

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1466  
(Representatives Mahoney, Berg)

AN ACT to amend and reenact sections 34-14-05 and 34-14-09 of the North Dakota Century Code, relating to investigation and enforcement of wage claims by the labor commissioner.

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

**SECTION 1. AMENDMENT.** Section 34-14-05 of the North Dakota Century Code is amended and reenacted as follows:

**34-14-05. Enforcement.** It is the duty of the commissioner of labor or ~~his~~ the commissioner's deputy to ensure compliance with the provisions of this chapter, to investigate as to any violations of this chapter, and to institute or cause to be instituted actions for penalties and forfeitures provided hereunder. The commissioner or ~~his~~ the commissioner's deputy may hold hearings ~~to satisfy himself as to the justice on the merits~~ of any claim, and ~~he~~ shall cooperate with any employee in the enforcement of a claim against ~~his~~ the employee's employer in any case whenever, in ~~his~~ the commissioner's opinion, the claim is valid. The commissioner may consider any offsets, deductions, or counterclaims asserted by an employer during the commissioner's investigation and determination of the validity, enforceability, and amount of any claim for wages. An employer must disclose the basis for and the amount of any claimed offset, deduction, or counterclaim to the commissioner within the time the commissioner directs. The commissioner and ~~his~~ the commissioner's authorized representatives have the right to enter places of employment for the purpose of inspecting records and seeing that all provisions of this chapter are complied with.

**SECTION 2. AMENDMENT.** Section 34-14-09 of the North Dakota Century Code is amended and reenacted as follows:

**34-14-09. Employees' remedies.** Whenever the commissioner of labor determines that wages have not been paid; and that such unpaid wages constitute an enforceable claim, the commissioner ~~shall~~, upon the request of the employee, may take an assignment in trust for such wages or any 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 such assignments and may bring any legal action necessary to collect such claim. With the consent of the assigning employee at the time of the assignment, the commissioner has the power to settle and adjust any such claim to the same extent as might the assigning employee.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1466.

House Vote:      Yeas    94      Nays    0      Absent    3

Senate Vote:    Yeas    43      Nays    1      Absent    5

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State