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ROLL NUMBER

DESCRIPTION

2121

2007 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2121

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2121**

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Hearing Date: **January 17, 2007**

Recorder Job Number: **1278**

Committee Clerk Signature



Minutes:

**Tom Fiebiger, Senator District 45, Fargo - *In Favor***

**TESTIMONY # 1** *Testimony read*

**Tim Mathern, Fargo – *In Favor***

**TESTIMONY # 2** *Testimony read*

**S Potter:** This is to change the name or change the duties?

**T Mathern:** This does not change the duties, only changes the name

**Representative Schneider – *In Favor***

[6:38m] Explains how it helps. People to file a complaint, it is a reflection of what the agency does.

**S Klein:** I keep hearing "we can't find it" to call you and I was feeling jilted. I think I would call an attorney before I would do anything else. I went to the phone book, Human Rights was there, it doesn't confuse me with "Human Rights and Labor." Has the 800 number, toll free, aren't we going to confuse them if we tag on the words? Says "Human Rights" – you've got it.

**R Schneider:** Looking in the yellow pages or even Google, this is all the more reason to change.

**S Hacker:** There are already avenues set up. What goes with human rights?

**R Schneider:** Would refer to the Labor Commissioner exactly what they handle. All complaints on discrimination are referred to the Labor Commissioner. This just is a name change.

**Cheryl Bergian – Director of the ND Human Rights Coalition – *In Favor***

**4 TESTIMONIES PRESENTED – A, B, C, D [end 14:30m]**

**S Hacker:** If you support "Housing Discrimination", then would you support an amendment that includes "Housing Discrimination" into the name of their department.

**C Bergian:** We don't want it to get too long, this handles discrimination for customers. Would not create confusion, it will delay confusion.

**S Klein:** When you say "human rights were affected" – I'm looking at human rights, Google up Human rights, it would be listed 2<sup>nd</sup> on a Google search. ND Human Rights Coalition would be first. What I'm saying, what is the problem?

**S Potter:** I'm not particularly troubled by a \$5200 fiscal note, you're suggesting that we could avoid that by letting them use up their existing materials. Would this be effective August 1, 2007? How are we going to tell the Commissioner that she doesn't have to change her letterhead?

**C Bergian:** We would leave that up to the committee to determine that.

**S Klein:** In legislative intent, we would certainly as we proceed would make sure that was on the record.

**C Bergian:** They can find it if they look hard enough.

**S Heitkamp:** In your research of this legislations, what's the government done in the past with the stationery? WSI being the prime example. Old goes in the dumpster.

**C Bergian:** That I do not know.

**S Heitkamp:** I've got a pretty good guess on that.

**S Wanzek:** There is the obvious discrimination, can you give me an example of housing or workforce type human discrimination [example]

**C Bergian:** those are the types of discrimination you see this type of days. When they are treated differently, look for differential treatment. [explains with examples 20:12m]

**S Heitcamp:** We get emails that say it is for same sex marriages. Reason for this?

**C Bergian:** No

**S Heitcamp:** It's easy to send an email, not easy to say it right to our face.

**C Bergian:** Not aware of any emails on this issue. Advocate the Human Rights Act for rights for all.

**Amy Schauer Nelson – Executive Director of the Fair Housing of the Dakotas *In Favor***

**TESTIMONY # 4 [23:05-24:57m]**

**James M. Moench – Executive Director of the ND Disabilities - *In Favor***

**TESTIMONY #5 [25:51m]**

Covers testimony to clear things up.

**Dan Tokash – Man from Bismarck - *In Favor***

**TESTIMONY #6**

There is no protection on housing issues for young adults.

**Don Morrison – ND Center for Public Board *In Favor***

We know that the Dept. of Motor Vehicles handles our automobiles, know that the Office State Tax Commissioner handles our taxes, Bank of ND is the BofND, it would be a useful change and though not earth shattering, a majority of the duties in human rights fall under this category. It would be a positive name change in ND.

**David Kemnitz – ND AFLCIO *In Favor***

Supports the bill. [talks of statistics 30:00m Covered century code]

**Favor? Neutral?**

**Lisa Fair McEvers – Commissioner of Labor – *Neutral***

Read testimony [32:42m] Declared "We are findable" and don't think the name change should be affected by the cost of \$2,900. 2/3 of the work done in Dept is human rights. They get 5 times the calls on wages than on human rights. [42:07-42:48m explains what they handle]

What are human rights. Vary from state-to-state. Employees, housing, human rights on race color, etc [hear 43:23 for info]

Visibility – suggest that if the bill doesn't pass to post a poster to get the word out that if no one sees us now, how are they going to see us then?

**AMMENDMENT WAS SUGGESTED** [45:10] If you decide to pass it, asked to clean up, some of the language. In reference to D Kemnitz on definition of what the department is, 1402.4 and 1402.5 is the description of the department.

Neutral – makes no difference what you call my department. I'm not offended by this.

Change for the sake of change is not what I want to see; if the reasons you believe are valid, and merit the change, I have no objection.

**S Hacker:** When talking about the 2/3.

**L McEvers:** Wage and Hour are labor

**S Hacker:** 35 states have a "stand alone" department. Do they include human rights?

**L McEvers:** Not any other, some are civil rights and human rights, there are 1/2 each.

**S Heitkamp:** Do you see your as head of Dept. of Labor as being the individual in the state of ND in charge of making sure people's human rights are not violated based on ND law?

**L McEvers:** Our policy is to eliminate discrimination [48:50m] Yes.

**S Heitkamp:** You do an awesome job of running the office.

**L McEvers:** Heard previous testimony – can't find us – I believe they can find us.

**S Heitkamp:** Why would it be the Dept of Labor, why not the Human Rights Dept."

**L McEvers:** Dept. of Labor is names by the constitution [51:40m]

**S Heitkamp:** The "last line" – do you see – was it justified?

**L McEvers:** Change might be a detriment to change to the Dept. of Human Rights. Change isn't necessarily good for the best.

**S Potter:** Constitution named the Dept. of Labor

**L McEvers:** By Constitution.

**S Potter:** We need to clean up the language about the Deputy Commissioner of Agriculture and Labor. Would we eliminate everything in that section after "ND...."

#### **AMMENDMENT SUGGESTED**

**L McEvers:** What needs to be eliminated are the words: [55:37m]

"Deputy Commissioner of Agriculture and...the Labor Division of the Dept. of Agriculture" toward the end. If you are going to change it you need to change you want to transfer everything from "Dept. of Labor" to "Dept. of Labor and Human Rights." Any references to the Agriculture Commissioner or Deputy Commissioner of Agriculture or a Division of the Dept. of Agriculture" should be deleted.

**S Potter:** The deputy commissioner is not the administrator of the Labor division, of the department, we take that out as well, correct?

**L McEvers:** Right – from the words "Deputy Commissioner of Agriculture and ...""Used by the [insert] should be Labor Dept. – that should be inserted - Dept. of Labor and Human Rights.

**S Andrist:** Tell about the work. When you get a complaint, how do you investigate?

**L McEvers:** 1/3 of complaints are resolved through conciliation or mediation. 2/3 have full investigations before conciliation

**S Andrist:** So you have the power to levy civil penalties or fines.

**L McEvers:** The department doesn't have authority. [1:00:23m] Explains cases and examples. We don't have authority to pay out money, left to the courts.

**Neutral? Opposition? CLOSE**



## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2121 B**

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Hearing Date: **January 30, 2007**

Recorder Job Number: **2291**

Committee Clerk Signature
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Minutes:

**S Klein:** I believe the Labor commissioner is interested in cleaning up from page 2, line 4, and overstrike lines 5 & 6.

**Motion to move the amendments – S Hacker**

**Second: Wanzek**

**DO PASS ON AMMENDMENT 70231.0101**

**Roll Vote: 6 – 0 - 1**

**Motion to DO PASS AS AMMENDED by S Potter**

**Second: S Hacker**

**S Hacker:** I find no problem.

**Roll Vote: Passed 4Y – 2N – 1A [Negate Klein & Wanzek]**

**Carrier: S Hacker**

**CLOSE**

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/12/2007

Bill/Resolution No.: SB 2121

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$2,920	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB 2121 would change the name of the Labor Department to the Department of Labor and Human Rights. The fiscal impact relates to replacing or updating the materials and supplies on which the department's name appears.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

As noted above, the fiscal impact of the bill pertains to the updating materials and supplies that feature the department's name.

Detailed expenditure estimates are provided below.

These amounts assume replacing all items needing replacement (logo, door signage, website, display booth sign, housing discrimination poster, business cards, and staff nametags) and updating all materials needing update (state forms and merge/form letters) at the time of the name change.

However, the department would continue to use current supplies of letterhead and envelopes until depletion before updating with the new name and logo (therefore only a small charge for new plates and negatives would result that would not otherwise be incurred).

Department brochures and the ND Minimum Wage and Work Conditions Summary poster are already expected to be updated in August 2007, and so no fiscal impact is noted here.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A - This bill would have no impact on revenue.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Developing of new logo - \$250

Replacing office door signage - \$175

Updating website with new name & logo and posting new forms - \$300

Replacing name-sign component of display booth - \$500  
Updating and reprinting Housing Discrimination poster - \$450  
Procuring updated business cards - \$770  
Replacing staff nametags - \$200  
Updating state forms - \$150  
Updating department merge/form letters - \$50  
Updating plates & negatives for new letterhead & envelopes - \$75

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Department of Labor's appropriation in the Executive Budget Recommendation does not include funding for the costs associated with changing the department's name. Therefore, additional funding as detailed above would be necessary.

