

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2337

2005 SENATE HUMAN SERVICES

SB 2337

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2337

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 1, 2005

Tape Number	Side A	Side B	Meter #
2	x		110-5590
Committee Clerk Signature <i>Cathy Minard</i>			

Minutes:

Chairman Lee opened the public hearing on SB 2337. All members were present.

Testimony in favor of SB 2337

Senator Tim Mathern, sponsor of this bill, introduced it. See written testimony (Attachment 1)

Sen. Warner: Is this the only bill that's a vehicle for a commission?

Sen. Mathern: This is the only bill I am aware of in the Legislature that would create a commission for human rights. There is another bill that deals with the name of the department.

Sen. Dever: It says that no more than four members may belong to the same political party. I'm curious, since we don't have voter registration in North Dakota and a lot of people don't like to declare their preference.

Sen. Mathern: I think that since there is no declaration, its probably no an issue. It they are an activist in the party, then it would give a direction to the Governor to make sure that it's not stacked one way or the other.

Sen. Dennis Bercier, District 9: He is in favor of this bill because it lets people who have been discriminated against in the past have a say with this commission. He fully supports the idea and said that the people that would testify after him would have more details.

Sen. Warner: We've shared a concern, and this bill speaks specifically about state employees as being potential members. Do you anticipate that there would be any problem with state employees being required to carry the official message to an agency head.

Sen. Bercier: Yes, there is an inherent problem with having someone who is a political appointee trying to carry the message for a person or a group who feels that they're not being treated fairly. They almost always need to go through a clearing house, if you will, and go talk to the person or agency that appointed them to make sure that their going to be able to speak freely on behalf of that issue that they're not being represented. An example, the Indian Affairs Commission office, that was a political appointment; nothing against the person that sat in that position, there has been some phenomenal work that has come out of that office. There has been opportunities that I've had and sat in on meetings and listened to the Indian Affairs Commissioners, in the past, who have not been able to go on record publicly with information with regard to a particular issue. They were not authorized to take a stand on a particular issue. So there could be a problem and it is a problem.

Cheryl Bergian, Director of the North Dakota Human Rights Coalition. See written testimony (Attachments 2, 2A, 2C)

As the attachments were being handed out, Chairman Lee reminded the committee of the fiscal note and that the commissioners would not be compensated for their time but would be entitled to reimbursement.

Sen. Warner: For Carlee McLeod, intern: Would it be appropriate for us to track down the budgets of the advisory boards of the Bank of North Dakota and the Game and Fish Advisory Board? See if they are comparable.

Sen. Dever: I don't see anywhere who would chair this

Bergian: I agree, there isn't anything in this. What's happened in the other commissions in the state, they choose their own.

Sen. Dever: Labor Commissioner is supposed to provide a report on human relations biennially? Has that been done?

Bergian: Yes, it has.

Sen. Dever: What's your coalition's feeling on the result of that report.

Bergian: Fairly short report, and some more could have been done to address the proactive things that could be done. This is much more a report of what has been done as opposed to looking at what needs to be done.

Sen. Dever: It has been my perception that the relationship between the Coalition and the Commissioners office has been somewhat adversarial. Do you share that perception, and what can be done to change it to create the synergy to make this successful?

Bergian: I agree, at times it has been adversarial. We have been very clear about our opinions about the failings of the Department of Labor, we've even been a plaintiff in a class action lawsuit. I think there has been change because of our effort and the Department has moved

forward in getting complaints processed in a timely fashion than before. There are not near the number of complaints sitting and languishing for years like before. I believe the change has to do with the Commissioner was at least in some part a product of our publicizing of our concerns about the way the Labor Department was processing discrimination complaints. I believe the new Labor Commissioner (who's in the room) could be a positive change for that department. I have said that many times. The Labor Commissioner has been attending meetings with organizations that are advocacy organizations in the state and I think she brings expertise and experience to the position that will improve. We want citizens participation at the government level that we believe is needed to bring information into the government so that people that experience discrimination, people who are employers, landlords, people who represent their local government can provide information to the Department as they operate investigating the complaints and they can bring information back out to citizens of North Dakota. It's been said to me that the human rights coalition is already doing a lot of what you're asking. We'd really like to move on to other goals. We do not see our role permanently as providing services to the citizens of this state in the anti discrimination law that we have been doing in the past. We'd like to work with the labor department in moving some of those goals forward, and I have a lot of confidence that should an advisory committee be appointed, that we could move on and work in other areas in the state in human rights advocacy.

Tom Disselhorf, Attorney for United Tribes Technical College, representing Dr. David M. Gipp, President of UTTC. See written testimony (Attachment 3)

Amy Schauer Nelson, Executive Director of the North Dakota Fair Housing Council (NDFHC)

Cheryl Long Feather, Board Member NDFHC, and enrolled member of the Standing Rock Sioux Tribe

Long Feather: I want to add a critical point as to why we need this committee. I've always been proud to be a citizen of North Dakota because North Dakota prides itself on being a citizen legislature, representing all people. I think this is a principle that should also apply to this advisory committee. This principle that allows you to be here as elected representatives of the people should also apply to the North Dakota human rights committee. There should be citizen representation that would allow a dialogue with the average citizen. I discussed my deep feelings about this issue with Senator Dever some time back. I would like to see a full-blown commission and its something that this legislature should support wholeheartedly.

Lori L. Heiberg, Systems advocate for the Dakota Center for Independent Living. See written testimony (Attachment 5)

James M. Moench, Executive Director of the North Dakota Disabilities Advocacy Consortium (NDDAC) See written testimony (Attachment 6)

Neutral Testimony

Leann Bertsch, Commissioner of Labor. See written testimony (Attachment 7)

Sen. Dever: Can the committee have copies of the report Ms. Bergian mentioned?

Bertsch: Yes, I will provide that. (Attachment 1 on SB 2337 minutes of 02/02/2005)

Opposition Testimony

Dave MacIver, representing The Greater North Dakota Chamber of Commerce

MacIver: As I listen to the testimony, there seems to be some for of adversary going on between groups. If that is the case, because we already have the division of human rights inside the

department of labor. An example of Workforce Safety and Insurance--they have a stakeholder summit every year and that is something where everybody does come to the table. Maybe something like this is what needs to happen here, rather than creating a new division again, a new commission. Businessmen do not really see that that is something that's necessary to be done. Currently, we're talking about spending more money, creating a new commission which really doesn't have a lot of accountability, the way we read this bill. If the Department of Labor's Human Rights Division isn't doing their job, then the committee really needs to see what it is that they're not doing that they should be doing. The average time of resolution of employee discrimination case in this country is 589 days. In 2003, with the Department of Labor, that time was 252 days, in 2004, it was 132 days. Doesn't sound like we're talking about an organization that's not doing their job. On behalf of this coalition, we hope you'll put a DO NOT PASS. There was no further testimony on SB 2337. Chairman Lee closed the public hearing on SB 2337.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2337

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 2, 2005

Tape Number	Side A	Side B	Meter #
2		X	5,750-end
3	x		00-900
Committee Clerk Signature <i>Cathy Menard</i>			

Minutes:

Senator Judy Lee opened the committee work on SB 2337.

All member of the Committee were present.

Senator John Warner moved DO PASS an amendment on SB 2337, Senator Mathern has asked me to move that the language referencing political affiliation be struck from the bill. Since there was no voter registration in North Dakota, it makes more sense to delete it.

Chairman Lee: So we would be deleting 'and no more than four members may belong to the same political party'

There was then discussion on the correct wording.

Senator Dever seconded the motion. Vote: 5 yeas, 0 nays, 0 absent

Chairman Lee: Discussion on the bill as amended.

Chairman Lee voiced her concerns on the wording of the bill as relating to state employees being representatives on the committee.

Leann K. Bertsch, Commissioner of Labor See written testimony (Attachment 1) This information was requested at hearing on February 1, 2005.

Chairman Lee: Do we have an accountability here?

Sen. Lyson: I don't think this is going to work.

Sen. Brown: I also have concerns with this bill. I think working within the system we have now and should be given the opportunity to continue to try.

Chairman Lee : Ms. Bertsch, can you tell me what's going on with the bill that would change your name a bit, but are there other provisions in that bill that we should be aware of as well?

Bertsch: The bill changes the name to the Department of Labor and Human Rights, that only deals with the name change, no procedural in it.

Sen. Brown moved DO NOT PASS SB 2337, seconded by Sen. Lyson

Sen. Lyson said this looks like a full time position and he didn't see how the investigation could be done along with all the other things. He just didn't feel it would be workable. Does this exclude the investigative powers of the Department?

Sen. Warner explained his understanding of the bill, and feels the commission could be useful.

Sen. Lyson asked if anyone had a handle on the commission. He explained that he has been in the investigative field all his life and doesn't see how this would work. Sen. Dever was concerned about the advocacy work leaving the Department of Labor and going to a private group.

