American. Please see attached testimony.

REP. M. KLEIN asks what area is the most discrimination acts happening in? TWO EAGLES replies that it is everything.

In favor:

ALLAN PETERSON, ND FOR HUMAN RIGHTS COALITION

Please see attached testimony.

TEX HALL, CHAIRMAN OF MANDAN, HIDATSA & ARIKARA NATION

Please see attached testimony. HALL states to the committee the tribes will pay for half of the funding to get this legislation passed and working. HALL, himself has received over 200 complaints about discrimination to his people.

HEIDI HEITKAMP, SELF

HEITKAMP urges this committee to do pass on this piece of legislation. Economic future revolves on it. HEITKAMP states that out of state businesses wanting to do business within our state will see how we let discrimination go on in our state and will pull their businesses out as fast as we can turn our heads.

JESSE TAKEN ALIVE, STANDING ROCK TRIBAL GOVERNMENT

TAKEN ALIVE does not want the committee to look upon him as a victim. Urges the committee to pass this legislation. This can not go on any longer, pain hurts folks. Talks to the committee in Sioux language and makes a point to the committee that just because they are different from each other does not give cause to discrimination acts.

THOMAS M. DISSELHORST, ATTORNEY FOR THE THREE AFFILIATED TRIBES AND UNITED TRIBES TECHNICAL COLLEGE

Please see attached testimony.

RAYLYNN LAUDERDALE, PEOPLE FIRST OF NORTH DAKOTA

Please see attached testimony. PAT, a lady in a wheel chair that is accompanying

LAUDERDALE, speaks to the committee that she does not want to end up in a nursing home.

PAT did not sign the registration sheet, so there is no last name for her.

LOIS LITTLE OWL, HUMAN RIGHTS COMMISSION

Please see attached testimony.

SEN. BERCIER, DISTRICT 9

BERCIER asks the committee if human rights are worth a dollar. The tribal chairs will take care of the funding if the money is the issue. It will attract its own money. The complexion of our country is changing. Please see attached testimony.

CHERYL FRYE LITTLE OWL, HUMAN RIGHTS COMMISSION

LITTLE OWL tells the committee about the discrimination that she has had to endure with the housing facility in Bismarek. They made her husband move out because his name was not on the lease. LITTLE OWL went to the governor for help, but states that all she got was a "we feel bad", do nothing attitude.

Opposition:

DALE O. ANDERSON, GNDA

Please see attached testimony.

Neutral: Stands for questions

MARK BACHMEIER, STATE LABOR COMMISSIONER

REP. M. KLEIN asks about the new program that is being developed within his department.

BACHMEIER defines to the committee as to what the new housing program is doing.

REP. M. KLEIN asks if there is any other areas than housing and employment that the labor department deals with? BACHMEIER replies that they have only statutory authority in those areas. REP. M. KLEIN asks how many cases have been looked at in your division?

BACHMEIER replies that he knows of 20 in housing.

REP. DEVLIN asks if there is backlog of unresolved cases right now? BACHMEIER replies that there is some in the employment cases.

REP. M. KLEIN asks about the two full time employees that they were issues last legislative session. BACHMEIER states that they filled those two spots. Time has been spent with the housing discriminatory, since that is new. Training that staff, and learning about those laws.

REP. M. KLEIN states that the program is just getting started. The public is not aware of your many programs as of yet. BACHMEIER replies that yes that is an issue. REP. M. KLEIN asks if

they are making use of the federal funding? BACHMEIER replies that they have received funding from HUD.

REP. KASPER asks about certain complaints that were brought up today in testimony.

BACHMEIER replies that issues were raised today that they have no jurisdiction over, therefore needs to be taken to court for civil actions. The labor department has no authority over many of these complaints.

REP. HUNSKOR asks what do they tell people that come to them with complaints and the labor department can not help them, what do you tell them? BACHMEIER replies that they do not tell them they can not help them, but instead tells them who or how to go about getting their complaint heard.

BACHMEIER then makes a point of clarification to the committee.

There was no action taken on this bill at this time.



2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1315 B

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-26-01

Tape Number	Side A	Side B	Meter #
1		X	3871-end
2	X		0-80
Committee Clerk Signature <i>Robin D. Small</i>			

Minutes:

REP. M. KLEIN called the committee to order.

Committee work: HB 1315

REP. M. KLEIN first thanked the committee for sitting through a lengthy hearing on this bill.

The testimony was very long and he appreciates everyone's cooperation.

REP. BRUSEGAARD motioned for a DO NOT PASS, seconded by REP. GRANDE.

REP. KROEBER states that the Labor Commission has no authority over some of the issues that were brought up in front of the committee during testimony. REP. KASPER talks about the judge and the jury being in the bill. REP. MEIER suggests that maybe there be a legislative study done on this. REP. HUNSKOR states to the committee that there are some many different races and inequalities, and these people have lived with discrimination all of their lives, they need to be heard. REP. KROEBER states that they need to shift and do something now. Address discrimination. REP. HAAS talks about DINA BUTCHER'S new position.

Page 2  
House Government and Veterans Affairs Committee  
Bill/Resolution Number HB 1315 B  
Hearing Date 1-26-01

The roll call vote was taken with 12 YES, 3 NO, 0 ABSENT AND NOT VOTING. The

CARRIER of the bill is REP. DEVLIN.

HB 1315: DO NOT PASS 12-3-0

CARRIER: REP. DEVLIN

Date: 1-26-01

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1315

House GOVERNMENT AND VETERANS AFFAIRS Committee

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

or

Conference Committee

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

Action Taken Do Not Pass

Motion Made By Brusegaard Seconded By Grande

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) 12 No 3

Absent \_\_\_\_\_

Floor Assignment Rep. Devlin

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

**REPORT OF STANDING COMMITTEE (410)**  
January 26, 2001 12:57 p.m.

Module No: HR-14-1732  
Carrier: Devlin  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1315: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)**  
recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1315 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

HB 1315



January 25, 2001

To the members of the North Dakota Legislature:

I'm writing to express my support for the creation of a human rights commission in North Dakota. This commission should be an element of North Dakota's long range vision and development goals.

I am very pleased with the newly created Human Relations Commission in Fargo, by Mayor Furness. It acknowledges the need and desire to hear the issues that face those residents who otherwise experience isolation with no outlet for the expression of issues too easily ignored by those unaware.

As legislators you face difficulty in balancing the needs of all North Dakotans. I personally have benefited I'm sure a great deal from your past and continuing efforts in economic development. I acknowledge and am well aware of the privilege of being in business in this state. But, it is in reflecting on this privilege that it becomes apparent that we cannot turn away from those unable to participate in many of the advantages to which others have access.

North Dakota as one of very few states with declining population has a special interest in being an advocate for all its residents. We cannot afford a policy of denial and ambivalence toward human rights abuses. A decision to create a Human Rights Commission is forward looking and therefore a benefit to all businessses in North Dakota.

I look forward to the creation of a North Dakota Human Rights Commission in North Dakota.

Mark Sinner

A handwritten signature in cursive script that reads "Mark Sinner". The signature is fluid and matches the printed name above it.

Co-Owner  
Creative Kitchen, Inc.

## Testimony for House Bill 1315

### "A Bill to Establish a Human Rights Commission in North Dakota"

Introduction. My name is Allan Peterson from Fargo; my home address is 7009 Horseshoe Bend, Fargo, ND 58104. I am here to represent a coalition of organizations that have joined under the banner of North Dakotans for a Human Rights Commission; our mission is simply to establish a Commission for Human Rights. There are thirty-six member organizations that have endorsed our mission; many of the groups who are a part of this coalition have a state-wide membership and representation. The representation of the groups in the coalition include people with disabilities, racial minorities, women's groups, organizations representing disadvantaged people, labor relations organizations, religious based church organizations, etc. We have been meeting regularly for about a year in an effort to gather information and develop a plan for implementing our mission.

Discrimination does exist in North Dakota. It has been said by some that discrimination is not a problem in North Dakota. Discrimination is commonplace and has been experienced by many classifications of people, including people with disabilities, this includes people who are blind and severely visually impaired.

\* The unemployment rate for people with disabilities ranges between seventy and eighty percent. Instances of suspected employment discrimination for people with disabilities are most often not reported or investigated, It has been my experience that people simply do not want to go through the legal process and be labeled as a "problem". I know people in the blind community who have searched for employment for years without success, some of these people have advanced training and college degrees. Discrimination occurs in many areas of public life including employment and housing, accommodation, consumer services, education and is even experienced in service programs that are designed to serve people who are disadvantaged.

\* The report of the Advisory Committee to the U.S. Civil Rights Commission found that discrimination was a definite problem in our state.

\* The Coalition has put in operation a help line for information for anyone to access with questions regarding potential violations of human rights. The line has been in operation since mid-October of last year and we have received an average of between one to two calls per week.

A moral and Ethical Perspective. Human and civil rights laws have been instituted to help guarantee equitable treatment for all people regardless of their station in life. It is the responsibility of government to ensure that human rights laws that prohibit discrimination are properly instituted and enforced. The Advisory Committee's report to the U.S. Civil Rights Commission states there is no mechanism in place to properly enforce our state's human rights laws. A Human Rights Commission would provide one place where people could turn to for information and advice. The role of this agency should be first to educate, then to mediate and, if all else fails, to litigate.

Enforcement of human and civil rights laws can be perceived as a moral and spiritual principle. Human and civil rights laws and their enforcement are issues that help to guarantee a person's dignity and equal and fair treatment under the law. Jesus used the parable of the good shepherd and his lost sheep Luke 15: 4-7, to illustrate the value and importance of everyone within God's Kingdom. Through proper enforcement of human and civil rights laws, we help to ensure the importance and equal protection under the law of every person in our society.

Elevating the dignity of every person enhances family values. It is estimated that one out of every five persons possesses some form of disability. It is likely that every family has a person in their immediate or extended family with some form of disability. Human and disability law protects classes of people who are most vulnerable to discrimination in our society.

