

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1315

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1315

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1315 A

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-25-01

Tapo Number	Side A	Side B	Meter #
2	x		2876-end
		x	0-end
3	x		0-818
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

REP. M. KLEIN called the meeting to order, with all committee members present.

In favor:

REP. EKSTROM introduces the bill to the committee. Please see attached testimony.

REP. M. KLEIN asks who makes up this advisory commission, and how many members are on it? EKSTROM hands a report out that tells who was on that commission.

REP. KASPER asks how were the members on that committee appointed or chosen? EKSTROM replies that they were put on an interim study, and chosen by legislative council.

REP. DEVLIN asks if there is any thing that would stop a county or a city from putting their own human rights commission in order? EKSTROM replies no there is not. REP. DEVLIN takes note of EKSTROM'S local control.

REP. CLARK asks about the bill due to its two year terms to five year terms. EKSTROM talks about the length of the terms.

REP. M. KLEIN asks about the total appropriations. EKSTROM replies that it would be a one time appropriations. A federal fund will flow. REP. M. KLEIN asks about levy fines.

EKSTROM replies that there are penalties in statute already.

REP. KLEMIN talks about civil penalties.

REP. DEVLIN asks if the offending party is always a person? EKSTROM replies that she is not a legal expert.

REP. KASPER asks if the commission in the bill has the power of a judge and jury? EKSTROM replies that she would not put it in so many words, then proceeds to read from the bill.

REP. KASPER then reads from the bill, asking in so many words, is this not the meaning of "judge and jury"? EKSTROM replies that there are penalties in the statutes.

REP. CLARK asks about class B misdemeanors? EKSTROM replies that she would have to refer to legal counsel.

In favor:

SEN. T. MATHERN, DISTRICT 11

MATHERN expresses that this bill is a reality of peoples lives in our state. It is the legislators duties to look at this bill. Move forward and look at the details.

REP. BRUSEGAARD asks what additional authority would the commission need to have?

MATHERN replies that the commission would have a broader representation of the population of our state. It could make sure that the legislature had an input into the commission. Know what people would be appointed, make sure that the governor and the tribes have input into the commission and then the action set forth. There needs to be another dimension beyond the labor

commission. REP. BRUSEGAARD comments that they are essentially addressing the same complaints. MATHERN replies that there are some greater limitation of the labor department.

D. JOYCE KITSON, COORDINATOR AKE WANIKTA

KITSON explains her life's trials and tribulations. Tells the committee that she was evicted out of her home on a number of reasons. She was also arrested many times for protesting in front of a detox center. KITSON states that 60% of the people in the prisons and foster homes are native Americans. There needs to be something done.

REP. M. KLEIN asks if she approached the labor department with her problems. KITSON replies that yes she did.

CAROL TWO EAGLES, GRASSROOTS INDIAN PEOPLE, BOARD OF DIRECTORS

ACLU OF DAKOTAS

TWO EAGLES talks about the discrimination she has suffered being a Native American. Please see attached testimony.

REP. M. KLEIN asks what area is the most discrimination acts happening in? TWO EAGLES replies that it is everything.

In favor:

ALLAN PETERSON, ND FOR HUMAN RIGHTS COALITION

Please see attached testimony.

TEX HALL, CHAIRMAN OF MANDAN, HIDATSA & ARIKARA NATION

Please see attached testimony. HALL states to the committee the tribes will pay for half of the funding to get this legislation passed and working. HALL, himself has received over 200 complaints about discrimination to his people.

HEIDI HEITKAMP, SELF

HEITKAMP urges this committee to do pass on this piece of legislation. Economic future revolves on it. HEITKAMP states that out of state businesses wanting to do business within our state will see how we let discrimination go on in our state and will pull their businesses out as fast as we can turn our heads.

JESSE TAKEN ALIVE, STANDING ROCK TRIBAL GOVERNMENT

TAKEN ALIVE does not want the committee to look upon him as a victim. Urges the committee to pass this legislation. This can not go on any longer, pain hurts folks. Talks to the committee in Sioux language and makes a point to the committee that just because they are different from each other does not give cause to discrimination acts.

THOMAS M. DISSELHORST, ATTORNEY FOR THE THREE AFFILIATED TRIBES AND UNITED TRIBES TECHNICAL COLLEGE

Please see attached testimony.

RAYLYNN LAUDERDALE, PEOPLE FIRST OF NORTH DAKOTA

Please see attached testimony. PAT, a lady in a wheel chair that is accompanying

LAUDERDALE, speaks to the committee that she does not want to end up in a nursing home.

PAT did not sign the registration sheet, so there is no last name for her.

LOIS LITTLE OWL, HUMAN RIGHTS COMMISSION

Please see attached testimony.

SEN. BERCIER, DISTRICT 9

BERCIER asks the committee if human rights are worth a dollar. The tribal chairs will take care of the funding if the money is the issue. It will attract its own money. The complexion of our country is changing. Please see attached testimony.

CHERYL FRYE LITTLE OWL, HUMAN RIGHTS COMMISSION

LITTLE OWL tells the committee about the discrimination that she has had to endure with the housing facility in Bismarek. They made her husband move out because his name was not on the lease. LITTLE OWL went to the governor for help, but states that all she got was a "we feel bad", do nothing attitude.