Sen. Warner stated that a truly independent group wouldn't have the financial wherewithal to be truly independent.

Page 3

Senate Human Services Committee

Bill/Resolution Number SB 2337

Hearing Date February 2, 2005

Chairman Lee: We do have a motion, please take the roll.

Vote: 4 yeas, 1 nay 0 absent **Carrier:** Sen. J. Lee

The meeting was adjourned.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2337

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 7, 2005

Tape Number	Side A	Side B	Meter #
3	X		2,701-3342
Committee Clerk Signature <i>Cathy Minard</i> JH			

Minutes: **Chairman Lee** opened the meeting on SB 2337. All Senators were present.

Cheryl Bergian submitted amendments for the committee's consideration. See attachment 1.

The amendment would hoghouse what you had previously. It would create an advisory committee appointed by the Governor.

Chairman Lee- The Labor Commissioner found this version to be better than the original bill.

Senator Lyson- One of the problems that the Labor Commissioner has with this bill is that the funds were being diverted.

There was no motion made to reconsider the committee's original action on the bill.

Chairman Lee closed the meeting.

FISCAL NOTE

Requested by Legislative Council
01/24/2005

Bill/Resolution No.: SB 2337

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$149,288	\$0	\$148,194	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

SB 2337 proposes to create a seven-member human rights commission with authority to investigate and study discriminatory practices within the state, issue publications and reports of investigations, formulate plans for the elimination of discrimination through education and other means, intervene in racial religious, cultural, age and intergroup tensions or conflicts for the purpose of informal mediation using alternative dispute resolution techniques, and prepare annual reports.

Under the proposal, commissioners would not be compensated for their time, but would be entitled to reimbursement of their expenses. The primary fiscal impact of the bill relates to these costs plus the addition of an FTE to carry out the commission's work, as well as related administrative expenses.

The fiscal estimates provided in this note are based on the following assumptions:

- The commission would meet twice each month, once to conduct a general business meeting and once to carry out intervention and mediation activities (as provided for in item #7 under Powers & Duties);
- Including travel time, the general business meeting would encompass three days and the intervention/mediation-specific meeting would encompass two days;
- Administrative support functions for the commission would require one FTE; and
- All estimated costs relating to the commission are in addition to the current budget proposal for the Department of Labor.

The fiscal estimates provided here do not include any estimated costs for contract services or educational activities that the commission may engage in for the purposes of investigating and studying the existence, character, causes, and extent of discriminatory practices. . . and formulating plans for the elimination of discriminatory practices by educational or other means (as permitted in item #1 under Powers & Duties) or for issuing reports of investigations and research (as permitted in item #2 under Powers & Duties).

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.

No revenues are projected for SB 2337.

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.

Estimated itemized expenses for SB 2337 are for the 2005-2007 biennium. The subsequent biennium is estimated as the total for the 2005-2007 biennium, minus \$1,500 for one-time, first-year equipment expenses, minus reduced costs for training new commissioners, plus two percent each year for estimated cost increases.

Meal reimbursement for Commissioners @ \$20 per day = \$16,800 in 2005-2007 biennium. (calculated at 5 days per month x 7 commissioners = 35 days per month or 840 days per biennium)

Lodging reimbursement for Commissioners @ \$45 per day + taxes = \$24,948 in 2005-2007 biennium. (calculated at 3 overnight stays per month at \$49.50 x 7 commissioners)

Mileage reimbursement for Commissioners @ \$0.31 per mile = \$26,040 in 2005-2007 biennium. (calculated at an estimate of 250 miles round trip per commissioner per meeting)

Mediation Training for Commissioners = \$7,000 (in 2005-2007 biennium) & (\$4,375 in 2007-2009 biennium) (calculated at \$875 for UND Conflict Resolution Center's alternative dispute resolution civil mediation training x 7 commissioners initially + allotment for turnover of 1 commissioner + 4 additional commissioners trained in 2007-2009 biennium (those whose terms expire in 2007 & 2008) + allotment for turnover of 1 additional commissioner)

Salaries & benefits for new FTE @ wage of \$2,000 per month = \$68,000 in 2005-2007 biennium. (includes compensation package recommendations re: salary increases, health insurance increases, etc.)

Estimated general administrative costs including IT and office equipment, telephone and data connections, printing, postage, copy costs, office supplies, and other miscellaneous operating expenses = \$6,500.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

None of the expenses estimated for SB 2337 are presently accounted for in the executive budget recommendation. All estimated expenditures would require new general fund appropriation.

Name:	Leann K. Bertsch	Agency:	Department of Labor
Phone Number:	328-2660	Date Prepared:	01/28/2005

50405.0104
Title.

Prepared by the Legislative Council staff for
Senator Mathern

February 7, 2005

PROPOSED AMENDMENTS TO SENATE BILL NO. 2337

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to create and enact a new section to chapter 34-05 of the North Dakota Century Code, relating to creation of a department of labor advisory committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 34-05 of the North Dakota Century Code is created and enacted as follows:

Advisory committee. The governor shall appoint a department of labor advisory committee consisting of seven members. At least three of the members must be members of groups against whom discrimination is prohibited under chapters 14-02.4 and 14-02.5. The governor shall appoint a chairman, vice chairman, and secretary from the advisory committee membership. The term of each committee member is four years. The labor commissioner shall define the duties of the advisory committee and shall fix the compensation of the advisory committee members. The advisory committee shall meet regularly with the labor commissioner to review the department of labor's operations as they relate to human rights and housing discrimination."

Renumber accordingly

Date: 2-2-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2337

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass & amended

Motion Made By Sen Warner Seconded By Sen Dever

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment _____

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

Date: 2-2-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *SB 2337*

Senate **Human Services** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken DO NOT PASS

Motion Made By Lu Brown Seconded By Lu Lyson

[illegible]

Total (Yes) 4 No 1

Absent

Floor Assignment Ann. J. Lee

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

REPORT OF STANDING COMMITTEE

SB 2337: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2337 was placed on the Sixth order on the calendar.

Page 1, line 21, remove ", and no more than four members may belong to"

Page 1, line 22, remove "the same political party"

Renumber accordingly

2005 TESTIMONY

SB 2337

Senate Human Services Committee Testimony
Senator Tim Mathern
Senate Bill 2337, February 1, 2005

Attachment 1

Chairman Lee and members of the Senate Human Services Committee. My name is Tim Mathern, Senator from District 11 in Fargo and a former member of your committee.

Senate Bill 2337 would establish a 7 member Commission on Human Rights to act in an advisory capacity to the Department of Labor, the state agency charged to help enforce the North Dakota Human Rights Act.

The powers and duties of the Commission are on page 2 lines 6 through 28 of the bill before you. In summary they are (1) formulating plans for the elimination of discrimination, (2) issuing research that will promote good will among the various groups in the state, (3) recommending policies to the governor and legislature, and (4) may intervene in inter group tension or conflicts for the purpose of informal mediation.

I think such a Commission can enhance the ability of the Labor Department's Division of Human Rights to come up with solutions to discrimination, can bring the perspective of those who experience discrimination to that Division of Human Rights, and can assist in the public education process about discrimination in North Dakota. The Commission can make more people aware that the Labor Department has the power to investigate and provide sanctions against those who are acting in a discriminatory manner.

The Commission members would be volunteers appointed by the Governor and would represent the business community, government, and five members from the community at large. The Commission, diverse in membership, would have representatives from across the state. This model has worked well in other states and in communities throughout North Dakota. This Commission would provide the visibility North Dakota needs to show that we recognize the value of diversity and are serious about addressing issues that diversity can bring.

The Division of Human Rights, established in 2001, was a step in the right direction. This bill will take the next step, providing North Dakota citizens a voice and ability to help in the enforcement of our human rights laws. Your support of Senate Bill 2337 will provide the most cost-effective efficient method of fulfilling the goal of enforcing our human rights laws.

Madam Chairman, we have other people to testify so I will leave discussion of further details and the fiscal note to others. I ask for your support of SB 2337. Thank you.

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 2337
Senate Human Services Committee
February 1, 2005

Chairman Lee 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.

The North Dakota Human Rights Coalition supports the creation of a North Dakota Commission on Human Rights. The proposed Commission is advisory in nature and would operate in addition to the current Division of Human Rights in the North Dakota Department of Labor. The Commission would not replace or supplant the Division; the intention of this legislation is to enhance and augment the work of the Division, and provide the resources to the Division to accomplish activities that the Division has not had the ability to accomplish.