<b>Name:</b>	Lisa K. Fair McEvers	<b>Agency:</b>	ND Department of Labor
<b>Phone Number:</b>	(701)328-2660	<b>Date Prepared:</b>	01/16/2007

January 23, 2007

JB  
1-30-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2121

Page 1, line 9, overstrike "division of human rights within the"

Page 2, line 4, replace "The" with "As of August 1, 2007, the", after "labor" insert "becomes the department of labor", remove "is created", and overstrike "All records, materials,"

Page 2, overstrike lines 5 and 6

Page 2, line 7, overstrike "be transferred to the department of labor", remove "and human rights", and overstrike the period

Renumber accordingly





**REPORT OF STANDING COMMITTEE**

**SB 2121: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2121 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "division of human rights within the"

Page 2, line 4, replace "The" with "As of August 1, 2007, the", after "labor" insert "becomes the department of labor", remove "is created", and overstrike "All records, materials,"

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Page 2, line 7, overstrike "be transferred to the department of labor", remove "and human rights", and overstrike the period

Renumber accordingly

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2121



## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2121

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5171

Committee Clerk Signature

*Morgan Penille*

Minutes:

**Sen. Fiebiger:** Testimony attached.

**Rep. Schneider:** *I'm proud to be a sponsor of this bill. Very simply it is a name change bill.*

*One of my duties as an attorney is that I yield calls from people all days long on all types of issues from all across the state. I'm often times seeing discrimination type of complaints. We need to acknowledge that discrimination happens on the work force. I think we also have to acknowledge that it happens every day in all types of situations. Maybe it is your landlord or someone you work with. A lot of times unfortunately we can't take these cases. Maybe perhaps the people that have been discriminated against can't afford to hire an attorney. Perhaps their damages aren't such that you need to go to courts. At that point of time you refer the people to the ND Department of Labor. It is a free service that is provided and it helps them. What this bill does is change the name to be more reflective to what the department does. As much of 2/3 of the cases involve discrimination this year. I currently urge the committee to recommend a do pass.*

**Rep. Zeiser:** *I come to you today not being a sponsor or co sponsor, but just someone that is supportive on the need to set an example that we treat everyone equally. I think when you start moving down to the state and its departments, human rights are a huge issue in the US. This*

*talks about that and how we are a shining light. Well then it seems to me that we should be able to name or partially name the department that deals with the human rights issues at the end. Clearly, as indicated previously, they deal with human rights issues. I have dealt with it and seen it. There has been a lot of discrimination that has occurred in the state. Granted in a real sense, the name change will not change anything. Let me use an example another department which would be Workforce Safety and Insurance. They have that in it named for what they do. They wanted to change it because it fit what they did more. Not only is it just that, they have a branch of WSI Office of Internal Reviews. They could have just checked that branch into WSI and separated them. No, they had to add that title. They wanted to amok sure that it fit. They were doing that part of the job so they wanted to add it to the title. I think this is harmless in terms of why there would be opposition.*

**Cheryl Bergian:** Testimony attached.

**Rep. Kasper:** Is the ultimate goal of this bill to simply make a name change or is it to make it easier for people who have needs of these services to find the location in state government?

**Cheryl Bergian:** The ultimate goal of the bill is to provide for the people who need the services in this department and make it easier for them to find us. So now they will know from the name of the department where to go when they have questions and concerns.

**Rep. Kasper:** If you were to look in the phone book for the Department of Labor, I would assume you would go to the state government area and look.

**Cheryl Bergian:** I know that when people call this coalition they are looking for a place to go. They find our name in the business part of it. They call me because they have not found the human rights division. Part of the value of having human rights in the name is that it becomes known.

**Rep. Kasper:** I've got the Bismarck phone book in front of me, I'm in the section under state government. That section is blue. As I look on Page 47 I see in blue print that says Human Rights provision. It has a toll free number. I think if someone were to look for human rights this would be relatively easy to find because it is in bold print. I go back to the next page and now I have Labor Department which is bold, in a local number. If you change the name, we would have Labor Department and Human Rights. There would be no 'H'. It would be much harder to find the human rights area because it wouldn't say that. Here we have Human Rights.

**Cheryl Bergian:** The labor department could be listed in both of the places. There are people who call us and the advocacies and we have to direct them to the department. I would suggest that if that was a concern that an amendment can be made and reverse the name.

**Rep. Kasper:** Very good. From what I see in the Bismarck phone book it is very easily defined. I think the argument that is difficult to find is not legitimate in the phone book. It is very easy to find.

**Cheryl Bergian:** I can only tell you that.

**Jack McDonald:** Testimony attached.

**Amy Nelson:** Testimony attached.

**David Kemnitz:** *We aren't opposed to the name change. We think that it would direct those services more accurately to that. I would say that it should be left that way in the phone book. I think it's a toll free number under the Labor Department. That is where it is at. If you do go there you will know that the human rights are also taken care of. We don't have any problem with that change.*

**Chet Pulver:** Testimony attached.

**Tom Disselhorst:** *I am general council for United Tribes Technical College. The college hasn't taken a position. I'm not here to represent them. I'm just talking as an attorney who has*

*represented for many years. To clarify it I think this function would be good. It is in the phone book correctly now. The name change is reflecting the proper function of the labor department. It is so much easier to explain people when you are referring them to the human rights division and the kinds of services they are expecting to get in relation to that act. I think it makes it much more sensible. It's a common sense type of amendment. We will minimize the expense and make it work for people who need that.*

**Rep. Kasper:** I'm looking here again for Native American services and the only listing is Native American Training Institute. Do you have any idea what that would be?

**Tom Disselhorst:** It is a non profit organization that helps provide training resources in a wide variety of areas to organizations within the state. One of the programs is a welfare act program which helps social workers and judges to understand what it is all about. One of the confusions is that Native Americans are also termed as American Indians. The terms are relatively interchangeable. Most tribal citizens would refer to be called American Indians because that is what they have always been called and that is what the federal government recognizes them as. That is what they are called by most legislation.

**Rep. Kasper:** I'm looking again in the white pages now and there is nothing listed for United Tribes.

**Tom Disselhorst:** I would assume that it would be listed under its name.

**Rep. Haas:** Is there any more testimony for SB 2121? If not we will close the hearing on SB 2121.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2121

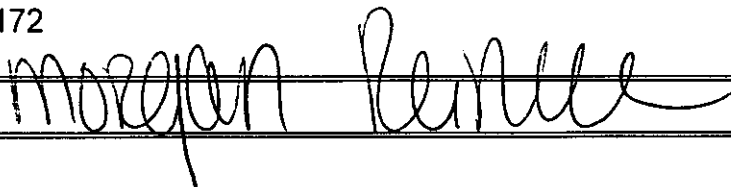
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5172

Committee Clerk Signature



Minutes:

**Lisa McEvers:** Our position is neutral from the Department of Labor.

**Rep. Dahl:** In Mrs. Bergian's testimony she said that businesses could also use the name change of the resources. Does your office yield calls from businesses, landlords, and those that are interested in clarification.

**Lisa McEvers:** We do get questions from employers and landlords from mainly people in all walks of life. Including other departments within the state government. We do get questions about different types of entities.

**Rep. Haas:** How do you publicize the Human rights function on your website?

**Lisa McEvers:** You can find our website by googling the ND Human Rights. If you didn't Google that it would come up as the number 2 listing of internet sites. The first is the ND Human Rights Coalition. We are usually found on the web. We have on our website part is human rights and part is wages per hour. We have website addresses for the human rights and an info account separate for human rights. If people are trying to contact us we have an info box where people can email us.

**Rep. Haas:** And that can all be done online?

**Lisa McEvers:** That is correct. We answer a lot of our questions and we also have a lot of our

forms available on the internet as well. If someone wants to call us we refer them to the form. If they want to fill out a complaint and they need assistance we will refer them to either an investigator or a trained staff member.

**Rep. Potter:** Through the testimony about 2/3 of the Department of Labor's work is related to Human Rights issues. Would you agree with that or disagree?

**Lisa McEvers:** We can't tell exactly how much time is spent on each area. We have more complaints file in wage an hour. Almost twice as many complaints. Of our 6 investigators, 5 of them have been assigned to do Human Rights violations. We have one person assigned to do Public Service and Public Accommodation. Two people assigned to do housing, and two to do employment. All of those people, because they are cross trained my also work in the wage an hour division. We only have one full time wage an hour investigator. In that respect the bulk of the investigative work is wage an hour. The bulk of our telephone contacts and the bulk of email contacts are wage an hour. Most of the questions are from that division. I believe out of 15,000 that were documented, only 3,000 were involving discrimination and the other 12,000 were wage an hour. It's hard to exactly tell you that 2/3 is accurate or inaccurate.

**Rep. Kasper:** When your staff takes the phone calls, how often do the people who are helping make the statement that they have a difficult time finding your department?

**Lisa McEvers:** I have not personally heard that. I can't tell you how many people because if they are in our office they found it. I don't know that they would tell us that they had a hard time finding us. I can't dispute that. I think we are accessible. I think we can educate everyone. People just don't know what human rights are and I think that is part of it. They are kind of interchangeable terms. People don't understand the concept of human rights. We are out there trying to educate the public. In every presentation I go out and address the role of the department of labor. Even if it is a wage an hour presentation. I talk to folks and tell them. I

think there is an education component to that. We are trying to get the word out. You may have seen on television that we ran our housing discrimination ads on the television. As money comes available we do them as we can. I think education is an issue. I think we are accessible but people don't know where to look.

