

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2007

2007 SENATE APPROPRIATIONS

SB 2007

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2007

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01-16-07

Recorder Job Number: 1216

Committee Clerk Signature

*Steve Rielzer*

Minutes:

**Chairman Holmberg** opened the hearing on SB 2007 at 1:50 pm on January 16, 2007 in reference to the North Dakota Department of Labor.

**Lisa Fair McEvers, Commissioner of Labor** presented written testimony (1) and gave testimony stating the Department of Labor has two primary areas of responsibility: establishing and enforcing rules relating to the wages and working conditions of employees and administering and enforcing human rights under the North Dakota Human Rights Act (NDHRA) and the North Dakota Housing Discrimination Act (NDHDA) Our department receives and investigates complaints alleging discrimination in employment, housing and public services and public accommodations. In addition to this, the department's Human Rights Division (HRD) also investigates cases for the United States Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC). We have used public education and outreach to broaden awareness of human rights protections and the services our department provides. Per the Appropriations Committee request, I am reporting that the department has not used any contract employees in lieu of hiring FTE positions. Also per the Appropriations Committee request, I report that the department projects that it will have no funds to turn back to the general fund at the end of the biennium.

**Senator Tallackson** asked questions regarding the staff of the HRD acting as mediators for complaining persons and if their office is involved with administrative hearings.

**Chairman Holmberg** asked if SB 2121 will come before the Appropriations Committee.

**Lisa Fair McEvers** stated it will not.

**Cheryl Bergian, Director of the North Dakota Human Rights Coalition (NDHRC)** presented written testimony (2) and gave testimony stating the Coalition includes a broad-based statewide membership of individuals and organizations interested in the furtherance of human rights in North Dakota: the Coalition's mission is to effect change so that all people in North Dakota enjoy full human rights. Her written and oral statement also includes endorsement of support of SB 2007.

**Chairman Holmberg** closed the hearing on SB 2007.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2007

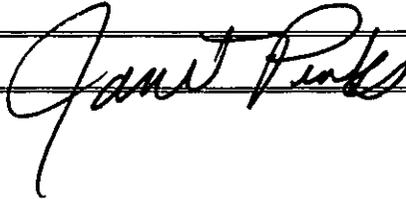
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01-25-07

Recorder Job Number: 1865

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the hearing on SB 2007 with a review of the bill.

**Senator Robinson** moved a **DO PASS** on **SB 2007**, **Senator Wardner** seconded. There was discussion. A roll call vote was taken resulting in 12 yes, 0 no, 2 absent. **Senator**

**Wardner** will carry the bill.

The hearing on SB 2007 closed.

Date: 1/25  
Roll Call Vote #: 1

2007 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

Motion Made By Robinson Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann			Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 9 No 2

Absent 5

Floor Assignment Wardner

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

**REPORT OF STANDING COMMITTEE (410)**  
January 25, 2007 3:07 p.m.

**Module No: SR-17-1266**  
**Carrier: Wardner**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2007: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS**  
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2007 was placed on the  
Eleventh order on the calendar.

2007 HOUSE APPROPRIATIONS

SB 200I

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2007

House Appropriations Committee  
Government Operations Division

Check here for Conference Committee

Hearing Date: 2/21/07

Recorder Job Number: 3593

Committee Clerk Signature

*Danya Voegele*

Minutes:

Chairman Carlson opened the hearing on senate Bill 2007.

Lisa Fair McEvers, Labor Commissioner, spoke in support of the bill. See testimony

2007.2.21.07 A.

**Representative Kempenich:** Wouldn't the issues in SB 2417 be handled by Immigration Services?

**Lisa Fair McEvers:** There could be a duplication of efforts. At this time I don't have the full authority to investigate these cases. Senate Bill 2417 will give me that authority.

**Representative Williams:** Do you want that authority?

**Lisa Fair McEvers:** I am taking a neutral position on that bill.

**Chairman Carlson:** Does the bill include any funding?

**Lisa Fair McEvers:** No.

**Vice Chairman Carlisle:** How did this come about?

**Lisa Fair McEvers:** Part of it is the timing of the bill. When I went down and spoke to the committee, we didn't have the information from ICE. It was an eleventh hour fiscal note that came down the day before the vote.

