

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2121

Introduced by

Senators Fiebiger, Mathern

Representatives Ekstrom, Schneider

1 A BILL for an Act to amend and reenact subsection 4 of section 14-02.4-02, subsection 5 of
2 section 14-02.5-01, subsection 4 of section 34-01-20, sections 34-05-01.1 and 34-05-01.2,
3 subsection 8 of section 34-05-01.3, and sections 34-07-05, 34-14-11, 34-14-12, and 34-14-13
4 of the North Dakota Century Code, relating to a name change from the department of labor to
5 the department of labor and human rights.

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

7 **SECTION 1. AMENDMENT.** Subsection 4 of section 14-02.4-02 of the North Dakota
8 Century Code is amended and reenacted as follows:
9 4. "Department" means the division of human rights within the ~~labor~~ department of
10 labor and human rights.

11 **SECTION 2. AMENDMENT.** Subsection 5 of section 14-02.5-01 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 5. "Department" means the ~~labor~~ department of labor and human rights.

14 **SECTION 3. AMENDMENT.** Subsection 4 of section 34-01-20 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 4. The department of labor and human rights shall receive complaints of violations of
17 this section and may attempt to obtain voluntary compliance with this section
18 through informal advice, negotiation, or conciliation. In order to receive assistance
19 from the department of labor and human rights, a person claiming to be aggrieved
20 by a violation of this section shall file a complaint with the department within three
21 hundred days after the alleged act of wrongdoing. An employee is not prohibited
22 from filing, or required to file, a complaint with the department of labor and human
23 rights under this subsection before proceeding under other provisions of this
24 section.

1 **SECTION 4. AMENDMENT.** Section 34-05-01.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **34-05-01.1. Department of labor and human rights.** ~~There is hereby created the~~
4 The North Dakota department of labor and human rights is created. All records, materials,
5 supplies, and equipment used by the deputy commissioner of agriculture and labor in the official
6 capacity as administrator of the labor division of the department of agriculture and labor must
7 be transferred to the department of labor and human rights.

8 **SECTION 5. AMENDMENT.** Section 34-05-01.2 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **34-05-01.2. Labor commissioner to administer department of labor and human**
11 **rights.** Beginning January 1, 1999, the governor shall appoint a labor commissioner to
12 administer the department of labor and human rights. The labor commissioner shall serve at
13 the pleasure of the governor.

14 **SECTION 6. AMENDMENT.** Subsection 8 of section 34-05-01.3 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 8. Report biennially to the governor and to the legislative assembly concerning
17 activities of the department of labor and human rights, including in such report
18 recommendations for legislation deemed necessary or desirable to effectuate the
19 purposes of this chapter.

20 **SECTION 7. AMENDMENT.** Section 34-07-05 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **34-07-05. Who may issue certificates - Where certificates may be obtained.** An
23 employment certificate must be in writing and must be issued by the minor's parent or guardian.
24 The parent or guardian who certifies, or rejects, the employment certificate must file a
25 completed copy with the department of labor and human rights, the employer, the principal of
26 the school which the minor attends, or a principal in the municipality in which the minor resides,
27 within ten days of certification or rejection. No employment certificate is required for any minor
28 then in, or who is about to enter, the minor's own employment or the employment of a firm,
29 corporation, or limited liability company of which the minor is a member, officer, or manager.
30 The labor commissioner shall make the certificates of employment available.

1 **SECTION 8. AMENDMENT.** Section 34-14-11 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **34-14-11. Reciprocal agreements for collection of wages.** The labor commissioner
4 may enter into reciprocal agreements with the department of labor or corresponding agency of
5 any other state, nation, or country or with the person, board, officer, or commission authorized
6 to act for and on behalf of the department or agency, for the collection in the other state, nation,
7 or country of claims or judgments for wages and other demands based upon claims previously
8 assigned to the department of labor and human rights.

9 **SECTION 9. AMENDMENT.** Section 34-14-12 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **34-14-12. Actions in other states, nations, or countries for collection of claims -**
12 **Assignments for collection.** The department of labor and human rights may, to the extent
13 provided for by any reciprocal agreement entered into pursuant to section 34-14-11, or by the
14 laws of any other state, nation, or country, maintain actions in the courts of the other state,
15 nation, or country for the collection of such claims for wages, judgments, and other demands
16 and may assign the claims, judgments, and demands to the department of labor or agency of
17 the other state, nation, or country for collection to the extent that the same may be permitted or
18 provided for by the laws of the state, nation, or country or by reciprocal agreement.

19 **SECTION 10. AMENDMENT.** Section 34-14-13 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **34-14-13. Claims assigned by other states, nations, or countries - Actions -**
22 **Collection.** The department of labor and human rights may, upon the written request of the
23 department of labor or other corresponding agency of any other state, nation, or country or of
24 any person, board, officer, or commission of the state, nation, or country authorized to act for
25 and on behalf of the department of labor or corresponding agency, maintain actions in the
26 courts of this state upon assigned claims for wages, judgments, and demands arising in the
27 other state, nation, or country in the same manner and to the same extent that the actions by
28 the department of labor and human rights are authorized when arising in this state; provided,
29 however, that the actions may be commenced and maintained only in those cases where the
30 other state, nation, or country by appropriate legislation or by reciprocal agreement extends a
31 like comity to cases arising in this state.