

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2007

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Yvonne A. Lee
Operator's Signature

10-14-03
Date

2003 SENATE APPROPRIATIONS

SB 2007

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Operator's Signature

Cheresea W. Lee

Date

10-14-03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2007

Senate Appropriations Committee

Conference Committee

Hearing Date January 17, 2003

Tape Number	Side A	Side B	Meter #
#1		X	5633-6213
#2	X		0-476
Committee Clerk Signature <i>Jan Hendrickson</i>			

Minutes:

Hearing was opened on SB 2007 (#5633) by Senator Holmberg, chairman.

Mark D. Bachmeier, commissioner for the North Dakota Department of Labor. Testimony attached (Exhibit #1). The Labor Department has been given significant new responsibilities by the Legislative Assembly during the past two legislative sessions. The department carries out all of the traditional responsibilities relating to wages and working conditions of employment in the state and also administers the provisions of the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act. Under the anti-discrimination laws, the department is responsible to: Receive and investigate complaints alleging discriminatory practices; emphasize administrative hearings on complaints where reasonable cause is found; foster prevention of discrimination through education about the rights and responsibilities provided under North Dakota human rights laws; conduct studies relating to the nature and extent of discrimination in the state and make reports recommending legislative or other action to carry out the purpose of

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Page 2
Senate Appropriations Committee
Bill/Resolution Number SB 2007
Hearing Date January 17, 2003

ND human rights laws. In carrying out of the departments responsibilities, in the first 18 months of the current biennium, they have: resolved 370 claims for unpaid wages and collected \$143,094 for workers; negotiated 36 additional informal settlements in wage disputes and collected an additional \$13,572 for workers; resolved 57 informal complaint inquiries alleging noncompliance with state labor laws; resolved 172 employment discrimination complaints; resolved 36 housing discrimination complaints; resolved 5 complaints alleging discrimination in public accommodations; resolved 3 complaints alleging discrimination in public services; resolved 28 complaints alleging employment retaliation under the state's whistle blower law; provided over 100 presentations on labor and anti-discrimination laws to groups around the state; licensed 23 employment agencies in the state; received an average of 1042 telephone, e-mail and walk-in inquiries from citizens; developed and launched a new agency web site organized around the services provided by the department and containing expanded human rights coverage and access to informational brochures and complaint forms and contracted a study of public perceptions of discrimination in the state. They have also made significant organizational changes to integrate the new human rights responsibilities and traditional labor functions, to concentrate the agency's resources in direct customer service areas, and to make our case management processes as efficient as possible. These improvements have included:

-Agency reorganization; Human Rights Director; Business Manager; Investigative Staff; Complaint procedures and information and case management databases. (Exhibit 1 goes into detail regarding these improvements).

Governor's Executive Recommendation is essentially the same as our total appropriation for the current biennium, which is \$1,116,601. \$30,462 is for the recommended compensation package,

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Senate Appropriations Committee
Bill/Resolution Number SB 2007
Hearing Date January 17, 2003

excluding that amount, the recommended appropriation is \$1,086,139, \$232,460 in federal authority and \$853,679 in general funds. The department requested and received an additional 480,214 in federal spending authority to accept additional federal funding that they were able to secure above their original appropriation for the biennium. These one-time funds were expended on the web site development, their discrimination survey, they new data system, and travel for some of their investigative staff to attend human rights investigator training. Those funds will not be available during the 2003-05 biennium.

The total appropriation request in SB 2007 is \$1,175 more than their current budget for practical purposes, \$1248 more in federal spending authority and \$73 less in general funds.

Senator Holmberg thank Mark for his report, which gave the committee a through overview of the agency, what you have done in the past few years, some of your challenges.

With no other testimony for SB 2007, the hearing was closed. (#476)

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Cherisea J. Lee
Operator's Signature

10-14-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2007 VOTE

Senate Appropriations Committee

Conference Committee

Hearing Date February 11, 2003

Tape Number	Side A	Side B	Meter #
#1	x		1,409-2096
Committee Clerk Signature <i>Jan Hendrickson</i>			

Minutes:

Senator Holmberg, chair, proposed that SB 2007 be discussed and voted on. Senator Mathern presented amendments to SB 2007. The only three areas that could be cut were his involvement in some of the National Organizations. He is in line to be the President of one of the labor organizations for the country, which would be good for our state. They also discussed eliminating the toll-free phone number, printing of the chart of the labor laws. It seemed that all of these areas were important, it was found that they provide a fee when they have their booth at different fairs, like the retailers, etc. and then the department is charged a booth rental. It was felt that if these organizations want the Labor Commission at these fairs, these fees could be paid by the organizations that are requesting them to attend. \$1500.00 will be cut from the operating expenses which is the booth rental. Senator Mathern moved to accept this amendment, seconded by Senator Krauter. Voice vote was taken, motion carried. More questions were posed regarding the what exacting was in the amendment. Senator Mathern stated the only thing that was in the

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Cherisea A. Bee
Operator's Signature

10-14-03
Date

Page 2

Senate Appropriations Committee
Bill/Resolution Number SB 2007 Votes
Hearing Date February 11, 2003

amendment was the \$1500.00 for the booth rental. It was felt that the toll free number and the printing of the labor laws needed to stay in as this serves the people that really need the help from the labor office. Senator Holmberg stated there are 2 amendments, one that he will present which reduces the wages and salaries. Senator Andrist moved to accept the 2nd amendment that makes the salary adjustment, second by Senator Tallackson. Voice vote taken, motion carried. Motion by Senator Mathern for a do pass as amended, seconded by Senator Kringstad. Roll call vote was taken, which is attached. Motion carried unanimously Senator Mathern will carry the bill to the floor.

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Cheresea A. Lee
Operator's Signature

10-14-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2007

House Appropriations Committee

Conference Committee

Hearing Date 04-02-03

Tape Number	Side A	Side B	Meter #
1	X	X	50.5 - 4.7

Committee Clerk Signature *Chris S. Nye*

Minutes:

Chairman Svedjan Opened SB 2007 for discussion. A quorum was present.

Rep. Koppleman I move amendment .0204 to SB 2007. 2nd by Rep. Carlisle.

Rep. Koppleman We reinstated the \$1,500 for booth rental.

Motion Carries

Rep. Warner The Labor Commissioner does an excellent job.

Rep. Koppleman I move a Do Pass As Amended. 2nd by Rep. Warner. Motion Carries

19-0-4. Rep. Koppleman will carry this bill on the floor.

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Cheresea D. Bee
Operator's Signature

10-14-03
Date

Date: 2/11
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2007

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass as amended.

Motion Made By Mathern Seconded By Kringstad

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair	✓				
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson	✓				
Senator Thane	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Mathern

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

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Yherosa W. Lee 10-14-03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
February 12, 2003 9:52 a.m.

Module No: SR-27-2377
Carrier: Mathern
Insert LC: 38030.0103 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2007: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "955,888" with "945,564"

Page 1, line 10, replace "160,713" with "159,213"

Page 1, line 11, replace "1,116,601" with "1,104,777"

Page 1, line 12, replace "232,460" with "229,948"

Page 1, line 13, replace "884,141" with "874,829"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Labor Commissioner - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$955,888	(\$10,324)	\$945,564
Operating expenses	<u>160,713</u>	<u>(1,500)</u>	<u>159,213</u>
Total all funds	\$1,116,601	(\$11,824)	\$1,104,777
Less estimated income	<u>232,460</u>	<u>(2,512)</u>	<u>229,948</u>
General fund	\$884,141	(\$9,312)	\$874,829
FTE	10.00	0.00	10.00

Dept. 406 - Labor Commissioner - Detail of Senate Changes

	REMOVES RECOMMENDED SALARY INCREASE 1	DECREASES FUNDING FOR OPERATING EXPENSES 2	TOTAL SENATE CHANGES
Salaries and wages	(\$10,324)		(\$10,324)
Operating expenses		<u>(\$1,500)</u>	<u>(1,500)</u>
Total all funds	(\$10,324)	(\$1,500)	(\$11,824)
Less estimated income	<u>(2,512)</u>		<u>(2,512)</u>
General fund	(\$7,812)	(\$1,500)	(\$9,312)
FTE	0.00	0.00	0.00

1 This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

2 This amendment decreases funding for operating expenses by \$1,500 from the general fund. The funding would have been used for Labor Department booth space rental.