**Rep. Amerman:** When you give the presentations, are these attended by regular people who have to use human rights or are they given in groups?

**Lisa McEvers:** It really varies. The bulk of our groups are people who would test our services to come and give wage an hour talks. They are usually businesses, chambers of commerce, and other types of entities that want to have their staff educated. However, we also give a number of presentations as part of our affiliation agreement. I have gone out and given talks on human rights to staffs of hundreds, an entire business. They set them up and we talk to them. The bulk of them are requested by businesses to provide information on wage an hour. Like I said, I always try to give 10 minutes besides wage an hour.

**Rep. Schneider:** Just looking at your fiscal note, about ¼ of the cost is occurring to update business cards. I know that you are going to use up the rest of the letterhead and so forth; can you also do that with the business cards?

**Lisa McEvers:** The problem with that is that we will never get rid of them. I have never used up a box of business cards in any position that I've had. I've been here for 2 years and almost have all of the cards left. It could be years before we use them up. That is part of the reason for it. There has been added to our budget a continuing passage of the bill that these funds are available to the department. That was something that the appropriations committee did look at. There is funding available.

**Rep. Haas:** Are there any further questions? If not we will close the hearing on SB 2121.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2121

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: March 22, 2007

Recorder Job Number: 5472

Committee Clerk Signature

*Morgan Rennie*

Minutes:

**Rep. Grande:** I move a do not pass.

**Rep. Froseth:** I second that.

**Rep. Haas:** There is a motion on the floor. Is there any discussion?

**Rep. Potter:** I don't think I'm going to vote in favor of that motion. I think we heard this two years ago and the session before that. A lot of this work for the commission is Human Rights. It just seems fitting to me that Human Rights should be part of their title. I cannot see any reason why we would not want to have that in the title. We certainly changed WSI's name to make it more fitting. In a sense, this is more fitting. Everyone knew what we have done with Workers comp back when it was changed. We didn't seem to have any heartburn whatsoever about changing the name of that. I just do not see any reason to have a problem with changing this name. I've gone home previous sessions and discussed this bill. The question I am always asked is what the question is. I haven't found one person who is against this bill. I don't think it's a personal thing with me. I have talked with numerous people about it. I certainly think that it is fitting to have the name change. The money is not an object in it.



**Rep. Haas:** Just one point I want to make. When you said the major part of their workload is Human Rights. I took some notes when the commissioner was speaking. She said out of 15,000 calls about 3,000 were Human Rights related. That is about 20%.

**Rep. Potter:** You are right. But you have to remember that they have 7 people doing investigation. Six of them were full time Human Rights. Whether its calls or hours paid, it seems to me that the 2/3 would measure out to Human Rights.

**Rep. Schneider:** You are correct in citing the commissioner's numbers and the calls. The investigative workers are working the vast majority of Human Rights. There were two different testimonies. Someone said a half of their work is Human Rights. The other said 2/3 is Human Rights. We didn't hear any opposition testimony. This is a bill that has come up a couple times in the past. I understand it has passed one hour or the other every session. I would like to see that we endorse it and pass it into law. It's a common sense thing with the name change. It's not too difficult to figure out. It's simply to make it more reflective of what they are doing it passed the Senate overwhelmingly. I hope we can defeat this motion and recommend a do pass. If there are bones to pick with it I think we should have a good debate on it. I would like to hear what some of the reasons are for a do not pass.

**Rep. Kasper:** One of the arguments over the years, and this year again, is because with name changes it is too difficult to find in the phone book. It is too difficult for people to find the Human Rights division. As you may recall I had the phonebook in front of me and found in the State Government section, the Human Rights division with a 1800 number. I also found the Department of Labor with a local number. If you're looking for the Human Rights division, the H was there. If you were looking for the Department of Labor and Human Rights, it would appear under that. Unless they put another Human Rights entry the way they have. The people would have a more difficult time finding it. Just a change of name because a small, narrow group of

people want to change it is not good public policy. That is why I do not support the name change. I go back to my area and I travel all over ND. Never in my travels have I ever heard anyone talk about the name change. No one wants that name change and I am going to resist that.

**Rep. Meier:** I was really glad that Lisa McEvers had a chance to testify neutral on this bill. It appears to me that they are doing a very good job addressing the needs and responsibilities within their department. I'm not going to support this bill because I think the Labor Department currently is fulfilling their needs very well.

**Rep. Grande:** The idea of the name change of WSI is because WSI asked for the name change. The Labor Department did not ask for the name change.

**Rep. Amerman:** This is the third session that we have heard and debated this. WSI wanted their name change. I did not hear something from the public sector that they wanted WSI's name changed. It could work both ways on that. If you have a business and you expand a little more than what you started out as. Eventually you may change the name to reflect more what you are doing in that private sector. Regardless if you are still in the phonebook or not, you change that name for letterheads, mailing, business cards, etc. It reflects better more now what you are doing then what you previously started out to do. That is what this does. It changes the name because the Department of Labor is doing more than it did. Whether it is in the phonebook doesn't matter to me. It's there, that's what they do for the citizens. The citizens should have that knowledge. Like I say this is the third session we have argued with this bill.

**Rep. Haas:** Is there further discussion?

**Rep. Meier:** I also did not hear that the Labor Commissioner stated if people are having a hard time finding the Human Rights department.

**Rep. Haas:** Any other discussion? If not we will take a roll call vote on a do not pass motion for SB 2121. The do not pass motion passes with a vote of 8-5-0. Is there a volunteer to carry this?

**Rep. Kasper:** I will.

Date: 3-22-07  
Roll Call Vote #: 1

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."**

House Government and Veterans Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

SB 2121

Action Taken

DO NOT PASS

Motion Made By

Rep. Grande

Seconded By

Rep. Froseth

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman	X		Rep. Bill Amerman		X
Rep. Bette Grande VC	X		Rep. Louise Potter		X
Rep. Randy Boehning	X		Rep. Jasper Schneider		X
Rep. Stacey Dahl		X	Rep. Lisa Wolf		X
Rep. Glen Froseth	X				
Rep. Karen Karls	X				
Rep. Jim Kasper	X				
Rep. Lisa Meier	X				
Rep. Dave Weller	X				

Total (Yes)

8

No

5

Absent

0

Floor Assignment

Rep. Kasper

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

**REPORT OF STANDING COMMITTEE (410)**  
March 22, 2007 3:09 p.m.

**Module No: HR-54-5966**  
**Carrier: Kasper**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2121, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends DO NOT PASS (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2121 was placed on the Fourteenth order on the calendar.**

2007 TESTIMONY

SB 2121

SB 2121

Chairman Klein and Senators. My name is Tom Fiebiger, Senator, District 45, Fargo. I am pleased to appear before the Senate Industry, Business and Labor Committee to introduce and speak in favor of SB 2121. This bill would change the name of the "Department of Labor" to the "Department of Labor and Human Rights." This change is consistent with the functions of the Department of Labor and makes sense for several reasons.

First, as an attorney representing North Dakotans in human rights matters for the last sixteen years, I have had numerous experiences where our citizens have called me because they do not know where to turn in our state to secure their human rights protections. Take for instance the young man in a wheelchair who cannot get into a restaurant through the front door with his wife, but is taken by himself through the back door and kitchen to their table. He wants to file a complaint about discriminatory treatment but does not know who to contact to complain. This is not a "labor" issue; it is a "human rights" issue. I know other attorneys have received similar calls. One such call is too many. The name change will assist the people of our state to better locate where they are to turn in our state to secure the protection of their human rights. That makes sense.

Second, it is my understanding that as much as two-thirds of the Department of Labor's work is now related to investigating human rights complaints. The name change is consistent with the Department's work and will make it easier for North Dakotans to find the Division of Human Rights within the Department of Labor.

Third, as a practical matter, the Department of Labor is charged with the responsibility of enforcing the North Dakota "Human Rights" Act in chapter 14 of the North Dakota Century Code. The heading in the Century Code itself references "HUMAN RIGHTS."

Finally, I believe the cost of such a change would be relatively minor (approximately \$5000) and will be minimal if the Labor Department uses up current supplies.

Mr. Chairman, Senators, I respectfully request the Senate Industry, Business and Labor Committee give SB 2121 a "Do Pass" recommendation to the full Senate.

2121 #1

Testimony for SB 2121  
Senator Tim Mathern, Fargo

Chairman Klein and members of the IBL Committee,

SB 2121 will continue the work started in the 2001 Legislature. At that time we gave full enforcement responsibility to the Department of Labor for the state's civil rights laws, the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act. While I had hoped for a independent agency this was not to be. However in the meantime the Labor Department has been increasing its work in human rights and I appreciate all the Department has done to address the needs coming to them and the training they have been providing.

With the addition of the words "Human Rights" to the Department's name, the state agency with sole education and enforcement authority for the state's civil rights laws will have that information fully available for anyone looking for information on our state's laws.

Adding "Human Rights" to the name of the Department will reflect the agency's commitment to providing education and enforcing the state's civil rights laws.

People who are looking for human rights information will not need to first locate the Division of Human Rights within the Department of Labor. This includes landlords and tenants, business owners and customers, state agencies, local governments, and residents of the state. These people would not first look to the Department of Labor for answers to questions.

The human rights work of the Department deserves the visibility and prominence that the change of name would bring. The printed materials of the agency that have the name on them could change gradually using up resources so there would be no fiscal impact.

I ask for a do pass on SB 2121.

Thank you.

