

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2153

2001 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2153

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2153

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date January 15, 2001.

Tape Number	Side A	Side B	Meter //
1	x		47.8 to end
		x	0.4 to 10.1
(2/05/01) 3	x		3.4 to 4.5
Committee Clerk Signature <i>Don E. Prew</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on SB relating to the time period during which unpaid wages may be collected by the commissioner of labor on behalf of a wage claimant.

MARK BACHMEIER, Commissioner of Labor. Sponsor of this bill. Written testimony attached and amendment included to clarify language.

SENATOR MUTCH: What will the amendment do? What does "tolled" mean?

M BACHMEIER: Replaces underscored section in bill draft with new clearer language. Tolled means stopped.

SENATOR MUTCH: Takes out lines 14 and 15, taking out the two year time period.

M BACHMEIER: Oversight, 2 years included, will redraft amendment.

SENATOR ESPEGARD: The two years may be included already in Section 34-1-13, just make sure it is.

Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number SB 2153

Hearing Date January 15, 2001.

JOHN RISCH, UTU Unions support this bill. This way employer cannot drag the issue and reduce the wages for the employees filing the claim.

No opposing testimony. Hearing closed.

02/05/01 Tape 3-A- 3.4 to 4.5)

Committee reconvened. All members present. Discussion held. Attorney General reviewed amendment to stop ticking of the clock and two year statute of limitations. Action is "tolled" or stopped by filing the claim.

SENATOR KREBSBACH: Move to adopt amendment. SENATOR TOLLEFSON: Second

Roll call vote: 7 yes; 0 no. Motion carried.

SENATOR D. MATHERN: Motion: do pass as amended. SENATOR ESPEGARD: Second.

Roll call vote: 7 yes; 0 no. Motion carried. Carrier: SENATOR D. MATHERN.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2153

Page 1, line 13, replace "Notwithstanding section 34-01-13, a legal action brought" with "The limitation of action provided by section 34-01-13 is tolled by the filing of a claim with the commissioner until the commissioner determines the claim is not enforceable or the commissioner reassigns the claim to the employee."

Page 1, remove lines 14 and 15

Page 1, line 16, remove "by the commissioner to the employee"

Renumber accordingly

Date: 2/05/01  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
**BILL/RESOLUTION NO. 2153**

Senate Industry, Business and Labor

Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Adopt amendment

Motion Made By S. Krebsbach Seconded By Sen Tollefson

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every	✓	
Senator Klein - Vice Chairman	✓		Senator Mathern	✓	
Senator Espgaard	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

clarify language, action "taken" by filing of claim

Date: 2/05/01  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2153

• Senate Industry, Business and Labor Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DPA

Motion Made By Sen Mathern Seconded By Esp

Senators	Yes	No	Senators	Yes	No
Senat. : Mutch - Chairman	✓		Senator Every	✓	
Senator Klein - Vice Chairman	✓		Senator Mathern	✓	
Senator Espegard	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment S. Mathern

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2153: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2153 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "Notwithstanding" with "The limitation of action provided by" and replace ", a legal action brought" with "is tolled by the filing of a claim with the commissioner until the commissioner determines the claim is not enforceable or the commissioner reassigns the claim to the employee."

Page 1, remove lines 14 and 15

Page 1, line 16, remove "by the commissioner to the employee."

Renumber accordingly



2001 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2153

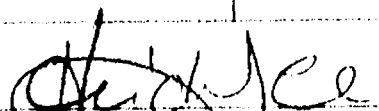
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2153

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date Mar. 5, 2001

Tape Number	Side A	Side B	Meter #
I	X		28.4-35.7
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Mark Bachmeier; *Commissioner of Labor* **Written testimony sponsoring bill.**

Rep M. Klein: I move a do pass.

Rep N. Johnson: I second.

Date: 3-6-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2153

House Industry, Business and Labor Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

M. Klein

Seconded By

N. Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman- Rick Berg	✓		Rep. Jim Kasper	✓	
Vice-Chairman George Keiser	✓		Rep. Matthew M. Klein	✓	
Rep. Mary Ekstorm	✓		Rep. Myron Koppang	✓	
Rep. Rod Froelich			Rep. Doug Lemieux	✓	
Rep. Glen Froseth	✓		Rep. Bill Pietsch	✓	
Rep. Roxanne Jensen	✓		Rep. Dan Ruby	✓	
Rep. Nancy Johnson	✓		Rep. Dale C. Severson	✓	
			Rep. Elwood Thorpe	✓	

Total (Yes)

14

No

0

Absent

1

Floor Assignment

Rep N. Johnson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
**March 5, 2001 12:35 p.m.**

**Module No: HR-37-4812**  
**Carrier: N. Johnson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2153, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2153 was placed on the Fourteenth order on the calendar.**

2001 TESTIMONY

SB 2153



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**Testimony on SB 2153  
Prepared for the  
Senate Industry, Business, and Labor Committee**

**January 15, 2001**

Chairman Mutch and members of the Committee, good morning. My name is Mark Bachmeier and I am the Commissioner of Labor.

SB 2153 proposes just a single, simple change. State law provides for a two-year statute of limitations on claims for unpaid wages filed with the Department of Labor. Currently, however, that time limit does not stop running until the Commissioner of Labor commences a civil action to enforce a claim. The clock continues to run against a claim while the department investigates the claim administratively. Consequently, the statute of limitations can expire on a claim, or the amount of a claim can be reduced, even after it has been filed with the department.

The vast majority of claims for unpaid wages are resolved entirely through our administrative process and never result in the filing of a civil action. We are proposing simply to have the two-year statute of limitations stop running upon receipt of a completed claim form by the Department of Labor.

Thank you for your time. I would be pleased to answer any questions you may have.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2153

Page 1, line 13, replace "Notwithstanding section 34-01-13, a legal action brought" with "The limitation of action provided by section 34-01-13 is tolled by the filing of a claim with the commissioner until the commissioner determines the claim is not enforceable or the commissioner reassigns the claim to the employee."

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Renumber accordingly

**John Hoeven**  
Governor

**Mark D. Bachmeler**  
Commissioner



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**Testimony on SB 2153**  
**Prepared for the**  
**House Industry, Business, and Labor Committee**

**March 5, 2001**

Chairman Berg and members of the Committee, good morning. For the record, my name is Mark Bachmeier and I am the Commissioner of Labor.

SB 2153 proposes just a single, simple change. State law provides for a two-year statute of limitations on claims for unpaid wages. Currently, however, that time limit does not stop running until a claim is filed in court. The clock continues to run against claims even after they are filed with the Department of Labor for administrative investigation. Consequently, the statute of limitations can expire on a claim, or the amount of a claim can be reduced, even after it has been filed with the department.

The vast majority of wage claims are resolved entirely through our administrative process and never result in the filing of a civil action. We are proposing simply to have the two-year statute of limitations stop running upon receipt of a completed claim form by the Department of Labor.

Thank you for your time. I would be pleased to answer any questions you may have.