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Yvonne A. Bee
Operator's Signature

10-14-03
Date

2003 HOUSE APPROPRIATIONS

SB 2006

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Cherese A. Lee
Operator's Signature

10-14-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2007

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date March 4, 2003

Tape Number	Side A	Side B	Meter #
1	xx		
Committee Clerk Signature <i>Heley Schmidt</i>			

Minutes: **Mark Bachmeier, Commissioner of Labor** shared written testimony in support of SB2007. He noted his department has received added responsibilities in the 1999 biennium and the 2001 biennium. In response to a question from **Rep. Warner** he shared the Human Rights Director spends half time in Fargo and half time in Bismarck. She resides in Fargo and is officed in the State Human Services building in Fargo rent free. We do have an allotment for housing expenses while she is in Bismarck, approximately 2 times a month. In response to a question from **Rep. Koppelman** regarding the 2 human right amendments Mr. Bachmeier shared his departments federal funds are collected through a working share agreement with Federal Agencies. His department combines investigations when applicable and hands the investigations at the local level. His department is in the final year of capacity building with these funds and HUD. They will experience a slight reduction in revenue, however these dollars will be recouped in other areas, thus it will be evened out.

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Cherise A. Bee
Operator's Signature

10-14-03
Date

Page 2

Government Operations Division
Bill/Resolution Number SB 2007
Hearing Date March 4, 2003

Rep. Warner asked about the departments retention.

Mark Bachmeier Our retention rate is excellent, it speaks to the commitment and dedication of our staff., it's not because of high wages. I expect to have the classifications of our investigators reviewed, I anticipate they will all be reclassified to a Level II.

Rep. Kroeber asked about the backlog issues of the department

Mark Backmeier responded only 1 FTE was assigned to the Equal employment issues. Those complaints grew in the 90's, 1 FTE wasn't enough to deal with the workload. We have addressed that through changes within our department and overtime. We are close to completing our caseload on a timely basis. We have dealt with approximately 125 Equal Employment cases in the last year, our current total case load is approximately 450.

Hearing no further testimony, Chairman Carlisle closed the hearing.

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Yherosa J. Bee
Operator's Signature

10-14-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2007

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date March 12, 2003

Tape Number	Side A	Side B	Meter #
1	xx		
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: Committee Work:

Rep. Warner made a DO PASS motion on Amendment 38030.0201 which would restore \$1500 removed by the Senate, second by Rep. Kroeber. Motion carries 9 yeah, 0 nay, 0 absent and not voting.

Rep. Koppelman if the committe was going to have additional discussion with Mark Bachmeier or move the budget through. He commented, it is the responsibility of this committee to not agree or disagree with the Senate, but to examine the budget.

Sandy, OMB advised the committee, Mr. Bachmeier has been elected National President for the his association. He has indicated he would resign that position due to lack of funding ie: travel, etc. She indicated the Governor's office is trying to encourage him to continue, it is good for the state and good for him.

Rep. Skarphol asked what amount is needed?

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10-14-03
Date

Page 2

Government Operations Division

Bill/Resolution Number SB 2007

Hearing Date March 12, 2003

Sandy, OMB advised the committee an additional \$50,000 was added to the budget and the

Senate maintained that amount. She will provide a written response.

Rep. Koppelman will follow up with the Labor Commissioner.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2007

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date March 18, 2003

Tape Number	Side A	Side B	Meter #
1	xx		

Committee Clerk Signature *Kelly Schmidt*

Minutes: Committee Work

Rep. Koppelman explained amendment .0202. He noted the labor commissioner DID NOT ask for the additional funding added to this budget. The \$4,000 added over the course of the biennium is being added for the travel expense necessary for his term as President of his national association. This term will be beneficial to the Commissioner and the State of ND. He noted the Labor commissioner has a reputation of being a frugal manager.

Rep. Warner also expressed to the committee, the Labor Commissioner's willingness to accommodate and the ease of working with him and his department.

A reconsider motion on amendment 38030.0201 was made by Rep. Thoreson, second by

Rep. Carlson, Hearing a unanimous VOICE VOTE, the motion carried.

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Theresa A. Lee
Operator's Signature

10-14-03
Date

Page 2
Government Operations Division
Bill/Resolution Number SB 2007
Hearing Date March 18, 2003

Rep. Koppelman made a DO PASS motion on Amendment 38030.0202, second by Rep.

Carlson. ROLL CALL VOTE..... 8 YEA 0 NAY 1 ABSENT (SKARPHOL)

Motion carries.

A Do Pass as Amended on SB 2007 was made by Rep. Koppelman, second by Rep. Warner,

ROLL CALL VOTE..... 8 YEA 0 NAY 1 ABSENT (SKARPHOL)

Motion carries.

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Yherosa J. Lee
Operator's Signature

10-14-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2007

House Appropriations Committee

Conference Committee

Hearing Date 04-02-03

Tape Number	Side A	Side B	Meter #
1	X	X	50.5 - 4.7
Committee Clerk Signature			

Minutes:

Chairman Svedjan Opened SB 2007 for discussion. A quorum was present.

Rep. Koppleman I move amendment .0204 to SB 2007. 2nd by Rep. Carlisle.

Rep. Koppleman We reinstated the \$1,500 for booth rental.

Motion Carries

Rep. Warner The Labor Commissioner does an excellent job.

Rep. Koppleman I move a Do Pass As Amended. 2nd by Rep. Warner. Motion Carries

19-0-4. Rep. Koppleman will carry this bill on the floor.

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Operator's Signature

10-14-03
Date

38030.0201
 Title.
 Fiscal No. 1

Prepared by the Legislative Council staff for
 House Appropriations - Government
 Operations
 March 12, 2003

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2007

Page 1, line 10, replace "159,213" with "160,713"
 Page 1, line 11, replace "1,104,777" with "1,106,277"
 Page 1, line 13, replace "874,829" with "876,329"
 Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Labor Commissioner - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$955,888	\$945,564	\$1,500	\$945,564
Operating expenses	<u>160,713</u>	<u>159,213</u>		<u>160,713</u>
Total all funds	\$1,116,601	\$1,104,777	\$1,500	\$1,106,277
Less estimated income	<u>232,460</u>	<u>229,948</u>		<u>229,948</u>
General fund	\$884,141	\$874,829	\$1,500	\$876,329
FTE	10.00	10.00	0.00	10.00

Dept. 406 - Labor Commissioner - Detail of House Changes

	INCREASES FUNDING FOR OPERATING EXPENSES ¹	TOTAL HOUSE CHANGES
Salaries and wages	\$1,500	\$1,500
Operating expenses		
Total all funds	\$1,500	\$1,500
Less estimated income		
General fund	\$1,500	\$1,500
FTE	0.00	0.00

¹ This amendment restores funding of \$1,500 from the general fund that was removed by the Senate. The funding is to be used for Labor Department booth rental space.

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Yherosa J. Bee
 Operator's Signature

10-14-03
 Date

Date:03-18-03

Roll Call Vote # 4

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2007**

House Appropriations: Government Operations Division Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Reconsider Amendment 38030.0201

Motion Made By Rep. Thoreson Seconded By Rep. Carlson

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle					
Vice Chairman Carlson					
Rep. Koppelman					
Rep. Skarphol					
Rep. Thoreson					
Rep. Timm					
Rep. Glassheim					
Rep. Kroeber					
Rep. Warner					
VOICE VOTE					

Total (Yes) _____ 9 No _____ 0

Absent _____

Floor Assignment Thoreson

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

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Yvonne A. Bee
Operator's Signature

10-14-03
Date

38030.0202
Title.
Fiscal No. 2

Prepared by the Legislative Council staff for
Representative Koppelman
March 17, 2003

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2007

Page 1, line 10, replace "159,213" with "164,713"

Page 1, line 11, replace "1,104,777" with "1,110,277"

Page 1, line 13, replace "874,829" with "880,329"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Labor Commissioner - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$955,888	\$945,584		\$945,584
Operating expenses	<u>190,713</u>	<u>159,213</u>	\$5,500	<u>164,713</u>
Total all funds	\$1,118,801	\$1,104,777	\$5,500	\$1,110,277
Less estimated income	<u>232,480</u>	<u>229,948</u>		<u>229,948</u>
General fund	\$884,141	\$874,829	\$5,500	\$880,329
FTE	10.00	10.00	0.00	10.00

Dept. 406 - Labor Commissioner - Detail of House Changes

	RESTORES FUNDING FOR OPERATING EXPENSES ¹	INCREASES FUNDING FOR OPERATING EXPENSES ²	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses	\$1,500	\$4,000	\$5,500
Total all funds	\$1,500	\$4,000	\$5,500
Less estimated income			
General fund	\$1,500	\$4,000	\$5,500
FTE	0.00	0.00	0.00

¹ This amendment restores funding of \$1,500 from the general fund that was removed by the Senate. The funding is for Labor Department booth rental space.

² This amendment increases funding for operating expenses by \$4,000 from the general fund for travel expenses associated with the commissioner's participation in the National Association of Government Labor Officials.

