

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

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2001 SENATE POLITICAL SUBDIVISIONS

SB 2217

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2217

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 26, 2001

Tape Number	Side A	Side B	Meter #
2	x		0.0-54.5
		x	0.0-40.9
Committee Clerk Signature <i>Mary Jo Wocken</i>			

Minutes:

The committee was called to order in the Brynhild Haugland Room, for SB2217; relating to housing discrimination; to provide a penalty; to provide an appropriation; and to provide an effective date.

REPRESENTATIVE MARY ECKSTROM: Sponsor, also spoke in favor of SB2217.

Representative Eckstrom has worked for the North Dakotans for Human Rights Commission.

The North Dakota Constitution states that all individuals are by nature equally free. And by that we extend the idea that all our citizens are equally protected under the law. That is the intent of the entitled by equal protection. I know that all these beliefs are shared by all of you as they are shared by all the citizens of the state. That all citizens are entitled to equal protection. We want to do everything that it right. There is a division of human rights under the Department of Labor, and the reason is very simple. The Department of Labor and its Division of Human Rights can handle problems in labor and housing. That's it. They cannot enforce the Human Rights Act as it is on the books in our Century Code. So we are asking to expand those powers under a Human

Rights Commission. The Human Rights Commission don't have authority to fully enforce the law. What we have at present, is unfortunately, a clearinghouse. Folks are directed to call an 800 numbers that are in Denver and in Washington and in our effort to see how this system works we called those numbers and repeatedly got busy signals. U.S. Government is a big and broad based organization. The best authority, the only authority, is the state. We all constantly say we want local control, and that is what this bill is about. Its talking about bringing the authority of law in the North Dakota Century Code to the state and allowing us to fully protect our citizens. I do urge a Do Pass on this bill.

ALLAN PETERSON, ND Association of the Blind spoke in favor of this bill. Representing North Dakotas for the Human Right Commission. See written testimony. We feel there is much evidence of discrimination. I feel the commission form of government of human rights has many advantages over the way things are handled now. When calling these agencies, we found they could not handle the matter in a timely matter or they had limited authority. We feel this commission form of government would have a 'one stop' shopping center where we could go for any form of discrimination. We're not asking for new legislation, because we have a good human rights law presently. It may need a little bit of updating, what is needed is a good mechanism for enforcing human rights law. We feel the commission form of governments would give people, an advocacy group a voice. that they would have a better ear to what is happening to them. We believe it would be more independent of political and other influences. Education is important, if everyone would be knowledgeable about the law. Simplify and shorten the legal process.

HEIDI HEITKAMP: Private citizen in support of SB2217. Whether this bill is necessary, to meet the need for North Dakota people and ND State Government. Ms. Heitkamp urged a Do Pass for this bill for three reasons. The first reason is quite simply discrimination exists in North Dakota.

Discrimination exists everywhere in this country. We are not immune from the problem of discrimination. And if ND is to be a place of equal opportunity and justice for all, ND must be dedicated to protecting citizen civil rights and preventing discrimination and preventing racism. I think currently efforts at addressing allegations of discrimination are inadequate, I believe to insure that we are protecting our citizens civil liberties. I ask that you consider the work of the North Dakota Civil Rights Commission. They document issues and allegations of discrimination, and we need to address the concerns that are set out in this document. Thirdly, demographic trends is a huge challenge for the state of ND in keeping our people in our state and providing opportunity in building a workforce. When we look at the census data, we know that from what happened in the last 10 years, that in the next 100 years, white people will become a minority population in this country. If North Dakota is to have a successful labor force, as ND is to grow, ND must be a welcoming place. It must be a place where people believe civil liberties are protected. It must be a place where all people are treated equally. To encourage people to count and participate in our economy. Do the thing that is best for its economic future. Protect North Dakotas' economic future and its opportunity for a workforce.

SENATOR BERCIER: Sponsor. Spoke in favor of SB2217. SEE WRITTEN TESTIMONY.

SENATOR WATNE: Money is always the problem. I look at the last page on Page 8, there is a cost provision of \$422,550. You estimated an income of \$370,000. Is that what you believe you could get from federal programs and a grant? SENATOR BERCIER: Yes, there are dollars that will be attracted. (ex.meter#19.0) What this will allow us to do, if this bill is passed, which I hope it is in this session, will allow us to have a bill, a mechanism that we can start attracting money from the private sector as well as the government sector. I believe the private sector will probably fund a great deal of this cost that were looking at here. SENATOR CHRISTENSON:

Do I understand correctly that North Dakota is one of the few, if not the only states in the union without a Human Rights Commission? SENATOR BERCIER: Yes, we are to a certain degree. There are some states that kind of done something similar to what we're trying to do in this state and I agree with good spirit, and with good intent. A lot of these issues are dumped over these Hot Housing these issues into two compartments and having them address them. Some other states do co-mingle authorities to take care of discrimination. There is probably 13 states that have that kind of situation, but the rest of the states have a full blown Human Rights Commission. Primary issue vs. Secondary issue in the Department of Labor. AUSTIN GILLETTE: Treasurer of the Fort Berthold, 3 Tribes, United Tribes. Spoke on behalf of Mr. Tex G. Hall. See attached testimony. SENATOR COOK: Mr. Gillette, you will work with Senator Bercier on that first suggestion you had as far as changing the makeup of the ?. MR. GILLETTE: Yes. SENATOR FLAKOLL: On that same line of question I had, was their a five treaty tribe? Correct? MR. GILLETTE: Yes. SENATOR FLAKOLL: And was it one person from that or one from? MR. GILLETTE: One per tribe. I do have a statement here. REPRESENTATIVE CLEARY: Co-sponsor of this bill, spoke in favor of this bill. See attached testimony. CAROL TWO EAGLES: ACLU & American Indian Traditionalists spoke in support of SB2217. Examples of discrimination given, (Meter#27.1-30.7) Reference to conversation with John Dorso. D. JOYCE KITZEN: AK. Wanika Coordinator, private citizen, spoke in favor of SB2217. She is concerned about racial profiling and housing discrimination, and discrimination in the work place. Artist in residence of the state of North Dakota, honored her ancestors in Traditional Folk Art. More occult activities, more cult activities, Anti Indian Movement. Concerned about her Indian people, as there are a lot of accidental deaths and suicides. Some of the barriers are

