

March 29, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1007

Page 1, line 2, after "rights" insert "; and to amend and reenact sections 14-02.4-15 and 34-14-09 of the North Dakota Century Code, relating to discriminatory practices in public services and employee claims for wages"

Page 1, replace lines 12 through 16 with:

"Salaries and wages	\$2,423,746	(\$8,762)	\$2,414,984
Operating expenses	<u>361,327</u>	<u>(32,409)</u>	<u>328,918</u>
Total all funds	\$2,785,073	(\$41,171)	\$2,743,902
Less estimated income	<u>437,832</u>	<u>2,084</u>	<u>439,916</u>
Total general fund	\$2,347,241	(\$43,255)	\$2,303,986"

Page 1, line 19, replace "\$40,068" with "\$37,165 from the general fund"

Page 1, line 20, replace "\$1,249" with "\$1,241"

Page 1, after line 20, insert:

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

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

1. It is a discriminatory practice for a person engaged in the provision of public services to fail to provide to a ~~person~~an individual access to the use of and benefit thereof, or to give adverse or unequal treatment to a ~~person~~an individual in connection therewith because of the ~~person's~~individual's race, color, religion, sex, national origin, age, physical or mental disability, or status with respect to marriage or public assistance.
2. Subsection 1 does not apply to:
  - a. An individual committed to the legal and physical custody of the department of corrections and rehabilitation; or
  - b. An individual confined in a correctional facility, as defined in section 12-44.1-01.

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

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

1. An employee may file with the department a claim for wages due under this chapter or under chapter 34-06 ~~with the department not later than if the filing is made within~~ two years from the date the wages are due and the amount of the wages claimed due is at least two hundred dollars. For purposes of this section, wages are due at each regular payday immediately following the work period during which wages were earned. ~~Whenever~~ If the department denies the claim for wages due because the

amount claimed is less than two hundred dollars, the department shall inform the claimant of the opportunity for the claimant to pursue the claim in small claims court under chapter 27-08.1

2. If the labor commissioner determines that wages have not been paid and that the unpaid wages constitute an enforceable claim, the commissioner, upon request of the employee, may take an assignment in trust for the wages or a claim for liquidated damages in amounts the commissioner deems valid and enforceable without being bound by any of the technical rules respecting the validity of any assignments and may bring any legal action necessary to collect the claim. With the consent of the assigning employee at the time of the assignment, the commissioner may settle and adjust the claim to the same extent as the assigning employee.
  
3. The limitation of action under section 34-01-13 is tolled by the filing of a claim with the commissioner until the commissioner determines the claim is not enforceable or the commissioner reassigns the claim to the employee. With the consent of the assigning employee at the time of the assignment, the commissioner may settle and adjust the claim to the same extent as the assigning employee."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1007 - Labor Commissioner - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$2,423,746	\$2,417,887	(\$2,903)	\$2,414,984
Operating expenses	361,327	328,918		328,918
Total all funds	\$2,785,073	\$2,746,805	(\$2,903)	\$2,743,902
Less estimated income	437,832	439,916	0	439,916
General fund	\$2,347,241	\$2,306,889	(\$2,903)	\$2,303,986
FTE	15.00	14.00	0.00	14.00

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

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Total Senate Changes
Salaries and wages	(\$2,903)	(\$2,903)
Operating expenses		
Total all funds	(\$2,903)	(\$2,903)
Less estimated income	0	0
General fund	(\$2,903)	(\$2,903)
FTE	0.00	0.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also adjusted to reflect the revised premium rate.

This amendment also:

- Amends North Dakota Century Code Section 14-02.4-15 to preclude correctional system inmates from filing complaints with the Department of Labor and Human Rights.
- Amends Section 34-14-09 to provide that an employee may file a wage complaint with the department for disputes of \$200 or more. The department is to refer an employee to the appropriate small claims court if the wage dispute is under \$200.