Human and civil rights law also include disability rights law which is a part of our civil code at the state and national level. These laws and their proper enforcement form the core value system upon which our democratic form of government is based. For this reason, human and civil rights law are not special laws; they are not partisan issues; they do not belong to either Democratic or Republican or any other party, these laws are the rights of every person under our form of government. Not to belabor the point, but it is so important that there be an adequate mechanism of enforcement of our human and civil rights laws!

It can be argued that a Commission of Human Rights will not penalize, but will enhance business interests in North Dakota. Human and civil rights law are not well understood; a Primary goal of the Commission would be to educate employers, landlords, consumer service agencies, public service providers and the like about these laws and, in the process enhance the public's awareness, appreciation and value of our civil code. With more knowledge, costly and lengthy lawsuits could be avoided.

We, who are members of the disability community must often rely on the goodwill and kindness of the public. It can often be a difficult tightrope to walk, on the one hand relying on someone's assistance and, on the other hand, hoping you'll be perceived as a person with abilities and value.

Summary: A Commission of Human Rights has many advantages over the present system of promoting and enforcing human and civil rights laws in North Dakota. A listing of these principle advantages include the following:

\* Lengthy litigation processes are extremely time consuming and expensive. A lawsuit in Fargo, involving a person with a disability, took four years to resolve and come to a conclusion; and, yet, this particular case was said to have been put on the fast track. A Commission of Human Rights would hasten this legal process and would help save the money and time that is invested in litigation..



\* A Commission of Human Rights would be one place where all forms of discrimination could be handled. Currently, the Dept. of Labor, now the Division of Human Rights within the Dept. of Labor, investigates cases of potential discrimination in the areas of employment and housing, other forms of discrimination are referred to federal agencies. When these referring agencies were investigated for responsiveness, we found that it was either difficult to contact anyone who could help or their scope of authority was limited.

\* The Commission of Human Rights would allow advocacy organizations to have input into the oversight of administering human and civil rights law enforcement. This would enhance the education and mediation processes which would make this function of government more responsive and thus more efficient and effective.

\* a Commission of Human Rights does provide the independence that is needed for impartial mediation and arbitration of potential cases of discrimination. Impartial, independent arbitration of the law is the cornerstone of our judicial system and is vital to our democratic form of government. A commission form of governance of human rights statutes provides an environment that would be less likely to be subjected to competing interests and influences.

Our coalition did receive a letter of support from Mayor Bruce Furness endorsing the establishment of a Commission of Human Rights in North Dakota. Fargo has recently established a Fargo Human Relations Committee to investigate complaints involving potential cases of discrimination.

**Testimonial in Support of House Bill 1315**  
**Representative Audrey Cleary**  
**January 25, 2001**

Mr. Chairman and members of the Government and Veterans Affairs Committee:

For the record, I am Representative Audrey Cleary.

In November of 1999, the North Dakota Advisory Committee to the Civil Rights Committee to the United States Civil Rights Commission issued a report on discrimination in our state. It expressed the hope that the "Governor, State Legislature, community organizations and North Dakota citizens rally together to actively promote and take significant steps to work toward eradicating discrimination in the state." Discrimination does exist in North Dakota.

One of the committee's recommendations was to create a Human Rights Commission. Today we present House Bill 1315 as the answer to their recommendation.

Please consider carefully this bill and give it a favorable response.

I would be glad to answer questions.

At WAL-MART IN BISMARCK & DEVIL'S LAKE,  
DECISION TO FOLLOW PEOPLE IS "A MANAGEMENT  
DECISION" — NATIVE AMERICANS & BLACKS ARE  
FOLLOWED & WATCHED BY CLERKS MORE THAN  
10:1 OVER WHITES, ACCORDING TO WAL-MART EMPLOY-  
EES WHO HAVE QUIT OVER IT — THEY INSIST ON  
ANONYMITY, MAINTAINING W-M WILL GET THEM  
FIRED FROM NEW JOBS IF THEY "GO PUBLIC" —  
THEY SAY THEY ARE TOLD THIS BY WAL-MART MGMT.

IN JULY 1998 — A 10-YR-OLD STANDING ROCK BOY  
COLLAPSED AT BISMARCK WAL-MART. THE  
FLOOR MGR. REFUSED TO CALL AMBULANCE  
UNTIL I IDENTIFIED MYSELF AS AN ACLU  
MEMBER. HE SAID, "AH, HE'S PROBABLY ON DRUGS.  
THEY ALL ARE." I READ HIM THE RIOT ACT;  
& CALLED DAVID GLASS, CEO OF WAL-MART  
ABOUT IT. THE BOY SPENT A WEEK IN MED  
CENTER I WITH A SERIOUS CONDITION COM-  
PLETELY UNRELATED TO DRUGS. HE WAS ILL —

I COULD GO ON FOR HOURS BUT I WILL  
NOT. I HAVE BEEN TOLD I AM "NOT  
HIRABLE IN NORTH DAKOTA" BECAUSE I AM  
A TRADITIONAL PERSON & A MEMBER OF  
THE ACLU." GOOD THING I LOVE BEING IN  
INDEPENDENT BUSINESS — BUT —

WHAT DO PEOPLE WITH NO KNACK FOR  
BUSINESS DO?

THANK YOU FOR ACCEPTING THIS ADDITIONAL  
TESTIMONY & HEARING ME. I AM  
AVAILABLE TO YOU & THE COMMITTEE ANY  
TIME TO WORK FURTHER ON THIS.

PLEASE VOTE "DO PASS", AS A  
COMMITTEE, ON HB 1315 WITH  
CHAIRMAN JEX HALL'S AMENDMENT.

Carol Two EAGLES

Box 293

MANDAN, N.D. 58554

701-258-7223

email: ONEWISE SPIRIT@GO.COM

## Legislative Testimony 1/25/01

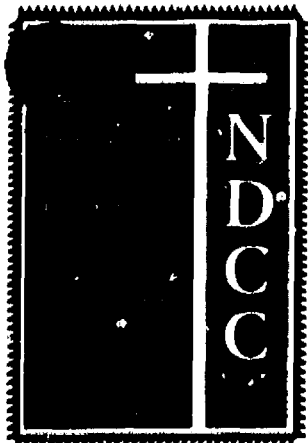
- **North Dakotans for a Human Rights Coalition is a group of about 20 organization & individuals who formed in the spring of 2000 because we felt that a Human Rights Commission in North Dakota is needed** The Coalition was started by Arc of Cass County
- Today More than 30 organizations statewide have done letters of support
- Much of the background information I have is from the report "Civil Rights Enforcement Efforts in North Dakota" by the North Dakota Advisory Committee to the U.S. Commission on Civil Rights, issued in November, 1999
- The History of the civil rights efforts in North Dakota
  - **North Dakota Human Rights Act passed in 1983**
  - **Prohibits discrimination on basis of race, color, religion, sex, national origin, age, disability, marital status, status with regard to public assistance in:**
    - **Employment**
    - **Public accommodations**
    - **Housing**
    - **State and local government services**
    - **Credit**
  - **, Other than going to court, to protect residents of North Dakota except in areas of employment and housing there are No available avenues or remedies**
  - The North Dakota Department of Labor has been responsible for investigating complaints of alleged discrimination in employment since 1983
    - The North Dakota Department of Labor does not have enforcement powers for employment discrimination & can only encourage settlement of a claim through negotiations or mediation
    - If conciliation is not successful, the complaint is forwarded to the EEOC in Denver
      - As of the time the North Dakota Department of Labor testified before the Advisory Committee, the EEOC backlog for charges from North Dakota was 1-3 years
  - North Dakota Department of Labor was given the authority to investigate & enforce complaints of discrimination in housing in the 1999 legislative session, which became effective October 1, 1999
    - Staff hired in February, 2000 but HUD equivalency not obtained until September, 2000
  - In June, 2000 Governor Schafer recognized the lack of a unified response to discrimination by creating a Division of Human Rights within the North Dakota Department of Labor
    - Complaints of discrimination in any area other than housing or employment are referred to telephone numbers in Washington, D.C.
      - **Public accommodations**

- Investigate criminal actions such as police brutality or church burnings
  - ADA public accommodations
    - Will take 3-4 months before investigation begins
    - Investigate state and local governmental entities or private business regarding ADA complaints
      - Not all complaints regarding private businesses are even looked at
      - Do not do employment ADA or housing ADA
  - Education
    - Toll free # consistently busy over a number of weeks
  - Other Types of Discrimination
    - Information referral line only
    - No enforcement or investigation
- Examples of discrimination report to ND Advisory Committee:
    - An advocacy group for older workers, reported that one client had been told that if she really wanted to get a job, she should color her hair to cover the gray & use more makeup
    - A refugee program reported a volunteer had been assisting an African family in looking at apartments; one apartment manager told them that an apartment had been rented; when the volunteer had a friend call, the friend was told that the apartment was still available
    - Volunteers & staff of the refugee program have been told by apartment owners or managers that they don't rent to refugees
    - At an open session, the following examples of discrimination were given:
      - An American Indian is treated differently than whites when attempting to write a personal check
      - African American university students were more closely watched than other customers when shopping in department stores
  - ND is one of a handful of states without a human rights commission
    - Montana has a Commission for Human Rights which has authority to enforce Montana's human rights laws
    - South Dakota has a Human Rights Commission within the Division of Human Rights
  - Why doesn't current system work?

