FIRST ENGROSSMENT

Sixty-fifth Legislative Assembly of North Dakota

ENGROSSED HOUSE BILL NO. 1007

Introduced by

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Appropriations Committee

- 1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
- 2 labor and human rights; to amend and reenact sections 14-02.4-15 and 34-14-09 of the North
- 3 <u>Dakota Century Code</u>, relating to discriminatory practices in public services and employee
- 4 claims for wages; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of labor and human rights for the purpose of defraying the expenses of the department of labor and human rights, for the biennium beginning July 1, 2017, and ending June 30, 2019, as follows:

12			Adjustments or	
13	ı	Base Level	Enhancements	<u>Appropriation</u>
14	Salaries and wages	\$2,423,746	(\$5,859)	\$2,417,887
15	Operating expenses	361,327	(32,409)	<u>328,918</u>
16	Total all funds	\$2,785,073	(\$38,268)	\$2,746,805
17	Less estimated income	437,832	2,084	439,916
18	Total general fund	\$2,347,241	(\$40,352)	\$2,306,889
19	Salaries and wages	\$2,423,746	(\$8,762)	\$2,414,984
20	Operating expenses	361,327	(32,409)	328,918
21	Total all funds	\$2,785,073	(\$41,171)	\$2,743,902
22	Less estimated income	437,832	2,084	439,916
23	Total general fund	\$2,347,241	(\$43,255)	\$2,303,986
24	Full-time equivalent positions	15.00	(1.00)	14.00

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SECTION 2. HEALTH INSURANCE INCREASE. The salaries and wages line item in section 1 of this Act includes the sum of \$40,068\$37,165 from the general fund for increases in employee health insurance premiums from \$1,130 to \$1,249\$1,241 per month.

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.

- It is a discriminatory practice for a person engaged in the provision of public services to fail to provide to a personan individual access to the use of and benefit thereof, or to give adverse or unequal treatment to a personan 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.
- Subsection 1 does not apply to:
 - a. An individual committed to the legal and physical custody of the department of corrections and rehabilitation; or
 - 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.

_An employee may file<u>with the department</u> 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.