

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1007

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 labor and human rights; to amend and reenact sections 14-02.4-15 and 34-14-09 of the North
3 Dakota Century Code, relating to discriminatory practices in public services and employee
4 claims for wages; and to provide an expiration date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the department of labor and human rights for the purpose of defraying the
10 expenses of the department of labor and human rights, for the biennium beginning July 1, 2017,
11 and ending June 30, 2019, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$2,423,746	(\$5,859)	\$2,417,887
15 Operating expenses	361,327	(32,409)	328,918
16 Total all funds	\$2,785,073	(\$38,268)	\$2,746,805
17 Less estimated income	437,832	2,084	439,916
18 Total general fund	\$2,347,241	(\$40,352)	\$2,306,889
19 <u>Salaries and wages</u>	<u>\$2,423,746</u>	<u>(\$8,762)</u>	<u>\$2,414,984</u>
20 <u>Operating expenses</u>	<u>361,327</u>	<u>(32,409)</u>	<u>328,918</u>
21 <u>Total all funds</u>	<u>\$2,785,073</u>	<u>(\$41,171)</u>	<u>\$2,743,902</u>
22 <u>Less estimated income</u>	<u>437,832</u>	<u>2,084</u>	<u>439,916</u>
23 <u>Total general fund</u>	<u>\$2,347,241</u>	<u>(\$43,255)</u>	<u>\$2,303,986</u>
24 Full-time equivalent positions	15.00	(1.00)	14.00

1 **SECTION 2. HEALTH INSURANCE INCREASE.** The salaries and wages line item in
2 section 1 of this Act includes the sum of ~~\$40,068~~\$37,165 from the general fund for increases in
3 employee health insurance premiums from \$1,130 to ~~\$1,249~~\$1,241 per month.

4 **SECTION 3. AMENDMENT.** Section 14-02.4-15 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-02.4-15. Public services - Discriminatory practices.**

7 1. It is a discriminatory practice for a person engaged in the provision of public services
8 to fail to provide to ~~a person~~an individual access to the use of and benefit thereof, or to
9 give adverse or unequal treatment to ~~a person~~an individual in connection therewith
10 because of the ~~person's~~individual's race, color, religion, sex, national origin, age,
11 physical or mental disability, or status with respect to marriage or public assistance.

12 2. Subsection 1 does not apply to:

13 a. An individual committed to the legal and physical custody of the department of
14 corrections and rehabilitation; or

15 b. An individual confined in a correctional facility, as defined in section 12-44.1-01.

16 **SECTION 4. AMENDMENT.** Section 34-14-09 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **34-14-09. Employees' remedies - Limitation on wages collectible.**

19 1. An employee may file with the department a claim for wages due under this chapter or
20 under chapter 34-06 ~~with the department not later than~~if the filing is made within two
21 years from the date the wages are due and the amount of the wages claimed due is at
22 least one hundred twenty-five dollars but not more than fifteen thousand dollars. For
23 purposes of this section, wages are due at each regular payday immediately following
24 the work period during which wages were earned. ~~Whenever~~if the department denies
25 the claim for wages due because the amount claimed is less than one hundred
26 twenty-five dollars, the department shall inform the claimant of the opportunity for the
27 claimant to pursue the claim in small claims court under chapter 27-08.1. If the
28 department denies the claim for wages due because the amount claimed is more than
29 fifteen thousand dollars, the department shall inform the claimant of the opportunity for
30 the claimant to pursue the claim in district court under chapter 27-05.

1 2. If the labor commissioner determines ~~that~~ wages have not been paid and that the
2 unpaid wages constitute an enforceable claim, the commissioner, upon request of the
3 employee, may take an assignment in trust for the wages or a claim for liquidated
4 damages in amounts the commissioner deems valid and enforceable without being
5 bound by ~~any of~~ the technical rules respecting the validity of any assignments and
6 may bring any legal action necessary to collect the claim. With the consent of the
7 assigning employee at the time of the assignment, the commissioner may settle and
8 adjust the claim to the same extent as the assigning employee.

9 3. The limitation of action under section 34-01-13 is tolled by the filing of a claim with the
10 commissioner until the commissioner determines the claim is not enforceable or the
11 commissioner reassigns the claim to the employee. ~~With the consent of the assigning~~
12 ~~employee at the time of the assignment, the commissioner may settle and adjust the~~
13 ~~claim to the same extent as the assigning employee.~~

14 **SECTION 5. EXPIRATION DATE.** Section 4 of this Act is effective through June 30, 2019,
15 and after that date is ineffective.