

# LABOR AND EMPLOYMENT

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## CHAPTER 272

H. B. No. 647

(Metzger, Burke, Austin, Kuehn)

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### DEFINITION OF COMMISSIONER

#### AN ACT

To amend and reenact subsection 6 of section 34-06.1-02 of the 1965 Supplement to the North Dakota Century Code, changing the definition of commissioner to mean commissioner of labor.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Subsection 6 of section 34-06.1-02 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. "Commissioner" means the commissioner of labor; and

Approved March 10, 1967.

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## CHAPTER 273

S. B. No. 213

(Lowe, Meschke)

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### MEDIATORS TO LABOR DISPUTES

#### AN ACT

To provide for the appointment of mediators to labor disputes and the compensation therefor.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Mediators—Appointment—Functions—Compensation.)** The state labor commissioner shall have power to act as mediator, or to appoint any competent, impartial, disinterested person to act as mediator, in any labor dispute either upon his own initiative or upon the request of one of the parties to the dispute. It shall be the function of such mediator to bring the parties together voluntarily under such favorable auspices as will tend to effectuate settlement of the dispute, but neither the mediator nor the state labor commissioner

shall have any power of compulsion in mediation proceedings. The state labor commissioner shall provide necessary expenses for such mediators, other than for himself or his deputy, as he may appoint, under reasonable compensation plus per diem expenses for each such mediator, and prescribe reasonable rules of procedure for such mediators.

Approved March 15, 1967.

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## CHAPTER 274

S. B. No. 211

(Lowe, Longmire, Meschke)

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### COMMISSIONER MAY INITIATE MANDAMUS PROCEEDINGS

#### AN ACT

To amend and reenact section 34-12-08 of the 1965 Supplement to the North Dakota Century Code, relating to labor management relations empowering the commissioner of labor to initiate mandamus proceedings.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 34-12-08 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**34-12-08. Authority of Commissioner.)** Whenever it is charged that any person is engaging in or has engaged in any unfair labor practice, the commissioner shall investigate the charges informally and if it appears that an unfair labor practice is occurring or has occurred, the commissioner shall have power to issue and cause to be served upon such person a written specification of the issues which are to be considered and determined. If, upon the evidence, the commissioner shall be of the opinion that any person named in the written specifications has engaged in or is engaging in any such unfair labor practice, he shall issue and cause to be served upon such person an order requiring such person to cease and desist from such unfair labor practice. If the order is not obeyed, the commissioner shall have the authority to apply to the appropriate district court for such action as is necessary to enforce his order, including injunction and mandamus proceedings. The commissioner may act as a conciliator in any labor dispute.

Approved March 10, 1967.

## CHAPTER 275

S. B. No. 212

(Lowe, Longmire, Meschke)

LABOR-MANAGEMENT RELATIONS SUBJECT TO  
ADMINISTRATIVE AGENCIES PRACTICE ACT

## AN ACT

To amend and reenact section 34-12-10 of the 1965 Supplement to the North Dakota Century Code, relating to labor-management relations and to apply the provisions of chapter 28-32 thereto.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 34-12-10 of the 1965 Supplement to the North Dakota Century Code is amended and reenacted to read as follows:

**34-12-10. Applicability of Administrative Agencies Practice Act.)** All proceedings hereunder and all appeals to the courts shall be governed by the provisions of chapter 28-32.

Approved March 8, 1967.

## CHAPTER 276

H. B. No. 766

(Metzger, Kuehn, Williamson, Aafedt, Sanstead, Haugland,  
(Kelsch, Hilleboe)

## WAGE CLAIMS COLLECTIBLE BY COMMISSIONER

## AN ACT

To amend and reenact section 34-14-08 of the 1965 Supplement to the North Dakota Century Code, relating to the amount of wages assignable to the commissioner of labor for collection.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 34-14-08 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**34-14-08. Assignment of Wage Claims to Commissioner of Labor for Recovery by Civil Action.)** The commissioner of labor or his deputy shall have power and authority to take assignments of wage claims, rights of action for penalties pro-

vided by section 34-14-09, not to exceed five hundred dollars in any case of any one claim without being bound by any of the technical rules with reference to the validity of such assignments; and shall have power and authority to prosecute actions for the collection of such claims of persons who, in the judgment of the commissioner or his deputy, are entitled to the services of the commissioner or his deputy and who, in his judgment, have claims which are valid and enforceable in the courts. The commissioner or his deputy shall have power to join various claimants in one preferred claim or lien, and in case of suit to join them in one cause of action.

Approved March 10, 1967.