

February 12, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2252

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 1-08 of the North Dakota Century Code, relating to a state policy on discrimination on the basis of sexual orientation; and to amend and reenact subsection 1 of section 14-02.4-02 and section 14-02.4-20 of the North Dakota Century Code, relating to the definition of age and to the relief for discriminatory practices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 1-08 of the North Dakota Century Code is created and enacted as follows:

State policy - Discrimination based on sexual orientation.

It is the policy of the state of North Dakota that this state does not condone discrimination on the basis of sexual orientation. Sexual orientation means actual heterosexuality, bisexuality, or homosexuality. This section does not:

1. Create a right to a cause of action for damages for a claim of discrimination on the basis of sexual orientation;
2. Create any rights or protections with respect to discrimination on the basis of sexual orientation; or
3. Amend or change state personnel policies, contracting policies, or other law or policy related to state action.

SECTION 2. AMENDMENT. Subsection 1 of section 14-02.4-02 of the North Dakota Century Code is amended and reenacted as follows:

1. "Age" insofar as it refers to any prohibited unfair employment or other practice means at least ~~forty~~fifty-five years of age.

SECTION 3. AMENDMENT. Section 14-02.4-20 of the North Dakota Century Code is amended and reenacted as follows:

14-02.4-20. Relief.

If the department, as the result of an administrative hearing, or the court determines that the respondent has engaged in or is engaging in a discriminatory practice, the department or the court may enjoin the respondent from engaging in the unlawful practice and order temporary or permanent injunctions, equitable relief, and backpay limited to no more than ~~two years~~one year from the date a minimally sufficient complaint was filed with the department or the court. Neither the department nor an administrative hearing officer may order compensatory or punitive damages under this chapter. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against reduce the backpay otherwise allowable. In any action or

proceeding under this chapter, the court may grant the prevailing party a reasonable attorney's fee as part of the costs. If the court finds that the complainant's allegation of a discriminatory practice is false and not made in good faith, the court shall order the complainant to pay court costs and reasonable attorney's fees incurred by the respondent in responding to the allegation."

Renumber accordingly