Opposition:

DALE O. ANDERSON, GNDA

Please see attached testimony.

Neutral: Stands for questions

MARK BACHMEIER, STATE LABOR COMMISSIONER

REP. M. KLEIN asks about the new program that is being developed within his department.

BACHMEIER defines to the committee as to what the new housing program is doing.

REP. M. KLEIN asks if there is any other areas than housing and employment that the labor department deals with? BACHMEIER replies that they have only statutory authority in those areas. REP. M. KLEIN asks how many cases have been looked at in your division?

BACHMEIER replies that he knows of 20 in housing.

REP. DEVLIN asks if there is backlog of unresolved cases right now? BACHMEIER replies that there is some in the employment cases.

REP. M. KLEIN asks about the two full time employees that they were issues last legislative session. BACHMEIER states that they filled those two spots. Time has been spent with the housing discriminatory, since that is new. Training that staff, and learning about those laws.

REP. M. KLEIN states that the program is just getting started. The public is not aware of your many programs as of yet. BACHMEIER replies that yes that is an issue. REP. M. KLEIN asks if

they are making use of the federal funding? BACHMEIER replies that they have received funding from HUD.

REP. KASPER asks about certain complaints that were brought up today in testimony.

BACHMEIER replies that issues were raised today that they have no jurisdiction over, therefore needs to be taken to court for civil actions. The labor department has no authority over many of these complaints.

REP. HUNSKOR asks what do they tell people that come to them with complaints and the labor department can not help them, what do you tell them? BACHMEIER replies that they do not tell them they can not help them, but instead tells them who or how to go about getting their complaint heard.

BACHMEIER then makes a point of clarification to the committee.

There was no action taken on this bill at this time.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1315 B

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-26-01

Tape Number	Side A	Side B	Meter #
1		X	3871-end
2	X		0-80
Committee Clerk Signature <i>Robin D. Small</i>			

Minutes:

REP. M. KLEIN called the committee to order.

Committee work: HB 1315

REP. M. KLEIN first thanked the committee for sitting through a lengthy hearing on this bill.

The testimony was very long and he appreciates everyone's cooperation.

REP. BRUSEGAARD motioned for a DO NOT PASS, seconded by REP. GRANDE.

REP. KROEBER states that the Labor Commission has no authority over some of the issues that were brought up in front of the committee during testimony. REP. KASPER talks about the judge and the jury being in the bill. REP. MEIER suggests that maybe there be a legislative study done on this. REP. HUNSKOR states to the committee that there are some many different races and inequalities, and these people have lived with discrimination all of their lives, they need to be heard. REP. KROEBER states that they need to shift and do something now. Address discrimination. REP. HAAS talks about DINA BUTCHER'S new position.

Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1315 B

Hearing Date 1-26-01

The roll call vote was taken with 12 YES, 3 NO, 0 ABSENT AND NOT VOTING. The

CARRIER of the bill is REP. DEVLIN.

HB 1315: DO NOT PASS 12-3-0

CARRIER: REP. DEVLIN

Date: 1-26-01

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1315

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Brusegaard Seconded By Grande

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP KROEBER		✓
VICE CHAIR GRANDE	✓				
REP BELLEW	✓				
REP BRUSEGAARD	✓				
REP CLARK	✓				
REP DEVLIN	✓				
REP HAAS	✓				
REP KASPER	✓				
REP KLEMIN	✓				
REP MEIER	✓				
REP WIKENHEISER	✓				
REP CLEARY		✓			
REP HUNSKOR	✓				
REP METCALF		✓			

Total (Yes) 12 No 3

Absent _____

Floor Assignment Rep. Devlin

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

REPORT OF STANDING COMMITTEE (410)
January 26, 2001 12:57 p.m.

Module No: HR-14-1732
Carrier: Devlin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1315: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends DO NOT PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).
HB 1315 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

HB 1315



January 25, 2001

To the members of the North Dakota Legislature:

I'm writing to express my support for the creation of a human rights commission in North Dakota. This commission should be an element of North Dakota's long range vision and development goals.

I am very pleased with the newly created Human Relations Commission in Fargo, by Mayor Furness. It acknowledges the need and desire to hear the issues that face those residents who otherwise experience isolation with no outlet for the expression of issues too easily ignored by those unaware.

As legislators you face difficulty in balancing the needs of all North Dakotans. I personally have benefited I'm sure a great deal from your past and continuing efforts in economic development. I acknowledge and am well aware of the privilege of being in business in this state. But, it is in reflecting on this privilege that it becomes apparent that we cannot turn away from those unable to participate in many of the advantages to which others have access.

North Dakota as one of very few states with declining population has a special interest in being an advocate for all its residents. We cannot afford a policy of denial and ambivalence toward human rights abuses. A decision to create a Human Rights Commission is forward looking and therefore a benefit to all businesses in North Dakota.

I look forward to the creation of a North Dakota Human Rights Commission in North Dakota.

Mark Sinner

A handwritten signature in cursive script that reads "Mark Sinner". The signature is fluid and matches the printed name above it.

Co-Owner
Creative Kitchen, Inc.