The Division of Human Rights was given the ability to investigate and enforce all forms of discrimination prohibited by state law in the 2001 legislative session. Prior to the 2001 session, the Division had the ability to investigate and enforce discrimination in housing, and investigate discrimination in employment (before 2001, those cases were referred to the federal Equal Employment Opportunity Commission for enforcement if discrimination was determined by the Division of Human Rights to have occurred). While the Division has made progress in investigating individual complaints, much of the education component about discrimination and the nature and extent of discrimination has not been achieved. The Division is charged with fostering prevention of discrimination through education for the public, employers, providers of public accommodations or services, and commercial lenders, reporting legislative or other action needed, and conduct studies relating to discrimination. The Commission would be able assist the Division in more thoroughly achieving these goals, including reaching out to the public across the state.

The North Dakota Human Rights Coalition is proposing this Commission to assist the Division in meeting the needs of North Dakota residents. The Commission will assist the Division in providing information on discrimination and in publicizing the Division's availability to citizens of North Dakota. The proposed Commission is needed to fill role. It is critical that citizen participation be part of the human rights education and enforcement role of state government. The participation and involvement of citizens, those who are affected by the discrimination laws of the state, including members of the protected classes, business, and government, is needed to be able to fully, adequately, and effectively fulfill the needs of those who experience or might

discrimination within our state. The law passed in 2001 giving full investigation and enforcement authority to the Division of Human Rights was one step in reaching this goal. The creation of a North Dakota Commission on Human Rights is the next step that is needed.

The Commission ^{may} will have the following responsibilities:

- Investigate and study the existence, character, causes and extent of unfair or discriminatory practices and formulate plans for the elimination of these practices
- Issue publications and reports of investigations and research as in the commission's judgment will tend to promote good will among the various racial, religious, age and ethnic groups of the state, and which will tend to minimize or eliminate discriminatory practices prohibited by state law
- Recommend policies to the governor and to the legislature
- May intervene in racial, religious, cultural, age and intergroup tensions or conflicts for the purpose of informal mediation using alternative dispute resolution techniques, and in cooperation with other agencies or organizations

The proposed Commission would be a visible example of North Dakota's commitment to embracing and celebrating diversity, both to those who are residents of North Dakota and those who might be considering residence in North Dakota, and a visible response to the complexities that diversity can bring for those who live here. The Commission would be a low-cost resource for those who are assessing the ability of the state of North Dakota to respond to and encourage the celebration of diversity within the state. It would be a resource for communities that might be considering ways to attract and retain residents of diverse backgrounds and experiences.

As you may know, advisory commissions are a typical way to provide citizen participation in state government in North Dakota. Some advisory commissions that have been proposed in this session are:

HB 1028 – Unemployment Insurance Advisory Council
HB 1038 – Advisory Commission on No Child Left Behind
SB 2349 – Advisory Commission on Faith-based Initiatives

And, examples of commissions which provide an advisory component to state agencies and entities are the Advisory Board to the Bank of North Dakota and the Game and Fish Advisory Board.

As part of this testimony, we're providing to you a list of organizations in the state of North Dakota which support the creation of a North Dakota Commission on Human Rights. The organizations are diverse in nature and scope and represent many of the citizens of North Dakota in varied capacities.

The fiscal note for this bill is \$149,288.00. The fiscal note for the proposed independent North Dakota Commission on Human Rights in 2003 was \$66,746.00. The Labor Commissioner made some assumptions in creating this fiscal note that were different than in 2003 (the Labor Commissioner did not invite information from the North Dakota Human Rights Coalition in developing the fiscal note). We believe that the 2005 fiscal note is unnecessarily high. While I understand that the appropriation for this Commission is not the responsibility of this Committee, I wish to dispel any reluctance to approve this bill because of the fiscal note.

The fiscal note assumes the creation of a new full FTE for staff support for the Commission. The fiscal note in 2003 assumed the creation of ½ FTE. We believe that ½ FTE would be more than sufficient to provide staff support for this Commission. The Fargo Human Relations Commission, like this Commission an advisory committee to the Fargo City Commission, has assigned to it ½ FTE for its work. I've distributed a copy of the Fargo Human Relations Commission's 2004 Strategic Plan and 2003 Annual Report for information on what the proposed Commission could do, with ½ FTE assigned, and the Fargo Human Relations Commission's budget of \$7,500.00.

The fiscal note assumes that the Commission would meet twice a month. Local human relations commissions around the state (Dickinson, Bismarck and Fargo) meet once a month. It is assumed that one meeting would be to carry out local intervention and mediation activities. The intervention and mediation activities provided for in SB 2337 are not required of the Commission; they are optional. There are funds provided for in the fiscal note for mediation training for commissioners. It is my understanding that the investigators for the Labor Department are in the process of being trained as mediators. Given that the intervention and mediation responsibilities of the Commission are optional, and that the Labor Department already has trained mediators, we suggest that that amount may not be necessary to carry out that responsibility, should the Commission wish to undertake it.

The NDHRC would like to note that since 1999, the Division has had three additional full-time employees added by the North Dakota legislature to assist its investigation and enforcement work. A Commission would be able to assist the Division by taking on responsibilities that the Division has not been able to address, which would be done with current staff in the coming biennium.

We ask for a do pass recommendation on Senate Bill 2337. I appreciate this opportunity to testify on behalf of the North Dakota Human Rights Coalition.

Fargo Human Relations Commission

2004 Strategic Plan and 2003 Annual Report

*Contact
Fargo city
offices for
a copy*

Fargo City Commission

Bruce Furness, Mayor
John Cosgriff
Robert Lynch
Jean Rayl
Thomas Lane

Fargo Human Relations Commission

Tom Fiebiger, Ohnstad Twichell Law Office -- Chair
Barry Nelson, Moorhead Healthy Community Initiative -- Vice Chair
Nate Aalgaard, Freedom Resource Center
Cheryl Bergian, North Dakota Human Rights Coalition
Joy Dickinson, Churches United for the Homeless
Yoke Sim Gunaratne, Cultural Diversity Resources
Janeen Kobrinsky, Temple Beth El
Mary Larson, Coldwell Banker
Prairie Rose, NDSU Student

Human Relations Commission Liaisons

Tod Dahle, Fargo Police Department
Sandra Holbrook, North Dakota State University
Judy Siegle, Meritcare Hospital
Nancy Jordheim, Fargo Public Schools

This report is intended to highlight the Fargo Human Relations Commission's activities and accomplishments in 2003 and provide a foundation for future initiatives.

FISCAL NOTE

Requested by Legislative Council
01/23/2003

Bill/Resolution No.: SB 2306

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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$66,746	\$0	\$67,882	\$0
Appropriations	\$0	\$0	\$66,746	\$0	\$67,882	\$0

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

SB 2306 proposes to create a seven-member human rights commission with authority to hold hearings on human rights complaints, issue publications and reports, adopt rules, investigate and study discrimination in the state, and formulate plans for the elimination of discrimination through education and other means. Under the proposal, commissioners would be entitled to compensation for their time and reimbursement for expenses. The primary fiscal impact of the bill relates to these costs plus administrative support for the operation of the commission. The fiscal estimates provided in this note are based on the following assumptions:

- The commissioners would hold hearings or meetings once every other month (six times per year);
- Including travel time, each meeting would encompass compensation and expenses for two days for each commissioner;
- Administrative support functions for the commission would require 1/2 FTE; and
- All estimated costs relating to the commission would be in addition to the current budget proposal for the Department of Labor (SB 2007).

The fiscal estimates provided here do not include any estimated costs for contract services for studies or educational activities.

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.*

No revenues are projected for SB 2306.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line*

North Dakota Human Rights Coalition

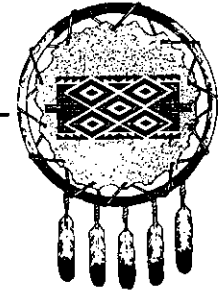
P.O. Box 1961, Fargo, ND 58107-1961 (701) 239-9323 Fax (701) 478-4452 www.ndhrc.org



MEMBER ORGANIZATIONS

- AARP of North Dakota
- AFL-CIO of North Dakota
- American Association of University Women - Fargo
- Arc of Cass County
- Bismarck-Mandan Unitarian Universalist Church
- Bremer Bank - Fargo
- Cultural Diversity Resources
- Dakota Center for Independent Living
- Dakota Resource Council
- Dorothy Day House
- Fargo Human Relations Commission
- Fargo-Moorhead Amnesty International
- Freedom Resource Center for Independent Living
- The GOD'S CHILD Project North Central
- Grand Forks Unitarian Universalist Fellowship
- MSUM Social Work Department
- Mental Health Association in North Dakota
- Montana Human Rights Network
- Nativity Social Justice Ministry
- North Dakota Association of the Deaf
- North Dakota Disabilities Advocacy Consortium
- North Dakota Fair Housing Council
- North Dakota Progressive Coalition
- North Dakota Public Employees Association
- North Dakota Statewide Independent Living Council
- Pride Collective and Community Center
- Social Action Committee of Fargo-Moorhead Unitarian Universalist Church
- Student Social Work Organization – Minot State University

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**North Dakota State Legislature
59th Legislative Assembly**

**North Dakota State Senate
Human Services Committee
Hon. Judy Lee, Chairwoman**

**Testimony of David M. Gipp
President
United Tribes Technical College**

**Senate Bill 2337
Relating to creation of a commission on human rights**

February 1, 2005

Madam Chair, members of the Senate Human Services Committee. This testimony is offered in support of SB 2337, which seeks to put in place an Advisory Commission to the North Dakota Department of Labor that will have some, but not all, of the functions of a true Human Rights Commission.

