

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1082
(Industry, Business and Labor Committee)
(At the request of the Labor Commissioner)

AN ACT to amend and reenact sections 34-06-03, 34-06-04, 34-06-14, 34-06-17, and 34-06-19 of the North Dakota Century Code, relating to authority of the labor commissioner to adopt rules on wages and working conditions for employment in this state; and to repeal sections 34-06-09, 34-06-10, 34-06-11, 34-06-12, and 34-06-13 of the North Dakota Century Code, relating to authority of the labor commissioner to issue orders on wages and working conditions for employment in this state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-06-03 of the North Dakota Century Code is amended and reenacted as follows:

34-06-03. Commissioner may adopt standards by rule. The commissioner, ~~in the manner prescribed in this chapter,~~ may ascertain and prescribe by rule:

1. Standards of hours of employment for employees and what are unreasonably long hours for employees in any occupation within this state.
2. Standards of conditions of labor for employees in any occupation within this state and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of employees in any such occupation.
3. Standards of minimum wages for employees in any occupation in this state.
4. Standards of minimum wages for minors in any occupation within this state and what wages are unreasonably low for any such minor workers.

SECTION 2. AMENDMENT. Section 34-06-04 of the North Dakota Century Code is amended and reenacted as follows:

34-06-04. Power to make rules - Posting by employers. The commissioner may prepare, adopt, and promulgate rules ~~and regulations under chapter 28-32 to carry into effect~~ implement the various provisions of this chapter ~~and may make any rules and regulations which may be required for the selection of members of conferences provided for in this chapter and for the regulation of the mode of procedure at such conferences.~~ Before filing the notice of rulemaking and the proposed draft of rules under section 28-32-10, the commissioner shall send notice of the proposed rules to and solicit input from associations with statewide membership of which the primary focus is representing business or labor interests. The commissioner shall provide a summary of rules adopted under this chapter to every employer affected by the rules. The employer shall keep a copy of the summary posted in a conspicuous place in a commonly frequented area of the employer's establishment in which employees work.

SECTION 3. AMENDMENT. Section 34-06-14 of the North Dakota Century Code is amended and reenacted as follows:

34-06-14. Right of appeal from commissioner's decision limited. Except as otherwise provided in this chapter, all questions of fact arising under this chapter must be determined by the commissioner. There may be no appeal from the decision of the commissioner on any question of fact, but there is a right of appeal from the commissioner to the district court of Burleigh County from any

ruling or holding on any question of law included or embodied in any decision ~~or order~~ of the commissioner, and there is a right of appeal from the district court to the supreme court of this state. In all such appeals, the attorney general shall appear for and represent the commissioner.

SECTION 4. AMENDMENT. Section 34-06-17 of the North Dakota Century Code is amended and reenacted as follows:

34-06-17. Investigation of compliance with ~~orders~~ rules - Failure to observe or comply. The commissioner, from time to time, shall investigate and ascertain whether or not employers in this state are observing and complying with ~~his orders~~ rules issued pursuant to the provisions of this chapter, and shall take such steps as may be necessary to cause the prosecution of employers failing to observe or comply therewith.

SECTION 5. AMENDMENT. Section 34-06-19 of the North Dakota Century Code is amended and reenacted as follows:

34-06-19. Penalty for violation of chapter. Any person who violates any of the provisions of this chapter, or any ~~order, rule, or regulation~~ issued pursuant thereto, is guilty of a class B misdemeanor.

SECTION 6. REPEAL. Sections 34-06-09, 34-06-10, 34-06-11, 34-06-12, and 34-06-13 of the North Dakota Century Code are repealed.

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-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1082.

House Vote: Yeas 87 Nays 3 Absent 4

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,

at _____ o'clock _____ M.

Secretary of State