Date:03-18-03

Roll Call Vote # 4

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2007**

House Appropriations: Government Operations Division Committee

Check here for Conference Committee

Legislative Council Amendment Number 38030.0202

Action Taken Do Pass on Amendment 38030.0202

Motion Made By Rep. Koppelman Seconded By Rep. Carlson

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman	x				
Rep. Skarphol					
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim	x				
Rep. Kroeber	x				
Rep. Warner	x				

Total (Yes) 8 No 0

Absent 1

Floor Assignment Koppelman

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

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Cheresea W. Bee
Operator's Signature

10-14-03
Date

Date:03-18-03

Roll Call Vote # 5

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2007**

House Appropriations: Government Operations Division Committee

Check here for Conference Committee

Legislative Council Amendment Number 38030.0202

Action Taken Do Pass as Amended

Motion Made By Rep. Koppelman Seconded By Rep. Warner

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman	x				
Rep. Skarphol					
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim	x				
Rep. Kroeber	x				
Rep. Warner	x				

Total (Yes) 8 No 0

Absent 1

Floor Assignment Koppelman

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

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Cherisea W. Bee
Operator's Signature

10-14-03
Date

REPORT OF STANDING COMMITTEE

SB 2007, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "945,564" with "944,532"

Page 1, line 10, replace "159,213" with "158,313"

Page 1, line 11, replace "1,104,777" with "1,102,845"

Page 1, line 12, replace "229,948" with "229,698"

Page 1, line 13, replace "874,829" with "873,147"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Labor Commissioner - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$955,888	\$945,564	(\$1,032)	\$944,532
Operating expenses	<u>180,713</u>	<u>159,213</u>	<u>(900)</u>	<u>158,313</u>
Total all funds	\$1,118,601	\$1,104,777	(\$1,932)	\$1,102,845
Less estimated income	<u>232,460</u>	<u>229,948</u>	<u>(250)</u>	<u>229,698</u>
General fund	\$884,141	\$874,829	(\$1,682)	\$873,147
FTE	10.00	10.00	0.00	10.00

Dept. 406 - Labor Commissioner - Detail of House Changes

	REDUCES THE RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	RESTORES FUNDING FOR OPERATING EXPENSES 2	INCREASES FUNDING FOR OPERATING EXPENSES 3	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 4	TOTAL HOUSE CHANGES
Salaries and wages	(\$1,032)				(\$1,032)
Operating expenses		<u>\$1,500</u>	<u>\$4,000</u>	<u>(\$6,400)</u>	<u>(900)</u>
Total all funds	(\$1,032)	\$1,500	\$4,000	(\$6,400)	(\$1,932)
Less estimated income	<u>(250)</u>				<u>(250)</u>
General fund	(\$782)	\$1,500	\$4,000	(\$6,400)	(\$1,682)
FTE	0.00	0.00	0.00	0.00	0.00

1 This amendment reduces funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

2 This amendment restores funding of \$1,500 from the general fund that was removed by the Senate. The funding is to be used for Labor Department booth rental space.

3 This amendment increases funding for operating expenses by \$4,000 from the general fund for travel expenses associated with the commissioner's participation in the National Association of Government Labor Officials.

4 This amendment reduces funding for information technology by \$6,400 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 20 percent.

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Operator's Signature

Date

10-14-03

2003 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2007

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Yvonne A. Lee
Operator's Signature

10-14-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2007

Senate Appropriations Committee

Conference Committee

Hearing Date April 10, 2003

Tape Number	Side A	Side B	Meter #
2	X		622 - 1250

Committee Clerk Signature

Jan Henderson

Minutes:

SENATOR KRINGSTAD opened the conference committee for SB 2007.

Roll call was read. **Members present: SENATOR KRINGSTAD, SENATOR THANE, SENATOR MATHERN, REPRESENTATIVE KOPPELMAN, REPRESENTATIVE THORESON, and REPRESENTATIVE KROEBER.**

REPRESENTATIVE KOPPELMAN explained the House amendment changes.

There were basically four footnotes on the amendment that the House made to the bill. Two are of them are perfunctorily that we did to every budget. (1) The adjustment to the health insurance premium; (2) The 20% allotment in IT (that is subject to discussion); (3) Restores funding of \$1,500 from the general fund. Looked at use - for booth rental space for the labor commissioner to make appearances at various functions around the state and explain what their offices does - expanded in addition traditional labor matters and housing discrimination issues, they also deal with human rights issues ; and (4) Increased funding for operating expenses to \$4,000, ... an

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Cheresea W. Free
Operator's Signature

10-14-03
Date

Page 2

Senate Human Services Committee

Bill/Resolution Number SB 2007

Hearing Date April 10, 2003

issue we became aware of as the session grew. Commissioner dues in budget but no travel benefits to represent commissioner for two meetings per year. Labor Commissioner is president of National Association of Government Labor Officials. One of the meetings is held in the home state of the president and so, by allowing him to participate in attending these meetings, we are also drawing this entire group to North Dakota tourism positive thing

SENATOR MATHERN: REPRESENTATIVE KOPPELMAN did a good job explaining changes suggest accede to House amendments and further amend on IT leave that to the next meeting.

SENATOR KRINGSTAD adjourned the committee discussion.

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Yherosa J. Bee
Operator's Signature

10-14-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2007 Conference Committee Vote

Senate Appropriations Committee

Conference Committee

Hearing Date 4-18-03

Tape Number	Side A	Side B	Meter #
1	X		0-400
Committee Clerk Signature <i>Sandra Danson</i>			

Minutes: CHAIRMAN KRINGSTAD opened the conference committee to SB 2007. Roll was called, all members were present.

(Meter 7) SENATOR KRINGSTAD proposed amendment (38030.0205). He then made a motion to further amend \$1,000 out of the operating expenses from footnote 3 on amendment (38030.0205), SENATOR THANE seconded. He explained he felt there was too much in there with the \$4,000 increase and the labor commissioner could hand that by consolidating the additional operating expenses. Any questions?

(M103) REPRESENTATIVE KOPPELMAN stated he was going to respectfully resist the motion because he feels when they looked at the \$4,000, it deals with travel for the commissioners presidency of the national association of government labor officials. The trip averages about \$1,200-\$1,500 per trip so actually they had discussed placing \$4,000 to \$6,000 when discussed with the labor commission. He had pushed for a leaner number so it ended up at \$4,000. He feels it is already a fairly lean budget and probably hold at that.

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Cheresea J. Lee
Operator's Signature

10-14-03
Date

Page 2
Senate Appropriations Committee
Bill/Resolution Number SB 2007 conference committee
Hearing Date 4-18-03

(Meter 183) A roll call was called, the motion to further amend failed to pass 2 yeas, 4 nays.

(Meter 229) REPRESENTATIVE KOPPLEMAN made a motion to PASS THE AMENDMENT (38030.0205) from Legislative Council. It is his understanding the only change was the addition of the IT resolution, otherwise the same as before. The House recedes from the House amendment and the conference committee further amends. There was a second by SENATOR THANE. A roll call vote for the amendment passed with a vote of 6 yeas, 0 nays.

(Meter 343) REPRESENTATIVE KOPPLEMAN made a motion of a DO PASS AS AMENDED, with a second by REPRESENTATIVE THORESON. A roll call vote of 6 yeas, 0 nays passed the bill. SENATOR MATHERN to carry the bill.

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Cherona J. Bee
Operator's Signature

10-11-03
Date

Date 4-14-03
 Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2007

Senate APPROPRIATIONS Committee

Check here for Conference Committee

Legislative Council Amendment Number amend #1000 of footnote 3
 Action Taken DO PASS

Motion Made By Kringstad Seconded By Thane

Senators	Yes	No	Representatives	Yes	No
Senator Kringstad	✓		Representative Koppelman		✓
Senator Thane	✓		Representative Thoreson		✓
Senator Mathern		✓	Representative Kroeber		✓

Total (Yes) 2 No 4

Absent motion failed

Floor Assignment _____

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

38030.0205
 Title.0400
 Fiscal No. 1

Prepared by the Legislative Council staff for
 Conference Committee
 April 18, 2003

JF
 4-18-03

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2007

That the House recede from its amendments as printed on pages 1118 and 1119 of the Senate Journal and pages 1237 and 1238 of the House Journal and that Engrossed Senate Bill No. 2007 be amended as follows:

Page 1, line 9, replace "945,564" with "944,532"

Page 1, line 10, replace "159,213" with "163,113"

Page 1, line 11, replace "1,104,777" with "1,107,645"

Page 1, line 12, replace "229,948" with "229,698"

Page 1, line 13, replace "874,829" with "877,947"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Labor Commissioner - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$955,888	\$946,684	(\$1,032)	\$944,532	\$944,532	
Operating expenses	<u>180,713</u>	<u>159,213</u>	<u>3,900</u>	<u>163,113</u>	<u>158,313</u>	\$4,800
Total all funds	\$1,116,601	\$1,104,777	\$2,888	\$1,107,645	\$1,102,845	\$4,800
Less estimated income	<u>232,460</u>	<u>229,948</u>	<u>(250)</u>	<u>229,698</u>	<u>229,698</u>	
General fund	\$884,141	\$874,829	\$3,118	\$877,947	\$873,147	\$4,800
FTE	10.00	10.00	0.00	10.00	10.00	0.00

Dept. 406 - Labor Commissioner - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	RESTORES FUNDING FOR OPERATING EXPENSES 2	INCREASES FUNDING FOR OPERATING EXPENSES 3	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 4	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$1,032)				(\$1,032)
Operating expenses		<u>\$1,600</u>	<u>\$4,000</u>	<u>(\$1,800)</u>	<u>3,900</u>
Total all funds	(\$1,032)	\$1,500	\$4,000	(\$1,800)	\$2,888
Less estimated income	<u>(250)</u>				<u>(250)</u>
General fund	(\$782)	\$1,500	\$4,000	(\$1,800)	\$3,118
FTE	0.00	0.00	0.00	0.00	0.00

1 This amendment reduces funding for state employee health insurance premiums from \$493 to \$486.70 per month.

2 This amendment restores funding of \$1,500 from the general fund that was removed by the Senate. The funding is to be used for Labor Department booth rental space.