2121 #2



# North Dakota Human Rights Coalition

P.O. Box 1961, Fargo, ND 58107-1961 (701) 239-9323 Fax (701) 478-4452 www.ndhrc.org



## Testimony

Senate Bill 2121

Senate Industry, Business & Labor Committee

January 17, 2007

Chairman Klein and members of the Committee, I am Cheryl Bergian, Director of the North Dakota Human Rights Coalition. The Coalition includes a broad-based, statewide membership of individuals and organizations interested in the furtherance of human rights in North Dakota; the Coalition's mission is to effect change so that all people in North Dakota enjoy full human rights.

We support the work of the Division of Human Rights in the North Dakota Department of Labor for the enforcement of the North Dakota Human Rights Act and North Dakota Housing Discrimination Act. We have asked that the name of the North Dakota Department of Human Rights be change to add "and Human Rights" to more accurately reflect the responsibilities of the department, and to make the Division of Human Rights in the Department of Labor easier to find.

It is our understanding from the Labor Commissioner that up to two-thirds of the work of the Department is now involved human rights complaints. Clearly, changing the name of the Department will provide the visibility for human rights issues that it already is addressing. Residents of North Dakota who are looking for the state agency that has the responsibility of enforcing the North Dakota Human Rights Act and North Dakota Housing Discrimination Act will know where to call simply from the agency's name. There have been some high profile discrimination cases in North Dakota in which it is apparent that the victims of discrimination did not call the Labor Department. Perhaps that would have been different, and those situations would not have lasted years, if the agency's name had reflected its responsibilities more accurately. Changing the name will benefit those who believe that they have experienced discrimination, as well as landlords, business owners and employers who are looking for information on what they can and cannot do regarding discriminatory practices.

The North Dakota Department of Labor is the state agency that has the responsibility to enforce our state's civil rights laws, just like departments in other states that have that responsibility, and have "human rights" or "civil rights" in the name of the agency.

There could be minimal one-time cost to the name change if the department discards all of its brochures, letterhead and similar items. Given the benefit of the name change, we believe that the cost would be worthwhile. However, the cost would not need to be incurred, if the department makes the changes as supplies are used up.

The Worker's Compensation Bureau changed its name to Workforce Safety and Insurance in 2004. Their website said:

This year marks a turning point for our organization. Just recently, the organization changed its name from North Dakota Workers Compensation (Bureau) to Workforce Safety & Insurance. We live in changing times - and in keeping up with those changing times, we wanted a name that more closely reflects our commitment to providing safety and insurance services to the workforce across North Dakota.

We believe the same reasoning applies to the name change for the North Dakota Department of Labor.

We ask for a do pass recommendation on Senate Bill 2121. I appreciate this opportunity to testify on behalf of the North Dakota Human Rights Coalition.



# North Dakota Human Rights Coalition

P.O. Box 1961, Fargo, ND 58107-1961 (701) 239-9323 Fax (701) 478-4452 [www.ndhrc.org](http://www.ndhrc.org)



## MEMBER ORGANIZATIONS

- AARP of North Dakota
- AFL-CIO of North Dakota
- Abused Adult Resource Center
- Angels of the Muse
- Arc of Cass County
- Bismarck-Mandan Unitarian Universalist Church
- Blue Cross Blue Shield of North Dakota
- Bremer Bank - Fargo
- Dakota Center for Independent Living
- Dakota OutRight
- Dakota Resource Council
- Dorothy Day House
- Fair Housing of the Dakotas
- Fargo Human Relations Commission
- Freedom Resource Center for Independent Living
- The GOD'S CHILD Project
- The GOD'S CHILD Project Foundation
- The GOD'S CHILD Project North Central
- Grand Forks Unitarian Universalist Fellowship
- Institute for Trafficked, Exploited & Missing Persons
- Mental Health Association in North Dakota
- Minot State University - Student Social Work Organization
- Montana Human Rights Network
- NDPeople.Org
- NDSU Department of Service Learning & Civic Engagement
- North Dakota Association of the Deaf
- North Dakota Center for Independent Living
- North Dakota Center for the Public Good
- North Dakota Council on Abused Women's Services
- North Dakota Disabilities Advocacy Consortium
- North Dakota Peace Coalition
- North Dakota Women's Network
- Planned Parenthood of MN/ND/SD
- Pride Collective and Community Center
- Sisters of the Presentation, Social Justice Office
- UND Clinical Education Program
- United Tribes Technical College
- Warner & Company
- Women's Network of the Red River Valley
- YWCA Cass Clay

2121 #3  
B

## Today in History

BY THE ASSOCIATED PRESS

Today is Sunday, Jan. 14, the 14th day of 2007. There are 351 days left in the year.

### Today's Highlight in History:

Jan. 14, 1784, the United States ratified a peace treaty with England, ending the Revolutionary War.

### On this date:

1858: French emperor Napoleon III escaped an attempt on his life.

1900: Puccini's opera "Tosca" received a mixed reception at its world premiere in Rome.

1943: President Roosevelt, British Prime Minister Winston Churchill and French General Charles de Gaulle opened a wartime conference in Casablanca.

1952: NBC's "Today" show premiered, with Dave Garroway as the host, or "communicator," as he was officially known.

1953: Josip Broz Tito was elected president of Yugoslavia by the country's Parliament.

1957: 51 years ago, actor Humphrey Bogart died in Los Angeles at age 57.

1963: George C. Wallace was sworn in as governor of Alabama with a pledge of "segregation forever."

1969: 27 people aboard the U.S. aircraft carrier Enterprise were killed in an explosion that ripped through the ship off Hawaii.

1970: Diana Ross and the Supremes performed their last concert together at the Frontier Hotel in Las Vegas.

**Thought for Today:**  
"Dignity is like a perfume; those who use it are scarcely conscious of it."  
- Queen Christina of Sweden (1626-1689).

## Editorial

# Name change makes sense

Let's say you have an issue with discrimination. Or you are a business owner, interested in finding out about human rights issues in our state.

Do you know what state department to call? Would you guess it is the Department of Labor?

Chances are you wouldn't, and neither would a lot of other people. That is why a bill before the Senate Industry, Business and Labor Committee this week makes so much sense.

SB 2121 asks for a name change for the North Dakota Department of Labor, the state agency responsible for enforcing the North Dakota Human Rights act and the North Dakota Housing Discrimination Act to "Department of Labor and Human Rights."

This name would more accurately reflect the responsibilities of this organization, and would make it much easier for the average person to find the information and assistance they might need.

Increased visibility for the department may also lead to better control over rights violations within our state.

Need more reasons? According to the North Dakota Human Rights Coalition, two-thirds of the work the Department currently investigates is human rights complaints.

There would be some cost to the change - namely a replacement of brochures, letterhead and other such items.

But there is no reason to let this cost (estimated at \$5,200 in 2005) inhibit this positive move.

A gradual transition, with materials being replaced with those bearing the new name over time as they run out, would save this minimal expense.

Times, they are a-changin', and our government offices need to change with them.

This name change makes sense for North Dakotans.

This item will be before the Senate Industry, Business and Labor Committee at 10:15 a.m. on Wednesday, Jan. 17 in the Roosevelt Room of the State Capitol.

If you'd like to voice your opinion on SB 2121, the members of that committee are:

Chairman Jerry Klein, jklein@nd.gov

Vice Chairman Nicholas Hacker, nhacker@nd.gov

Senator John M. Andrist, jandrist@nd.gov

Senator Terry M. Wanzek, tmwanzek@nd.gov

Senator Arthur H. Behm, abehm@nd.gov

Senator Joel C. Heitkamp, jheitkamp@nd.gov

Senator Tracy A. Potter, tpotter@nd.gov



## Write your Congressman

The following are addresses, political party and phone numbers for North Dakota's congressmen:

Sen. Kent Conrad, Democrat, 530 Hart S Washington, D.C., 20510; phone 1-800-7776; e-mail senator@conrad.senate.gov

Sen. Byron Dorgan, Democrat, 322 Hart Washington, D.C., 20510; phone 1-800-1193; e-mail senator@dorgan.senate.gov

Rep. Earl Pomeroy, Democrat, 1501 Lor Building, Washington, D.C., 20515; phone 202-226-0893; e-mail rep.earl.pomeroy@house.gov

2121 #3c



3111 E. Broadway Avenue, Bismarck, North Dakota 58501

January 3, 2007

Cheryl Bergian  
Executive Director  
North Dakota Human Rights Coalition  
P.O. Box 1961  
 Fargo, ND 58107

Dear Cheryl,

I offer this letter in support for the name change bill for the North Dakota Department of Labor (to Labor and Human Rights). The Department of Labor is already handling these issues so it only makes sense to add Human Rights to their name thus making it easier for individuals who have human rights issues to locate the correct department.

We support the work of the Division of Human Rights in the North Dakota Department of Labor for the enforcement of the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act

Sincerely,

Royce Schultze  
Executive Director  
Dakota Center for Independent Living, Inc.

2/2/1 #3  
7

**FAIR HOUSING OF THE DAKOTAS***(Formerly the North Dakota Fair Housing Council)*

533 Airport Road, Suite C  
Bismarck, ND 58504  
ND Relay 1-800-366-6889 (Voice)  
SD Relay 1-800-642-6410 (Voice)

Telephone 701-221-2530  
Toll Free 1-888-265-0907  
ND TDD 1-800-927-9275  
SD TDD 1-866-273-3323

January 2, 2007

**BY FAX-ONE PAGE TOTAL  
701-478-4452**

Cheryl Bergian  
North Dakota Human Rights Coalition  
P.O. Box 1961  
Fargo, ND 58107-1961

Dear Ms. Bergian:

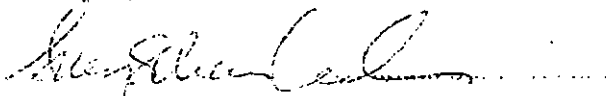
As Executive Director of the Fair Housing of the Dakotas (FHD), I write to inform you of our support of North Dakota pre-filed legislation Senate Bill 2121.