The native peoples of North Dakota have long suffered from acts of discrimination in our state, and only within the past few years has there been a local mechanism to assist in remedying that discrimination. ~~Two~~^{Four} years ago, the legislature gave the Department of Labor the power to investigate acts of discrimination that occur within our state under our North Dakota Human Rights Act passed 20 years earlier.

However, in my opinion, and in the opinion of our Board of Directors, which has long supported the formation of a full Human Rights Commission, with full investigatory and equitable powers, the efforts of the legislature ~~two~~^{four} years ago fell short of what is truly needed. SB 2337 goes part way toward correcting those deficiencies.

The Commission SB 2337 would create could assist the Department of Labor in many ways: First, its makeup would reflect the racial and geographic diversity of the State of North Dakota, and would include people belonging to groups that have been subject to discrimination. That is essential if the sole person assigned to make the decisions regarding discrimination at the Department of Labor is able to do the job assigned: one person, from the dominant culture, and not reflective of the diversity of our state, and one who has not suffered the kinds of discrimination those of us of color

have suffered, simply does not have the same understanding of the issue that a more diverse commission would bring.

Just as important, the attention a Commission can bring to this issue can make the Department of Labor an institution that more people will think of when they seek to find remedies to cases of discrimination. One of the vital tasks of the Commission formed by this bill is to educate -- not just those who have complaints, but also those who might be tempted to discriminate. The more we can weed out discrimination, the better opportunities all of us will have to make North Dakota a better place in which to live and raise our children.

Further, the Commission can study the issue of discrimination in greater depth, much as the North Dakota Advisory Committee to the U.S. Commission on Civil Rights has done only intermittently. Some legislators would say discrimination is not a problem because no one complains to them about it. But why would any citizen expect a legislator to have any answers when they have been discriminated against? The study released in 2002 regarding discrimination in North Dakota, done by the N.D. Department of Labor, shows that discrimination is still alive and well. Most people don't report such acts because they frankly don't know where to go.

That is why we need this Commission. We must do a better job protecting those who don't have the means to protect themselves against the dominant culture. I urge you to support SB 2337 and give it a DO PASS recommendation.

NORTH DAKOTA FAIR HOUSING COUNCIL, INC.

(Serving North and South Dakota)

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**Testimony before the
Senate Human Services Committee
on Senate Bill 2337
by the North Dakota Fair Housing Council
February 1, 2005**

Madame Chairman, and members of the Committee, my name is Amy Schauer Nelson and I am the Executive Director of the North Dakota Fair Housing Council (NDFHC). The NDFHC is a non-profit agency who provides support, encouragement and assistance to those seeking equal opportunity in housing. The NDFHC 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.

Senate Bill 2337 would establish an independent, volunteer based human rights commission to assist the North Dakota Department of Labor. This commission would not compete with the duties of the North Dakota Department of Labor.

Through our experience, the NDFHC knows that the North Dakota Department of Labor is extremely busy investigating complaints of housing discrimination and other types of discrimination. This legislation would give the North Dakota Department of Labor assistance by freeing up staff time. Staff would be able to focus their energy on the daily functions of investigating; mediating and ruling on complaints of housing discrimination and attending trainings to more advance their knowledge in this area. The Human Rights Commission could focus on long term goals and larger projects dealing with the public and the legislature.

The Commission as outlined in the bill would be bipartisan, represent businesses, represent those likely to be victims of discrimination, and have statewide representation. This appears to cover everyone and would be a fair representation of all interested parties.

We hope you will vote "Do Pass" on Senate Bill 2337. I thank you for the opportunity to provide testimony today and please let me know if you have any questions. Thank you.



February 1, 2005- SB 2337

Senate Human Services Committee- Testimony

Re: The creation of a commission on human rights within the department of labor

Lori L Heiberg- Systems advocate for the Dakota Center for Independent Living

Madame Chairman and members of the committee, thank you for the opportunity to present testimony in favor of Senate Bill 2337, which would establish a commission on human rights within the Department of Labor.

North Dakota has a long history and a proud reputation throughout the country for our strong work ethic. Unfortunately, not everyone enjoys the same opportunities to find gainful employment.

Discrimination happens in the most subtle ways; a woman might receive less pay than her male counterpart, even though they share the same education and work experience. Recently while shopping at one of our major discount retail stores, I decided to avoid the crowded checkouts and pay for my things in the Sporting Department.

The young man that helped me happened to be a Native American. Now you might wonder what's so unusual about this? What's unusual is that this is the first time that I have seen a young native American gentleman working at this particular discount store.

I've shopped at this store for seven years and not once in the past seven years can I recall any young male native americans. You would think with all the young people that work there you would see a variety of people.

A few years ago I helped with ND Fair Housing to investigate allegations of housing discrimination. One afternoon I was given the assignment to call and visit a certain property that had received a complaint about not renting to someone with a developmental disability.

I made the call and told the landlord that I was looking for an apartment for my brother who had a developmental disability. I was asked what kind of disability, if he had help or if he caused problems (being unruly and such). At no time did they ask me if my little brother smoked or had loud parties, the normal kinds of things a land lord might be interested in. Instead they chose to focus on his particular life challenge and decided not to rent to him.

Now I didn't get the impression that the landlord intentionally tried to discriminate against him, but the attitude was based on a lack of education. Senate Bill 2337 provides an opportunity to educate and a forum to share what's working in North Dakota and what areas of human rights we can improve. Thank you for your time and we ask for your support on Senate Bill 2337.

February 1, 2005
North Dakota Disabilities Advocacy Consortium
Testimony
Senate Bill 2337
Senate Human Services Committee
Chair - Senator July Lee

Good Morning, Chairman Lee and members of the Senate Human Services 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 2337. SB 2337 would establish an Advisory Committee on Human Rights in the North Dakota Department of Labor.

NDDAC believes that establishing this advisory committee is a good idea for the following reasons.

- 1) It provides a voice for those individuals within the state that otherwise have no influence or feel they have no influence on state
- 2) It could provide a powerful communications tool and promote legitimacy for the Commissioner of Labor's efforts with those same individuals
- 3) It provides a forum for business, government and individuals to come together and find mutually beneficial solutions to otherwise contentious issues
- 4) It could head off costly litigations or expensive retrofitting that could result from a lack of information (e.g. two eating establishments in Fargo, after completing costly remodeling projects were still found to be in non-compliance with accessibility laws)
- 5) A very cost-effective way to extend the activities of the Department of Labor, particularly in the area of education and outreach
- 6) Members of this commission are not government employees, they are not bureaucrats, and they are not given enforcement authority. However, they would be knowledgeable about human rights and business interests within the state.

The twenty two member organizations of the North Dakota Disabilities Advocacy Consortium strongly support the proposed Human Rights Advisory Committee and urge you to pass SB 2337. NDDAC believes that if authorized the advisory committee would not supersede the enforcement authority of the State Labor Commissioner, but rather would concentrate on recommendations, education and communication within and throughout the state.

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

John Hoeven
Governor

Leann K. Bertsch
Commissioner



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

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Testimony on SB 2337
Prepared for the
Senate Human Services Committee

February 1, 2005

Chairman Lee and members of the Senate Human Services Committee, good morning.
For the record, I am Leann Bertsch, Commissioner of Labor.

There are several reasons why this SB 2337 is problematic. First, the bill is overly broad. The scope of duties for the proposed commission is too general and there are no directives on how, when and where such duties should be carried out. At the same time, the bill restricts the ability of the Governor to remove members. This creates a potential for abuse of those duties by a commission for which there would not be appropriate checks and balances.

Secondly, many of the stated duties for the proposed commission are duplicative of the duties already being conducted by the Department of Labor's Human Right's Division under statutes for which there are specific directives on how the process of accepting and investigating complaints of discrimination should progress. The Human Rights Act and the Housing Discrimination Act already provide for the Department to receive and investigate complaints alleging violations of those chapters. The Department, within the limits of legislative appropriations, is also tasked with fostering prevention of discrimination through education. The Department is mandated to emphasize conciliation in resolving complaints, and it is also required to publish written reports and conduct studies relating to the nature and extent of discriminatory practices in the state.