**Representative Glassheim:** What is the harm if the state were to continue as is?

**Lisa Fair McEvers:** The citizens may feel as if they have no place to turn.

**Chairman Carlson:** How is Fair Housing going?

**Lisa Fair McEvers:** Good. As of the end of January we only have seven cases pending.

**Representative Skarphol:** How does the Office of Independent Review fit with the Labor Department?

**Lisa Fair McEvers:** It will not impact our office much.

**Chairman Carlson:** Would they be housed in your office?

**Lisa Fair McEvers:** No. They would stay in their current location in the Interiors by France building.

Chairman Carlson stated that this bill will be held until we find out what happens with the other bills that will affect this budget.

**Representative Skarphol:** This is an unusual budget when looking in bars. The agency requested reductions in some areas and the Governor put it back in.

**Sandy Paulson:** This is just a funding source change. They were losing federal funds. Without this it would have meant a reduction in employees.

**Chairman Carlson:** How do you feel about that?

**Lisa Fair McEvers:** We looked at places where finding could be cut.

**Chairman Carlson:** Are you fully staffed?

**Lisa Fair McEvers:** Yes.

**Representative Skarphol:** Does that include the attorney?

**Lisa Fair McEvers:** Yes.

**Representative Skarphol:**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2007

House Appropriations Committee  
Government Operations Division

Check here for Conference Committee

Hearing Date: 3/14/07

Recorder Job Number: 5016

Committee Clerk Signature

Minutes:

Chairman Carlson opened the hearing on Senate Bill 2007.

**A motion was made by Representative Kempenich, seconded by Representative Thoreson to adopt amendment 78031.0101.**

Representative Kempenich reviewed the green sheet and any changes to the bill.

The only change to the bill is the addition of \$2,900 to purchase items for a name change such as signage, letterhead and other stationary.

**Amendment 78031.0101 was adopted by voice vote.**

**A motion was made by Representative Kempenich, seconded by Representative Skarphol for a DO PASS AS AMENDED recommendation to the full committee. The committee vote was 8 Yeas, 0 Nays, 0 Absent and Not Voting. The Bill was carried by Representative Williams.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2007

House Appropriations Committee

Check here for Conference Committee

Hearing Date: March 14, 2007

Recorder Job Number: 5095

Committee Clerk Signature

Minutes:

**Chm. Svedjan opened the hearing on SB 2007.**

**Rep. Williams** distributed amendment .0101 (Attachment A).

**Rep. Williams:** Like the securities budget this is one of the small budgets. The labor commissioner has 11 employees. If you take a look at the top of the green sheet it will be easier to follow that. It is calling for an increase in general funding of \$188,000. Like many agencies there was a cut in federal funds of \$97,000. Basically the total budget increase for the biennium is only \$91,000. The 11 FTE's are the same. The bill has a 4 and 4 in it. The Senate took no action. In visiting with the Labor Commissioner on two occasions your Government Operations committee made one change in the budget and that is the amendment. Notice it is a contingency amendment depending on bills 2121 which changed the name of the Department of Labor to the Department of Labor and Human Rights. If that happens basically you are changing letterhead, stationary, and so forth. You might think that changing it for roughly \$3,000 is a big deal. Basically in a small budget she felt it was. We felt that she was operating in a very diligent manner and consequently we are amending the budget. That is the only change in the budget.

**Chm. Svedjan:** In any event the contingent appropriation would happen only if that name changes.

**Rep. Williams:** That is correct and that is why we put it down that way.

**Rep. Nelson:** We had the same issue come up in the Human Service bill as well as the change in a provider name. In that process that change did cost a lot more than what you are indicating that. It was in the \$20,000 range. I'm wondering that in that case there was some administrative code changes that were required. Obviously that is a consideration in this budget.

**Rep. Williams:** We went up again just two days ago and visited with her. They do not have a large surpluses of stationary or anything else. They buy it in very small quantities because they are a small department. She assured us that she could update her stationary and other needs for that amount of money.

**Chm. Svedjan:** I'm trying to remember what that change was in Human Services but in their case it meant a lot of changes that related to rules.

**Rep. Nelson:** I'm not exactly sure how many rule changes would be required there. It was changing the home providers to HSP's. There is more providers in that area than this. We did get into the administrative code discussion. If you have to change administrative code you have some costs associated with publishing it in the papers. Obviously this wouldn't be required in this department.