- There's no educational component to Department of Labor to advise residents of North Dakota, employers, businesses, landlords about what discrimination is or how to avoid it
  - Even in area where Department of Labor has had responsibility for dealing with discrimination since 1983, recent settlement for \$1.2 million for gender discrimination by North Dakota Insurance Reserve Fund, City of Wahpeton & Richland County
    - NDIRF paying \$872,000
    - Richland County paying \$328,000
  - A human rights commission, doing outreach and education, could have helped avoid the immense cost of this gender discrimination lawsuit
  - The North Dakota Insurance Reserve Fund recognizes the need to provide more training on gender discrimination issues
  - The same is true of other areas of discrimination, in order to avoid the costs of discrimination if at all possible
- Even with Division of Human Rights within the Department of Labor, people are referred to Washington, D.C. for complaints other than employment & housing
  - Piecemeal response is no longer adequate
  - All human rights in North Dakota the same treatment; to treat some human rights as more important than others creates more confusion and misunderstanding and is not the response to the need that North Dakota citizens, employers, landlords, and businesses deserve
- Discrimination does occur in ND, response is inadequate
  - Even with current level of minimal outreach Department of Labor, about 100 cases were open & closed in 1999 in employment discrimination
  - ND DOL sends out questionnaire to complainant, no assessment done of ability to understand English or complete questionnaire
  - Division of HR within DOL does not assess complainant's ability to access assistance in Washington, D.C. (i.e., language barrier); question was not even considered when Division of HR was established
- Findings & recommendations of ND Advisory Committee:
  - North Dakota citizens need local and state mechanisms in operation where they can voice concerns, seek information, obtain assistance, and when necessary file discrimination complaints

- These mechanisms should have the ability to negotiate, conciliate, mediate & enforce findings of discrimination
- Create a Human Rights Commission
  - Fill investigative & enforcement powers, including ability to engage in mediation, conciliation & dispute resolution
  - Provide education, outreach and technical assistance to employers, housing providers and other institutions covered by civil rights laws (i.e., businesses & educational facilities), as well as to victims of discrimination
  - HRC should be visible, accessible & act as a clearinghouse for statewide civil rights matters
- Also recommended formation of local human relations commissions to assist in resolving & mediating community conflicts, provide education & outreach, & promote diversity
  - Fargo has created Human Relations Commission,
    - Fargo Mayor Bruce Furness has done a letter explaining why Fargo established a Human Relations Commission & noting that a Human Rights Commission may be appropriate at the state level





*Representing the Diocese of Fargo  
and the Diocese of Bismarck*

Christopher T. Dodson  
Executive Director and  
General Counsel

**To:** House Government and Veterans Affairs Committee  
**From:** Christopher Dodson, Executive Director  
**Subject:** House Bill 1315 (Human Rights Commission)  
**Date:** January 25, 2001

The North Dakota Catholic Conference supports House Bill 1315.

Every person is made in the image of God. As such, each person possesses an inherent dignity that cannot be taken away and does not depend upon what the person does or who they are. Respect for this dignity demands that basic human rights be respected by all. Indeed, the primary purpose of government is to protect and respect human dignity by insisting that the human rights of all be protected, especially the rights of the most vulnerable and less power among us. If government fails in this regard, it fails to meet its most important moral obligation.

This, presumably, is the premise behind the North Dakota Human Rights Act. However, as testified to on many occasions, the mere passage of the Human Rights Act is not enough to ensure that human rights are actually protected. The state's obligation does not rest solely or even primarily on enforcing laws against discrimination. Government has the duty to assist in the creation of a positive, proactive, environment where discrimination does not occur. This is why we need a human rights commission. This is why virtually every state has a human rights commission.

This is not the first attempt at creating a human rights commission and we can anticipate some of the opposing arguments. We may hear that it is too costly, could hurt economic growth, and could increase civil rights litigation. We must, however, remember that the economy exists to serve persons -- all persons. People do not exist to serve the economy. Any economic system that accepts the denial of human rights for the sake of the economy is morally flawed. There is no moral justification for accepting discrimination, no matter how much occurs, because of fear of lawsuits or the alleged effects on the economy.

Thank you for your consideration. We urge a **Do Pass** recommendation.

W. Broadway, Suite 2  
Bismarck, ND 58501

(701) 223-2519  
1-888-419-1237  
FAX # (701) 223-6075

I bought:

Parked a small 12' field trailer in the far back yard for 6 mos; 9 days - in '99 Oct 13th

On May 3, 2000 I moved ~~the~~ trailer and 16 days later I received a letter from manager, Kent French's office to move my small trailer out.

I drove through three rows of trailer homes and found recreational vehicles, boats, trailers, Jet-skis, canoes etc. amount was twenty, in 3 rows on 5-9-2000.

Moved it to Roushine, ND for storage, approx. 48 miles south.

Today, as I made rounds in the Skyway Pk. trailer court. The total is 50 plus old cars not in running order. Policy says eviction when in violation.

- 1. I know I'm treated different <sup>There's discrimination in every case even</sup>
- 2. Afraid to report them - I may get evicted. I'm an elder <sup>with other illnesses & on low-income.</sup>
- 3. The older the trailer the higher the taxes! Set rate? And the last rent is \$5 short of 200.00 per mo.

Don't Let's Deal

#2005  
1119 Univ. Dr.  
Bismarck ND 58504  
7711 1111

1-25-01

- 2001 - pick-up camper  
 2006 - In stock  
 2011 - Snow mobile  
 2013 - Boat  
 1922 - pop up camper  
 1924 - 2 snow mobiles  
 1502 - Boat  
 1718 Snow mobil  
 1401 - canoe  
 1504 - Boat 1403 Sm, enclosed Trailer  
 1506 - Boat  
 1614 - Boat  
 1415 - Camper Trailer  
 1314 - Camper & snow mobil  
 1310 - Camper trailer 96 old car  
 1201 - Open trailer  
 1203 - Topper on pickup  
 1307 - Boat  
 1209 - Boat  
 1111 - Jet-ski  
 1215 - Open trailer  
 1022 - Open trailer, Topper, motor cycle  
 1016 - Open trailer & <sup>jet</sup> ski  
 914 - Motor Home  
 716 - Boat  
 717 - Open trailer  
 818 - pop up camper  
 719 - Boat  
 714 - Open trailer & boat  
 813 - motor cycle - snow mobile  
 713 - Open trailer  
 610 - Trailer for snow mobil  
 615 - Sm open trailer

- 504 - Trailer - to haul with
- 512 - Open & m. enclosed trailer
- 805 - Trailer for camp
- 1611 - Motorcycle
- 1008 - Boat
- 1605 - Boat & open trailer
- 1012 - - Bus camper

- 303 - pick up & top on 2 boats
- 304 - Boat - old car
- 310 - motor home
- 401 - zig-zag trailer
- 401 - Boat
- 204 - motorcycle
- 205 - Topper
- 106 - pop up camper
- 211 - Appears to be fish house.

Total 50

Numerous cars not in working order.

DATE: 5/3/00

RESIDENT ADDRESS: 2005

### NOTICE

The following violations of Park Rules as checked have been found by the Management:

- Home is not numbered or violates city code.
- The yard is messy with \_\_\_\_\_.
- Motor vehicles, boats, trailers, etc. cannot be stored on lawn area. *Camper in yard*
- Skirting needs repair \_\_\_\_\_, replaced \_\_\_\_\_, painted \_\_\_\_\_.
- Cars parked in street or unusable vehicle must be removed.
- Grass needs mowing \_\_\_\_\_, weeds need spraying \_\_\_\_\_, lawn planted \_\_\_\_\_.
- Lawn shows lack of care.
- Dog unattended on \_\_\_\_\_.
- Fence in need of paint or repair.
- Entry, porch, steps, deck, storage shed \_\_\_\_\_.
- Snow has not been removed from sidewalks.
- Garbage containers \_\_\_\_\_.
- Gas and or oil containers cannot be stored on the ground.
- Clothesline \_\_\_\_\_.
- Building materials, firewood, etc. must be above ground per city code.
- Old appliances, broken bicycles and toys must be removed.
- 

Refusal by resident to cooperate fully with any of the foregoing rules may constitute grounds for their removal from the park. If the problem cannot be corrected within \_\_\_\_\_ hours, please contact the office. Thank you.

*Kent French, Manager*  
Liechty Homes  
Bismarck - 255-1705  
Jamestown - 252-3081

Chairman Klein & members of the committee,  
If you wish further information from my experience &  
activities at the ACHL, I will make myself  
available - Thank you -

Carol Two Eagles

Box 293

Mandanay ND 58557

701-258-7223

email } OneBlueSpirit@go.com

**TESTIMONY BEFORE THE  
HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
REGARDING HB 1315  
JANUARY 25, 2001**

Chairman Klein and members of the Committee, I am Raylynn Lauderdale, Executive Director of People First of North Dakota. I am here today to provide you information regarding the need for a Human Rights Commission in the state of North Dakota.

People with disabilities face discrimination every day of their lives in our state and across our nation. Discrimination in employment and housing is an everyday occurrence, yet we turn our back and pretend it does not happen. People with disabilities have learned to ignore hurtful remarks, to accept being rejected rather than fight against the condescending attitude that permeates our society. To whom should they turn? Who will turn an ear to their cry? Are they, and others who experience constant discrimination, not worth our time, our money? YES! They ARE worth our time and money.

However, not everyone feels the same. Case and point: The advisor for a local self-advocacy group in Minot called the county auditor's office to inquire as to the possibility of her assisting people with disabilities who may have a difficult time in the voting booth. The county auditor told her that yes, it was legal for her to assist friends in the voting booth, but the series of questions he asked demonstrated a severe lack of respect for people with disabilities. His questions as to "Why would they want to vote?" and "We have judges to help the retarded," are not appropriate in a society that professes equality. In light of this type of attitude, would you be thrilled to exercise your right to vote in a public polling place? I think not!

To make the voting process easier, this advisor helped members fill out the request to vote absentee, with her signing as an agent. When two individuals did not receive a ballot, the advisor contacted the county auditor's office once again. He said that he did not send them a ballot because they couldn't make an actual "X," only a mark, and he didn't know if they were mentally competent. I don't believe that the inability to write even suggests mental competency. If you broke both arms in an accident and couldn't write at all, would you appreciate people making a judgement as to your mental competency? Regardless of this, I have never seen a law that states you must have a certain IQ in order to exercise your right to vote.

