

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1130

2005 HOUSE JUDICIARY

HB 1130

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1130

House Judiciary Committee

☐ Conference Committee

Hearing Date 1/11/05

Tape Number	Side A	Side B	Meter #
1	xx		0-4.5
2	xx		23.8-25

Committee Clerk Signature



Minutes: 11 members present, 3 absent (Rep. Maragos, Delmore, Zaiser)

**Chairman DeKrey:** We will open the hearing on HB 1130.

**Leann Bertsch, Commissioner of Labor:** (see written testimony).

**Chairman DeKrey:** Thank you. Further testimony in support of HB 1130.

**Cheryl Bergian, Director of the ND Human Rights Coalition:** (see written testimony).

**Representative Koppelman:** How do you feel that this will simply it.

**Cheryl Bergian:** It makes it more easily readable. Therefore, for those who are looking up the information, they can understand it more easily; what actions are prohibited. It is terrible when you have to pile through all sorts of little clauses to get that information.

**Representative Koppelman:** You don't feel it makes a substantive change.

**Cheryl Bergian:** No, I do not.

**Chairman DeKrey:** Thank you. Further testimony in support of HB 1130. Testimony in opposition to HB 1130. We will close the hearing on HB 1130.

Page 2  
House Judiciary Committee  
Bill/Resolution Number HB 1130  
Hearing Date 1/11/05

(Reopened in the same session, Tape 2, side A).

**Chairman DeKrey:** I will entertain a motion on HB 1130.

**Representative Delmore:** I move a Do Pass.

**Representative Charging:** I second the motion.

**14 YES   0 NO   0 ABSENT**

**DO PASS**

**CARRIER: Rep. Charging**

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1130

House Judiciary Committee

☐ Conference Committee

Hearing Date 1/11/05

Tape Number

2

Side A

xx

Side B

Meter #

24.4-25.6

Committee Clerk Signature



Minutes: 14 members present.

**Chairman DeKrey:** What are the committee's wishes in regard to HB 1130.

**Representative Delmore:** I move a Do Pass motion.

**Representative Charging:** Second.

**Chairman DeKrey:** The clerk will call the vote on HB 1130.

**14 YES 0 NO 0 ABSENT**

**DO PASS**

**CARRIER:**

**Rep. Charging**

Date: 1/11/05  
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1130

## HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass*

Motion Made By *Rep. Delmore*

Seconded By *Rep. Charging*

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	✓		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	✓				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemm	✓				
Representative Koppelman	✓				
Representative Kretschmar	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment *Rep. Charging*

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

**REPORT OF STANDING COMMITTEE (410)**  
January 11, 2005 12:15 p.m.

**Module No: HR-06-0265**  
**Carrier: Charging**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1130: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS**  
**(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1130 was placed on the**  
**Eleventh order on the calendar.**

2005 SENATE JUDICIARY

HB 1130



2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1130

Senate Judiciary Committee

☐ Conference Committee

Hearing Date March 21, 2005

Tape Number	Side A	Side B	Meter #
1	X		4300 - 5100

Committee Clerk Signature

*Maria L. Solberg*

Minutes: Prohibiting retaliatory acts in discriminatory practices actions.

**Senator John (Jack) T. Traynor**, Chairman called the Judiciary committee to order. All

Senators were present. The hearing opened with the following testimony:

**Testimony In Support of the Bill:**

**Leann K. Bertsch**, ND Dept. of Labor Commissioner (meter 4390) Introduced the bill - Att. #1

**Sen. Traynor** questioned how many complaints? Retaliation is a frequent complaint at the department that we address. If a complaint has been filed and an employer has taken adverse action against the individual for filing the complaint Then a retaliation complaint is filed as well.

Sen. Nelson asked for the definition for retaliation.

Cheryl Bergian, Director of ND Human Rights Coalition (meter 4585) I am in support of this legislation

**Senator Triplett** asked Ms. Bergian if the bill only restates the law in more clear language and they there is no substantive changes? Yes this is for clarity.

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Senate Judiciary Committee

Bill/Resolution Number HB 1130

Hearing Date March 21, 2005

**Testimony in Opposition of the Bill**

None

**Senator John (Jack) T. Traynor**, Chairman closed the Hearing

**Senator Syverson** made the motion to Do Pass and **Sen. Trenbeath** seconded the motion. All members were in favor and the motion passes.

Carrier: **Senator Syverson**

**Senator John (Jack) T. Traynor**, Chairman closed the Hearing

Date: 3/21/05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1130

Senate Judiciary

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *No Pass*

Motion Made By Senator *Syverson* Seconded By Senator *Trenbeath*

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment *Sen. Syverson*

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

**REPORT OF STANDING COMMITTEE (410)**  
March 21, 2005 12:15 p.m.

**Module No: SR-51-5551**  
**Carrier: Syverson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1130: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1130 was placed on the  
Fourteenth order on the calendar.

2005 TESTIMONY

HB 1130

# North Dakota Human Rights Coalition

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



Testimony  
House Bill 1130  
House Judiciary Committee  
January 11, 2005

Chairman DeKrey and members of the Committee, thank you for the opportunity to present testimony in favor of House Bill 1130. 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. To this end, the Labor Commissioner has proposed changes to the anti-retaliation provisions of the North Dakota Human Rights Act. We support these changes, which will simplify the anti-retaliation provisions of the North Dakota Human Rights Act, so those who might be inclined to violate the law can more easily understand these provisions.

We ask for a do pass recommendation on House Bill 1130. I appreciate this opportunity to testify on behalf of the North Dakota Human Rights Coalition.

John Hoeven  
Governor

Leann K. Bertsch  
Commissioner



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

[discovernd.com/labor](http://discovernd.com/labor)  
[discovernd.com/humanrights](http://discovernd.com/humanrights)

Testimony on HB 1130  
Prepared for the  
House Judiciary Committee

January 11, 2005

Chairman DeKrey and members of the House Judiciary Committee, good morning. For the record, I am Leann Bertsch, Commissioner of Labor.

HB 1130 proposes clarifying language to Section 14-02.4-18 of the North Dakota Century Code. This is the provision within the North Dakota Human Rights Act which prohibits retaliatory acts. This bill does not propose any substantive changes to the coverage which is provided within this section.

Retaliation is a discriminatory practice which the Department routinely receives complaints on and investigates. Most often, this type of alleged discrimination is dual filed under the North Dakota Human Rights Act and the EEOC. The Department, under a contract with the EEOC conducts the investigation and issues a determination which addresses the alleged discriminatory act under both the federal and state law. The proposed amendments track the language used by EEOC and would allow for consistency in the determinations issued by the Department in cases alleging retaliation.

Thank you for your time. I would be happy to answer any questions you have.

AH #1

John Hoeven  
Governor

Leann K. Bertsch  
Commissioner



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Testimony on HB 1130  
Prepared for the  
Senate Judiciary Committee

March 21, 2005

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