3 This amendment increases funding for operating expenses by \$4,000 from the general fund for travel expenses associated with the commissioner's participation in the National Association of Government Labor Officials.

4 This amendment reduces funding for information technology by \$1,800 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent. The House had reduced funding for information technology by \$8,400 from the general fund, a reduction of approximately 20 percent.

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Yvonne A. Free
 Operator's Signature

10-14-03
 Date

REPORT OF CONFERENCE COMMITTEE (420)
 April 18, 2003 12:31 p.m.

Module No: SR-71-7940

Insert LC: 38030.0205

REPORT OF CONFERENCE COMMITTEE

SB 2007, as engrossed: Your conference committee (Sens. Kringstad, Thane, Mathern and Reps. Koppelman, Thoreson, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1118-1119, adopt amendments as follows, and place SB 2007 on the Seventh order:

That the House recede from its amendments as printed on pages 1118 and 1119 of the Senate Journal and pages 1237 and 1238 of the House Journal and that Engrossed Senate Bill No. 2007 be amended as follows:

Page 1, line 9, replace "945,564" with "944,532"

Page 1, line 10, replace "159,213" with "163,113"

Page 1, line 11, replace "1,104,777" with "1,107,645"

Page 1, line 12, replace "229,948" with "229,698"

Page 1, line 13, replace "874,829" with "877,947"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Labor Commissioner - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$955,888	\$946,564	(\$1,032)	\$944,532	\$944,532	
Operating expenses	180,713	159,213	3,800	163,113	158,313	\$4,800
Total all funds	\$1,116,601	\$1,104,777	\$2,888	\$1,107,645	\$1,102,845	\$4,800
Less estimated income	232,480	229,948	(250)	229,698	229,698	
General fund	\$884,141	\$874,829	\$3,118	\$877,947	\$873,147	\$4,800
FTE	10.00	10.00	0.00	10.00	10.00	0.00

Dept. 406 - Labor Commissioner - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	RESTORES FUNDING FOR OPERATING EXPENSES 2	INCREASES FUNDING FOR OPERATING EXPENSES 3	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 4	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$1,032)				(\$1,032)
Operating expenses		\$1,500	\$4,000	(\$1,800)	3,900
Total all funds	(\$1,032)	\$1,500	\$4,000	(\$1,800)	\$2,888
Less estimated income	(250)				(250)
General fund	(\$782)	\$1,500	\$4,000	(\$1,800)	\$3,118
FTE	0.00	0.00	0.00	0.00	0.00

1 This amendment reduces funding for state employee health insurance premiums from \$493 to \$488.70 per month.

2 This amendment restores funding of \$1,500 from the general fund that was removed by the Senate. The funding is to be used for Labor Department booth rental space.

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Y. Thoreson
 Operator's Signature

10-11-03
 Date

REPORT OF CONFERENCE COMMITTEE (420)
April 18, 2003 12:31 p.m.

Module No: SR-71-7940

Insert LC: 38030.0205

- 3 This amendment increases funding for operating expenses by \$4,000 from the general fund for travel expenses associated with the commissioner's participation in the National Association of Government Labor Officials.
- 4 This amendment reduces funding for Information technology by \$1,600 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 6 percent. The House had reduced funding for Information technology by \$8,400 from the general fund, a reduction of approximately 20 percent.

Engrossed SB 2007 was placed on the Seventh order of business on the calendar.

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Cheresea A. Lee
Operator's Signature

10-14-03
Date

2003 TESTIMONY

SB 2007

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Chavez
Operator's Signature

10-14-03
Date

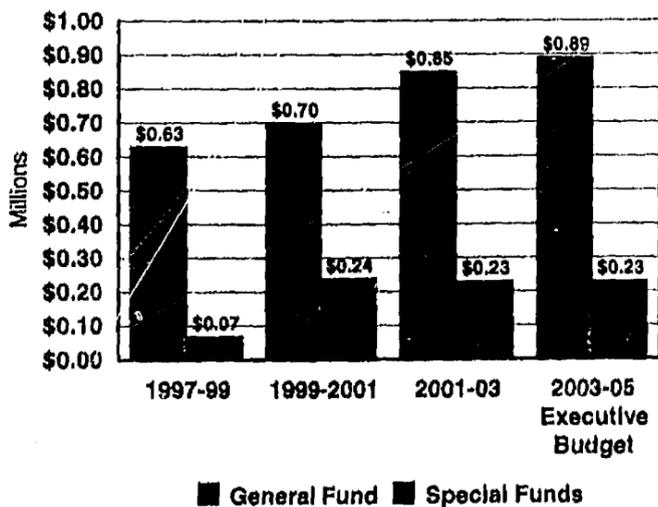
Department 406 - Labor Commissioner
 Senate Bill No. 2007

	FTE Positions	General Fund	Other Funds	Total
2003-05 Executive Budget	10.00	\$884,141	\$232,460	\$1,116,601
2001-03 Legislative Appropriations	10.00	853,752 ¹	231,212	1,084,964 ²
Increase (Decrease)	0.00	\$30,389	\$1,248	\$31,637

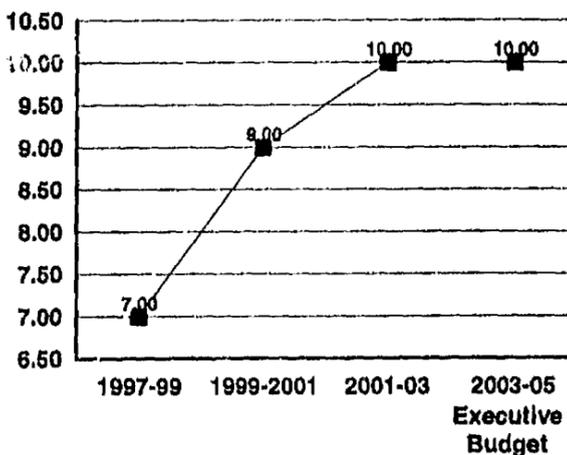
¹ The 2001-03 general fund appropriation is the amount appropriated by the 2001 Legislative Assembly and does not include a reduction of \$8,964 relating to the 1.05 percent budget allotment ordered by Governor Hoeven in July 2002.

² The 2001-03 appropriation amounts include \$6,580, \$5,330 of which is from the general fund, for the agency's share of the \$5 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees. The 2001-03 appropriation amounts do not include \$80,214 of additional special funds authority resulting from Emergency Commission action through March 2002.

Agency Funding



FTE Positions



First House Action

Attached is a summary of the first house changes.

Executive Budget Highlights
 (With First House Changes Noted)

	General Fund	Other Funds	Total
1. Decreases funding for operating expenses. The Senate decreased funding for operating expenses by \$1,500 from the general fund.	(\$90,304)		(\$90,304)

Major Related Legislation

Senate Bill No. 2070 - Licensure of employment agencies - This bill provides that employment agencies charging service fees or any other charges exclusively to employers are not required to be licensed by the Labor Commissioner.