Eventually these individuals did receive their ballots after one individual approached the county auditor at a meeting and asked why he had not received his ballot. The county auditor's response was, "If I had known it was you, I would have sent one right away." Does a public official in this capacity have this authority? And what recourse does an individual have when denied these rights?

If people cannot even exercise rights such as voting without fear of humiliation or retaliation, who will hear when this attitude keeps them from gaining employment, from being able to rent an apartment, from being able to access a public place? Yes, laws are in place to prohibit this, but who makes sure it doesn't happen? Who will hear and judge fairly? Why must our citizens rely on the authority of the Federal Office of Civil Rights or the EEOC to protect their rights? Why should citizens of North Dakota have to look elsewhere for help?

This is why I feel strongly that we need a Human Rights Commission in North Dakota that has the autonomy, the authority, and the necessary funding to



protect the rights of persons with disabilities and other minority groups. Please do not turn your back and ignore the cries of those who have gotten the brunt of discrimination for years. Please consider the citizens who desperately need to be protected when making your decision on HB 1315.

Respectfully,

Raylynn Lauderdale  
People First of North Dakota  
400 E. Broadway, Suite 515  
Bismarck, ND 58501  
701-250-6745

**THOMAS M. DISSELHORST**  
ATTORNEY AT LAW

311 E. THAYER AVE., SUITE 129  
P.O. BOX 2463  
BISMARCK, NORTH DAKOTA 58502  
TELEPHONE: 701-258-2769  
TELEFAX: 701-258-0502

**Government and Veterans Affairs Committee  
North Dakota House of Representatives  
57th Legislative Assembly**

**Testimony of Thomas M. Disselhorst  
Attorney at Law  
on HB 1315  
Human Rights Commission  
January 25, 2001**

Mr. Chairman, members of the Committee. Thank you, Mr. Chairman, for the opportunity to testify on SB 2413 concerning the need to establish a Human Rights Commission in North Dakota. First, for identification purposes, I should note that I am a staff attorney for the Three Affiliated Tribes, as well as counsel for United Tribes Technical College in Bismarck, North Dakota.

Second, I would recommend amending the bill so that each of the Tribes in North Dakota, including the Sisseton Wahpeton Sioux Tribe, are able to appoint a member of the Commission.

For more than 25 years, in a variety of settings, I have been an attorney representing Indian citizens of the state of North Dakota. When I first came to North Dakota in 1975, I was a VISTA volunteer attorney at United Tribes. As I looked for an apartment, and was asked where I was employed, more than once I had doors closed in my face, apparently simply because of where I worked. It was a stark introduction to racism in North Dakota, and at that time, I did not know where to turn for a remedy.

As I began assisting Indian citizens in various legal actions, I soon learned that it was highly unlikely for an Indian to ever appear on a jury panel, that the Bismarck Municipal Judge had different bail schedules for Indians and non-Indians, and that the local Clerk of Court had a different, and more difficult, set of requirements for identification cards for Indians than for non-Indians. Through pressure that myself and other attorneys working on behalf of Indian citizens were able to exert on these, and other, racist practices, some of them have now been eliminated.

Yet, I would suggest that Indians are still rarely selected to be on a jury panel and that their representation on jury panels is still proportionately far less than their population would warrant. While this is not an issue that a Human Rights Commission could easily remedy, it is indicative of larger racial problems in our state, problems that are costing this state both economically and socially, problems that undermine dramatically confidence that our state government is treating its citizens fairly.

Powers of a Human Rights Commission

What would a Human Rights Commission as established under HB 1315 do? It would have the power to investigate, mediate and resolve claims of violations of our state's Human Rights

Act, contained in Chapter 14-02.4. These powers are listed on pages 2-5 of the HB 1315, and include, among other things, the right to issue orders, such as an order to cease and desist a discriminatory practice, to award actual damages and assess civil penalties for discriminatory conduct. The actions of the Human Rights Commission would be reviewable in state District Court.

A Human Rights Commission that would provide education about the civil rights of all of our citizens and would enforce our Human Rights Act would begin to alleviate the social problems that racism causes and would eventually be a tremendous economic boon to our state. Why do I say that the Human Rights Commission would be an economic boon? Racial injustice almost always causes unnecessary economic dislocations. People who otherwise are qualified for work are unable to obtain it and have little remedy or do not seek such employment because they believe they will not get the job advertised. Such individuals often end up on the welfare rolls, costing the state untold millions of dollars. As representatives from the North Dakota Department of Human Services will tell you, Indians now represent more than 55% of the all persons on welfare in the state of North Dakota. Unemployment rates are often artificially low on the Indian reservations because most unemployed people have not been employed recently enough or long enough to be able to be counted as looking for work.

Now, with welfare reform, individuals and families only have a limited time to find employment. Just 1 1/2 years from now, the 60 month time limit will begin affecting North Dakotans. It is critical that persons on welfare know that they will have fair chance to seek employment -- that if they are denied work because of their race, they will have an adequate remedy right here in North Dakota, not in Denver, Colorado or in the Department of Justice in Washington, D.C. They need to know that if they are successful in finding employment, they will be able to obtain affordable housing, and if a landlord or real estate agent or bank denies them housing because of their race, that they will have a remedy right here in North Dakota, and not in Denver, Colorado or Washington, D.C. They need to know that if they find employment, and housing, they will be able to cash their paychecks without undue difficulty, and that they will be able to shop in the local malls and other shopping areas without feeling unwelcome. They need to know that state agencies will provide them services, such as housing financing, without regard to their race and that if they are denied state services, they will have a remedy that will not require them to hire an attorney to file a state court action that will be heard by an all- white jury.

**Testimony of Thomas M. Disselhorst  
HB 1315, Human Rights Commission  
January 25, 2001  
Page 3 of 4**

Welfare services cost the state many millions of dollars. If a Human Rights Commission can help people secure adequate employment, housing and public services that otherwise might be denied to those on welfare, it will pay for itself in each year of its operation as persons on welfare become productive tax-paying citizens. That is why in the end a Human Rights Commission is a very cost effective agency and a boon to our state.

Further, it should be recognized that much of the funding for a Human Rights Commission can be supplied by the Federal government, and by grants from a variety of private funding sources. The appropriation asked for, \$52,500, is a very modest investment of state resources that, as indicated above, will be more than paid for by allowing all state citizens to fully enjoy the rights and privileges of citizenship.

Do statistics show that a Human Rights Commission is needed in North Dakota?

During the 1996 and 1997, the North Dakota Advisory Committee to the U.S. Commission on Civil Rights held two hearings, in Fargo and Bismarck, concerning the need for a Human Rights Commission in North Dakota. Presenter after presenter provided graphic testimony of problems of discrimination in this state, against Indians, against single mothers, against foreign refugees, against other minorities, against poor people, and against women, to name a few of the groups whose members suffered discrimination. Before this Committee acts on HB 1469, I would urge the Appropriations Committee to carefully study the information provided at those hearings and the final report issued by the Advisory Committee in 1999, particularly the testimony and information compiled by the Human Relations Office that was operated for approximately 4 years in Grand Forks, North Dakota. The Grand Forks office gives some indication of the level of discrimination present in just one of the four major cities in North Dakota, and some indication of the number of complaints a Human Rights Commission can be expected to receive when it is known that an office is available to handle and fully resolve such complaints in North Dakota.

There is no doubt that someone will try to tell you that there are no major employment discrimination problems in North Dakota. As the testimony before the North Dakota Advisory Committee to the U.S. Commission on Civil Rights indicated, a real Human Rights Commission will undoubtedly receive far more employment and other discrimination complaints, many with more substance to them, than anyone or any legislator to date or any state agency or the Labor Department has received.

Let me make one other point. Let's Take a hard look at the Human Rights Commission from an economic standpoint. Take Great Plains Software, located in Fargo. Great Plains Software has been an economic success story for North Dakota. It was just bought by Microsoft. Microsoft is a huge corporation, and it scours the globe for qualified computer programmers, no matter the color, religion, etc. It is located in Washington State, which has a functioning and capable civil rights commission. If Microsoft sees that good people, good

Testimony of Thomas M. Disselhorst  
HB 1315, Human Rights Commission  
January 25, 2001  
Page 4 of 4

programmers, do not want to come work for Great Plains Software in Fargo because our state has an express policy of not providing a fair and adequate remedy for discrimination in employment, public accommodations, credit, state services, and so forth, all the things prohibited by the present North Dakota Human Rights Act which does not provide an adequate remedy, do you think Microsoft will think twice about moving Great Plains software somewhere more hospitable to its workers? Maybe back to Washington State? And are you willing to risk losing Great Plains software for a paltry \$50,000 appropriation bi-annually?

This testimony could continue for many more pages, outlining many examples of discriminatory treatment I have observed in recent years or which have been described to me by many persons, clients and otherwise. A Human Rights Commission located in North Dakota cannot solve all of the problems of generations of racial discrimination. But it can begin the process of showing people how harmful discrimination really is, and what it costs the state of North Dakota and its citizens. It can help restore faith to many persons who simply do not now have a reasonable remedy when they suffer from harmful acts of discrimination.

I urge a DO PASS recommendation for HB 1315, if amended as recommended.

# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes • Fort Berthold Indian Reservation*

*HC3 Box 2 • New Town, North Dakota 58763-9402*

**Government and Veterans Affairs Committee  
North Dakota House of Representatives  
57th Legislative Assembly**

**Testimony of Three Affiliated Tribes  
Mandan, Hidatsa and Arikara Nation**

**Presented by:**

**Tex G. Hall**

**Chairman**

**on HB 1315**

**Human Rights Commission**

**January 25, 2001**

**TRIBAL BUSINESS COUNCIL**  
701-627-4781  
Fax 701-627-3805

Dosha! (Hello). Mr. Chairman, members of the Committee, thank you for the opportunity to present testimony today concerning HB 1315 on the need for a Human Rights Commission in North Dakota. For your information, I am Chairman of the Three Affiliated Tribes, the Mandan, Hidatsa and Arikara Nation located in northwest North Dakota.