**Rep. Wald:** Doesn't the code reviser in council do that as we make changes in names and that sort of thing? It is kind of an ongoing process, is it not?

**Chm. Svedjan:** I think part of what Rep. William's is talking about is more of the supply kinds of needs than anything else. That maybe true. I don't know.

**Rep. Carlisle:** She has eight or nine different brochures if this name change happens. It is just the nature of the budget. She has got to fix them.

**Rep. Carlson:** Just a comment about the agency. This lady has done an excellent job of cleaning up the waiting time for fair housing claims and all of the various things like labor settlements. It was very impressive to look at what she has done in terms of shortening up the time frame for how our citizens are getting service from that agency. I just wanted to give her a little congratulations for cleaning that agency up. It used to be a discussion in this committee that they aren't getting their job down or taking care of people. We didn't hear that this time.

**Rep. Williams:** I move a do pass on the amendments.

**Rep. Carlson:** I second that.

**Chm. Svedjan:** Any discussion? We will take a voice vote for a do pass motion on the amendment. All in favor say 'aye' all opposed say 'no'. The amendment carries.

**Rep. Williams:** I move a do pass as amended.

**Rep. Carlson:** I second that.

**Chm. Svedjan:** Any discussion? If not we will take a roll call vote on a do pass as amended motion for SB 2007. The motion carries 22-0-2. Is there a volunteer to carry this?

**Rep. Williams:** I will.



Date: 3/14/07  
 Roll Call Vote #: 1

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

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number 78031.0101

Action Taken Adopt Amendment 0101

Motion Made By Williams Seconded By Carlson

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Representative Wald			Representative Aarsvold		
Representative Monson			Representative Gulleason		
Representative Hawken					
Representative Klein					
Representative Martinson					
Representative Carlson			Representative Glassheim		
Representative Carlisle			Representative Kroeber		
Representative Skarphol			Representative Williams		
Representative Thoreson					
Representative Pollert			Representative Ekstrom		
Representative Bellew			Representative Kerzman		
Representative Kreidt			Representative Metcalf		
Representative Nelson					
Representative Wieland					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Voiced Vote - Carries*

Date: 3/14/07  
 Roll Call Vote #: 2

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

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number 78031.0101

Action Taken No Pass as amended by 0101

Motion Made By Williams Seconded By Carlson

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleeson	✓	
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim	✓	
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol	✓		Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew	✓		Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 22 No 0

Absent 2

Floor Assignment Williams

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

**REPORT OF STANDING COMMITTEE**

**SB 2007: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commissioner" insert "; and to provide a contingent appropriation"

Page 1, line 17, replace "(15,113)" with "(15,113)"

Page 1, after line 17, insert:  
 "Operating expenses contingency 2,920"

Page 1, line 18, replace "91,637" with "94,557"

Page 1, line 20, replace "188,904" with "191,824"

Page 2, line 4, replace "309,230" with "309,230"

Page 2, after line 4, insert:  
 "Operating expenses contingency 2,920"

Page 2, line 5, replace "1,551,841" with "1,554,761"

Page 2, line 7, replace "1,150,143" with "1,153,063"

Page 2, after line 7, insert:

**"SECTION 4. CONTINGENT APPROPRIATION.** The funds appropriated in the operating expenses contingency line item in section 3 of this Act are available to the labor commissioner contingent upon the passage of Senate Bill No. 2121 by the sixtieth legislative assembly."

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	\$1,242,611	\$1,242,611		\$1,242,611
Operating expenses	309,230	309,230		309,230
Operating expenses contingency	<u>          </u>	<u>          </u>	<u>\$2,920</u>	<u>2,920</u>
Total all funds	\$1,551,841	\$1,551,841	\$2,920	\$1,554,761
Less estimated income	<u>401,698</u>	<u>401,698</u>	<u>          </u>	<u>401,698</u>
General fund	\$1,150,143	\$1,150,143	\$2,920	\$1,153,063
FTE	11.00	11.00	0.00	11.00

