

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1158
(Judiciary Committee)
(At the request of the Labor Commissioner)

AN ACT to amend and reenact sections 14-02.5-31 and 14-02.5-36 of the North Dakota Century Code, relating to labor department administrative hearings and representation in enforcement actions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-02.5-31 of the North Dakota Century Code is amended and reenacted as follows:

14-02.5-31. Administrative hearing.

1. If a timely election is not made under section 14-02.5-30, the department shall provide for a hearing on the charge. The attorney general, at the request of and on behalf of the department, may participate in and advocate in favor of the department's finding of probable cause. The aggrieved person may be represented by private counsel. 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.
2. If a claim filed by an aggrieved person proceeds to a hearing, the aggrieved person is a party in the hearing. Neither the department nor the attorney general represents an aggrieved person at a hearing under this chapter. The attorney general, at the request of and on behalf of the department, may participate in the hearing and advocate in favor of the department's finding of probable cause. The aggrieved person may be represented by private counsel in any action or proceeding under this chapter.
3. If a claim filed by the department proceeds to a hearing, the department is a party in the hearing. The attorney general represents the department in any action or proceeding under this chapter.

SECTION 2. AMENDMENT. Section 14-02.5-36 of the North Dakota Century Code is amended and reenacted as follows:

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~~ for the benefit of the aggrieved person in a district court. In any action for enforcement under this section, the attorney general represents the department. 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.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1158.

House Vote: Yeas 81 Nays 7 Absent 6

Senate Vote: Yeas 32 Nays 13 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at _____ o'clock _____ M.

Secretary of State