The FHD is a non-profit organization which serves North and South Dakota and works to eliminate housing discrimination and to ensure equal housing opportunities for all. The FHD educates the public on Fair Housing Laws and also investigates allegations of housing discrimination. When evidence of discrimination is found, we assist complainants in filing complaints of housing discrimination and throughout the administrative process. As a result of our assistance in complaint filing, we often work with the North Dakota Department of Labor because it is the state agency charged with receiving complaints and enforcing violations of housing discrimination. We strongly support their efforts in working to eliminate housing discrimination in North Dakota.

The Fair Housing of the Dakotas supports passage of SB 2121 because a name change would more accurately identify the Department's responsibilities to members of the public who may be unfamiliar with the Department's role in housing discrimination enforcement. When we assist complainants, there is often confusion for complainants as to why the North Dakota Department of Labor is responsible for fair housing violations when they are called "Labor". Although we inform complainants about the North Dakota Department of Labor's Human Rights Division, it is still confusing because their responsibilities in this area remain unknown to many people who contact us.

We plan to support this legislation as currently drafted and anticipate testifying in support. Please let me know if you have any questions. Thank you.

Sincerely,



Amy Schauer Nelson  
Executive Director

L009

(Serving North and South Dakota)  
Email: [ndfhc2@btinet.net](mailto:ndfhc2@btinet.net)



Web: [www.ndfhc.org](http://www.ndfhc.org)  
Fax 701-221-9597

# The Arc of Cass County

(701) 293-8191 • 215 North University Drive • Fargo, ND 58102 • Fax (701) 293-3095

The Arc



December 26, 2006

North Dakota Human Rights Coalition  
P.O. Box 1961  
Fargo, ND 58107

RE: Name change bill

On behalf of The Arc of Cass County, I am pleased to submit this letter in support of changing the name of the North Dakota Department of Labor to the *North Dakota Department of Labor and Human Rights*.

The mission of The Arc is to provide advocacy and education for people with developmental disabilities. The work of the Human Rights Division within the Department of Labor is critical to our constituents and their families. We believe that adding "Human Rights" to the name will assist the individuals we serve in locating the entity responsible for enforcing both the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act. In addition, the new name will also better identify the spectrum of functions available within the Department of Labor, increase visibility for human rights recourse and more accurately represent the activities currently provided by the department.

We appreciate the work you do in the furtherance of human rights issues in North Dakota and wish you well in your sponsorship of this bill.

Sincerely,

*Janell Malpert*

Janell Malpert  
Executive Director  
The Arc of Cass County



November 13, 2006

North Dakota Human Rights Coalition  
P.O. Box 1961  
Fargo, ND 58107

Dear Gerry Even:

It is the position of Freedom Resource Center for Independent Living, Inc. to fully support changing the name of the Department of Labor to the Department of Labor *and Human Rights* in the 2007 Legislative session.

A substantial part of the work the Department of Labor performs pertains to human rights issues. Therefore, Freedom believes that changing the Department of Labor's name will more accurately depict its role in resolving human rights issues. People who come to Freedom with human rights issues are unaware that they should call the Department of Labor. Changing the name will increase visibility for those seeking resolution for potential violations of their human rights.

Freedom Resource Center is a disability rights organization that believes in the equality and inclusion of all persons with disabilities into all aspects of society. We thank you for the opportunity to weigh in on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Aalgaard", is written over a horizontal line.

Nate Aalgaard  
Executive director





**Planned Parenthood®**  
Serving Minnesota • North Dakota • South Dakota

624 Main Avenue  
Suite 9  
Fargo, North Dakota 58103  
(701) 526-0726 phone  
[www.ppmns.org](http://www.ppmns.org)

Planned Parenthood Minnesota, North Dakota, South Dakota (PPMNS) believes every citizen of North Dakota deserve full human rights.

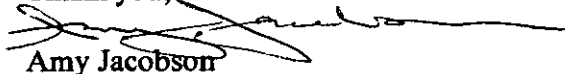
PPMNS supports the work of the Division of Human Rights in the North Dakota Department of Labor for the enforcement of the North Dakota Human Rights Act.

At present, residents of North Dakota have difficulty knowing who to contact when looking for information about the state agency responsible for enforcing the North Dakota Human Rights Act. PPMNS believes changing the name of the North Dakota Department of Labor to the North Dakota Department of Labor and Human Rights will make the Division of Human Rights easier to locate for all the citizens of North Dakota.

PPMNS also believes changing the name of the Department of Labor will provide visibility to the numerous human rights issues that the department is already addressing. Currently, up to two-thirds of the work the Department is investigating human rights complaints.

Planned Parenthood MN, ND, SD supports SB 2121 relating to a name change from the Department of Labor to the Department of Labor and Human Rights.

Thank you,



Amy Jacobson  
North Dakota Public Affairs Manger  
Planned Parenthood MN, ND, SD

# DAC

**NORTH  
DAKOTA  
DISABILITIES  
ADVOCACY  
CONSORTIUM**

January 4, 2007

Cheryl Bergian  
Executive Director  
North Dakota Human Rights Coalition  
P.O. Box 1961  
Fargo, ND 58107-1961

Dear Cheryl:

The North Dakota Disabilities Advocacy Consortium (NDDAC) wishes to voice its support for The North Dakota Human Rights Coalition (NDHRC) proposal to add the words "and Human Rights" to the name of the North Dakota Department of Labor. The proposed name change will make the Division of Human Rights in the Department of Labor much easier to find. The NDDAC is a 22-member affiliation comprised of disability organizations throughout North Dakota focused on legislative issues surrounding people with disabilities.

NDDAC believes that changing the Department of Labor's name will increase the visibility of the Labor Department's responsibilities in administering our state's human rights laws. Increased visibility benefits those seeking redress for issues and will serve to help educate the public about human rights roles and responsibilities. The name change will also serve to more accurately represent the workings of the Department of Labor where human rights claims now represent the majority of the activity.

NDDAC believes that the benefits both to the Department of Labor and to our citizens of the increased visibility provided by the proposed name change more than justify the minor one-time cost of the name change. Residents of North Dakota who are seeking the agency responsible for the North Dakota Human Rights Act will know where to call simply from the agency's name - The North Dakota Department of Labor and Human Rights.

If you have any questions, please feel free to call me at 701-223-0347.

Sincerely,



James M. Moench  
Executive Director  
NDDAC

400 E. Broadway  
Suite 402  
Bismarck, ND  
58501-4071

Phone:  
701-223-0347  
Toll Free:  
1-877-766-6907

F 28-3934

jmm@nndac.org



**ollective & Community Center**

116 12th Street South  
Moorhead, MN 56560

218.287.8034  
PrideCollective@hotmail.com

Date: January 16, 2007

To: North Dakota Human Rights Coalition

From: Pride Collective & Community Center  
Stacie Loegering, President *SL*  
Board of Directors

RE: North Dakota bill SB 2121

The Pride Collective & Community Center Board of Directors supports the North Dakota Human Rights Coalition's position on SB 2121. We support the name change from the North Dakota Department of Labor to Labor and Human Rights.

Adding 'Human Rights' to the name of the department is necessary for a number of reasons including more accurately reflecting the responsibilities of the department. This name change is a vital step for North Dakota to communicate its commitment to human rights of its citizens.

Please recognize our organization as one which supports adding Human Rights to the Labor Department's name.

# FAIR HOUSING OF THE DAKOTAS

(Formerly the North Dakota Fair Housing Council)

533 Airport Road, Suite C  
Bismarck, ND 58504  
ND Relay 1-800-366-6889 (Voice)  
SD Relay 1-800-642-6410 (Voice)

Telephone 701-221-2530  
Toll Free 1-888-265-0907  
ND TDD 1-800-927-9275  
SD TDD 1-866-273-3323

**Testimony before the  
Senate Industry, Business and Labor Committee  
on Senate Bill 2121  
by the Fair Housing of the Dakotas  
January 17, 2007**

Mr. Chairman, and members of the Committee, my name is Amy Schauer Nelson and I am the Executive Director of the Fair Housing of the Dakotas (FHD). The FHD is a non-profit agency which serves North and South Dakota. We work to eliminate housing discrimination and to ensure equal housing opportunities for all. The FHD educates the public on Fair Housing Laws and also investigates allegations of housing discrimination. When discrimination is found, we assist complainants in filing complaints of housing discrimination and throughout the administrative process. As a result of our assistance in complaint filing, we often work with the North Dakota Department of Labor because it is the state agency charged with receiving complaints and enforcing violations of housing discrimination. We strongly support their efforts in working to eliminate housing discrimination in North Dakota. Last year, we filed or assisted complainants in filing 30 cases of housing discrimination. Several other housing cases were also filed that were not referred through our office.

The Fair Housing of the Dakotas supports passage of Senate Bill 2121 because it would more accurately identify the North Dakota Department of Labor's responsibilities to members of the public who may be unfamiliar with their role in housing discrimination enforcement. When we assist complainants, there is often confusion for complainants as to why the North Dakota Department of Labor is responsible for fair housing violations. Although we inform complainants about the North Dakota Department of Labor's Human Rights Division, it is still confusing when the Department is identified in name as "Labor" and "Labor" only. As statistics show, the NDDOL's duties no longer just focus on labor related issues.