**Dept. 406 - Labor Commissioner - Detail of House Changes**

PROVIDES  
CONTINGENCY  
FUNDING  
RELATING TO

TOTAL

**REPORT OF STANDING COMMITTEE (410)**  
**March 15, 2007 2:40 p.m.**

**Module No: HR-48-5474**  
**Carrier: Williams**  
**Insert LC: 78031.0101 Title: .0200**

	POSSIBLE NAME CHANGE <sup>1</sup>	HOUSE CHANGES
Salaries and wages		
Operating expenses		
Operating expenses contingency	<u>\$2,920</u>	<u>\$2,920</u>
Total all funds	\$2,920	\$2,920
Less estimated income	_____	_____
General fund	\$2,920	\$2,920
FTE	0.00	0.00

<sup>1</sup> This amendment provides a general fund contingency appropriation of \$2,920 to the Labor Commissioner for expenses relating to implementing Senate Bill No. 2121. The funding is contingent upon the passage of Senate Bill No. 2121.

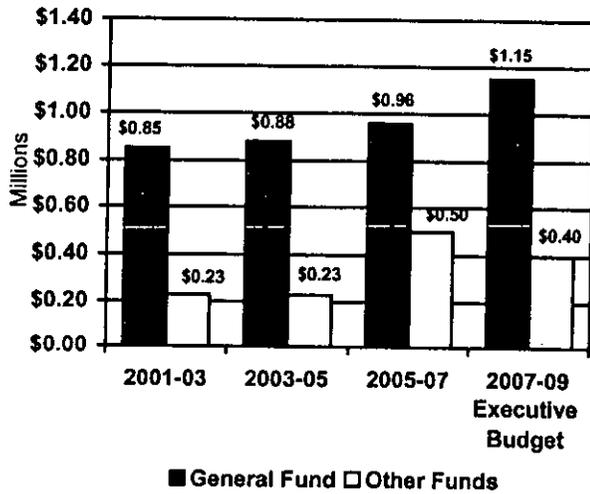
2007 TESTIMONY

SB 2007

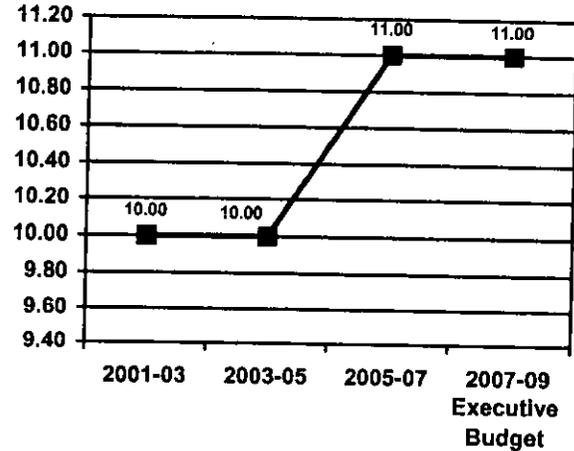
**Department 406 - Labor Commissioner  
 Senate Bill No. 2007**

	FTE Positions	General Fund	Other Funds	Total
2007-09 Executive Budget	11.00	\$1,150,143	\$401,698	\$1,551,841
2005-07 Legislative Appropriations	11.00	961,239	498,965	1,460,204
Increase (Decrease)	0.00	\$188,904	(\$97,267)	\$91,637

**Agency Funding**



**FTE Positions**



**Executive Budget Highlights**

1. Adjusts funding for operating expenses to account for decreases in federal funding from \$324,343 to \$309,230 as follows:
  - a. Professional supplies and materials - \$7,200
  - b. Printing - (\$11,500)
  - c. Information technology data processing - \$5,992
  - d. Information technology communications - \$6,027
  - e. Information technology contractual services - \$5,500
  - f. Operating fees and services - (\$23,240)
  - g. Other - (\$5,092)

General Fund	Other Funds	Total
\$59,506	(\$74,619)	(\$15,113)

**Continuing Appropriations**

No continuing appropriations for this agency.