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Cherona J. Bee
 Operator's Signature

10-14-03
 Date

02/28/03

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Funding Summary

	Executive Budget	Senate Changes	Senate Version
Labor Commissioner			
Salaries and wages	\$955,888	(\$10,324)	\$945,564
Operating expenses	160,713	(1,500)	159,213
Total all funds	\$1,116,601	(\$11,824)	\$1,104,777
Less estimated income	232,460	(2,512)	229,948
General fund	\$884,141	(\$9,312)	\$874,829
FTE	10.00	0.00	10.00
Bill Total			
Total all funds	\$1,116,601	(\$11,824)	\$1,104,777
Less estimated income	232,460	(2,512)	229,948
General fund	\$884,141	(\$9,312)	\$874,829
FTE	10.00	0.00	10.00

Senate Bill No. 2007 - Labor Commissioner - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$955,888	(\$10,324)	\$945,564
Operating expenses	160,713	(1,500)	159,213
Total all funds	\$1,116,601	(\$11,824)	\$1,104,777
Less estimated income	232,460	(2,512)	229,948
General fund	\$884,141	(\$9,312)	\$874,829
FTE	10.00	0.00	10.00

Department No. 406 - Labor Commissioner - Detail of Senate Changes

	Removes Recommended Salary Increase ¹	Decreases Funding For Operating Expenses ²	Total Senate Changes
Salaries and wages	(\$10,324)		(\$10,324)
Operating expenses		(1,500)	(1,500)
Total all funds	(\$10,324)	(\$1,500)	(\$11,824)
Less estimated income	(2,512)	0	(2,512)
General fund	(\$7,812)	(\$1,500)	(\$9,312)
FTE	0.00	0.00	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

² This amendment decreases funding for operating expenses by \$1,500 from the general fund. The funding would have been used for Labor Department booth space rental.

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Yherena J. Bee
Operator's Signature

10-11-03
Date

John Hoeven
Governor

Mark D. Bachmeler
Commissioner



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

www.state.nd.us/labor
E-mail: labor@state.nd.us

January 16, 2003

Honorable Rick Berg
Majority Leader
North Dakota House of Representatives
State Capitol
Bismarck, ND 58505

Honorable Bob Stenehjem
Majority Leader
North Dakota Senate
State Capitol
Bismarck, ND 58505

Dear Representative Berg and Senator Stenehjem:

I am happy to respond to your January 8, 2003 letter requesting information about the purposes of the Department of Labor and how we measure our performance at carrying out our responsibilities.

The Department of Labor is a regulatory agency with two primary areas of responsibility. First, the office of Labor Commissioner is responsible for prescribing standards and enforcing laws relating to wages and working conditions of employment. Secondly, the Human Rights Division within the Department of Labor is responsible for enforcing North Dakota's anti-discrimination laws. Both of these primary responsibilities entail investigating complaints, resolving disputes, and educating the public about rights and responsibilities under state labor and human rights laws.

We measure the achievement of our purpose in a number of ways:

- Counts of telephone, email, and in-person inquiries from the public
- Numbers of educational presentations delivered throughout the state
- Counts of brochures and other informational materials distributed
- Numbers of complaints and disputes resolved

The Department would appreciate the legislature's support for our budget request as it exists in the Governor's Executive Recommendation. In addition, the Department has introduced several agency bills, two of which we believe would improve the efficient use of resources by our agency. With HB 1082, we are proposing to eliminate a duplication in the process to be undertaken by the Commissioner of Labor when prescribing standards for wages and working conditions and with SB 2067 we are proposing to eliminate an antiquated regulatory function, employment agency licensing.

Telephone: (701) 328-2660 ND Toll Free: 1-800-682-8032 Fax: (701) 328-2031 TTY: 1-800-366-6888

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Yvonne A. Bee
Operator's Signature

10-14-03
Date

We can help the public better understand our purpose and evaluate our effectiveness by doing more to make the public aware of the services we provide. We are currently developing an "At-A-Glance" report for that very purpose. The report will summarize all of the agency's services each month in an easy-to-understand format for public consumption. The reports will be posted each month on our agency website.

I hope this information is adequate to your purpose. If not, or if you have questions about any of the information we provided, please call me anytime.

Sincerely,

Mark D. Bachmeier

Mark D. Bachmeier
Commission of Labor

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Cheresea W. Free
Operator's Signature

10-14-03
Date

SB 2007

**Human Rights Complaint Dispositions
Comparison of State Human Rights Agencies**

State Human Rights Agency	Probable Cause	No Probable Cause	Settlement	Administrative Closure	Other	Probable Cause and Settlement
Colorado Civil Rights Division	3.2%	—	18.1%	—	—	21.3%
Iowa Civil Rights Commission	2.4%	8.3%	11.6%	60.7%	17.0%	14.0%
Kansas Human Rights Commission	1.5%	65.5%	15.8%	17.2%	0.0%	17.3%
Minnesota Department of Human Rights	7.8%	31.0%	7.5%	50.8%	2.8%	15.3%
Missouri Commission on Civil Rights	2.5%	49.6%	9.4%	14.8%	23.7%	11.9%
Montana Human Rights Bureau	11.8%	57.3%	11.5%	5.7%	13.7%	23.3%
Nebraska Equal Opportunity Commission	7.5%	66.7%	13.7%	7.2%	5.5%	21.2%
North Dakota Human Rights Division	4.0%	66.0%	16.6%	4.0%	9.4%	20.6%
Oklahoma Human Rights Commission	0.0%	52.8%	18.3%	27.9%	1.0%	18.3%
Utah Anti-Discrimination Division	4.7%	45.4%	22.2%	14.7%	13.0%	26.9%
Wisconsin Labor and Industry Review Commission	15.9%	40.1%	8.9%	24.7%	10.3%	24.8%
Average	5.6%	48.3%	14.0%	22.8%	9.6%	19.5%

Notes:

- The Department of Labor requested information regarding human rights complaint dispositions from the state agencies reported here plus Illinois, South Dakota, and Wyoming. Illinois has not responded. Neither South Dakota nor Wyoming had comparable statistics to provide. Colorado provided only the numbers of probable cause and settlement dispositions.
- States do not all define categories of complaint dispositions exactly the same. We made every attempt here to use categories that are as similar as possible. Generally:
 - Probable cause means that the agency completed an investigation and issued a formal finding that reasonable cause existed to believe that discrimination occurred;
 - No probable cause means that the agency completed an investigation and issued a formal finding that reasonable cause did not exist to believe that discrimination occurred;
 - Settlement means that the parties to a complaint reached terms to resolve the complaint without a finding issued by the agency through mediation, conciliation, negotiated settlement, or withdrawal by the complainant because of settlement;
 - Administrative closure means that the complaint was closed at the discretion of the agency before the completion of an investigation for any reason (e.g., lack of cooperation by a complainant, lack of jurisdiction, or because the agency determined at some point that a complaint did not warrant further investigation); and
 - Other means all other dispositions, primarily complaints withdrawn by complainants and complaints referred to federal agencies for investigation.
- Data were provided for various time periods, generally the agencies' most recently concluded one or two calendar or fiscal years. Colorado data were provided for the agency's current fiscal year to date. The percentages for North Dakota are based on all human rights complaints closed during calendar years 2001 and 2002.

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Cherisea J. Free
Operator's Signature

10-14-03
Date

John Hoeven
Governor

Mark D. Bachmeier
Commissioner



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

www.state.nd.us/labor
E-mail: labor@state.nd.us

Ethel

Testimony on SB 2007
Prepared for the
Senate Appropriations Committee

January 17, 2003

Chairman Holmberg and members of the Senate Appropriations Committee, good morning. For the record, I am Mark Bachmeier, Commissioner of Labor.

As you know, the Department of Labor has been given significant new responsibilities by the Legislative Assembly during the past two legislative sessions. Today, the department carries out all of the traditional responsibilities of the Office of the Labor Commissioner relating to wages and working conditions of employment in the state and also administers the provisions of the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act. Under these anti-discrimination laws, the department is responsible to:

- Receive and investigate complaints alleging discriminatory practices;
- Emphasize conciliation to resolve complaints;
- Provide administrative hearings on complaints in which reasonable cause is found to believe that a discriminatory practice has occurred;
- Foster prevention of discrimination through education about the rights and responsibilities provided under North Dakota human rights laws;
- Conduct studies relating to the nature and extent of discrimination in the state; and
- Make reports recommending legislative or other action to carry out the purposes of North Dakota human rights laws.

In carrying out all of our responsibilities during the first eighteen months of the current biennium, we have:

- Resolved 370 claims for unpaid wages and collected \$143,094 for workers;
- Negotiated 36 additional informal settlements in wage disputes and collected an additional \$13,572 for workers;
- Resolved 57 informal complaint inquiries alleging noncompliance with state labor laws;
- Issued 2,132 Employment and Age Certificates (work permits) to 14 and 15 year old workers;
- Resolved 172 employment discrimination complaints;
- Resolved 36 housing discrimination complaints;
- Resolved 5 complaints alleging discrimination in public accommodations;
- Resolved 3 complaints alleging discrimination in public services;
- Resolved 28 complaints alleging employment retaliation under the state's whistleblower law;
- Provided over 100 presentations on labor and anti-discrimination laws to groups around the state;

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Cherese A. Free
Operator's Signature

10-14-03
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- Licensed 23 employment agencies in the state;
- Received an average of 1,042 telephone, email, and "walk-in" inquiries from citizens around the state each month;
- Developed and launched a new agency web site organized around the services provided by the department and containing expanded human rights coverage and access to informational brochures and complaint forms; and
- Contracted a study of public perceptions of discrimination in the state.