My organization also went through a name change last year when our duties changed. From 1995-2005, we were known as the "North Dakota Fair Housing Council." However, as our duties changed and we expanded to South Dakota, we felt it was important that our name reflect those changed duties and changed our name to the "Fair Housing of the Dakotas." This has made it much easier for those in the public to identify our area of assistance.

We hope you will support the proposed name change to the "Department of Labor and Human Rights." I thank you for the opportunity to provide testimony today and please let me know if you have any questions. Thank you.



2121 #4

January 17, 2007  
North Dakota Disabilities Advocacy Consortium  
Testimony  
Senate Bill 2121  
Senate Industry, Business and Labor Committee  
Chair - Senator Jerry Klein

Good Morning, Chairman Klein and members of the Senate Industry, Business and Labor Committee. I am James M. Moench, the Executive Director of the North Dakota Disabilities Advocacy Consortium (NDDAC). I appear before you today in support Senate Bill 2121. SB 2121 would add the words "and Human Rights" to the title of the North Dakota Department of Labor.

NDDAC support SB 2121 for the following reasons.

- The new name will more accurately reflect the responsibilities for the Department of Labor.
- The new name will make the Division of Human Rights in the Department of Labor easier to find for the citizens of North Dakota.
- Up to two-thirds of the work of the Department currently involves human rights. The new name will highlight that important mission for the Department of Labor and the Division of Human Rights.
- Add the name change language will provide added visibility for the human rights responsibilities of the Department of Labor.
- Given the communication and visibility benefits of the name change, NDDAC believes that any minor cost will be clearly worthwhile.

NDDAC believes that it is time to change the name of the Department of Labor to more accurately reflect its current mission and workload. Please give Senate Bill 2121 a strong do pass recommendation.

I would be happy to answer any questions that I can. Thank you.

2121#5

I am a gay man from Bismarck. I am known and respected by a large part of people from Central & Western ND. You would not believe how many times I talk with people that are fleeing the state or have already outmigrated. One of there biggest reasons is they feel that there is no protection in the workforce, or for housing. The problem I see is the low visibility of any ND Dept that deals with the Human Right Act or the ~~Q~~ ND Housing Act. Together and with future legislation to insure = rights for our citizens of ND. Maybe we can reverse this outflow of our most valuable assets - Young Adults + visible employees from leaving

2/21/16

John Hoeven  
Governor

Lisa K. Fair McEvers  
Commissioner



State Capitol - 13th Floor  
600 E Boulevard Ave Dept 406  
Bismarck, ND 58505-0340

nd.gov/labor  
nd.gov/humanrights

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Testimony on SB 2121  
Prepared for the  
Industry, Business and Labor Committee  
January 17, 2007

Chairman Klein and members of the Industry, Business and Labor Committee. For the record, I am Lisa Fair McEvers, Commissioner of Labor. The department's position on SB 2121 is neutral. It is true that the proposed name would more accurately reflect the expanded and important responsibilities that the department performs in the area of human rights. Whatever the department is named, the department will continue to work diligently to investigate allegations of wage and hour violations, and human rights violations as required by law.

To assist you in your decision on whether to change the name of the department, I would like to provide a brief history of the department and what we do at the North Dakota Department of Labor. The department has two primary areas of responsibility: wage and hour and human rights. Both areas of authority have great impact on the quality of life of North Dakota citizens.

In 1889, the North Dakota Constitution created the department of agriculture and labor. In 1960, voters approved a constitutional amendment authorizing the legislative assembly to establish a department of labor separate from the department of agriculture. Article V, § 2 of the Constitution of North Dakota states in pertinent part: "The legislative assembly may by law provide for a department of labor to be administered by a public official who may either be elected or appointed." The 1965 legislative assembly created the North Dakota department of labor under N.D.C.C. § 34-05-01.1.

Since 1965, the Department of Labor has been responsible for enforcing the laws relating to the wages and working conditions of employees in the state. In addition to these traditional duties, in 1983 the legislative assembly added the responsibility to investigate complaints alleging discriminatory employment practices under the Human Rights Act. So, the department has had authority to enforce employment discrimination for over 23 years.

In 1999, the legislative assembly added the responsibility to investigate complaints of discriminatory housing practices. In 2000, the Human Rights Division was established within the department, which reflected the growing number and importance of human rights cases. In 2001, additional authority was vested in the department to enforce remaining areas under the Human Rights Act, including public accommodations, public services and credit transactions.

2121 #7

In addition to receiving and investigating complaints directly from individuals who believe they have been victims of unlawful discrimination under North Dakota's anti-discrimination laws, the department's Human Rights Division, also investigates cases under contract for the United States Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC).

During the first eighteen months of the current biennium, the department resolved:

- 391 wage and hour complaints
- 207 employment discrimination complaints
- 69 housing discrimination complaints
- 60 complaints alleging discrimination in public accommodations and public services.

The department collected nearly \$115,000 on behalf of wage earners and obtained over \$82,000 in monetary relief for claimants on human rights issues as well as other non-monetary relief.

The department's pending caseload as of January 1, 2007 includes:

- 60 claims for unpaid wages
- 40 complaints alleging employment discrimination or retaliation
- 9 complaints alleging discriminatory housing practices
- 1 complaint alleging discrimination in public services, public accommodations, or credit transactions.

The Department of Labor continues to broaden awareness of wage and hour laws as well as human rights protections through public education and outreach. The department provided nearly fifty presentations in the first eighteen months of the current biennium. Approximately two-thirds of the requests for speaking to the public are for wage and hour education. As part of each presentation that I give, even if it is a wage and hour presentation, I let the audience know what types of complaints the department handles to get the message to the public that the department handles much more than labor issues. The department is available for in-person complaint acceptance at the Native American Center in Fargo on a monthly basis, and has been doing so for approximately the last four years.

In addition, the department produced and aired a 30 second public service announcement regarding housing discrimination that aired on television stations statewide for a period in August 2005 and again in December 2005. This public service announcement may also be viewed on the department's website. The Human Rights Division of the department has published four brochures relating to human rights, which are available in hard copy or on the department's website.



The department cares about human rights and I believe that we are working well with the various human rights advocacy groups. We have worked together on several educational efforts. I particularly appreciate the recent support of the North Dakota Human Rights Coalition and the Fair Housing of the Dakotas of department bills which would expand the authority of the department in investigations of alleged discriminatory acts.

It has been stated to me that at least part of the reason for the proposed name change, would be to make it easier for the public with human rights issues to find the department. Much of the department's direct contact with the public is by telephone or email, so the question is, are they able to find us? While I don't disagree that the public in general may not know what the department does, I believe this ignorance exists in regard to the duties of many state agencies. The department routinely receives telephone calls from people who really need to speak to someone at Workforce Safety and Insurance, Job Service the Tax Department, etc. The department had over 3,100 such calls during the last biennium.

If a person knows enough to look for "human rights" when trying to locate the state agency with authority, I believe the department would be easy to find. The department is listed in telephone directories under both "Human Rights Division" and "Labor Department" in the State Government section. If a person searches the internet for "North Dakota Human Rights" the North Dakota Department of Labor is second on the list of sites, with the North Dakota Human Rights Coalition being first. On the door of the department, "Human Rights Division" is listed first, with "Wage and Hour Division" listed below. The email address for human rights inquiries is listed on our website, on our brochures, on our Fair Housing poster, and on the department's letterhead.

What is happening in other states? I have done an internet survey of human rights agencies or departments in the United States. Of the 50 states, 35 of them have stand alone departments, agencies or commissions that handle human rights complaints. Of the 14 states that do not have a stand alone department, agency or commission, human rights are handled by a division or commission within another state agency, none of which have human rights in the title of the agency. There was one state where I could not find a state agency that handled human rights complaints.

The other states in our HUD region include: Utah, Colorado and South Dakota. In these states, housing discrimination complaints are handled by a division within another department. A general overview of states without a stand alone department for human rights includes a number of smaller population states such as Hawaii, Montana, South Dakota, and Wyoming, which along with North Dakota are in the ten states with the least population.

The fiscal note submitted by the department indicates that the cost to implement a name change would be minimal. The decision of whether or not to change the name should not be determined by the small amount the change would cost.

Again, my position on the bill is neutral. I only ask that if you decide to change the name of the department that the reasons be genuinely compelling and thoughtfully justified.

## Senate Bill 2121

Chairman Haas and members of the House Government and Veterans Affairs Committee, my name is Tom Fiebiger, Senator, District 45, Fargo. I am pleased to appear before you today in support of Senate Bill 2121. This bill would change the name of the Department of Labor to the Department of Labor and Human Rights. This change is consistent with the functions of the Department of Labor and makes sense for several reasons.

First, as practicing attorney representing North Dakota citizens in human rights matters for the past 16 years, I have had numerous experiences where North Dakotans have called me because they do not know where to turn in our state to secure their human rights protections. Take for example the young man in a wheelchair who cannot enter a restaurant through the front door with his wife, but is taken by himself through the back door of the restaurant and through the kitchen to his table. He wants to file a complaint about discriminatory treatment but does not know who to contact to complain. I know other attorneys who have received similar calls. One such call is too many. The name change will assist the people of our state to better locate where they are to turn in our state to secure the protection of their human rights. That seems to make sense.

Second, it is my understanding that as much as two thirds of the Department of Labor's work is now related to investigating human rights complaints. The name change is thus consistent with the Department's work and may make it easier for North Dakotans to locate the state governmental office where they can get help.

Third, as a practical matter, the Department of Labor is charged with the responsibility of enforcing the North Dakota "Human Rights" Act in chapter 14 of the North Dakota Century Code. The heading of the Century Code itself references "HUMAN RIGHTS."