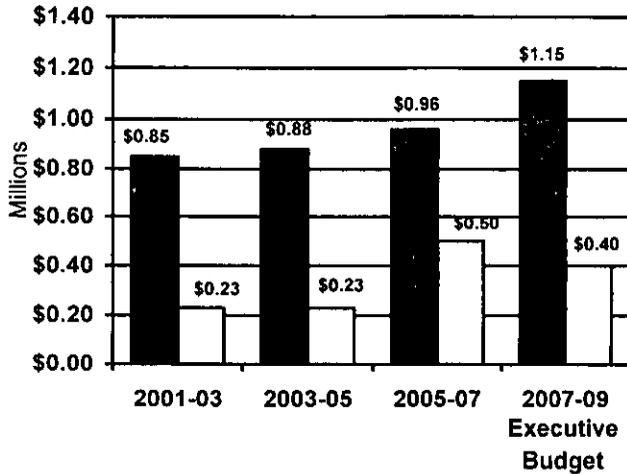
**Major Related Legislation**

Senate Bill No. 2121 - This bill changes the name of the Department of Labor to the Department of Labor and Human Rights.

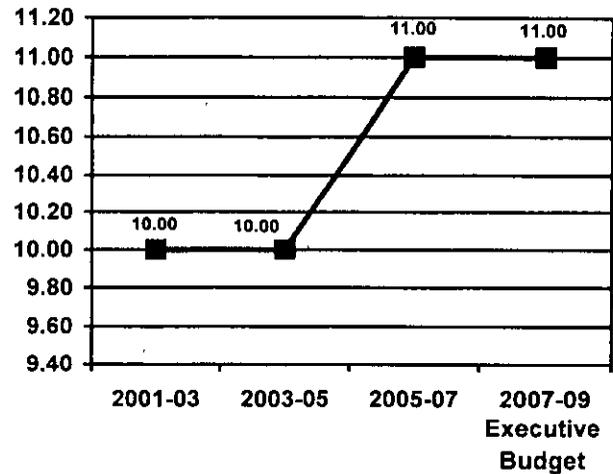
**Department 406 - Labor Commissioner**  
**Senate Bill No. 2007**

	FTE Positions	General Fund	Other Funds	Total
2007-09 Executive Budget	11.00	\$1,150,143	\$401,698	\$1,551,841
2005-07 Legislative Appropriations	11.00	961,239	498,965	1,460,204
Increase (Decrease)	0.00	\$188,904	(\$97,267)	\$91,637

**Agency Funding**



**FTE Positions**



■ General Fund □ Other Funds

**First House Action**

The Senate did not change the executive budget recommendation for the Labor Commissioner.

**Executive Budget Highlights**

	General Fund	Other Funds	Total
1. Adjusts funding for operating expenses to account for decreases in federal funding from \$324,343 to \$309,230 as follows:	\$59,506	(\$74,619)	(\$15,113)
a. Professional supplies and materials - \$7,200			
b. Printing - (\$11,500)			
c. Information technology data processing - \$5,992			
d. Information technology communications - \$6,027			
e. Information technology contractual services - \$5,500			
f. Operating fees and services - (\$23,240)			
g. Other - (\$5,092)			

**Continuing Appropriations**

No continuing appropriations for this agency.

**Major Related Legislation**

**Senate Bill No. 2021** - This bill provides an appropriation to the Labor Commissioner of \$1,072,319 from the Workforce Safety and Insurance fund for implementing the provisions of Senate Bill No. 2292 relating to the administration of the Office of Independent Review. This bill also authorizes 5 new FTE positions for the Labor Commissioner, 4 FTE positions transferred from Workforce Safety and Insurance and 1 new FTE position.

**Senate Bill No. 2121** - This bill changes the name of the Department of Labor to the Department of Labor and Human Rights.

**Senate Bill No. 2292** - This bill transfers the Office of Independent Review from Workforce Safety and Insurance to the Department of Labor.

John Hoeven  
Governor

Lisa K. Fair McEvers  
Commissioner



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

nd.gov/labor  
nd.gov/humanrights

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Testimony on SB 2007  
Prepared for the  
Appropriations Committee

January 16, 2007

Chairman Holmberg and members of the Appropriations Committee, good afternoon. For the record, I am Lisa Fair McEvers, Commissioner of Labor.

The Department of Labor has two primary areas of responsibility: establishing and enforcing rules relating to the wages and working conditions of employees and administering and enforcing human rights under the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act.

Under these anti-discrimination laws, the department receives and investigates complaints alleging discrimination in employment, housing, and public services and public accommodations. As required by law, the department emphasizes conciliation to resolve complaints, provides administrative hearings on complaints where there is probable cause to believe a discriminatory practice has occurred, and fosters prevention of discrimination through education about the rights and responsibilities provided under North Dakota human rights laws.

