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Gay-rights advocates press for change in N.D. law

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By DALE WETZEL

Associated Press Writer

Gina Powers has her own example of why North Dakota needs anti-discrimination protection for gays and lesbians. She and her partner, Steph Rindy, were booted from their West Fargo apartment once their landlord discovered Steph wasn't a man.

It was just before Christmas, about seven years ago, Powers said.

"He literally came to our door, knocked on it, and said, 'Yeah, you guys are out of here,'" Powers said. "I contacted my attorney, who assured me we had, really, no rights because we were being told to leave with no reason other than our orientation."

North Dakota law now forbids discrimination by race, color, sex, religion, age, national origin and disability. It also bans discrimination based on whether a person is on public assistance, married, or unmarried.

Legislation introduced by Sen. Tom Fiebiger, D-Fargo, would add sexual orientation to the list of classes of individuals who are specifically protected against discrimination.

The measure got its first hearing Tuesday in the Senate Judiciary Committee. The panel will decide later whether to endorse the proposal. Its recommendation will be followed by a Senate vote.

Opponents of the measure said it was unnecessary, and argued it could force religious organizations to go against their own convictions about homosexual activity.

The legislation "provides no protection for churches, private schools and youth organizations, such as scouting organizations, from being forced to violate their sincerely held beliefs," said Christopher Dodson, director of the North Dakota Catholic Conference.

Janne Myrdal, state director for Concerned Women of America, which promotes Christian religious values, called the bill "a giant step toward the adoption of policies that discriminate against people with traditional views of morality."

"This law would not protect rights, but would rather grant special privileges based strictly on someone's sexual behavior," Myrdal said. "Further, those privileges would have a significant impact on the constitutional rights of North Dakotans who may have a moral objection to certain sexual behaviors."

Proponents of the legislation said it would reflect North Dakotans' own opposition to discrimination.

"It is time that the North Dakota laws matched our values," said Wade Schemmel, a conference minister for the Northern Plains Conference of the United Church of Christ.

Amy Nelson, director of Fair Housing of the Dakotas, a nonprofit agency that investigates allegations of housing discrimination, said a landlord's opinion of someone's sexual orientation should not be allowed to influence an apartment rental decision.

Declining to rent to someone because he or she had a history of not paying on time, bothering neighbors or damaging property "is legal and understandable when running a business," Nelson said. However, someone's race, gender, disability or sexual orientation should not play a role, she said.

"I tell housing providers, you have a right to have your personal views, but you do not have the right to bring those views into your business world and use them to make decisions which have no impact upon your business, and discriminate," she said.

Montana already offers anti-discrimination protection for gays and lesbians in public employment, while Minnesota bars any discrimination on the basis of sexual orientation, advocates of the legislation said.

A number of companies that do business in North Dakota also prohibit discrimination against gays and lesbians, and offer insurance benefits to employees' same-sex partners, they said.

Powers and Rindy have been together for 11 years, they said in an interview. Both grew up in Fargo and graduated from Fargo North High School.

They considered moving to Minnesota after the West Fargo apartment eviction, Powers said, but they eventually decided to stand their ground.

"This is our home," Powers said. "North Dakota is where we live."

The bill is SB2278.