

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1007

That the Senate recede from its amendments as printed on pages 1272-1274 of the House Journal and pages 1030-1032 of the Senate Journal and that Engrossed House Bill No. 1007 be amended as follows:

Page 1, line 2, after "rights" insert "; 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; and to provide an expiration date"

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 one hundred twenty-five~~

dollars but not more than fifteen thousand 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 one hundred twenty-five 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. If the department denies the claim for wages due because the amount claimed is more than fifteen thousand dollars, the department shall inform the claimant of the opportunity for the claimant to pursue the claim in district court under chapter 27-05.

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.

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1007 - Labor Commissioner - Conference Committee Action

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

Department No. 406 - Labor Commissioner - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Increases ¹	Total Conference Committee 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

¹ 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 at least \$125 but not more than \$15,000. The department is to refer a claimant to the appropriate small claims court if the wage dispute is under \$125 and refer the claimant to the appropriate district court if the wage dispute is over \$15,000. This amendment is effective through June 30, 2019, and after that date is ineffective. The Senate version included a minimum dispute amount of \$200, but no maximum or expiration date.