During the first eighteen months of the current biennium, the department's Wage and Hour Division resolved 391 claims for unpaid wages and collected \$114,975 for workers. In addition, the department resolved 132 informal complaint inquiries alleging noncompliance with state labor laws, reviewed 1,391 Employment and Age Certificates (work permits) for 14 and 15 year old workers and received an average of 517 telephone, email, and "walk-in" inquiries from citizens around the state each month.

In addition to receiving and investigating complaints directly from individuals who believe they have been victims of unlawful discrimination under state anti-discrimination laws, the department's Human Rights Division also investigates cases for the United States Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC).

During the first eighteen months of the current biennium, the department resolved 207 employment discrimination complaints, 69 housing discrimination complaints, and 60 complaints alleging discrimination in public accommodations and public services. The department directly obtained \$82,346 in monetary relief for claimants.

In addition to monetary relief, significant affirmative relief was also obtained. Department settlements and conciliation agreements routinely include various types of affirmative relief, for example: developing and implementing anti-discrimination policies; providing employee and supervisor training on anti-discrimination policies; posting policies; and publishing notices informing the public of the department's role in enforcing state anti-discrimination laws.

The department continued to broaden awareness of human rights protections and the department's services through public education and outreach. The department has maintained a number of public education efforts, working with groups representing human rights, business, labor, professional, and non-profit organizations. The department continues to provide speakers and trainers for conferences, workshops, schools, employers, labor organizations, businesses, landlord and tenant organizations, government agencies and other community groups on rights and responsibilities under anti-discrimination laws. The department provided nearly 50 presentations in the first eighteen months of the 2005-07 biennium. During the current biennium, the department also aired a public service announcement to promote fair housing and equal opportunity in North Dakota.

The Governor's Executive Recommendation contained in SB 2007 proposes a total appropriation of \$1,551,841, compared to the appropriation for the current biennium of \$1,460,204. Of the total budget, \$1,242,611 is for salary and wages, with a \$106,750 of that amount being the suggested increases for the recommended compensation package. The request also includes a modest reduction in operating, from \$324,343 in the current biennium to \$309,230, a reduction of \$15,113.

The department's budget is made up of both general funds and federal funds. Projections for federal funds show that the department is expected to receive less federal revenue than had been budgeted for in the 2005-07 biennium. The reduced federal revenue projections take into consideration a number of changes.

First, some areas of federal funding have been eliminated by the federal government. For example under the department's contract with HUD, the budget for the last biennium included projections of \$46,000 in Special Enforcement Funds and \$66,000 in Partnership Initiative funds for education from HUD. These funds are no longer available. The loss of these funds is expected to be offset in part, because case filings in housing discrimination have continued to rise. Current projections are that filings of housing discrimination complaints will rise 24% in the current biennium over the 2003-05 biennium.

Second, the department is investigating fewer cases for the EEOC. This is not due to the number of complaints filed in employment discrimination having decreased; rather, projections are that employment discrimination filings are up by 16% from the 2003-05 biennium. Instead the decrease in federal funds under the EEOC contract is because the department has completely eliminated the

backlog of cases that once existed. As of December 31, 2006, the department only had 40 employment discrimination claims pending, and not one of them was over one year old. The loss of federal funds in this area may be offset by an increase in the cost per case in the most recent EEOC contract, from \$500 to \$540 per case.

The executive budget recommendation for 2007-09 contemplates the number of FTEs remaining the same as in the current biennium. Also included is \$10,000 in overtime. This is the same amount that has been budgeted for overtime in the current biennium. While we attempt to operate without the use of overtime, it is necessary from time to time.

Per the Appropriations Committee request, I report that the department has not used any contract employees in lieu of hiring full-time equivalent (FTE) positions. The department looked into using a temporary service when difficulty arose in filling two administrative support positions, but found the process to be too cumbersome to be of timely value for the department.

Also per the Appropriations Committee request, I report that the department projects that it will have no funds to turn back to the general fund at the end of the biennium. As I have previously discussed, the department is operating without the total amount of federal revenue projected for the current biennium when the 2005-07 budget was drafted. The department has had to tighten its belt to stay within its remaining appropriation.

In summary, I believe this is a fair budget for the department and that we can operate our programs on it. I would appreciate your support for SB 2007. I would be happy to answer any questions you may have.