Thirdly, the bill proposes to place this commission within the Department of Labor, but in all actuality, the proposed commission would be a completely independent group. It would have no accountability to the Labor Commissioner, and its accountability to the Governor and the public would be minimal as the bill provides for a procedure that makes it difficult to remove members of the commission. Currently, I, as the Commissioner of Labor, oversee the Department of Labor. I am accountable to the Governor and serve at his discretion. I can be removed from this position for any reason. Removal is not limited to misconduct, incompetence, or neglect of duty. The commission, however, would have no accountability to the Labor Commissioner, nor would the Department have any accountability to it.

Because the powers and duties set forth in SB 2337 are so general, if this proposed commission decides it wants to intervene in one of the Department of Labor's investigations, it could potentially assert that it has the authority to do so under the language of the bill as drafted. This would create significant problems. This bill would create an unfair process by circumventing the present system where the Department of Labor, as a neutral third party, investigates complaints, works to resolve disputes, issues determinations, and establishes a remedy through a process that is fair and impartial to both parties. By creating a human rights commission as proposed in SB 2337, which specifies that the overwhelming majority of the members be composed of persons who are members of protected classes who have been discriminated against or are likely to experience discrimination, neutrality cannot be maintained. Even the appearance of partiality or bias that such a commission may portray would adversely impact the integrity of the investigative process. If the integrity of the investigative process is questioned, there will be no incentive for parties to conciliate or resolve complaints. Advocacy work as is proposed in this bill and which would be conducted by the proposed commission should be driven by private groups, not by government.

Specific provisions of SB 2337, raise serious concerns regarding the authority of the proposed commission to "[i]ntervene in racial, religious, cultural, age, and intergroup tensions or conflicts for the purpose of informal mediation using alternative dispute resolution techniques" as set forth in section 7 under Powers and duties of the commission. Such language suggests that the proposed commission could assert its authority over a situation without an individual actually filing a complaint alleging a

discriminatory practice. Further, you should consider that the bill does not require that the commissioners have any training, experience or other qualifications to enable them to conduct such activities responsibly. This bill potentially allows for the proposed commission to take a position contrary to a position taken by the Department in its determinations. Such a situation would send conflicting messages to claimants, respondents, and the general public.

The proposed commission is unnecessary and would use funds that are needed to carry out the critical activities which the Department of Labor is performing efficiently and effectively. Currently, the Department of Labor performs its responsibilities of enforcing North Dakota labor and anti-discrimination laws and educating the public regarding rights and responsibilities under these laws with a staff of ten. The ND Department of Labor staff includes the Commissioner, a Human Rights Director who oversees all case management functions of the agency, a Business Manager who oversees administrative functions of the agency, an administrative assistant and six Compliance Investigators.

The staff members of the ND Department of Labor who perform the work of the Human Rights Division have a wealth of training, experience, and education which allows them to conduct investigations into all types of discrimination complaints filed with the Department. These investigations involve analyzing and applying complex anti-discrimination laws to the facts of each case to determine whether an illegal discriminatory practice occurred. Two of our compliance investigators are licensed social workers. One of our compliance investigators, who spends approximately 60% of her time working in the fair housing area, worked 19 years with the North Dakota Housing Finance Agency. The Human Rights Director worked 17 years as a paralegal with Legal Assistance of North Dakota prior to becoming the director. Two other compliance investigators have nine and seventeen years of experience with the Department.

Staff training is ongoing and critical to maintaining proficiency performing investigative, and mediation duties. All staff who perform case work receive ongoing training in mediation. All investigators, the human rights director, and the labor commissioner are trained at HUD's National Fair Housing Training Academy and will be certified as fair housing investigators upon completion of the six part training program. In addition,

several of the Department's investigators have received certification through the National Association of Human Rights Workers and the other investigators are close to completing the required training for such certification. Training also occurs internally for investigative staff on an ongoing basis through weekly investigator meetings, which include group discussions of actual cases and investigative issues. The qualifications set forth in SB 2337 for the proposed commissioners have no such training, experience, or educational requirements.

The Department of Labor is performing its duties under the Human Rights Act and the Housing Discrimination efficiently and effectively. 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 also processes cases for the U.S. 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 **243** employment discrimination complaints, **70** housing discrimination complaints, and **34** complaints alleging discrimination in public accommodations and public services. The Department obtained directly **\$211,409** in monetary relief for claimants. The Department was able to reduce the average number of days to investigate an employment discrimination case from 252 days in 2003 to **132 days** in 2004. This has been accomplished without sacrificing fair and effective enforcement. This achievement is largely attributable to the hard work, experience and ongoing training of the investigative staff.

The Department of Labor continues to broaden awareness of equal rights protections and the Department's services through public education and outreach. The Department of Labor maintains a number of public education efforts, working with civil rights, business, labor, professional, and non-profit organizations. The Department of Labor continues to provide speakers and trainers for conferences, workshops, schools, employers, labor organizations, businesses, landlord and tenant organizations, government agencies, and other community groups on rights and responsibilities under anti-discrimination laws. The Department provided over 50 presentations in the first eighteen months of the 2003-2005 biennium.

The legislature gave the Human Rights Division within the Department of Labor the authority to investigate and enforce all categories of discrimination complaints and those duties are being conducted fairly and effectively.

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



**Testimony of Dave MacIver
Greater North Dakota Chamber of Commerce
Presented to the
Senate Human Services Committee
February 1, 2005**

SB 2337

Madam Chairman and members of the Senate Human Services Committee, my name is Dave MacIver. I am here today representing a coalition which includes area chambers of commerce in North Dakota with over 7,400 member businesses and other associations to urge you to oppose Senate Bill 2337.

The North Dakota Chamber does not support nor condone actions that discriminate against anyone in our state; however, we do not believe SB 2337 is good policy for North Dakota.

The State Chamber supports the existing Division of Human Rights within the ND Department of Labor, which has in place a customer focused program, and receives input from a broad range of citizens, who are impacted by acts of discrimination.

The primary concerns we have with SB 2337, are its broad language and its lack of accountability.

We believe the bill would make it difficult for businesses and employers to defend themselves against discrimination charges under this proposed legislation.

The North Dakota Chamber sees no solid mechanism in this legislation to ensure that the members of the commission will do a good job. They would be less accountable than the current review board. The only way they can be removed is because of misconduct, negligence or incompetence. Therefore, they are less accountable to the governor and to the people of North Dakota than the existing board. In fact, the Labor Commissioner can be removed much easier than the members of this commission. Basically, the business community is concerned about being subject to a commission with little or no constraints on what they do.

Although this legislation packages the commission differently, it would still function independently. It is not accountable to the Labor Commissioner or to the Department of Labor and would not function hand-in-hand with the ND Department of Labor.

The State Chamber believes the North Dakota Legislature has already established appropriate measures to address discrimination which includes:

- A state policy to prohibit discrimination;
- A law defining discrimination;
- A law defining consequences of discrimination;
- Issues of employment can be investigated through the ND Department of Labor;

- Issues of housing can be investigated through the ND Department of Labor. The 1999 Legislative Assembly passed HB 1043, which the State Chamber supported. It created N. D. C. C. chapter 14-02.5, the North Dakota Housing Discrimination Act.
- A division of Human Rights already exists within the ND Department of Labor; and
- Discriminatory practices can also be brought before the court system for resolution.

SB 2337 creates a new commission within the executive branch of state government. We believe the commission is unnecessary, as it would essentially perform duties possible through the district court system and the existing Division of Human Rights within the ND Department of Labor.

We encourage the Division of Human Rights in the ND Department of Labor to bring stakeholders to the table to identify needs and recommendations for action. As always, the State Chamber stands ready to volunteer one or more representatives to work on this stakeholder group and make recommendations to the 2007 Legislative Assembly.

In summary, SB 2337 creates a new special commission that we believe duplicates the services existing Division of Human Rights in the Department of Labor. The new commission requires general fund appropriations, which are not necessary.

Instead, let's give the Division of Human Rights in the ND Department of Labor an opportunity to continue to do their job.

Thank you, Chairman Lee and members of the Senate Human Services Committee, for this opportunity to discuss the business community's position on SB 2337. We urge a DO NOT PASS for SB 2337 as the mechanism to resolve discrimination issues. I welcome your questions.

The following chambers are members of a coalition that support our policy statements:

Beulah
Bismarck-Mandan
Bottineau
Cando
Crosby
Devils Lake
Dickinson
Fargo
Grand Forks
Greater North Dakota Chamber of Commerce
Hettinger
Jamestown
Langdon
Minot
Wahpeton
Watford City
West Fargo
Williston

Total Businesses Represented= 7429

John Hoeven
Governor

Leann K. Bertsch
Commissioner



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600 E Boulevard Ave Dept 406
Bismarck, ND 58505-0340

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Memorandum

To: The Honorable Senator Lee, Chairperson, and members of the
Senate Human Services Committee

From: Leann K. Bertsch, Commissioner of Labor

Subject: SB 2337

Date: February 2, 2005

During the hearing yesterday morning on SB 2337, a copy of the Department of Labor's report which it is required to publish in even numbered years under the Human Rights Act and the Housing Discrimination Act was requested. I am attaching a copy of that report. This report is one of several reports that the Department is required to file.

