

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1466

Introduced by

Representatives Mahoney, Berg

1 A BILL for an Act to amend and reenact sections 34-14-05 and 34-14-09 of the North Dakota
2 Century Code, relating to investigation and enforcement of wage claims by the labor
3 commissioner.

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

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

7 **34-14-05. Enforcement.** It is the duty of the commissioner of labor or ~~his~~ the
8 commissioner's deputy to ensure compliance with the provisions of this chapter, to investigate
9 as to any violations of this chapter, and to institute or cause to be instituted actions for penalties
10 and forfeitures provided hereunder. The commissioner or ~~his~~ the commissioner's deputy may
11 hold hearings ~~to satisfy himself as to the justice~~ on the merits of any claim, and ~~he~~ shall
12 cooperate with any employee in the enforcement of a claim against ~~his~~ the employee's
13 employer in any case whenever, in ~~his~~ the commissioner's opinion, the claim is valid. The
14 commissioner may consider any offsets, deductions, or counterclaims asserted by an employer
15 during the commissioner's investigation and determination of the validity, enforceability, and
16 amount of any claim for wages. An employer must disclose the basis for and the amount of any
17 claimed offset, deduction, or counterclaim to the commissioner within the time the
18 commissioner directs. The commissioner and ~~his~~ the commissioner's authorized
19 representatives have the right to enter places of employment for the purpose of inspecting
20 records and seeing that all provisions of this chapter are complied with.

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

23 **34-14-09. Employees' remedies.** Whenever the commissioner of labor determines
24 that wages have not been paid, and that such unpaid wages constitute an enforceable claim,

1 the commissioner ~~shall~~, upon the request of the employee, may take an assignment in trust for
2 such wages or any claim for liquidated damages; in amounts the commissioner deems valid
3 and enforceable without being bound by any of the technical rules respecting the validity of any
4 such assignments and may bring any legal action necessary to collect such claim. With the
5 consent of the assigning employee at the time of the assignment, the commissioner has the
6 power to settle and adjust any such claim to the same extent as might the assigning employee.