I also represent the many Tribal members who off the reservation in North Dakota, such as those that live in Bismarck, Fargo, Grand Forks, Minot and all of other towns and cities in North Dakota. As Chairman of the Three Affiliated Tribes, I am amazed that in the year 2001, more than 35 years after the passage of the federal Civil Rights Act of 1964, I would be talking to the North Dakota Legislature about the need for a Human Rights Commission. I am amazed that despite the fact that the fastest growing segment of our population is our Native American population, who continue to be discriminated against and despite the fact that the North Dakota Advisory Committee to the U.S. Commission on Civil Rights in its report issued November, 1999 has strongly recommended the formation of a Human Rights Commission, past legislatures have failed to enact what is really fairly simple legislation, for reasons that I fail to understand.

Simply put, every person in this state deserves to be treated fairly, in all of the areas covered by the North Dakota Human Rights. No one should have to fear discrimination in the 21st Century in North Dakota in the areas of housing, employment, labor union membership, property rights, public accommodations, public services, or credit transactions. No one should be left without a swift and sure remedy for discriminatory acts against them on the basis of race, color, physical or mental disability, religion, age, sex, status with respect to marital status or public assistance or participation in lawful activities off the employer's premises. At least that's what your present Human Rights Act would lead a person to believe is prohibited under state law.

That's where a remedy comes in. Tribal members who are discriminated against don't call their legislators to complain, they call their Tribal leaders and their friends, if they call at all. I have received many complaints of discrimination from Tribal members in towns both on and

Testimony of Three Affiliated Tribes  
HB 1315 Human Rights Commission  
Chairman Tex G. Hall  
January 25, 2001  
Page 2 of 3

off the Fort Berthold Reservation about housing, employment, credit discrimination and public accommodations discrimination. I could talk all day about the incidents I have witnessed and that have been related to me. Many others will tell you of their experiences here today.

But what am I able to tell a constituent, a Tribal member when they ask what can be done? What agency is their to help them? There is very little I can tell them.

Yes, I am aware that the Department of Labor has a so-called Human Rights Division that includes assistance in the area of housing discrimination, and can provide limited assistance in the area of employment discrimination. But for anything other than those areas, there is only the unlikely prospect of getting relief before an all-white jury in what is a lengthy and often demoralizing process of going through the state courts. Very few people even bother to make the effort of suing on such a case in State court. It is too costly and time consuming. Going to court before that all-white jury is not an acceptable remedy.

A Human Rights Commission that is empowered to enforce all of the Human Rights laws of the State of North Dakota is what is needed. That mechanism alone can provide the kind of remedies that are relatively swift, unbiased, and which can truly help stop the kind of discrimination that occurs against Native Americans in this state.

**This issue is important to me for another critical reason: Economic development.** As our Tribal Nations in North Dakota continue to grow, we are putting our Tribal members in the North Dakota work force at an increasing rate. In fact, the growth of our Native American population in the past 10 years kept North Dakota from losing population. We are the fastest growing minority in the United States. The new employees and workers we produce graduate from our community colleges, from United Tribes Technical College, from the University of North Dakota and North Dakota State University, from our high schools, from schools out of state. Will they stay and help North Dakota be prosperous, or will they get some experience here or leave the state entirely when it appears that it will be hard for them to be treated fairly because they are Native Americans as well as North Dakota citizens? As a Tribal leader, I need to know that my Tribal members will in fact get fair treatment in the lives they choose to live in North Dakota, wherever in the state they may be located.

Again, the only assurance I can get that something will be done if a Tribal member is discriminated against is to have a functioning Human Rights Commission that enforces the Human Rights laws of North Dakota that are now the law of this State. Otherwise, the plain fact is that people, good people, hardworking people who can and do contribute a lot to the economy of this state will leave, and businesses others will not come into this state, because they cannot be assured that they will be treated fairly.

**Testimony of Three Affiliated Tribes  
HB 1315 Human Rights Commission  
Chairman Tex G. Hall  
January 25, 2001  
Page 3 of 3**

I do want to recommend an amendment to the legislation, a copy of which is attached. As a Native American leader, I believe every Tribal Nation in North Dakota should be recognized and have a member on the Human Rights Commission. That includes not only the Spirit Lake Tribe, the Standing Rock Sioux Tribe, the Three Affiliated Tribes and the Turtle Mountain Band of Chippewa but also the Sisseton Wahpeton Sioux Tribe, which also a large presence in North Dakota. We are all sovereign nations within North Dakota and have diverse cultures and unique situations. The addition of a member from each of the Tribes in North Dakota will add tremendously to the development of an effective Human Rights Commission in our state and insure that no one will be left out.

This issue of a Human Rights Commission will not go away. Further, this is not some costly huge bureaucracy that is being created. The legislation proposed I am told will cost each citizen of North Dakota less than 5 cents per year, after Federal contributions and other sources of income are deducted. Five cents per North Dakota citizen. That is not a large price to pay to help preserve the economic health of our state, to assist Tribal members to live a better life. For that reason alone, we need a Human Rights Commission.

I urge a DO PASS recommendation for HB 1315, with the amendment attached.



**Proposed Amendment:**

**Page No. 1**

**Lines 20-21, starting with the words "one appointed ..."**

**"one appointed by the Chairman of the Standing Rock Sioux Tribe; one appointed by the Chairman of the Three Affiliated Tribes; one appointed by the Chairman of the Spirit Lake Tribe; one appointed by the Chairman of the Turtle Mountain Band of Chippewa, and one appointed by the Chairman of the Sisseton Wahpeton Sioux Tribe;"**



OFFICE OF THE MAYOR  
Bruce W. Furness

January 15, 2001

Ms. Cheryl Berglan  
118 Broadway, Suite 305  
Fargo, North Dakota 58102

Dear Cheryl,

I am writing in support of the creation of a Human Relations Commission for the State of North Dakota. As you are aware, the City of Fargo recently established such a Commission. This occurred, I believe, as a proactive response to the rapidly changing population demographics in our community. Fargo is significantly increasing its cultural, racial and social diversity. In my view, this presents us with a wonderful opportunity to encourage open communication and improve understanding among the many cultures in our City.

I am unable to assess the magnitude of this condition at a statewide level, though I would guess that the percentage of multi-cultural persons throughout North Dakota is not as high as in Fargo. Never the less, it may be appropriate for the state to have a Human Relations Commission as well. A separate Commission will provide more attention and focus to human needs and may be more responsive to individual situations.

If I can be of more assistance to your efforts, please let me know.

Very truly yours,

A handwritten signature in cursive script that reads "Bruce".

Bruce W. Furness  
Mayor

BWF:skr  
ffcb1

Fargo-Moorhead



2000

# NORTH DAKOTA CONFERENCE OF CHURCHES

411 - N. 4th St. • Suite 8 • Bismarck, North Dakota 58501-4078 • (701) 255-0604

**To:** Members of the House Government & Veterans Affair  
**From:** North Dakota Conference of Churches  
**Subject:** HB 1315  
**Date:** 01/25/01

---


The North Dakota Conference of Churches supports HB 1315 to create a Human Rights Commission in North Dakota. As persons created in God's image, all human persons are entitled to basic human rights. North Dakota has recognized this with the passage of its Human Rights Act. The creation of a Human Rights Commission would help effectuate its purpose by enhancing education and enforcement activities.

As ministers of the Christian faith, the members of the North Dakota Conference of Churches sometimes witness the harmful effects of discrimination. That is why the Conference has historically supported the creation of a Human Rights Commission and supports this bill.

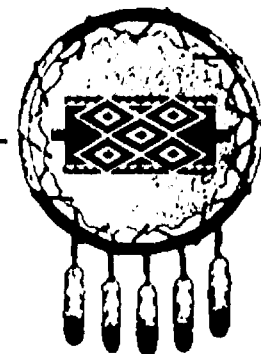
The following member denominations of the North Dakota Conference of Churches endorse the establishment of a Human Rights Commission in the state of North Dakota: American Baptist Churches of the Dakotas; Episcopal Diocese of ND; Evangelical Lutheran Church in America, Eastern ND Synod and Western ND Synod; Moravian Church in America, Northern Province; Presbyterian Church, U.S.A. Presbytery of the Northern Plains; Religious Society of Friends (Quakers); Roman Catholic Church, Bismarck Diocese and Fargo Diocese; United Church of Christ, Northern Plains Conference; and United Methodist Church, Dakotas Conference.

**MEMBER DENOMINATIONS:** American Baptist Churches of the Dakotas • Church of Brethren, Mor. Dak Area • Church of God (Anderson) • Episcopal Diocese of N.D. • Evangelical Lutheran Church in America, Eastern ND Synod, Western ND Synod • Moravian Church in America, Northern Province • Presbyterian Church, U.S.A., Presbytery of the Northern Plains • Religious Society of Friends (Quaker) • Roman Catholic Church, Bismarck Diocese, Fargo Diocese • United Church of Christ, Northern Plains Conference • United Methodist Church, Dakotas Conference.

**ASSOCIATE MEMBERS:** Catholic Family Service • CHARIS • Church Women United • Home on the Range • Jamestown College • Lutheran Social Services of North Dakota • University of Mary • North Dakota Chaplains Association • Unitarian/Universalist Fellowship • The Village Family Service Center.



UNITED TRIBES TECHNICAL COLLEGE  
3315 UNIVERSITY DRIVE  
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605



**Government and Veterans Affairs Committee  
North Dakota House of Representatives  
57th Legislative Assembly**

**Testimony of David Gipp  
President, United Tribes Technical College  
United Tribes of North Dakota  
on HB 1315  
Human Rights Commission  
January 25, 2001**

Mr. Chairman, members of the Committee, thank you for the opportunity to present testimony today concerning HB 1315 on the need for a Human Rights Commission in North Dakota. For your information, I am President of United Tribes Technical College, a post-secondary vocational technical school which serves primarily Indian persons from throughout Indian country. This testimony is also being presented on behalf of United Tribes of North Dakota.