philosophical, a divide and conquer tactics that you use you cannot see because of the ability to surf the Internet and I really think we need to support you for this bill. DAVID GIPP: President of United Tribes Technical College, spoke in support of SB2217. See written testimony. Human Rights Commissions will look at housing, employment, issues of services and will help alleviate problems. We need to look at those persons who are discriminated against and those who might practice that unfortunately, and might need better education. I believe this commission is one way to effectively educate all of our people, about issues of discrimination, whether racial, lease systems or those kinds of things that relate to issues of discrimination. Education is a key role. LOIS LITTLE OWL: Spoke in support of SB2217. See attached testimony. DOMINIC F. VOLESKY: Spoke in support of SB2217. See attached testimony. Feels he is the victim of a corrupt administrative officer. CARL LIMUERE, Pastor of the Zion Lutheran Church in Medina, ND, spoke for himself in support of SB2217. Racism is systematic in our national society and we'd like to believe that North Dakota is an exception. But unfortunately, were not. We've experience racism, prejudice, and we've experienced discrimination as a family. We need a independent human rights commission. We need a proactive agency. Some have made this an issue about competency. I would like to suggest this is not an issue about competency, it is a issue about capacity. If you don't have the capacity to do the job, you will not be able to do it competently. If a agency has been given the responsibility and does not have the capacity to fulfill that responsibility, it just simply is a mirage. Basically, what we can create we have the appearance of a system of a Human Rights Commission, but we don't have one that functions at that level. This bill gives the Human Rights Commission the capacity and the resources to do the job that is needed to be done in this state. RAYLYNN LAUDERDALE: Executive Director of

People First of North Dakota. See written testimony. Pat Bradley also accompanied her to speak after her testimony. PAT BRADLEY:(Meter # 6.9-9.6) "please let me stay where I am at and not make me go into a nursing home". I have a family where I can stay. Please let me stay with my friends or family, who can stay with me. Do not mention nursing home. How would you like to be in a wheelchair. Because of the Olmsted Decision, a Supreme Court decision, that tells people she has the right to live in a lease restricted environment. Now, she's being told she had to go into a nursing home. TOM DISSELHORST, Attorney at Law, spoke in support of SB2217. See attached testimony. Housing Discrimination and HUD. Housing and Employment Discrimination. SENATOR COOK: Talked about his filing of a discrimination complaint against the Department of Labor, several years ago, and Senator Cook asked Mr. Disselhorst about the process in filing in Denver. He didn't the process where it would be referred to Denver. Could you just enlighten me a little bit? TOM DISSELHORST: It's a fact finding process. The employer at that point certainly can contest that fact finding process, but what the Department of Labor does not have is the power to enforce that finding in court against that employer. That's my understanding of the way it works now. Mr. Bachmeier, is here, and he can correct me if I am wrong, but I am fairly certain that he does not have actually the power to go to court to stop acts of discrimination. The fact finding process is an important one, because it can be used to basically to persuade the employer to go along with that fact finding. But in fact it doesn't provide any real remedy to it. Tom Disselhorst continued his testimony on SB2177. On the House side, the bill appealed to the District Court, a simple amendment 'findings and orders' 28:32. and are appealed to the state District Court, a simple amendment to take care of this problem to ensure due process of rights in this commission system. The issue about money and contributions from sources \$.40 per citizen per year, to fund this commission, to provide

insurance that we can have a diverse work force in North Dakota. Mr. Gillette asked Tom Disseldorf to include this in his testimony..'.that if you pass this bill, it is of course subject to referendum, and the people of North Dakota who might not want this bill, can easily ask for a referendum on the measure that you pass'. Why not let the people of North Dakota decide, pass the bill, make sure it gets enacted into law and let the people of ND when in fact they think it is a useful instrument or not. CHRISTOPHER DOBSON: Executive Director of the North Dakota Catholic Conference. See attached testimony. First, one of the arguments we have heard in the past on this issue is the fear of lawsuits and the effect it could have on the economy. Lets put some things into perspective. The economy exists for the human person, not the person for the economy. And any economic system that accepts any amount of discrimination, for the sake of the economy is morally flawed. There is no justification for putting up with discrimination because of the fear of potential lawsuits or the fear of the alleged effect that the economy may be. The second point I would like to make, is that churches should get involved and help address some of these issues rather than forming a Human Rights Commission. The problem with that argument is that its theologically flawed. It confuses the notion of justice and the notion of charity and mixes them together, and improperly confuses what's the proper role of the state and what's the proper role of the church. The denial of the Human Right is the denial of justice. The primary actor, institution of society that is responsible for enforcing and ensuring justice is the state. The churches primary role is charity. Churches pick up what is dealing with the immediate, emergency affect of discrimination. To prevent discrimination and enforcing the laws of human rights, is the proper role of the state. The primary role of government is to ensure the dignity and quality of life of every human person equally. JOHN LINGER: President, ACLU of the Dakota's, spoke in support of SB2217. Organization founded on simple, on going and deeply