The Biennial Report is a more extensive and detailed report which the Department of Labor is required to submit to the governor and the secretary of state pursuant to N.D.C.C. § 54-06-04. The Department will be submitting its next biennial report at the end of this year.

In addition to these statutorily mandated reports, the Department of Labor also prepares a yearly comprehensive report for the Department of Housing and Urban Development detailing the Department of Labor's enforcement of the Housing Discrimination Act. I am also enclosing a copy that report for your review.

Please let me know if you have any questions or need any additional information.



Human Rights Division

Legislative Recommendations within the Human Rights Act and Housing Discrimination Act

December 28, 2004

Leann K. Bertsch, Commissioner of Labor

Under the Human Rights Act at N.D.C.C. §14-02.4-22 and the Housing Discrimination Act at N.D.C.C. § 14-02.5-15, the Labor Department is required to publish, in even-numbered years, a written report recommending legislative or other action to carry out the purposes of the Human Rights Act and the Housing Discrimination Act. This report is intended to meet these requirements.

2005 Legislative Recommendations

The Department of Labor recommends legislative approval of the following bills to carry out the purposes of the Human Rights Act and the Housing Discrimination Act:

1. HB 1007 is the Department of Labor agency budget. It provides the funding necessary for the department to continue its human rights enforcement activities.
2. SB 2117 is a pre-filed Department of Labor agency bill amending and reenacting sections of the Human Rights Act. The bill proposes to provide definitions of an "aggrieved person" and "readily achievable"; provide for removal of barriers in public accommodations; clarify the relief available in an administrative hearing; and clarify the issuance of determinations and prima facie evidence in, parties to, and representation at administrative hearings.
3. HB 1130 is a pre-filed Department of Labor agency bill which would amend and reenact section 14-02.4-18 of the North Dakota Century Code. The bill proposes to clarify the provision of the Human Rights Act prohibiting retaliatory acts.
4. HB 1158 is a pre-filed Department of Labor agency bill which would amend and reenact sections of the Housing Discrimination Act. The bill proposes to clarify the relief available and possible penalties in an administrative hearing and clarify representation of parties in enforcement actions.

Staff Training

The Human Rights Director and compliance investigators will attend and complete the National Fair Housing Training Academy's program to become certified fair housing investigators. The Human Rights Division staff will also complete training in civil mediation.

Educational Activities

Educating the public about human rights is important to carrying out the purposes of the Human Rights Act and Housing Discrimination Act. The Department's actions in this area will include:

- The printing and distribution of a new poster on housing discrimination. We will also develop and distribute a brochure that will describe the investigative process upon the filing of a human rights complaint with the department.
- The department will provide presentations on human rights to groups and associations throughout the state.

North Dakota Department of Labor
Annual Performance Review
Cooperative Number: FF208K038002
October 1, 2003 – September 30, 2004*

* Note: Unless otherwise noted, all data provided here are for the period July 1, 2003 through June 30, 2004 pursuant to HUD's July 22, 2004 information request for this review.

GENERAL:

1. Agency Organization:

North Dakota Department of Labor/ Human Rights Division
State Capitol – 13th Floor
600 E. Boulevard Ave. Dept. 406
Bismarck, ND 58505-0340
(701) 328-2660
TTY – 800-366-6888
E-mail: labor@state.nd.us
Web Site: Discovernd.com/labor

Agency Background

In 1889, the North Dakota Constitution created the Department of Agriculture and Labor. In 1960, voters approved a constitutional amendment authorizing the legislature to establish a Department of Labor separate from the Department of Agriculture. In 1965, the legislature created the current Department of Labor to enforce North Dakota laws relating to wages and working conditions of employment in the state.

In 1983, the North Dakota Legislative Assembly passed the North Dakota Human Rights Act prohibiting discrimination in employment, housing, public accommodations, public services, and credit transactions. The North Dakota Department of Labor was authorized to investigate complaints alleging discriminatory employment practices and to seek voluntary compliance from employers.

The 1999 North Dakota Legislative Assembly passed the North Dakota Housing Discrimination Act and placed authority to investigate complaints alleging discriminatory housing practices with the NDDOL. In addition, the NDDOL's responsibility included fostering prevention of discrimination through education for the public, landlords, publishers, realtors, brokers, lenders, and sellers on the rights and responsibilities provided under the law and ways to respect those protected rights. N.D.C.C. Chapter 14-02-5 became effective on October 1, 1999.

On June 28, 2000, Governor Schafer announced the formation of the Human Rights Division within the Department of Labor to act as a clearinghouse for discrimination concerns in North Dakota. Commissioner Tony Clark was appointed by Governor Schafer to administer the NDDOL.

On September 15, 2000, the NDDOL entered into an Interim Agreement with HUD that addressed the working relationship between the two agencies with respect to the processing and referral of complaints.

Mark D. Bachmeier, who had served as Deputy Labor Commissioner and Interim Labor Commissioner since August 1998, was appointed Labor Commissioner by Governor John Hoeven in January 2001.

Bachmeier proposed legislation (Senate Bill SB 2154) during the 2001 Legislative Session to amend the 1999 Housing Discrimination Act to meet the equivalency requirements delineated in the Memorandum of Understanding between HUD and the NDDOL. In addition, the 2001 Legislative Assembly passed Senate Bill SB 2217, giving full authority to the Human Rights Division to enforce all anti-discrimination provisions under the North Dakota Human Rights Act, in addition to those in the Housing Discrimination Act.

The new human rights law became effective on August 1, 2001. In addition to authorizing the Human Rights Division to investigate complaints alleging discriminatory practices in the areas of public accommodations, public service, and credit transactions, the new law gave the department the ability to hold administrative hearings to enforce remedies in cases where it determines that a discriminatory practice has occurred.

Organization of the North Dakota Department of Labor/Human Rights Division

The Department of Labor is responsible for enforcing the housing discrimination laws as stated in N.D.C.C. Chapter 14-02.5.

The Commissioner administers the North Dakota Department of Labor (NDDOL), including the Human Rights Division. Commissioner Bachmeier resigned from the NDDOL on August 15, 2004. Leann Bertsch was appointed Commissioner by Governor Hoeven effective September 1, 2004. The Commissioner has a staff of ten to assist in the duties of administering the office. In addition, the agency receives legal services from the Office of the North Dakota Attorney General. The primary responsibilities of the NDDOL are to enforce North Dakota labor and anti-discrimination laws and to educate the public regarding rights and responsibilities under these laws.

The NDDOL staff includes the Commissioner, a Human Rights Director, who oversees all case management functions of the agency, a Business Manager, who oversees administrative functions of the agency, six Compliance Investigators, and two support positions. An agency organizational chart and the department's most recent Biennial Report are attached. (Tabs 1, 2)

2. Staffing:

See the attached agency organizational chart (Tab 1) for the names and titles of agency employees. Two of the six Compliance Investigators, (Brenda Halvorson and Jane Marum) plus the Human Rights Director (Kathy Kulesa) are the primary staff responsible for fair housing complaint investigations but all investigative staff are involved in all types of anti-discrimination complaints.

Jane Marum is a licensed social worker and has been a full time investigator with the NDDOL since January 10, 2000. She spends 80% of her time in the housing area. Brenda Halvorson worked 19 years with the North Dakota Housing Finance Agency and has been with the NDDOL since September 18, 2000. She spends 60% of her time in the housing area. Kathy Kulesa worked 17 years with Legal Assistance of North Dakota as a paralegal. She spends 30% of her time in the housing area. The remainder of the staff spends 5% each in the area of housing.

Job descriptions for the Human Rights Director and Compliance Investigators are attached (Tab 3).

3. Budget:

The NDDOL operates on a biennial budget period. The agency's total budget appropriation for the current biennium (July 2003 through June 2005) is \$1,482,645. A table showing the agency's total budget for the biennium, total expenditures for July 1, 2003 through June 30, 2004, and fair housing expenditures for the July 1, 2003 through June 30, 2004 is attached (Tab 4).

4. Staff Training:

The Commissioner and the Human Rights Director determine training needs. They look for training opportunities for staff through federal and state agencies, as well as private organizations. Training also occurs internally for investigative staff on an ongoing basis through weekly investigator meetings, which include group discussions of actual cases and investigative issues.

Training attended by agency staff since July 1, 2003 is listed in the chart below. In accordance with the Interim Agreement, staff from NDDOL participated in all the mandatory HUD sponsored training.