Finally, I think the cost of such a change would be relatively minor (approximately \$2900) and will be minimal if the Department of Labor uses up its current supplies.

Mr. Chairman, members of the House Government and Veterans Affairs Committee, please move this bill forward with a "Do Pass" recommendation. Thank you.

## **CHAPTER 14-02.4**

### **HUMAN RIGHTS**

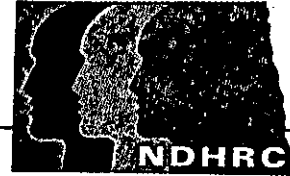
**14-02.4-01. State policy against discrimination.** It is the policy of this state to prohibit discrimination on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regard to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer; to prevent and eliminate discrimination in employment relations, public accommodations, housing, state and local government services, and credit transactions; and to deter those who aid, abet, or induce discrimination or coerce others to discriminate.

**14-02.4-02. Definitions.** In this chapter, unless the context or subject matter otherwise requires:

1. "Age" insofar as it refers to any prohibited unfair employment or other practice means at least forty years of age.
2. "Aggrieved person" includes any person who claims to have been injured by a discriminatory practice.
3. "Court" means the district court in the judicial district in which the alleged discriminatory practice occurred.
4. "Department" means the division of human rights within the labor department.
5. "Disability" means a physical or mental impairment that substantially limits one or more major life activities, a record of this impairment, or being regarded as having this impairment.
6. "Discriminatory practice" means an act or attempted act which because of race, color, religion, sex, national origin, age, physical or mental disability, status with regard to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours results in the unequal treatment or separation or segregation of any persons, or denies, prevents, limits, or otherwise adversely affects, or if accomplished would deny, prevent, limit, or otherwise adversely affect, the benefit of enjoyment by any person of employment, labor union membership, public accommodations, public services, or credit transactions. The term "discriminate" includes segregate or separate and for purposes of discrimination based on sex, it includes sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
  - a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, or education;
  - b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or
  - c. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations, public services, or educational environment; and in the case of employment, the employer is responsible for its acts and those of its supervisory employees if it knows or should know of the existence of the harassment and fails to take timely and appropriate action.

# North Dakota Human Rights Coalition

P.O. Box 1961, Fargo, ND 58107-1961 (701) 239-9323 Fax (701) 478-4452 [www.ndhrc.org](http://www.ndhrc.org)



Testimony  
Senate Bill 2121  
Senate Industry, Business & Labor Committee  
March 15, 2007

Chairman Haas and members of the Committee, I am Cheryl Bergian, Executive Director of the North Dakota Human Rights Coalition. The Coalition includes a broad-based, statewide membership of individuals and organizations interested in the furtherance of human rights in North Dakota; the Coalition's mission is to effect change so that all people in North Dakota enjoy full human rights.

We support the work of the Division of Human Rights in the North Dakota Department of Labor for the enforcement of the North Dakota Human Rights Act and North Dakota Housing Discrimination Act. We have asked that the name of the North Dakota Department of Labor be changed to add "and Human Rights" to more accurately reflect the responsibilities of the department, and to make the Division of Human Rights in the Department of Labor easier to find.

This bill will do one thing: change the name of the Department of Labor to reflect the substantial portion of its responsibilities that are related to the state's anti-discrimination laws.

It is our understanding from the Labor Commissioner over half of the work of the Department is now involved in human rights complaints. Clearly, changing the name of the Department will provide the visibility for human rights issues that it already is addressing. Residents of North Dakota who are looking for the state agency that has the responsibility of enforcing the North Dakota Human Rights Act and North Dakota Housing Discrimination Act will know where to call simply from the agency's name. Changing the name will benefit those who believe that they have experienced discrimination, as well as landlords, business owners and employers who are looking for information on what they can and cannot do regarding discriminatory practices.

The North Dakota Department of Labor is the state agency that has the responsibility to enforce our state's civil rights laws, just like departments in other states that have that responsibility, and have "human rights" or "civil rights" in the name of the agency.

N.D.C.C. 14-02.4-01 contains the state policy against discrimination. "It is the policy of this state to prohibit discrimination on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regard to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer; to prevent and eliminate discrimination in employment relations, public accommodations, housing, state and local government services, and credit transactions; and to deter those who aid, abet, or induce discrimination or coerce others to discriminate."

The name change will complete the work that was started by this legislature in 2001 and 2003, when the full enforcement authority for the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act was given to the Department of Labor.

Given the benefit of the name change, we believe that the minimal one-time cost for non-consumable supplies would be worthwhile.

The Worker's Compensation Bureau changed its name to Workforce Safety and Insurance in 2004. Their website said:

This year marks a turning point for our organization. Just recently, the organization changed its name from North Dakota Workers Compensation (Bureau) to Workforce Safety & Insurance. We live in changing times – and in keeping up with those changing times, we wanted a name that more closely reflects our commitment to providing safety and insurance services to the workforce across North Dakota.

We believe the same reasoning applies to the name change for the North Dakota Department of Labor. There was a turning point in 2003 when full enforcement authority for all of North Dakota's civil rights statutes was placed, by this Legislature, in the North Dakota Department of Labor. We now ask that the recognition of that responsibility be part of the name of the Department of Labor, to complete the work started in 2003.

We ask for a do pass recommendation on Senate Bill 2121. I appreciate this opportunity to testify on behalf of the North Dakota Human Rights Coalition.

# North Dakota Human Rights Coalition

P.O. Box 1961, Fargo, ND 58107-1961 (701) 239-9323 Fax (701) 478-4452 [www.ndhrc.org](http://www.ndhrc.org)



## MEMBER ORGANIZATIONS

- AARP of North Dakota
- AFL-CIO of North Dakota
- Abused Adult Resource Center
- Angels of the Muse
- Arc of Cass County
- Bismarck-Mandan Unitarian Universalist Church
- Blue Cross Blue Shield of North Dakota
- Bremer Bank - Fargo
- Dakota Center for Independent Living
- Dakota OutRight
- Dakota Resource Council
- Dorothy Day House
- Fair Housing of the Dakotas
- Fargo Human Relations Commission
- Freedom Resource Center for Independent Living
- The GOD'S CHILD Project
- The GOD'S CHILD Project Foundation
- The GOD'S CHILD Project North Central
- Grand Forks Unitarian Universalist Fellowship
- Institute for Trafficked, Exploited & Missing Persons
- Mental Health Association in North Dakota
- Minot State University - Student Social Work Organization
- Montana Human Rights Network
- NDPeople.Org
- NDSU Department of Service Learning & Civic Engagement
- NDSU Safe Zone Ally Program
- North Dakota Association of the Deaf

Over

- North Dakota Center for Independent Living
- North Dakota Center for the Public Good
- North Dakota Council on Abused Women's Services
- North Dakota Disabilities Advocacy Consortium
- North Dakota Peace Coalition
- North Dakota Women's Network
- Planned Parenthood of MN/ND/SD
- Pride Collective and Community Center
- Sisters of the Presentation, Social Justice Office
- UND Clinical Education Program
- United Tribes Technical College
- Warner & Company
- Women's Network of the Red River Valley
- YWCA Cass Clay

Over

1-25-06

## **Letters**

The Jamestown Sun  
P.O. Box 1760  
Jamestown, ND 58402  
Fax: (701) 952-8477

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## **OTHER VIEWS**

# It makes sense to change the name of agency

### **The Williston Herald**

Let's say you have an issue with discrimination. Or you are a business owner, interested in flinging out about human rights in our state.

Do you know what state department to call? Would you guess it is the Department of Labor?

Chances are you wouldn't, and neither would a lot of other people. That is why a bill before the Senate Industry, Business and Labor Committee makes so much sense.

SB 2121 asks for a name change for the North Dakota Department of Labor, the state agency responsible for enforcing the North Dakota Human Rights act and the North Dakota Housing Discrimination Act to "Department of Labor and Human Rights."

This name would more accurately reflect the responsibilities of this organization, and would make it much easier for the average person to find the information and assistance they might need.

Increased visibility for the department may also lead to better control over rights violations within our state.

Need more reasons? According to the North Dakota Human Rights Coalition, two-thirds of the work the department currently investigates is human rights complaints.

There would be some cost to the change — namely a replacement of brochures, letterhead and other such items.

But there is no reason to let this cost (estimated at \$5,200 in 2005) inhibit this positive move.

A gradual transition, with materials being replaced with those bearing the new name over time as they run out, would save this minimal expense.

Times, they are a-changin, and our government offices need to change with them.

This name change makes sense for North Dakotans.



2-3-07

# The Forum

Published since 1878

A Pulitzer Prize-winning newspaper

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## ROUNDUP

# A name change is in order

**The Herald, Williston, N.D.**  
**L**et's say you have an issue with discrimination. Or you are a business owner, interested in finding out about human rights in our state.