In addition, we have made significant organizational changes to integrate our new human rights responsibilities and traditional labor functions, to concentrate the agency's resources in direct customer service areas, and to make our case management processes as efficient as possible. These improvements have included:

- Agency Reorganization. We reorganized the agency functionally into two primary areas, Administration and Case Management. The Administrative area includes personnel responsible for administrative and support functions of the agency and the Case Management area encompasses personnel responsible for programmatic functions in all areas. Currently, seven of the agency's ten staff are dedicated to our case management area.
- Human Rights Director. We reassigned the duties of the Deputy Labor Commissioner/Human Rights Director position to oversee all aspects of the department's entire case management area. The Human Rights director today dedicates full time to managing the department's complaint caseload. She works directly with investigative staff on investigations, conducts legal research, and performs a variety of other duties related directly to complaint processing. This change effectively redirected a full position to our case management area.
- Business Manager. We reassigned the duties of the Administrative Assistant position to have primary responsibility for overseeing the day-to-day administrative functions of the agency. Some of the functions reassigned to the Business Manager were previously performed by the Deputy Labor Commissioner position.
- Investigative Staff. We created an investigative team with all six full-time investigators working together to investigate complaints of all types. The team meets weekly as a group, along with the Human Rights Director, to act as resources for one another, to ensure that all investigations progress, and to make group decisions about the dispositions of complaints. Today, decisions about every human rights complaint are made collectively by this group of seven.
- Complaint Procedures. We are working to creating a single process for the management and investigation of all types of complaints. We will utilize consistent terminology and a common set of procedures and guidelines to make complaint intake and investigation more efficient and to facilitate the cross training of investigative staff. One of our plans in this area is to improve the complaint intake process by taking complaints through telephone and in-person interviews with complainants and reducing or eliminating the use of paper intake forms.

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Cherise A. Lee
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- Information and Case Management Database. We are developing a single software application to integrate data relating to all services provided by the department. The new system will store statistical records for all services and will contain case management tools for complaints that will automate intake interview procedures, standard correspondence, and the production of investigative reports. Today, we are utilizing parts of the new system while others remain under development.

The Governor's Executive Recommendation, contained in SB 2007, proposes a total appropriation for the department for the 2003-05 biennium, excluding the compensation package, that is essentially the same as our total appropriation for the current biennium.

The bill proposes a total appropriation of \$1,116,601. Of that, \$30,462 is for the recommended compensation package. Excluding that amount, the recommended appropriation is \$1,086,139, \$232,460 in federal authority and \$853,679 in general funds.

Our original appropriation for the current biennium was \$1,078,384. \$6,580 was added for equity increases for qualifying agency staff, increasing our appropriation to \$1,084,964, \$231,212 in federal authority and \$853,752 in general funds.

We later requested and received an additional \$80,214 in federal spending authority to accept additional federal funding that we were able to secure above our original appropriation for the biennium. These one-time funds were expended on our web site development, our discrimination survey, our new data system, and travel for some of our investigative staff to attend human rights investigator training. They will not be available again during the 2003-05 biennium.

In total, our appropriation request in SB 2007 is \$1,175 more than our current budget for practical purposes, \$1,248 more in federal spending authority and \$73 less in general funds. One notable point is that this net increase of \$1,175 is a combination of an increase of \$11,265 in our appropriation for salaries and wages and a decrease of \$10,090 in our appropriation for operating and equipment.

I believe this is a fair budget for our agency and that we can operate our programs on it. I would appreciate your support for SB2007 and I would be happy to answer any questions you may have.

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Yberosa J. Lee
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10-14-03
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John Hoeven
Governor

Mark D. Bachmeler
Commissioner



State Capitol - 13th Floor
600 E Boulevard Ave Dept 408
Bismarck, ND 58505-0340

www.state.nd.us/labor
E-mail: labor@state.nd.us

Testimony on SB 2007
Prepared for the
House Appropriations Committee

March 4, 2003

Chairman Carlisle and members of the House Appropriations Committee, good morning. For the record, I am Mark Bachmeler, Commissioner of Labor.

As you know, the Department of Labor has been given significant new responsibilities by the Legislative Assembly during the past two legislative sessions. Today, the department carries out all of the traditional responsibilities of the Office of the Labor Commissioner relating to wages and working conditions of employment in the state and also administers the provisions of the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act. Under these anti-discrimination laws, the department is responsible to:

- Receive and investigate complaints alleging discriminatory practices;
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- Foster prevention of discrimination through education about the rights and responsibilities provided under North Dakota human rights laws;
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Yvonne A. Bee
Operator's Signature

10-14-03
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- Contracted a study of public perceptions of discrimination in the state.

In addition, we have made significant organizational changes to integrate our new human rights responsibilities and traditional labor functions, to concentrate the agency's resources in direct customer service areas, and to make our case management processes as efficient as possible. These improvements have included:

- Agency Reorganization. We reorganized the agency functionally into two primary areas, Administration and Case Management. The Administrative area includes personnel responsible for administrative and support functions of the agency and the Case Management area encompasses personnel responsible for programmatic functions in all areas. Currently, seven of the agency's ten staff are dedicated to our case management area.
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Operator's Signature

Yvonne A. Lee

Date

10-14-03

- Information and Case Management Database. We are developing a single software application to integrate data relating to all services provided by the department. The new system will store statistical records for all services and will contain case management tools for complaints that will automate intake interview procedures, standard correspondence, and the production of investigative reports. Today, we are utilizing parts of the new system while others remain under development.

As SB 2007 came to you from the Senate, it proposes a total appropriation for the department for the 2003-05 biennium, excluding the benefit package, that is essentially the same as our total appropriation for the current biennium.

The bill proposes a total appropriation of \$1,104,777. Of that, \$20,138 is for projected increases in benefit costs. Excluding that amount, the recommended appropriation is \$1,084,639.

Our original appropriation for the current biennium was \$1,078,384. \$6,580 was added for equity salary increases for qualifying agency staff, increasing the appropriation to \$1,084,964. We later requested and received an additional \$80,214 in federal spending authority to accept additional federal funds that we were able to secure above our original appropriation for the biennium. These one-time funds were expended on our web site development, our discrimination survey, our new data system, and travel for some of our investigative staff to attend human rights investigator training. These funds will not be available again during the 2003-05 biennium.

The \$1,084,639 proposed in SB 2007 is \$325 less in total than the \$1,084,964 for the current biennium. This difference is a combination of an increase in general funds of \$939 and a decrease in federal spending authority of \$1,264.

One notable point is that this net decrease of \$325 is also a combination of an increase of \$11,265 in our appropriation for salaries and wages and a decrease of \$11,590 in our appropriation for operating. This represents a decrease of 6.8% in our operating budget compared to the current biennium.

The Senate reduced the Governor's Executive Recommendation for our agency by \$11,824. Of this, \$10,324 was for the proposed compensation package. In addition, the Senate reduced the proposed operating budget by \$1,500, an amount that I had identified for certain educational activities, placing our agency display booth at appropriate meetings and conferences. I think this is an important way for us to distribute educational materials and would certainly like to see that amount restored.

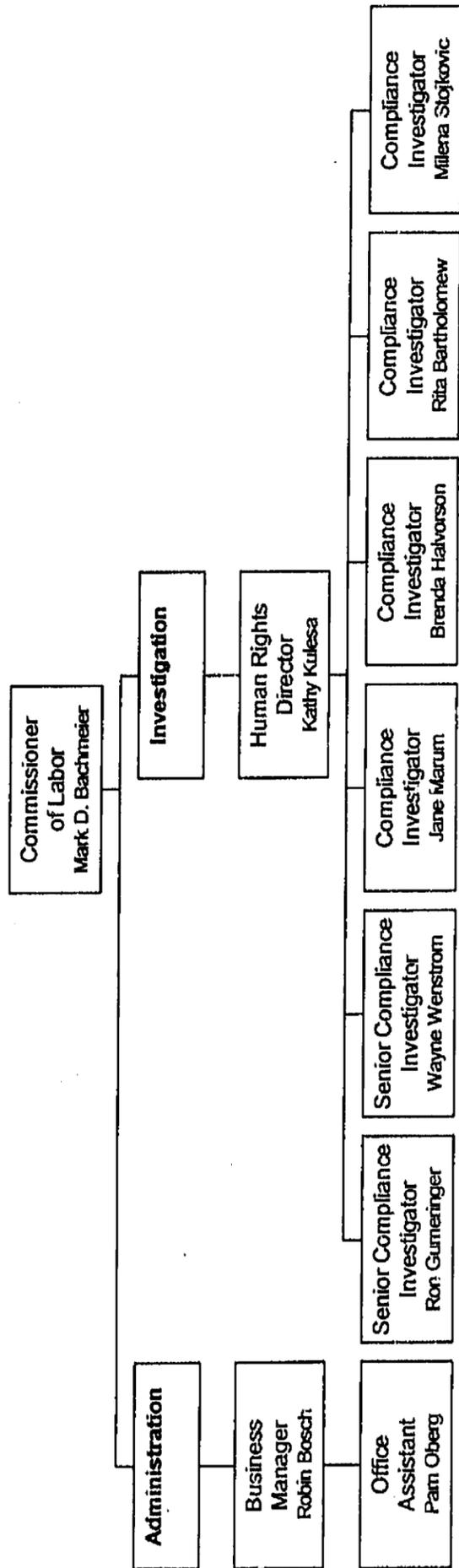
Aside from that, I believe this is a fair, although tight, budget for our agency and I believe that we can operate our programs on it. I would appreciate your support for SB2007 and I would be happy to answer any questions you may have.