This testimony, unfortunately, will be similar to testimony offered in previous sessions of this legislature. I say unfortunately because despite the fact that a full Human Rights Commission is needed in North Dakota, despite the fact that without it, economic development in North Dakota may be hampered, despite the fact that the fastest growing segment of our population is our Native American population, who continue to be discriminated against, despite the fact that the North Dakota Advisory Committee to the U.S. Commission on Civil Rights in its report issued November, 1999 has strongly recommended the formation of a Human Rights Commission, past legislatures have failed to enact what is really fairly simple legislation, for reasons that frankly I do not understand.

This remains an issue about which I personally feel very strongly, and which is also supported strongly by the Board of Directors of United Tribes Technical College. The Board of Directors is composed of the Chairman and a representative from each of the five tribes which have a presence in North Dakota, the Standing Rock Sioux Tribe, the Turtle Mountain Band of Chippewa, the Spirit Lake Nation, the Three Affiliated Tribes and the Sisseton-Wahpeton Sioux Tribe. Some of our Board members are here today to offer testimony on this issue. The unanimously passed standing resolution of our Board of Directors on this matter was passed on January 23, 1999, supporting the creation of a Human Rights Commission to enforce both state and Federal civil rights laws in North Dakota, most of those who were Chairman at that time are still representing their respective Tribes and have not changed their position.

Although our Board has not met to consider this bill yet this year, through informal discussions with most of them, I am certain that they are in support of this important

legislation, with one amendment: The Commission should be expanded by four members, so that the Commission will include one member appointed by the Chairperson of the Standing Rock Sioux Tribe, one member appointed by the Chairman of the Three Affiliated Tribes, one member appointed by the Chairman of the Spirit Lake Tribe, one member appointed by the Chairman of the Turtle Mountain Band of Chippewa and one member appointed by the Chairman of the Sisseton Wahpeton Sioux Tribe.

The reason for the amendment should be clear. Each Tribal Nation that has a presence in North Dakota is a separate government and should be treated as such in the Human Rights Commission. The Native American population is the largest minority group in North Dakota and it should be recognized as such on this Commission, not with just one representative, but with representatives from each of the five Tribes with a presence in the state.

To give you an idea of why a Human Rights Commission is so important to us, let me give you a brief description of United Tribes Technical College "United Tribes". United Tribes was founded in 1969 by the North Dakota Indian tribes as the United Tribes of North Dakota Development Corporation. Soon, United Tribes was operating a vocational training center on the grounds of Fort Lincoln, an army base constructed in the early years of this century to replace the old Fort Lincoln across the river. The old buildings of the fort became our classrooms, dormitories and administrative buildings which have now become United Tribes Technical College, serving more than 300 Indian students per year from more than 45 tribes and providing vocational training and two year degrees in a broad variety of disciplines.

Our students are mostly housed on our campus, in dormitories, apartments and single family dwellings. We have a number of facilities and services for our students on campus, including child care, a cafeteria, gymnasium, library, a chemical health center, counselors, both academic and personal, a financial aids office, an arts and cultural center and a bookstore. United Tribes also seeks to provide placement services for our students as they graduate and seek employment.

Nevertheless, our students are often off campus seeking many services in the local city of Bismarck. It is in this vein that I want to discuss issues that make plain the need for a Human Rights Commission in North Dakota.

Bismarck has long been a very typical near reservation community, viewed by most Indian persons who have lived here as discriminatory, or racist. Many of our students, and even some of our faculty, have grown used to the occasional additional proof required to cash a check, or being followed around at the malls by additional security, or being denied the opportunity to rent an apartment, or having a more than difficult time

finding a job. Most never complain about these experiences, largely out of a feeling that there is little or nothing that can be done.

Not all that long ago, discrimination was openly practiced in Bismarck. The Bismarck's Patterson Hotel, now an apartment complex for senior citizens with a popular bar and restaurant on the ground floor, for years had a notice under the glass that said "We do not rent to Indians." Students couldn't cash our checks at local establishments, and we still have problems with that. Our employees sometimes had difficult times finding housing, a problem that continues. Our local city judge had different bail schedules for Indians and non-Indians, with the Indian persons more likely to spend the night in jail rather than being released on their own recognizance. The gift shop at the airport right next door to United Tribes Technical College sold a shot glass that depicted an Indian person in various stages of drunkenness on the side of the glass. Employers would ask a qualified Native American for far more references than the ordinary non-Indian applicant. While some of the more obvious kinds of discrimination have been corrected, many have not.

What is more troublesome is the fact that discriminatory practices are being passed from generation to generation. Children at the local schools who are the sons and daughters of our adult students at United Tribes have experienced within the past few years racial taunts by other students and there are reports that even some teachers have treated our children differently in the classroom, teachers who sometimes show a lack of sensitivity or even hostility to the persons of different cultures in their classrooms.

Other problems in the relatively recent past have included:

1) Discriminatory placement of Indian children special education classes in local schools. Although this situation did not involve our students, and to my knowledge has now been largely corrected, it was indicative to me of larger problems within our community that do affect our students;

2) Discrimination in the malls. Our students and their families frequent the malls and various stores of Bismarck. Consistently for a number of years, students have complained that they are followed and occasionally harassed by security forces at such establishments. In the past, security personnel have told people that they watch Indian persons more closely for possible shoplifting.

3) Check cashing and credit. Like many other Indian people, our students, and sometimes the Indian members of our faculty and administration, are unable to cash checks locally. At least one lawsuit has been filed about such practices, with mixed results. Credit opportunities can also be limited, especially in the area of housing, for

both off-campus students and our Indian employees.

4) Public accommodations. Each year our college sponsors a four day pow-wow which is now popularly associated with United Tribes and the end of summer. Despite our best efforts, and despite the fact that the United Tribes International Pow-wow brings in several million dollars to the City of Bismarck each year, incidents of discrimination occur almost every year against some of our out-of-town guests. For example, several years ago a guest of our pow-wow was eating with his spouse at a local restaurant. When he paid with a fifty dollar bill, he was returned only a few dollars in change. When he went to complain, in an unthreatening fashion, the waitress commented with words to the effect "This is always the way you people act." The racial reference was completely uncalled for and certainly sullied our visitor's stay in Bismarck. This is just one of many incidents, most of which do not get reported because people do not believe there is anything that can be done.

5) Lack of Native American employees in state government. Perhaps most troubling in the capital of North Dakota is the lack of Indian employees in state government. Except for positions that relate directly to Indians and tribal issues, there are almost no Indian employees at major state agencies headquartered in Bismarck. While one can, to some degree, say that few Indian people apply for positions at the state capitol building, that does not entirely explain the lack of Indian employees there. Is this a case of systemic discrimination? Without a Human Rights Commission to investigate, it is very hard to prove one way or the other, but the lack of Indian employees suggests the answer.

Thus, the attitudes of those of us who feel little can be done about discrimination in North Dakota are only reinforced when the North Dakota legislature sends a signal that it doesn't care about racial discrimination at the schools, in public accommodations such as the malls, hotels or restaurants, in employment, even employment within state government, and the like by not passing simple, very inexpensive legislation that will give those who are discriminated against because of their race, color, physical or mental disability, religion, age, sex, status with respect to marital status or public assistance or participation in lawful activities off the employer's premises.

Until the housing discrimination statute was passed by the last legislative session, for housing discrimination in North Dakota, the feelings of many Native Americans in our community and at our school that nothing could be done about discrimination they experienced was largely correct, because there simply was no official government agency in North Dakota where a housing discrimination complaint could be handled promptly and thoroughly, and which had the power to stop the discrimination through appropriate orders or even court action if necessary. I applaud the efforts of the Labor Department in this area, but I know that few people really understand that to file a housing discrimination complaint, you go to the North Dakota Department of Labor, and

fewer still believe that something can be done. We still need a lot more publicity about how it should all work.

But housing discrimination complaints are the only ones where the State of North Dakota has an agency which can take all necessary actions to halt the discrimination and provide an adequate remedy for those persons who have been discriminated against. Even though the Department of Labor can investigate cases of employment discrimination, it cannot issue orders or seek action in court to stop the discriminatory practice and give the person aggrieved a monetary or other kind of equitable remedy. Yet, our North Dakota Human Rights law prohibits discrimination not just with regard to housing, but also it prohibits discrimination with regard to employment, labor union membership, property rights, public accommodations, public services, or credit transactions. These matters will also be covered by the creation of a Human Rights Commission.

Because United Tribes is constantly seeking to place our graduates in productive jobs, employment opportunities are critical for us. Complaining to the State Labor Department about employment discrimination in state government does not seem likely to produce adequate results, in part because of the long wait for any determination, and in part because of a lack of enforcement capabilities. This is unacceptable. When someone applies for a job, is qualified, and yet is not hired on account of race, there should be a remedy that can be counted on, and monetary relief as well.

In conclusion, given the history of treatment of Indian people by our government, it has been difficult for me to understand why our state legislators do not believe a state human rights commission is necessary, in a state where Indian people are the only significant racial minority. It is especially difficult to understand because a state human rights commission will essentially be locally controlled, appointed, by our governor and a combination of political and community leaders. The advantage for United Tribes and its students would be immediate access to an agency that could produce relatively quick results.

I would also like to point out that with the tobacco settlement funds finally a reality, North Dakota could find no better use for those funds than setting up a Human Rights Commission. This committee can assist greatly the process of healing between Indians and non-Indians in North Dakota, by giving a DO PASS recommendation on HB 1315. Our students and staff and Native Americans in general have suffered long enough. Shouldn't it be a top priority of this legislative body that all of the citizens of North Dakota be treated fairly and equally?