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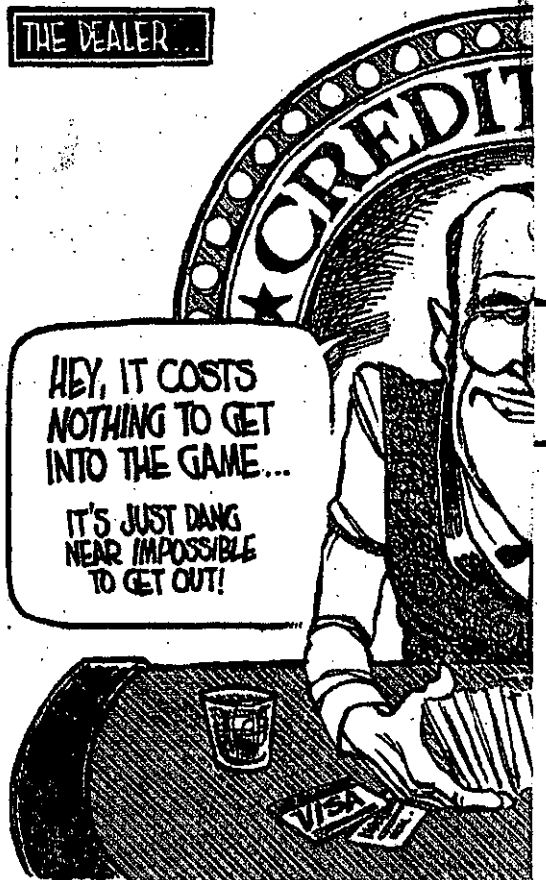
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This name change makes sense for North Dakotans.

## THE DEALER



## YOUR

## Forum missed great competitive event

**I**n regards to the NDADD state competition that was held this past weekend (Jan. 26-27) at the Alerus Center in Grand Forks, N.D.:

I am the parent of a dancer on the Fargo North Spartacas and would like to congratulate the many dancers who took the floor and danced their hearts out. There were teams from across the state and each team showed up and provided the spectators with incredible performances.

I am a little disappointed in The Forum for the lack of coverage the state champions received, as the teams were both from the Fargo area. The West Fargo Packatahns took home first place in the dance and high kick divisions and the Fargo North Spartacas received first place in the novelty and pom divisions.

I see one-quarter to one-half page pictures of other events on the Sports section front page, and these girls receive only a two-inch written acknowledgment.

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Rep. Bran know that org a bright spot showing cons profitability ft

People care what is in the is produced. culture is a re sion.

Everyone hi to learn more NPSAS Wint Aberdeen, S.J Contrary to image of ext meet thought love the land life.

## Where's in munici

**W**here is j Nov. 7, 2 a young lady from west wh



## The Arc of Bismarck

1211 Park Avenue  
Bismarck, ND 58504-6769  
Phone/Fax (701) 222-1854  
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### SB 2121 – ND DOL Name Change

House Government and Veterans Affairs Committee

Chairman – Rep. Haas

March 15, 2007

Chairman Haas and members of the committee, my name is Mike Schwab, Executive Director for The Arc of Bismarck. I am representing The Arc of Bismarck and The Arc of Cass County today.

Our organizations provide disability education, advocacy and research on behalf of people with disabilities and their families. SB 2121 is an important piece of legislation and if passed, this provision would be helpful to people with disabilities and their families.

The Arc of Bismarck, The Arc of Cass County and the other Arc's in the state are in support of the name change. The name change would be a tremendous help to people with disabilities and other members of the public who are looking for the entity that handles complaints that deal with human rights violations.

When talking to people with disabilities and/or their family members (whether that is via telephone or in person) sometimes they are wondering whom they should call or what entity handles complaints that deal with human rights violations. After I tell them that they need to call the Department of Labor, they proceed to tell me that the complaint has nothing to do with "labor/employment" issues. Then I explain to them that the Department of Labor actually handles Human Rights violations as well. A typical response that we receive from these individuals is that they did not know that the Department of Labor handled Human Rights violations as well as Labor issues.

People with disabilities have enough "systems" to navigate through in order to find what they are looking for. By changing the name, you would be providing clarity for people with disabilities and other members of the public who are looking for quick access to services. I am not sure what type of

tracking or data collection the Department of Labor uses, but I am willing to guess that a great number of the complaints that relate to human rights violations involve people with disabilities.

Since the Department of Labor is the entity that handles Human Rights violations/issues, then we should call it what it is – The ND Department of Labor and Human Rights. Personally, I have been struggling with trying to find a reason as to why we shouldn't call it the Department of Labor and Human Rights. If you could provide me with any insight as to why we shouldn't change the name, I would appreciate it, as would our constituents.

By changing the name, the State is letting the public know that we are here for you and ready to help you. With the growth the State is experiencing, human rights violations/issues are not going to go away. We need to make "human rights" visible in ND. By changing the name, you are helping to make this happen.

I would like to thank you for your time and attention regarding this important matter.

Respectfully Submitted,



Mike Schwab  
The Arc of Bismarck  
The Arc of Cass County



# MENTAL HEALTH ASSOCIATION IN NORTH DAKOTA

*Works for a world free from discrimination against mental illness*

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Fax: 701-237-0562

**PSYCHOSOCIAL  
REHABILITATION CENTERS**

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Phone: 701-293-7716  
Fax: 701-293-7716

MOUNTAINBROOKE  
CENTER  
100 North 3rd Street  
Grand Forks, ND 58201  
Phone: 701-746-4530  
Fax: 701-775-8645



Visit our website at  
[www.mhand.org](http://www.mhand.org)

*A private, non-profit  
501(c) 3 agency. The  
non-governmental  
organization concerned  
with all aspects of mental  
health for all citizens of  
North Dakota.*

## **Testimony Mental Health Association in North Dakota**

### **SB 2121 Relating to a name change from the Department of Labor to the Department of Labor and Human Rights.**

### **House Government and Veterans Affairs Committee**

### **Representative Haas, Chairman**

**March 15, 2007**

Chairman Haas and members of the Government and Veteran Affairs committee, my name is Chet Pulver, I am a Public Policy Assistant with the Mental Health Association in North Dakota. Susan Rae Helgeland, our Executive Director has asked me to present testimony today.

The Mental Health Association in North Dakota is a nonprofit organization whose mission is to promote mental health through education, advocacy, understanding and access to quality care for all individuals.

The Mental Health Association in North Dakota (MHAND) supports SB2121. Mr. Chairman and members of the committee we encourage you to give this a bill a do pass recommendation.

Thank you for allowing me to appear before you today and I would be glad to answer any questions.

# FAIR HOUSING OF THE DAKOTAS

(Formerly the North Dakota Fair Housing Council)

533 Airport Road, Suite C  
Bismarck, ND 58504  
ND Relay 1-800-366-6889 (Voice)  
SD Relay 1-800-642-6410 (Voice)

Telephone 701-221-2530  
Toll Free 1-888-265-0907  
ND TDD 1-800-927-9275  
SD TDD 1-866-273-3323

## Testimony before the House Government & Veterans Affairs Committee on Senate Bill 2121 by the Fair Housing of the Dakotas March 15, 2007

Mr. Chairman, and members of the Committee, my name is Amy S. Nelson and I am the Executive Director of the Fair Housing of the Dakotas (FHD). The FHD is a non-profit agency which serves North and South Dakota. We work to eliminate housing discrimination and to ensure equal housing opportunities for all. The FHD educates the public on Fair Housing Laws and also investigates allegations of housing discrimination. When discrimination is found, we assist complainants in filing complaints of housing discrimination and throughout the administrative process. As a result of our assistance in complaint filing, we often work with the North Dakota Department of Labor because it is the state agency charged with receiving complaints and enforcing violations of housing discrimination. We strongly support their efforts in working to eliminate housing discrimination in North Dakota. Last year, we filed or assisted complainants in filing 30 cases of housing discrimination. Several other housing cases were also filed that were not referred through our office.

The Fair Housing of the Dakotas supports passage of Senate Bill 2121 because it would more accurately identify the North Dakota Department of Labor's responsibilities to members of the public who may be unfamiliar with their role in housing discrimination enforcement. When we assist complainants, there is often confusion for complainants as to why the North Dakota Department of Labor is responsible for fair housing violations. Although we inform complainants about the North Dakota Department of Labor's Human Rights Division, it is still confusing when the Department is identified in name as "Labor" and "Labor" only. As statistics show, the NDDOL's duties no longer just focus on labor related issues.

My organization also went through a name change last year when our duties changed. From 1995-2005, we were known as the "North Dakota Fair Housing Council." However, as our duties changed and we expanded to South Dakota, we felt it was important that our name reflect those changed duties and changed our name to the "Fair Housing of the Dakotas." This has made it much easier for those in the public to identify our area of assistance.

We hope you will support the proposed name change to the "Department of Labor and Human Rights." I thank you for the opportunity to provide testimony today and please let me know if you have any questions. Thank you.



**March 15, 2007**  
**North Dakota Disabilities Advocacy Consortium**  
**Testimony**  
**Senate Bill 2121**  
**House Government and Veterans Affairs Committee**  
**Chair – Representative Haas**

Good Morning, Chairman Haas and members of the House Government and Veterans Affairs Committee. I am James M. Moench, the Executive Director of the North Dakota Disabilities Advocacy Consortium (NDDAC). I appear before you today in support Senate Bill 2121. SB 2121 would add the words "and Human Rights" to the title of the North Dakota Department of Labor.

NDDAC support SB 2121 for the following reasons.

- The new name will more accurately reflect the responsibilities for the Department of Labor.
- The new name will make the Division of Human Rights in the Department of Labor easier to find for the citizens of North Dakota.
- Up to two-thirds of the work of the Department currently involves human rights. The new name will highlight that important mission for the Department of Labor and the Division of Human Rights.
- Add the name change language will provide added visibility for the human rights responsibilities of the Department of Labor.
- Given the communication and visibility benefits of the name change, NDDAC believes that any minor cost will be clearly worthwhile.

NDDAC believes that it is time to change the name of the Department of Labor to more accurately reflect its current mission and workload. Please give Senate Bill 2121 a strong do pass recommendation.

I would be happy to answer any questions that I can. Thank you.