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Cheresea J. Bee
Operator's Signature

10-14-03
Date

North Dakota Department of Labor
Organizational Chart
June 2002



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Cheresea W. Free
Operator's Signature

10-14-03
Date



Human Rights Division

**Report on Human Rights to the
58th Legislative Assembly of North Dakota**

January 13, 2003

John Hoeven, Governor

Mark D. Bachmeier, Commissioner of Labor

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Section 15 of Chapter 145 of the 2001 Session Laws requires the Labor Commissioner to report between the first and 10th legislative day of the regular legislative session of the 58th Legislative Assembly to a standing committee of each house as determined by the Legislative Council. The report is to be with respect to the nature, number, status, and disposition of complaints received by the Labor Department under the Human Rights Act and the Housing Discrimination Act. Additionally, N.D.C.C. §§ 14-02.4-22 and 14-02.5-15 require the department 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 all of these requirements.

History

- 1983 – The North Dakota Human Rights Act was enacted and codified as N.D.C.C. Chapter 14-02.4. The new law prohibited discrimination in employment, housing, public accommodations, government services, and credit transactions on the bases of race, color, religion, sex, national origin, age, disability, marital status, receipt of public assistance, lawful activity off the employer's premises outside of regular work hours (employment only), and familial status (housing only). The Department of Labor was authorized to receive and investigate complaints alleging discriminatory employment practices and to seek to obtain voluntary compliance with the law through informal advice, negotiation, or conciliation. Complaints alleging discriminatory practices in all other areas had to be filed in state courts.
- 1987 – North Dakota Department of Labor entered into a work-sharing agreement with the Federal Equal Employment Opportunity Commission. Under the agreement, the department receives funding from the federal agency and the federal agency defers the investigation of complaints meeting federal jurisdiction to the department.
- 1999 – Housing Discrimination Act was enacted and codified as N.D.C.C. Chapter 14-02.5. The new law repealed the housing discrimination provisions from the original Human Rights Act and created a new chapter providing housing discrimination protections and remedies "substantially equivalent" to those provided in the Federal Fair Housing Act. The purpose of the new law was to provide for full administrative enforcement on North Dakota housing discrimination law and to allow the enforcing agency to enter into a work-sharing agreement with the Federal Department of Housing and Urban Development. The Department of Labor was authorized to carry out the administrative enforcement responsibilities of the new law.
- 2000 – The North Dakota Housing Discrimination Act was deemed by the Federal Department of Housing and Urban Development to be "substantially equivalent" to the Federal Fair Housing Act and the Department of Labor entered into a work-sharing agreement with the federal agency. Under the agreement, the department receives funding from the federal agency and the federal agency defers the investigation of complaints meeting federal jurisdiction to the department.
- 2000 – Human Rights Division was created within the Department of Labor to give better name recognition to the department's anti-discrimination responsibilities.
- 2001 – SB 2217 was passed by the North Dakota Legislative Assembly, authorizing the

Human Rights Division of the Department of Labor to receive and investigate complaints alleging discriminatory practices in all areas in which discrimination is prohibited under the Human Rights Act. The bill also provided for the department to enforce the Human Rights Act through administrative hearings.

Statutory Duties of the Department

Under the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act, the Human Rights Division of the Department of Labor is authorized to:

- Receive and investigate complaints alleging discriminatory practices;
- Emphasize conciliation to resolve complaints;
- Provide administrative hearings on complaints in which reasonable cause is found to believe that a discriminatory practice has occurred;
- Foster prevention of discrimination through education about the rights and responsibilities provided under North Dakota human rights laws;
- Conduct studies relating to the nature and extent of discrimination in the state; and
- Make reports recommending legislative or other action to carry out the purposes of North Dakota human rights laws.

Department Activities to Carry Out Statutory Duties

Since the passage of the Housing Discrimination Act in 1999 and the 2001 amendments to the Human Rights Act, the department has engaged in a variety of significant activities to carry out its new responsibilities. These activities have included the development of necessary forms, correspondence, and administrative procedures for receiving and investigating complaints, hiring and training investigative staff, acquiring reference and compliance resources, researching case law relating to human rights laws, and the development and distribution of informational materials.

Case Management

The first and most important responsibility we were given was to receive and investigate complaints alleging discriminatory practices. In other words, to provide assistance to people who come to our office feeling they may have been discriminated against. Accordingly, our priority to date has been the development of a complaint processing/case management system. Our goal has been, and continues to be, to develop a case management system that is friendly, fair to both parties to complaints, thorough, timely, and effective.

To work toward that goal, we developed and began implementing, in late 2001, a comprehensive plan to make our agency as efficient and effective as possible in the delivery of all of our services to North Dakota citizens by concentrating the resources of the agency in direct service to citizens and by integrating the department's several complaint processes into a single, more efficient and effective case management system. The plan has encompassed a number of specific strategies:

1. Agency Reorganization. We reorganized the agency functionally into two primary areas, Administration and Case Management. The Administrative area includes personnel responsible for administrative and support functions of the agency and the Case Management area encompasses personnel responsible for programmatic functions in all areas. Currently, seven of the agency's ten staff are dedicated to our case management area. An organizational chart is attached to this report as Attachment 1.
2. Human Rights Director. We reassigned the duties of the Deputy Labor Commissioner/Human Rights Director position to oversee all aspects of the department's entire case management area. The Human Rights director today dedicates full time to managing the department's complaint caseload. She works directly with investigative staff on investigations, conducts legal research, and performs a variety of other duties related directly to complaint processing. This change effectively redirected a full position to our case management area.
3. Business Manager. We reassigned the duties of the Administrative Assistant position to have primary responsibility for overseeing the day-to-day administrative functions of the agency. Some of the functions reassigned to the Business Manager were previously performed by the Deputy Labor Commissioner position.
4. Investigative Staff. We created an investigative team with all six full-time investigators working together to investigate complaints of all types. The team meets weekly as a group, along with the Human Rights Director, to act as resources for one another, to ensure that all investigations progress, and to make group decisions about the dispositions of complaints. Today, decisions about every human rights complaint are made collectively by this group of seven.
5. Complaint Procedures. We are working to creating a single process for the management and investigation of all types of complaints. We will utilize consistent terminology and a common set of procedures and guidelines to make complaint intake and investigation more efficient and to facilitate the cross training of investigative staff. One of our plans in this area is to improve the complaint intake process by taking complaints through telephone and in-person interviews with complainants and reducing or eliminating the use of paper intake forms.
6. Information and Case Management Database. We are developing a single software application to integrate data relating to all services provided by the department. The new system will store statistical records for all services and will contain case management tools for complaints that will automate intake interview procedures, standard correspondence, and the production of investigative reports. Today, we are utilizing parts of the new system while others remain under development.

Staff Training

Our current Human Rights Director is a trained paralegal with seventeen years of practical experience in that field. Various department staff have attended training and policy conferences sponsored by the Federal Equal Employment Opportunity Commission and the Federal Department of Housing and Urban Development. One of

our investigators is licensed as an investigator by the Council on Licensure, Regulation, and Enforcement. Four of our investigators have attended investigator training provided by the National Association of Human Rights Workers. These four investigators have, to-date, received one-half of the training required for licensure by that organization. In August of 2001, I attended a meeting state human rights agencies hosted by the state of Michigan Department of Civil Rights to discuss common issues and problems and best practices for human rights case management.

Reference and Resource Materials

We have purchased a variety of reference and compliance guidance materials for our use as resources in the investigation of complaints, including on-line subscription services for Equal Employment Opportunity Commission compliance guidance and legal decisions relating to housing discrimination.

In-person Intake Processing in Fargo

At the request of the City of Fargo Human Relations Commission, we began, in the fall of 2002, making ourselves available to receive complaints in-person in Fargo on one scheduled day each month.