HOUSE BILL 1315 HUMAN RIGHTS COMMISSION  
Government and Veterans Affairs / January 25, 2001

Chairman - Members of the Committee, my name is Mary Ekstrom, I am a Representative from District 11 in South Fargo

For the past year I have been working with a group called North Dakotans for Human Rights Commission. This is a coalition of groups from around the State, that includes Catholic Family Services, Migrant Legal Services, the ARC of Cass County, the Mental Health Association of North Dakota, the Center for New Americans, the ND Association of the Blind, and many others.

Article 1 of the North Dakota Constitution states:

Sec. 1. [Inalienable rights].

Statute text

*All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.*

*History*

Source: Const. 1889, Art. I, § 1; Initiated amendment approved November 6, 1984 (S.L. 1985, ch. 702).

Our Constitution states that all citizens shall have equal protection under the law. I know that it is a belief that is shared by this committee and by all citizens of the North Dakota. We want to do what is right.

I know that a Human Rights Commission has been on our legislative agenda repeatedly. You might ask, "Why again? After all we now have a Division of Human Rights under the Department of Labor."

While I applaud their efforts. I do not believe that the Division has enough authority to fully protect our citizens. At the moment, the Division of Human Rights serves as a clearinghouse for complaints. They pass folks along to Federal government with "800" numbers to call for help. I believe this inadequate and wrong.

We all talk about local control. We know best how to deal with our problems right here. I urge you to positively consider House Bill 1315 with a DO PASS.

## Chapter 7

# Findings and Recommendations

### Findings

The two factfinding meetings conducted by the North Dakota Advisory Committee to the U.S. Commission on Civil Rights yielded an abundance of information outlining civil rights enforcement issues in North Dakota. Representatives of Federal, State, and local entities, the business community, private/community organizations, and individuals provided information, views, and available data willingly.

The Advisory Committee is disappointed that the Governor did not accept invitations to appear at either of the factfinding meetings. Although the Advisory Committee was advised by his representative that the Governor would submit a statement of his position on the establishment of a human rights commission for the record, this was not forthcoming. Additionally, the chairman of the Interim Judiciary Committee of the North Dakota Legislature, studying the discrimination issue, did not accept invitations to appear before the Advisory Committee.

Therefore, the views of the two principal elected officials most influential at this time in determining future State action in the area of civil rights enforcement were not heard. The Advisory Committee regrets this absence of participation and is hopeful that it does not signify a lack of interest in critical issues of discrimination. Without the active involvement of the Governor and key legislative leaders, it is unlikely that additional meaningful initiatives in State civil rights enforcement will occur.

Additionally, one of the mandates of the Legislative Interim Judiciary Committee was to study the extent of discrimination in the State. While the Interim Judiciary Committee did consider this issue, it was only one of several matters occupying its attention. Furthermore, no provisions were made for academic or scientific research to determine the extent of discrimination in North Dakota. The Interim Judiciary Committee did solicit some testimony but ulti-

mately limited its recommendation to a fair housing measure, failing to address whether a comprehensive civil rights enforcement mechanism should be established.

The Interim Judiciary Committee did recommend for the 1999 legislative session the introduction of House bill 1034 to modify the current housing discrimination laws, and to designate the North Dakota Department of Labor as the agency responsible for receiving and investigating housing discrimination claims.<sup>1</sup>

The demographic face of North Dakota is changing at an increasing rate, and the State has an obligation to further address issues of discrimination. Many forms of discrimination have been ongoing in the State for several decades, and it appears that limited accomplishments have been realized to solve those issues. The North Dakota Advisory Committee concludes that the creation of the North Dakota Human Rights Act was a major stepping stone for the State to address discrimination based on race, color, religion, sex, national origin, age, mental or physical disability, marital status, public assistance, employment, public accommodations, housing, State and local government service, and credit. However, the Human Rights Act lacks effective administrative enforcement mechanisms to accomplish its mandate.

Although the State has in place the North Dakota Department of Labor to accept and process employment discrimination complaints, citizens continue to be dissatisfied with its service,<sup>2</sup> and there are no other State agencies in operation to address the other myriad areas of discrimination protected under the North Dakota Human Rights Act. Several State agencies

---

<sup>1</sup> This law would make the State statute equivalent to Federal fair housing measures, thereby qualifying North Dakota to receive U.S. Department of Housing and Urban Development funding.

<sup>2</sup> See chap. 2, p. 10.

than having to go out of State. Having a local agency also means people might obtain a better understanding of what is actually going to happen with their complaint.<sup>84</sup>

Gerard Friesz, executive director of the Public Employees Association, said that a commitment to further explore the establishment of a human rights commission is terribly important.<sup>85</sup> He identified three elements that would be essential to having an effective civil rights mechanism: affordability, accessibility, and expeditiousness.<sup>86</sup> If a human rights or civil rights commission could develop mechanisms such as mediation or arbitration, where there would not be a need for attorneys, that might be more feasible and may be a more accepted option.<sup>87</sup> He said a human rights commission may provide a less cumbersome, less legalistic avenue that might expedite the handling of a grievance. In fact, people may feel when they walk away—win, lose or draw—they had a better chance of success, simply because it did not look as though the cards were all stacked up against them.<sup>88</sup> Mr. Friesz said, from his dealings with State workers, that has clearly been the impression that they have been left with.<sup>89</sup>

### Citizen Comments

Cheryl Red Eagle, columnist for the *Bismarck Tribune*, responded that there is no centralized place to collect statistics on discrimination in the State. "The plain fact of the matter is that people in North Dakota don't want to know," she said. They were offered the perfect opportunity during the last (1995) legislative session to fund a study to provide them facts.<sup>90</sup>

Ora Robinson, former chair of the Martin Luther King, Jr. Holiday Commission, said a human rights commission is needed and the people of the State must be proactive instead of reactive. Dollars must be budgeted to fund an agency that will take and maintain a firm position to alleviate discrimination.<sup>91</sup>

Denny Portra, a Native American small business owner, said if a human rights commission were in place, people could at least presumably obtain representation.<sup>92</sup> The commission could probably get answers where as an individual cannot get answers, he said.<sup>93</sup>

Lynn Iverson, a disabled resident of Bismarck, expressed her support for the establishment of a commission in the State for the enforcement of civil rights because discrimination exists and has a profound effect on people's lives.<sup>94</sup> She said, "I really firmly believe with all my heart that we need an independent, accessible, affordable, and timely agency that can educate, investigate, mediate, and adjudicate claims of discrimination or civil rights violations."<sup>95</sup> She also said, education is needed, but it is not the total answer. Some kind of enforcement mechanism is required to level the playing field for all people so they can achieve the quality of life that North Dakota has to offer and not be dependent on political whims or on whether there is funding at the State level or the Federal level.<sup>96</sup>

Reverend Lionel Muthiah, chair of the Martin Luther King, Jr. Holiday Commission, speaking on behalf of the need for a human rights committee or commission, said if a commission were in place, it would be reassuring to many people.<sup>97</sup>

<sup>84</sup> Myrt Armstrong, *Transcript 2*, p. 69.

<sup>85</sup> Gerard Friesz, *Transcript 2*, pp. 81-82.

<sup>86</sup> *Ibid.*, p. 82.

<sup>87</sup> *Ibid.*, pp. 96-97.

<sup>88</sup> *Ibid.*, pp. 97-98.

<sup>89</sup> *Ibid.*, p. 98.

<sup>90</sup> Cheryl Red Eagle, *Transcript 2*, p. 191. Ms. Red Eagle is now married and continues to write for the *Bismarck Tribune* as Cheryl Long Feather.

<sup>91</sup> Ora Robinson, *Transcript 2*, pp. 185-88.

<sup>92</sup> Denny Portra, *Transcript 2*, p. 355.

<sup>93</sup> *Ibid.*

<sup>94</sup> Lynn Iverson, *Transcript 2*, p. 359.

<sup>95</sup> *Ibid.*, p. 363.

<sup>96</sup> *Ibid.*, pp. 363-64.

<sup>97</sup> Lionel Muthiah, *Transcript 2*, p. 390.

Human Rights Commission  
HB1315 and SB2217

Members of the North Dakota Education Association and the National Education Association believe human and civil rights must be protected.

We support the creation of a Human Rights Commission for the State of North Dakota.

We support the duties of the Commission as outlined in the bill, and we support the processes for filing and dealing with complaints.

We believe a Human Rights Commission is important to North Dakota to preserve the basic dignity of our citizens and provide an appropriate avenue for our citizens when they believe they may be victims of discrimination.

NDEA urges your support of HB1315 and SB<sup>2217</sup>~~2217~~.