TRAINING DATES	LOCATION	NAME OF TRAINING	STAFF ATTENDING TRAINING
August 25-29, 2003	San Diego, CA	2003 Western Regional FHIP/FHAP Conference	Mark Bachmeier Kathy Kulesa Jane Marum Brenda Halvorson
October 27 - 30, 2003	Houston, TX	National Association of Human Rights Workers	Brenda Halvorson Rita Bartholomew
December 1 - 3, 2003	Denver, CO	HUD Regional FHIP/FHAP Training Meeting	Mark Bachmeier Kathy Kulesa Jane Marum Brenda Halvorson
March 30 - April 1, 2004	Denver, CO	Colorado Civil Rights Division Fair Housing Summit	Mark Bachmeier Kathy Kulesa
May 26 - 27, 2004	Washington, DC	HUD National Fair Housing Training Academy Orientation	Mark Bachmeier Kathy Kulesa
June 13 - 18, 2004	Washington, DC	HUD National Fair Housing Training Conference	Mark Bachmeier Kathy Kulesa Jane Marum Brenda Halvorson Rita Bartholomew Milena Stojkovic Kevin McCabe Nancy Lewis
June 22 - 25, 2004	Miami, FL	National EEOC FEPA Training Conference	Mark Bachmeier Kathy Kulesa Rita Bartholomew Brenda Halvorson

5. Data Support System

The North Dakota Department of Labor Fair Housing Data System is a Microsoft Access database application. It was developed for the purpose of maintaining information relating to complaints alleging discriminatory housing practices filed with the department for investigation. The system complements the department's use of the Federal TEAPOTS system and serves three primary functions:

1. Maintaining complaint data, including:

- a. Name and address information for all complainants and respondents;
 - b. Information on the nature of the alleged violation;
 - c. Information on the protected categories upon which complaints are based;
 - d. Information about the property (location, type of property, etc.); and
 - e. Dates relevant to the tracking of case investigations.
2. Providing data for automated case correspondence; and
3. Providing data for statistical reporting on housing discrimination complaints.

The system contains automated queries that extract name and address data, which are merged into standardized correspondence in Microsoft Word. In addition, the system contains programmed queries to produce relevant periodic statistical information.

The system is designed to complement the agency's use of TEAPOTS, not to duplicate that system. Complaints and investigative reports are produced in TEAPOTS.

PERFORMANCE STANDARDS:

PERFORMANCE STANDARD 1: 24 CFR § 115.203 (a) Engage in timely, comprehensive and thorough fair housing complaint investigation, conciliation and enforcement activities:

Case Processing Procedures

1. Initial intake information for fair housing complaints is taken by having a prospective complainant complete a *Housing Discrimination Intake Questionnaire*. The form requests information about the parties and property involved in the alleged discrimination and a narrative summary of what happened. The form may be obtained from the department or may be printed from the agency's web site. The form may be completed by the complainant and submitted to the department or a complainant may request assistance from agency staff in completing the form either via telephone or in person. Once a completed questionnaire is received by the department, the information provided are assessed by agency staff for jurisdiction (i.e., whether the complaint is timely and alleges a violation of the Housing Discrimination Act). The department may request additional information from a complainant, if necessary. If a complaint is jurisdictional, agency staff draft a formal complaint summarizing the allegations of the complainant and provide the formal complaint for the complainant's signature. A complaint is filed when the signed complaint is received by the department. Compliance Investigators Brenda Halvorson and Jane Marum are responsible for processing fair housing intakes. Related forms and standard correspondence are attached (Tab 5). Statutory citations related to the complaint processing include the following. In addition, proposed administrative rules relating to the processing of fair housing intakes and complaints are attached (Tab 6).

- a. **N.D.C.C. § 14-02.5-13. Duties and powers of department.** The department shall administer this chapter. The department may adopt rules necessary to implement this chapter, but substantive rules adopted by the department must impose obligations, rights, and remedies that are the same as are provided in federal fair housing regulations. Within the limits of legislative appropriations, the department shall foster prevention of discrimination under this chapter through education for the public, landlords, publishers, realtors, brokers, lenders, and sellers on the rights and responsibilities provided under this chapter and ways to respect those protected rights. The department shall emphasize conciliation to resolve complaints.
 - b. **N.D.C.C. § 14-02.5-14. Complaints.** As provided by sections 14-02.5-18 through 14-02.5-35, the department shall receive, investigate, seek to conciliate, and act on complaints alleging violations of this chapter.
 - c. **N.D.C.C. § 14-02.5-18. Complaint.** (1) The department shall investigate complaints of alleged discriminatory housing practices. An aggrieved person may file a complaint with the department alleging the discriminatory housing practice. The department may file a complaint. A complaint must be in writing and must contain such information and be in such form as prescribed by the department. A complaint must be filed on or before the first anniversary of the date the alleged discriminatory housing practice occurs or terminates, whichever is later. A complaint may be amended at any time. (2) On the filing of a complaint, the department shall give the aggrieved person notice that the complaint has been received, advise the aggrieved person of the time limits and choice of forums under this chapter, and not later than the tenth day after the date of the filing of the complaint or the identification of an additional or substitute respondent under section 14-02.5-21, serve on each respondent a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this chapter and a copy of the original complaint.
2. Upon the filing of a fair housing complaint, both conciliation and investigative efforts commence. Pursuant to N.D.C.C. § 14-02.5-19, a copy of the complaint is provided to the responding party (ies) within two days of the filing of the complaint and an answer is requested from the responding party (ies). The Human Rights Director, Kathy Kulesa, assigns cases to investigators, who then conduct both investigation and conciliation with respect to the complaint. Upon completion of an investigation and if conciliation is not successful to that point, the investigator must present the case to the Human Rights Director and the full investigative team, who jointly discuss, provide input into, and decide on the disposition of the complaint. Investigative planning and all subsequent investigative actions are documented in a case log and described in detail in final investigative reports.

3. Pursuant to N.D.C.C. § 14-02.5-13, the department emphasizes conciliation to resolve complaints. Pursuant to N.D.C.C. § 14-02.5-22, conciliation begins with the filing of a complaint and ends with the issuing of a charge or the dismissal by the department. Assigned investigators conduct conciliation efforts. Initial correspondence to the parties indicates that conciliation is ongoing throughout the compliant process. Formal efforts to conciliate cases occur initially after the filing of a complaint and again late-stage after issuing a probable cause determination. Formal conciliation efforts are attempted with the parties verbally or through written correspondence.
4. Copies of standard correspondence used in the processing of complaints after intake are attached (Tab 7).
5. During calendar year 2003, the NDDOL filed 106 complaints alleging discriminatory employment practices, 41 complaints alleging discriminatory housing practices, and 22 complaints alleging discrimination in public accommodations or public services. The six investigators who make up the investigative team are responsible for investigating all forms of discrimination complaints, as well as claims for unpaid wages (an average of 250 – 300 per year).

As of June 30, 2004, the agency's pending caseload included:

- 16 housing discrimination complaints;
- 55 employment discrimination and retaliation complaints;
- 25 public services and public accommodations discrimination complaints;
- and
- 59 claims for unpaid wages.

The average open caseload per investigator was 28 complaints.

Judicial Enforcement Procedures

1. Statutory authority for judicial enforcement of fair housing complaints includes:
 - a. **N.D.C.C. § 14-02.5-23. Temporary or preliminary relief.** The department may authorize a claim for relief for temporary or preliminary relief pending the final disposition of a complaint, if the department concludes after the filing of the complaint that prompt judicial action is necessary to carry out the purposes of this chapter. On receipt of the department's authorization, the attorney general shall promptly file the claim. A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable statutes and the North Dakota Rules of Civil Procedure. The filing of a claim for relief under this section does not affect the initiation or continuation of administrative proceedings under section 14-02.5-31.