Educational Activities

To date, our efforts to education the public about human rights have included:

- The development and distribution of several informational brochures relating to human rights, including a general brochure on human rights protections in North Dakota, two brochures on aspects of housing discrimination, and one brochure on sexual harassment in the workplace. We have also nearly completed work on an addition brochure that will describe the process and options for bringing a human rights complaint to the department.
- The development of a new agency web site with expanded information relating to human rights, access to informational brochures, and access to complaint forms. The site can be accessed at Discovernd.com/labor or Discovernd.com/humanrights. Additionally, email can now be sent to the department at humanrights@state.nd.us.
- Agency staff have provided presentations on human rights to groups and associations throughout the state. In addition, the department hosted or participated in public community forums on human rights in Bottineau, Devils Lake, Bismarck, New Town, Dickinson, Williston, Fargo, and Grand Forks during 2001 and 2002.

Study of Discrimination

Both the 1999 and 2001 human rights legislation provided for the department to conduct studies of the nature and extent of discrimination in the state, although neither provided any funding to the agency for the purpose. During 2001, we were able to secure more federal funding than we anticipated and late in that year, we began working with DH

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Cherene A. Bee
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10-14-03
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Research in Fargo on an initial research project to survey a random sample of North Dakota citizens about their knowledge of and experiences with discrimination.

Measuring discrimination precisely is a very difficult thing to do because whether discrimination occurs in any specific instance is a question of fact and law. We attempted in our study to measure the extent to which North Dakotans are aware of the anti-discrimination protections provided in North Dakota laws and the extent to which North Dakotans feel that they have ever been discriminated against in areas in which discrimination is prohibited under North Dakota laws.

Telephone interviews of 1,316 people were conducted by DH Research staff between November of 2001 and early January of 2002. The questionnaire utilized in the interview is attached to this report as Attachment 2 and two summary tables of results from the survey are included as Attachments 3 and 4. We believe the information we obtained through this project will be invaluable guidance for us to utilize in targeting education and awareness efforts

Complaints Filed

Attachment 5 to this report summarizes the number, types, and dispositions of human rights complaints filed with the department for calendar years 1999 through 2002. During the most recent year, 2002, the department filed 191 total human rights complaints for investigation. Of these, 146 alleged discrimination in employment, 31 alleged discrimination in housing, 11 alleged discrimination in public accommodations, and 3 alleged discrimination in public services.

The most prevalent bases for alleged employment discrimination tend to be sex, disability, and age. Employment complaints alleging discrimination because of race and/or color increased in prevalence during the four-year period.

The most prevalent basis for alleged discrimination in housing, public accommodations and public services is disability. After disability, the most common bases for housing discrimination complaints are familial status and race. After disability, the most common basis for complaints alleging discrimination in public accommodations and public services is race.

The most prevalent disposition in employment discrimination complaints is a no probable cause determination, followed by settlement. The most common dispositions in complaints alleging discrimination in housing, public accommodations, and public services are about equally no probable cause findings and settlements.

Department Priorities

During the next two years, the department will prioritize the following activities relating to human rights:

1. Complete the improvements already underway to the department's case management system, including improvements to the complaint intake process and full implementation of the new contact management software application.

2. Develop and implement a statewide educational program to promote awareness of the Human Rights Division and prevention of discrimination through education about rights and responsibilities under the Human Rights Act and the Housing Discrimination Act.
3. Promulgate implementing administrative rules for the Human Rights Act and Housing Discrimination Act.

2003 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. SB 2007 is the Department of Labor agency budget. It provides the funding necessary for the department to continue its human rights enforcement activities.
2. HB 1081 is a pre-filed Department of Labor agency bill. The bill proposes to correct an inconsistency between the North Dakota Housing Discrimination Act and the Federal Fair Housing Act relating to certain exempt properties.
3. HB 1083 is a pre-filed Department of Labor agency bill. The bill proposes to make consistent the open records provisions of the Human Rights Act and the Housing Discrimination Act.

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Yherosa A. Lee
Operator's Signature

10-14-03
Date

**North Dakota Human Rights Division
Discrimination Complaints Filed 1999 - 2002**

	Calendar Year 1999			Calendar Year 2000			Calendar Year 2001			Calendar Year 2002		
	Employment	Housing 1/	Other 2/									
Complaints Filed	106	0	0	105	8	0	105	21	2	146	31	14
Protected Status: 3/												
Race	8	0	0	10	3	0	12	2	1	17	7	4
Color	3	0	0	0	0	0	5	0	0	11	0	2
Religion	2	0	0	1	0	0	2	1	0	3	0	0
Sex	46	0	0	40	0	0	41	1	0	69	2	0
National Origin	0	0	0	3	0	0	5	0	0	8	2	1
Age	16	0	0	17	0	0	10	0	0	48	1	0
Disability	28	0	0	37	6	0	40	14	1	39	13	8
Marital Status	3	0	0	1	0	0	4	0	0	2	1	0
Public Assistance	1	0	0	0	0	0	0	0	0	0	3	1
Lawful Activity	0	na	na	1	na	na	0	na	na	1	na	na
Familial Status	na	0	na	na	1	na	na	3	na	na	9	na
Retaliation	7	0	0	10	0	0	19	2	0	32	3	1
Complaint Status (1/1/2003):												
Open	3	0	0	10	0	0	18	5	0	106	14	8
Settled	12	0	0	11	0	0	7	6	1	10	7	2
Probable Cause	2	0	0	3	0	0	2	1	0	0	0	0
No Probable Cause	75	0	0	75	4	0	68	6	1	20	7	3
Lack of Jurisdiction	7	0	0	2	0	0	1	0	0	2	0	0
Administrative Closure	0	0	0	1	2	0	0	0	0	0	1	1
Withdrawn	1	0	0	1	2	0	2	0	0	1	1	0
Right-to-Sue Requested	6	na	na	2	na	na	7	na	na	7	na	na
HUD Reactivation	na	0	na	na	0	na	na	3	na	na	1	na

Notes:

- 1/ The Human Rights Division was authorized to investigate complaints alleging discriminatory housing practices occurring on or after October 1, 1999.
- 2/ "Other" includes complaints alleging discriminatory practices in public accommodations, public services, and credit transactions. Of the two "Other" complaints filed in 2001, one alleged discrimination in public accommodations and one alleged discrimination in public services. Of the fourteen "Other" complaints filed in 2002, eleven alleged discrimination in public accommodations and three alleged discrimination in public services. The Human Rights Division was authorized to investigate complaints alleging discrimination occurring on or after August 1, 2001 in these areas.
- 3/ Some complaints allege discrimination based on more than one protected status.

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Yuberena W. Bee
Operator's Signature

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North Dakota Human Rights Division
2001/2002 Discrimination Survey

Percent of Respondents Aware that Discrimination is Unlawful
by Protected Status and Type of Discrimination

Protected Status	Type of Discrimination				
	Employment	Housing	Public Accommodations	Public Services	Credit Transactions
Sex	88.1	84.0	85.4	84.5	83.1
Age	72.4	71.5	71.1	71.6	70.1
Race	93.2	92.7	92.4	92.0	91.3
Color	93.4	93.0	93.0	92.6	91.9
National Origin	90.7	89.9	90.3	90.1	89.1
Disability	87.3	86.6	87.7	87.4	84.2
Religion	87.9	85.7	85.9	85.9	85.0
Marital Status	79.3	77.6	78.1	78.9	79.7
Public Assistance	72.3	73.3	71.9	74.0	70.1
Familial Status	NA	79.0	NA	NA	NA
Lawful Activity	73.9	NA	NA	NA	NA

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Cherisea J. Lee
Operator's Signature

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North Dakota Human Rights Division
2001/2002 Discrimination Survey

Percent of Respondents Feeling They Have Ever Been Discriminated Against
by Protected Status and Type of Discrimination

Protected Status	Type of Discrimination				
	Employment	Housing	Public Accommodations	Public Services	Credit Transactions
Sex	5.4	0.9	1.1	1.1	1.8
Sexual Harassment	9.3	0.3	0.3	0.2	0.1
Age 1/	6.1	0.2	0.1	0.4	0.6
Race 2/	15.5	7.3	17.3	4.5	6.4
Color 3/	13.6	7.8	16.5	3.9	4.9
National Origin	1.1	0.5	0.8	0.2	0.4
Disability 4/	23.9	0.7	2.2	2.9	2.2
Religion	0.4	0.0	0.0	0.0	0.0
Marital Status	1.4	1.4	0.2	0.5	1.8
Public Assistance 5/	2.6	2.6	0.7	0.4	2.6
Familial Status 6/	NA	2.5	NA	NA	NA
Lawful Activity	2.0	NA	NA	NA	NA

Notes:

- 1/ Includes only respondents who were at least forty years of age.
- 2/ Includes only respondents who reported being non-white.
- 3/ Includes only respondents who reported being non-white.
- 4/ Includes only respondents who reported having a physical or mental disability.
- 5/ Includes only respondents who reported being recipients of public assistance.
- 6/ Includes only respondents who reported that they were responsible for a child under age 18 in their home.

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