*Nancy Sand*  
*North Dakota Education Association*  
*1/25/01*



**STATEMENT BY DALE O. ANDERSON, PRESIDENT, GREATER NORTH DAKOTA ASSOCIATION, REGARDING HB 1315, NORTH DAKOTA HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE; JANUARY 25, 2001**

**Chairman Klein and members of the House Government and Veterans Affairs Committee. I am Dale O. Anderson, President, Greater North Dakota Association. Thank you for this opportunity to provide comments regarding HB 1315.**

**The Greater North Dakota Association is the voice for business and principal advocate for positive change for North Dakota. GNDA was organized in 1925 as a statewide, general business organization. The organization's membership of 1,000 is an economic and geographic cross section of North Dakota's private sector, including statewide associations and local chambers of commerce, development organizations and convention and visitors entities. GNDA is governed by a 25 member Board of Directors elected by GNDA's membership. The Board of Directors sets the organization policy.**

**As we listen to testimony on this issue over the years, there appear to be issues that are not being addressed. Therefore, we are encouraged by the formation of the new Division of Human Rights recently created in the ND Department of Labor.**

**I present the following in opposition to HB 1315 as the vehicle to address the issues presented today and past hearings:**

1. **GNDA believes the North Dakota Legislature has established appropriate measures to address discrimination which includes:**
  - **A state policy to prohibit discrimination;**
  - **A law defining discrimination;**
  - **A law defining consequences of discrimination;**
  - **Issues of employment can be investigated through the Department of Labor;**
  - **Issues of housing can be investigated through the ND Department of Labor. The 1999 Legislative Assembly passed HB 1043, which GNDA supported. It created N. D. C. C. chapter 14-02.5, the North Dakota Housing Discrimination Act.**
  - **A division of Human Rights within the ND Department of Labor was created within the past year; and**
  - **Discriminatory practices can also be brought before the court system for resolution.**
  
2. **GNDA does not support or condone actions that discriminate. GNDA provides its members with educational opportunities to help them unravel today's complex discrimination laws and issues. One educational program is a 250 page report entitled: "Employment Discrimination – An Employer's Guide." (A flyer describing the 2000 guide is included with this testimony.) Local chambers provide a wide range of programs for businesses in their communities. We also participate in a new program developed in cooperation with the U.S. Chamber, entitled ChamberBiz. ChamberBiz is the small business portal for programs and services.**

- 3. GNDA supports the new Division of Human Rights within the ND Department of Labor. This entity which is less than one year old, should be provided an opportunity to develop its customer focused program, with input from a broad range of citizens that are impacted by acts of discrimination.**
- 4. HB 1315 creates a new commission within the executive branch of state government. We believe the commission would essentially perform duties available through the district court system and the new Division of Human Rights within the ND Department of Labor.**
- 5. HB 1315 has a price tag of \$422,500 from all funds. However, the proponents of the bill on line 3, Section 5 believe the program will generate \$370,000 in income. It is important to note that the sponsors are silent as to how the revenue will be generated with the exception of levying up to \$5,000 for each civil penalty that is assessed. It would take 74 complaints fined at the maximum penalty of \$5,000 each to generate \$370,000 in income, or \$20,555 per month. It is interesting to note that sponsors of HB 1469 introduced into the 56<sup>th</sup> Legislative Assembly, estimated income of \$370,000 in a 24 month period, or \$15,400 per month.**
- 6. HB 1315 requests \$52,500 from the general fund for the 18 month period January 1, 2002 to June 30, 2003. We believe those funds should be used to grow our economy with better paying jobs.**

7. **The Human Rights Commission model envisioned during the 1999 session in HB 1469 is different than the model presented in HB 1315 for your consideration today. I envision a wide range of options available from states that have enacted Human Rights Commissions. GNDA encourages the new Division of Human Rights in the ND Department of Labor to bring stakeholders to the table to identify needs and recommendations for action. GNDA volunteers one or more representatives to work on this stakeholder group and make recommendations to the 2003 Legislative Assembly.**
  
8. **GNDA is concerned about the impact of Section 4 of the bill which repeals Section 14-02.4-12.1 and chapter 14-02.5 of the North Dakota Century Code.**

**In summary, HB 1315 creates a new special commission that we believe duplicates the services of the Department of Labor, a Division of Human Rights in the Department of Labor, several housing authorities and the judicial system. The special commission acts as educator, investigator, attorney, judge and enforcer of what they think is discrimination. The new commission requires general fund appropriation which is not necessary.**

**Instead, let's give the new Division of Human Rights in the ND Department of Labor ample time to grow and develop.**

**Chairman Klein and members of the House Government and Veterans Affairs Committee, GNDA, the voice of business and principal advocate for positive change for North Dakota, recommends a do not pass for HB 1315 as the mechanism. I welcome your questions.**



# 2000 UPDATED EDITIONS

- *Easier to use*
- *Easier to understand*

Survival Guide No. 6  
**Federal Employment  
Laws and Regulations**

Survival Guide No. 5  
**Employment  
Discrimination –  
An Employer's Guide**

- Solve personnel problems quickly and confidently
- Avoid confusion
- Prevent unnecessary headaches
- These HR Survival Guides will save you time, money and misunderstandings.

Your Complete  
Satisfaction Guaranteed  
or Return Your Order  
for a Full Refund.

ND 500

# 2000 Survival Guides to the Labor Law Jungle



# 2000 Survival Guides

## 62 Chapters Including:

### JOB DESCRIPTIONS:

How to prepare a job description, what to include, benefits of having job descriptions, essential vs. nonessential functions.

### DRESS CODE REQUIREMENTS:

Requirements for men vs. women, discrimination, uniforms, beard and hair length, and union apparel.



### EMPLOYMENT PRACTICES

#### LIABILITY INSURANCE:

Which claims are covered, commercial general vs. director's and officer's policies, exclusions, and how to reduce your liability.

### AFFIRMATIVE ACTION:

Identifying problem areas, equal employment clauses, glass ceilings, practical steps to avoid liability, coverage of minorities, females and veterans.

### RECRUITING AND HIRING:

What you can and cannot ask during an interview, pre-employment investigations, pre-hiring checklist, and employment offer letters.

### PRIVACY AND HIGH

#### TECHNOLOGY IN THE

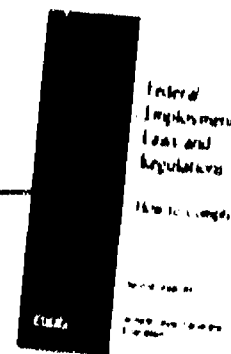
#### WORKPLACE:

Electronic and voicemail surveillance, monitoring dos and don'ts, workplace searches, and privacy rights of employees.

More than 900 pages of plain English explanations, including tips, checklists, and guidelines – plus:

- Completely updated for 2000 to help keep you in compliance.
- Breaks the law down into language that is easy to understand and act on.
- Organized by subject – hiring, firing, wages and hours – not by legal statute.
- Specific lists of what you can and cannot do and why.

# Employment and Regulations



- 34 revised/updated chapters
- 3 new chapters
- 72 new sections
- 60 page index

This HR Survival Guide is the premier guide for anyone who deals with the rapidly changing world of employment laws and regulations.

This revised 2000 guide boasts 650 pages of accurate, up-to-date information to help you unravel today's complex employment laws and issues.

This powerful SURVIVAL GUIDE includes:

- Employment practices insurance - how to reduce your liability
- Dress codes and grooming requirements
- How to determine if you need an affirmative action program
- New hire reporting - what to report and how to report it
- How to prevent workplace violence
- A 60 page updated and expanded index

## Are your posters up to date?

Include payment with your order and receive the Federal Compliance Poster (22"x34") for FREE. This poster contains 5 federally mandated posters, including FMLA, EEOC, and Minimum Wage. Ensure your compliance - order now!

### Act

### protections

NEW!  
NEW!  
NEW!  
NEW!

### health plan reform (HIPAA)

- 16 Family and medical leave
- 17 Discrimination in employment
- 18 Affirmative action NEW!
- 19 Employment Practices Liability Insurance NEW!
- 20 Child labor
- 21 Drug and alcohol misuse in the workplace
- 22 AIDS in the workplace
- 23 Smoking in the workplace
- 24 Privacy and high technology in the workplace
- 25 Year 2000 computer bug
- 26 Whistleblower protection
- 27 Keeping employee complaints out of court (ADR)
- 28 Workplace violence
- 29 Independent contractors
- 30 Temporary/leased employees
- 31 Union representation and unfair labor practices
- 32 Employee committees
- 33 Negligent supervision and retention
- 34 Non-competition agreements and trade secrets

### reduction notice

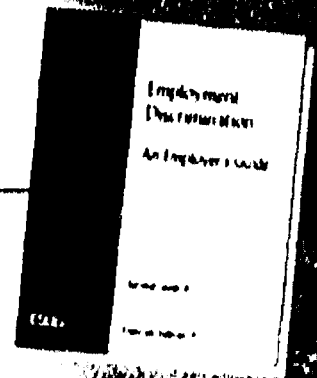
NEW!  
NEW!  
NEW!

### protection

NEW!  
NEW!  
NEW!

### records

# Survival Guide No. 5 Employment Discrimination



- C. 1 ER
- 1 Snapshot
- 2 Compliance thresholds
- 3 Discrimination in a nutshell
- 4 Anatomy of a discrimination charge and lawsuit
- 6 Resolving employee disputes/charges
- 6 Race discrimination
- 7 National origin discrimination
- 8 Religious discrimination
- 9 Sex discrimination
- 10 Sexual harassment
- 11 Age discrimination
- 12 Disability discrimination
- 13 Family and Medical Leave Act
- 14 Protection of employee organizational and union activities
- 15 Discrimination based on safety activities
- 16 Military status discrimination
- 17 Discrimination in employee benefits
- 18 Affirmative action
- 19 Practical advice for dealing with employee discipline
- 20 Management of discrimination charges
- 21 Discrimination prohibited by state law
- Discrimination based on hit history
- A GLOSSARY
- A GLOSSARY
- INDEX

- 18 revised/updated chapters
- 25 new sections
- 250 pages
- 33 page index

These guide books give expert recommendations on what you can't do ... and how to deal with the countless legal issues that crop up at any time. When purchased as a set, these guides do more than explain the law, they provide options and solutions.

With 18 updated and revised chapters, this edition will help you put a stop to time-wasting, budget breaking lawsuits, penalties, back pay, attorney's fees and bad press.

This powerful Survival Guide includes:

- Disparate impact – how to spot neutral employment policies that are discriminatory
- Gender discrimination and the Equal Pay Act
- Disability discrimination – which employees are protected under the ADA
- Seven step program for dealing with employee discipline
- State laws regulating workplace smoking, wage garnishments, and the use of credit reports and arrest/conviction records
- A glossary containing more than 35 definitions
- A 33 page updated and expanded index

Respond to problems  
quickly and decisively.  
To order call **800-848-564**  
[www.hrsurvival.com](http://www.hrsurvival.com)



# **Civil Rights Enforcement Efforts in North Dakota**

**North Dakota Advisory Committee to  
the U.S. Commission on Civil Rights**

November 1999

*A report of the North Dakota Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. Viewpoints and recommendations in this report should not be attributed to the Commission, but only to the Advisory Committee or those persons whose opinions are quoted.*