- b. **N.D.C.C. § 14-02.5-30. Election of judicial determination.** A complainant, a respondent, or an aggrieved person on whose behalf a complaint was filed may elect to have the claims asserted in the charge decided in a civil action as provided by section 14-02.5-36. The election must be made not later than the twentieth day after the date the person having the election receives service under subsection 2 of section 14-02.5-26 or, in the case of the department, not later than the twentieth day after the date the charge is issued. The person making the election shall give notice to the department and to all other complainants and respondents to whom the charge relates.
- c. **N.D.C.C. § 14-02.5-31. Administrative hearing.** If a timely election is not made under section 14-02.5-30, the department shall provide for a hearing on the charge. Except as provided in this section, chapter 28-32 governs a hearing and an appeal of a hearing. A hearing under this section on an alleged discriminatory housing practice may not continue after the beginning of the trial of a claim for relief commenced by the aggrieved person under federal or state law seeking relief with respect to the discriminatory housing practice.
- d. **N.D.C.C. § 14-02.5-36. Attorney general action for enforcement.** If a timely election is made under section 14-02.5-30, the department shall authorize and the attorney general shall file not later than the thirtieth day after the date of the election a claim for relief seeking relief on behalf of the aggrieved person in a district court. Venue for an action is in the county in which the alleged discriminatory housing practice occurred or is about to occur. An aggrieved person may intervene in the action. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief that a court may grant in a civil action under sections 14-02.5-39 through 14-02.5-44. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court may not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the court.
- e. **N.D.C.C. § 14-02.5-37. Pattern or practice case - Penalties.** (1) On the request of the department, the attorney general may file a claim for relief in district court for appropriate relief if the department has reasonable cause to believe that a person is engaged in a pattern or practice of resistance to the full enjoyment of a right granted under this chapter or a person has been denied a right granted by this chapter and that denial raises an issue of general public importance. (2) In an action under this section, the court may award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this chapter as necessary to assure the full enjoyment of the rights granted by this chapter; award other appropriate relief, including monetary damages, reasonable attorney's fees, and court costs; and to vindicate the public interest, assess a civil penalty against the

respondent in an amount that does not exceed fifty thousand dollars for a first violation and one hundred thousand dollars for a second or subsequent violation. (3) A person may intervene in an action under this section if the person is a person aggrieved by the discriminatory housing practice or a party to a conciliation agreement concerning the discriminatory housing practice.

- f. **N.D.C.C. § 14-02.5-38. Subpoena enforcement.** The attorney general, on behalf of the department or another party at whose request a subpoena is issued under this chapter, may enforce the subpoena in appropriate proceedings in district court.

2. On October 15, 2003, the NDDOL made a request to the Attorney General's office to file a claim for temporary relief (stop pending eviction). On October 20, 2003, our request was denied due to the nature of the case when the Complainant admitted that she was late with rent (HUD 08-03-0270-8/ND03-03-128 – Elston v. Bina. On two occasions outside of the requested time period, the NDDOL sought to stop evictions pending the outcome of our investigations. In both cases, the court granted temporary relief.

3. Complaints referred to the Attorney General for enforcement are:

- a. ND01-10-024, 08-01-0144-8, ND Fair Housing Council versus Stockman.
- b. ND01-12-028, 08-01-0169-8, Amundson versus Nedberg & Sampson
- c. ND02-09-057, 08-02-0151-8, DuCharme versus Lund (1)
- d. ND03-06-138, 08-04-0042-8, DuCharme versus Lund (2)
- e. ND03-11-103, 08-03-0132-8, Herrick versus University of North Dakota

All of the cases are in pending litigation.

4. Persons responsible for post-cause adjudication are the following, both of the Civil Litigation Division of the Office of the North Dakota Attorney General:

- a. Kevin McCabe, Assistant Attorney General
- b. Douglas Bahr, Solicitor General

PERFORMANCE STANDARD 2: 24 CFR, Part 115 §115.203 (b) – Commence proceedings with respect to a complaint before the end of the 30th day after receipt of the complain, carry forward proceedings with reasonable promptness, make a final disposition of a complaint within one year, and complete proceedings within 100 days of receipt of the complaint:

- 1. Case histories are maintained in case file logs and in the department's fair housing data application. Investigators are required to update database fields indicating the current status of each complaint and projecting closure dates. The Human

Rights Director monitors the ages of pending fair housing complaints. Aged case reports are generated monthly and reviewed with HUD officials during monthly conference calls.

PERFORMANCE STANDARD 3: 24 CFR Part 115, §115.203 (c) -- Conduct compliance reviews of settlements, conciliation agreements and orders issued by or entered into to resolve discriminatory housing practices:

1. The statutory authority of the NDDOL relating to the enforcement of conciliation agreements is contained in the following:
 - a. **N.D.C.C. § 14-02.5-39. Civil action.** (1) An aggrieved person may file a civil action in district court not later than the second year after the date of the occurrence or the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered under this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach. (2) The two-year period does not include any time during which an administrative hearing under this chapter is pending with respect to a complaint or charge under this chapter based on the discriminatory housing practice. This subsection does not apply to actions arising from the breach of a conciliation agreement. (3) An aggrieved person may file a claim for relief whether a complaint has been filed under section 14-02.5-18 and without regard to the status of any complaint filed under that section. (4) If the department has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file a claim for relief with respect to the alleged discriminatory housing practice that forms the basis of the complaint except to enforce the terms of the agreement. (5) An aggrieved person may not file a claim for relief with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the department if the department has begun a hearing on the record under this chapter with respect to the charge.
 - b. **N.D.C.C. § 14-02.5-43. Intervention by attorney general.** On request of the department, the attorney general may intervene in an action under sections 14-02.5-39 through 14-02.5-44 if the department certifies that the case is of general public importance. The attorney general may obtain the same relief as is available to the attorney general under subsection 2 of section 14-02.5-37.
2. The NDDOL has not had to address a breach of a conciliation agreement to-date. However, under N.D.C.C. §14-02.5-39 "An aggrieved person may file a civil action in district court not later than the second year after the date of the occurrence or the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered under this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing

practice or breach.”

3. The NDDOL has not had to address a breach of a conciliation agreement to-date.
4. The monitoring of compliance agreements is assigned to the agency's Human Rights Director. When an investigator closes a case in which the monitoring of a compliance agreement is necessary, the file is given to the Human Rights Director. Files that are currently being monitored are kept in a central filing location in Bismarck.

The Human Rights Director reviews the agreement and specifically identifies areas of compliance which need to be monitored such as the creation/implementation of policies, attendance at training, the display of the fair housing poster, the display of the fair housing logo, the distribution of the fair housing booklet to tenants...etc.

A monitoring schedule is established by using Microsoft Outlook. The schedule varies depending on the terms of each Agreement. Reminder letters and written requests for verification and are periodically sent to the Respondents. The Respondent is required to submit compliance reports to the NDDOL as each requirement is met. For example, if the Agreement requires the Respondent to distribute the fair housing booklet, the NDDOL requests that the Respondent provide a list of tenants who received the booklet, the date, the booklet was distributed...etc.

Affirmative action is included in all of our compliance agreements. All agreements are monitored; however, a written monitoring report is not prepared. The assurance of compliance and enforcement of compliance agreements is handled by the NDDOL. In the event that legal action is required due to a breach of the agreement or non compliance, the case will be referred to the North Dakota Attorney General's Office.

Once monitoring has been completed, the file is returned to the central “closed” file location.

PERFORMANCE STANDARD 4: 24 CRF Part 115, §115.203 (d) -- Consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of such practices.

1. The NDDOL closed 37 dual-filed fair housing complaints during the period from July 1, 2003 – June 30, 2004. Of these, 15 complaints were resolved through conciliation/settlement. All conciliation agreements relating to fair housing complaints contain provisions to vindicate the public interest and relief for the complaint(s), usually including monetary relief. A table listing the names, parties, and monetary relief obtained in conciliated fair housing complaints is attached

(Tab 8). In addition, the relief sections of all conciliation agreements are attached (Tab 9).

PERFORMANCE STANDARD 5: 24 CFR Part 115, §115.203 (e) -- Consistently and affirmatively seek the elimination of all prohibited practices under the fair housing law.

1. Copies of the North Dakota Housing Discrimination Act (N.D.C.C. Chapter 14-02.5) and the agency's proposed administrative rules relating to housing discrimination are attached (Tabs 10 and 6).
2. The NDDOL continues to engage in education and outreach activities, including the distribution of informational brochures and conducting educational presentation to groups throughout the state. During the current agreement year, the agency has:
 - a. Hosted an exhibit booth to distribute fair housing and other human rights materials at the North Dakota Statewide Housing Conference on February 18 – 19, 2004 in Bismarck, North Dakota.
 - b. Hosted an exhibit booth to distribute fair housing and other human rights materials at the North Dakota Annual Marketplace of Ideas Conference on January 15, 2004 in Grand Forks, North Dakota.
 - c. Hosted an exhibit booth to distribute fair housing and other human rights materials at a Town Hall Meeting hosted by the City of Bismarck Human Relations Commission on April 6, 2004 in Bismarck, North Dakota.
 - d. Conducted in-person outreach monthly at the Native American Center in Fargo, North Dakota to meet with prospective complainants.
 - e. Provided a presentation on fair housing at the North Dakota Apartment Association Annual Statewide Conference on March 26, 2004 in Fargo, North Dakota.
 - f. Met with a grassroots group in Williston, ND seeking to establish a local human relations commission in the northwest region of the state. The group would distribute our informational materials on fair housing and human rights and serve as a local contact for referrals to the Human Rights Division.
 - g. Presentation to the Protection and Advocacy Project regarding reasonable accommodations in fair housing on March 23, 2004 in Bismarck, North Dakota.
 - h. Promotion of National Fair Housing Month by displaying posters on the Capitol Grounds in April 2004, Bismarck, North Dakota.