

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2252

Introduced by

Senators Warner, Schneider

Representatives Becker, Boschee, N. Johnson, Oversen

1 A BILL for an Act to create and enact a new section to chapter 1-08 of the North Dakota Century
2 Code, relating to a state policy on discrimination on the basis of sexual orientation; and to
3 amend and reenact subsection 1 of section 14-02.4-02 and section 14-02.4-20 of the North
4 Dakota Century Code, relating to the definition of age and to the relief for discriminatory
5 practices.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new section to chapter 1-08 of the North Dakota Century Code is created
8 and enacted as follows:

9 **State policy - Discrimination based on sexual orientation.**

10 It is the policy of the state of North Dakota that this state does not condone discrimination
11 on the basis of sexual orientation. Sexual orientation means actual heterosexuality, bisexuality,
12 or homosexuality. This section does not:

- 13 1. Create a right to a cause of action for damages for a claim of discrimination on the
14 basis of sexual orientation;
- 15 2. Create any rights or protections with respect to discrimination on the basis of sexual
16 orientation; or
- 17 3. Amend or change state personnel policies, contracting policies, or other law or policy
18 related to state action.

19 **SECTION 2. AMENDMENT.** Subsection 1 of section 14-02.4-02 of the North Dakota
20 Century Code is amended and reenacted as follows:

- 21 1. "Age" insofar as it refers to any prohibited unfair employment or other practice means
22 at least ~~forty~~fifty-five years of age.

23 **SECTION 3. AMENDMENT.** Section 14-02.4-20 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **14-02.4-20. Relief.**

2 If the department, as the result of an administrative hearing, or the court determines that the
3 respondent has engaged in or is engaging in a discriminatory practice, the department or the
4 court may enjoin the respondent from engaging in the unlawful practice and order temporary or
5 permanent injunctions, equitable relief, and backpay limited to no more than ~~two years~~one year
6 from the date a minimally sufficient complaint was filed with the department or the court. Neither
7 the department nor an administrative hearing officer may order compensatory or punitive
8 damages under this chapter. Interim earnings or amounts earnable with reasonable diligence by
9 the person discriminated against reduce the backpay otherwise allowable. In any action or
10 proceeding under this chapter, the court may grant the prevailing party a reasonable attorney's
11 fee as part of the costs. If the court finds that the complainant's allegation of a discriminatory
12 practice is false and not made in good faith, the court shall order the complainant to pay court
13 costs and reasonable attorney's fees incurred by the respondent in responding to the allegation.