# North Dakota Human Rights Coalition

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



Testimony  
Senate Bill 2007  
Senate Appropriations Committee  
January 16, 2007

Chairman Holmberg and members of the Committee, thank you for the opportunity to present testimony in favor of Senate Bill 2007. I am Cheryl Bergian, Director of the North Dakota Human Rights Coalition. The Coalition includes a broad-based, statewide membership of individuals and organizations interested in the furtherance of human rights in North Dakota; the Coalition's mission is to effect change so that all people in North Dakota enjoy full human rights.

We support the work of the Division of Human Rights in the North Dakota Department of Labor for the enforcement of the North Dakota Human Rights Act and North Dakota Housing Discrimination Act. The request of our Coalition for enforcement of the anti-discrimination law in North Dakota was the impetus for the creation of the Division of Human Rights in 2000 and the assignment of its regulatory responsibilities in 2001. It is my understanding up to two-thirds of the work of the North Dakota Department of Labor now consists of activity for those two chapters of state law, as opposed to enforcement of the Wage and Hour laws and other duties of the department.

We support the continued appropriation for the North Dakota Department of Labor, and any increase in that appropriation that the Department requests. With continued visibility and outreach, we anticipate that the work of the Division of Human Rights will continue to grow, and adequate resources for the eradication of discrimination in North Dakota are necessary.

We ask for a do pass recommendation on Senate Bill 2007. I appreciate this opportunity to testify on behalf of the North Dakota Human Rights Coalition.

John Hoeven  
Governor

Lisa K. Fair McEvers  
Commissioner



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

nd.gov/labor  
nd.gov/humanrights

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Testimony on SB 2007  
Prepared for the  
Government Operations Division of Appropriations Committee

February 21, 2007

Chairman Carlson and members of the Appropriations Committee, good afternoon. For the record, I am Lisa Fair McEvers, Commissioner of Labor.

The Department of Labor has two primary areas of responsibility: establishing and enforcing rules relating to the wages and working conditions of employees and administering and enforcing human rights under the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act.

Under these anti-discrimination laws, the department receives and investigates complaints alleging discrimination in employment, housing, and public services and public accommodations. As required by law, the department emphasizes conciliation to resolve complaints, provides administrative hearings on complaints where there is probable cause to believe a discriminatory practice has occurred, and fosters prevention of discrimination through education about the rights and responsibilities provided under North Dakota human rights laws.

During the first eighteen months of the current biennium, the department's Wage and Hour Division resolved 391 claims for unpaid wages and collected \$114,975 for workers. In addition, the department resolved 132 informal complaint inquiries alleging noncompliance with state labor laws, reviewed 1,391 Employment and Age Certificates (work permits) for 14 and 15 year old workers and received an average of 517 telephone, email, and "walk-in" inquiries from citizens around the state each month.

In addition to receiving and investigating complaints directly from individuals who believe they have been victims of unlawful discrimination under state anti-discrimination laws, the department's Human Rights Division also investigates cases for the United States Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC) under contracts with those federal agencies.

During the first eighteen months of the current biennium, the department resolved 207 employment discrimination complaints, 69 housing discrimination complaints, and 60 complaints alleging discrimination in public accommodations and public services. The department directly obtained \$82,346 in monetary relief for claimants.

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In addition to monetary relief, significant affirmative relief was also obtained. Department settlements and conciliation agreements routinely include various types of affirmative relief, for example: developing and implementing anti-discrimination policies; providing employee and supervisor training on anti-discrimination policies; posting policies; and publishing notices informing the public of the department's role in enforcing state anti-discrimination laws.

The department continued to broaden awareness of human rights protections and the department's services through public education and outreach. The department has maintained a number of public education efforts, working with groups representing human rights, business, labor, professional, and non-profit organizations. The department continues to provide speakers and trainers for conferences, workshops, schools, employers, labor organizations, businesses, landlord and tenant organizations, government agencies and other community groups on rights and responsibilities under anti-discrimination laws. The department provided nearly 50 presentations in the first eighteen months of the 2005-07 biennium. During the current biennium, the department also aired statewide a public service announcement to promote fair housing and equal opportunity in North Dakota, and, in fact, the department is airing it again this month on local television stations broadcast out of Fargo and Bismarck.

The Governor's Executive Recommendation contained in SB 2007 proposes a total appropriation of \$1,551,841, compared to the appropriation for the current biennium of \$1,460,204. Of the total budget, \$1,242,611 is for salary and wages, with a \$106,750 of that amount being the "4 & 4" increases which have already been approved. The request also includes a modest reduction in operating, from \$324,343 in the current biennium to \$309,230, a reduction of \$15,113.

The department's budget is made up of both general funds and federal funds. Projections for federal funds show that the department is expected to receive less federal revenue than had been budgeted for in the 2005-07 biennium. The reduced federal revenue projections take into consideration a number of changes.

First, some areas of federal funding have been eliminated by the federal government. For example under the department's contract with HUD, the budget for the last biennium included projections of \$46,000 in Special Enforcement Funds and \$66,000 in Partnership Initiative funds for education from HUD. These funds are no longer available. The loss of these funds is expected to be offset in part, because case filings in housing discrimination have continued to rise. Current projections are that filings of housing discrimination complaints will rise 24% in the current biennium over the 2003-05 biennium.

Second, the department is investigating fewer cases under the contract with the EEOC. This is not due to the number of complaints filed in employment discrimination having decreased; rather, projections are that employment discrimination filings are up by 16% from the 2003-05 biennium. Instead the

decrease in federal funds under the EEOC contract is because the department has completely eliminated the backlog of cases that once existed. As of December 31, 2006, the department only had 40 employment discrimination claims pending, and not one of them was over one year old. The loss of federal funds in this area may be offset by an increase in the cost per case in the most recent EEOC contract, from \$500 to \$540 per case.

The executive budget recommendation for 2007-09 contemplates the number of FTEs remaining the same as in the current biennium. Also included is \$10,000 in overtime. This is the same amount that has been budgeted for overtime in the current biennium. While we attempt to operate without the use of overtime, it is necessary on occasion.

The department has not used any contract employees in lieu of hiring full-time equivalent (FTE) positions. The department did look into using a temporary service when difficulty arose in filling two administrative support positions, but found the process to be too cumbersome to be of timely value.

The department projects that it will have no funds to turn back to the general fund at the end of the biennium. As I have previously discussed, the department is operating without the total amount of federal revenue projected for the current biennium when the 2005-07 budget was drafted. The department has had to tighten its belt to stay within its remaining appropriation.

In summary, I believe this is a fair budget for the department and that we can operate our current programs on it. However, this budget does not include items currently being considered by the legislative assembly that may have a significant impact on the department.

There are three bills that have passed the Senate that would affect the budget of the department. First is SB 2121 which would change the name of the Department of Labor to the Department of Labor and Human Rights. The fiscal note on this bill is relatively small, noting that the cost of the name change is estimated at \$2,920 for such things as replacing or updating signage, business cards, the website, forms, the display booth, etc.

The second bill is SB 2417, which would require the Department of Labor to investigate cases where an employer has an employee who has been deported or arrested for being an unauthorized alien, to see if the employer has complied with federal employment verification requirements. Simply put, the department is required to investigate "I-9" violations in certain circumstances. Per the fiscal note, the department estimates that it will need an additional compliance investigator to carry out this new mandate. The cost to hire and equip an additional investigator for the next biennium is estimated at \$88,592. The bill as it passed the Senate did not provide an appropriation for additional staff.

Lastly, SB 2292 calls for the Office of Independent Review (OIR) to be transferred from Workforce Safety and Insurance (WSI) to the employ of the labor commissioner. I believe the intent of the bill is to make OIR truly independent of WSI, but to continue to use WSI premiums to fund the office. It is my understanding that the sponsors of the bill want the Commissioner of Labor to have both supervisory and fiscal authority over these employees. In order to accomplish the funding, SB 2021, WSI's appropriation bill, was amended to provide an appropriation to the Labor Commissioner of \$1,072,319 to cover the costs of 5 FTEs and operating expenses for OIR for the next biennium. A copy of the proposed amendment and the Second Engrossment of the bill are attached for your perusal.

The department's position on all three of these bills is neutral. I bring them to your attention to let you know that none of them are reflected in SB 2007 in its present form. I would appreciate your support of the Department of Labor and SB 2007. I would be happy to answer any questions you may have.