

which shall be in full force and effect from and after the date of its passage and approval.

Approved March 13, 1935.

LABOR

CHAPTER 161

H. B. No. 196—(Solberg, Cunningham and Godwin)

LABOR DIVISION, DEPARTMENT OF AGRICULTURE AND LABOR

An Act providing for the creation and establishment of a Labor Division within the Department of Agriculture and Labor, and providing for the qualification and making provision for the appointment of a deputy within the Department of Agriculture and Labor, to represent Labor; establishing a State Employment Service in co-operation with the Federal Government under the provisions of the Wagner-Peyser Act. Providing payment of salaries and expenses and making an appropriation, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The Commissioner of Agriculture and Labor is hereby authorized and directed to create and establish a Labor Division within the Department of Agriculture and Labor. Administration and enforcement of all labor laws, rules and regulations under the direction of the Commissioner of Agriculture and Labor shall be placed in and with the Labor Division.

§ 2. The Commissioner of Agriculture and Labor is hereby authorized to set aside to the credit and use of the said Labor Division, from appropriations made by the Legislature for the operation of said Department of Labor, such funds as may be appropriated for the efficient maintenance and operation of said Labor Division.

§ 3. The regularly appointed Deputy Commissioner of Agriculture and Labor, as now provided by statute and for the payment of whose salary an appropriation has been made by the Legislature, shall be the official head of the Labor Division, but shall receive no additional fee or compensation for his services as such official head of the Labor Division hereby created.

§ 4. The Labor Deputy so appointed shall have been at least five years immediately preceding his appointment actively identified with labor in the State of North Dakota, shall be not less than thirty years of age, and shall have a practical knowledge of and experience in labor matters and labor relations.

§ 5. The State of North Dakota accepts the provisions of the

Wagner-Peyser Act, approved June 6, 1933 (48 Stat. 113, United States Code Title 29, Section 49), "An act to provide for the establishment of a national employment system and for co-operation with the states in the promotion of such system, and for other purposes," in conformity with Section 4 thereof, and will observe and comply with the requirements of said act.

§ 6. The Department of Agriculture and Labor of the State of North Dakota is hereby designated and constituted the agency of the State of North Dakota for the purposes of such act. The Commissioner of Agriculture and Labor is hereby given full power and authority to co-operate with all the authorities of the United States having powers or duties under such act all things necessary to secure to and for the State of North Dakota the benefits of such act in the promotion of a system of public employment office, and in conformity with the provision of Chapter 117 of the 1921 Session Laws being Sections 572a1 to 572a6 inclusive of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

§ 7. The Commissioner of Agriculture and Labor, in accordance with the regulations prescribed by the Director of the United States Employment Service, shall appoint the officers and other employees of the North Dakota State Employment Service. He shall fix the salaries or compensation and determine the period during which such employment office shall be in operation.

§ 8. All Federal funds made available to this state under said Act of Congress shall be paid into the General Treasury of this state, and said funds are hereby appropriated and made available to the Department of Agriculture and Labor to be expended as provided by said Act of Congress and this act. The compensation and expense of the officers and the employees of the North Dakota Employment Service shall be paid by the State Treasurer out of the State Employment Service fund upon vouchers approved by the Commissioner of Agriculture and Labor and the State Auditing Board.

§ 9. The sum of \$5,000.00 is hereby appropriated out of any moneys in the General Treasury not otherwise appropriated for the purpose of maintaining the public employment offices created under this act and for the purpose of co-operating with the United States Employment Service. Such appropriation together with the Federal funds made available to this state under the provisions of the Wagner-Peyser Act of Congress shall be set aside and designated by the State Treasurer as the "State Employment Service Fund."

§ 10. EMERGENCY.] This act is hereby declared an emergency and shall be enforced and in exact form after its passage and approval.

Approved March 12, 1935.

CHAPTER 162

H. B. No. 286—(Godwin and Cunningham)

MINIMUM WAGE AND HOURS FOR WOMEN WORKERS, TRANSFERRING ENFORCEMENT TO DEPARTMENT OF AGRICULTURE AND LABOR

An Act to amend and re-enact Sections 396b1, 396b2, 396b4, 396b5 and 396b10 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, relating to the minimum wage and hours for women workers; transferring the duties for the enforcement of the said law from the Workmen's Compensation bureau to the Department of Agriculture and Labor; repealing all acts and parts of acts in conflict with this act and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 396b1 of the 1925 Supplement to the 1913 Compiled Laws be, and the same is, hereby amended and re-enacted to read as follows:

§ 396b1. DEFINITION.] The term "Commissioner" means the Commissioner of Agriculture and Labor. The term "minor" means a person of either sex under the age of eighteen years. The term "women" includes only women eighteen years of age or over. The term "occupation" includes a business, industry, trade or branch thereof, but shall not include agriculture or domestic service.

§ 2. AMENDMENT.] That Section 396b2 of the 1925 Supplement to the 1913 Compiled Laws be, and the same is, hereby amended and re-enacted to read as follows:

§ 396b2. POWERS OF DEPARTMENT.] The Commissioner of Agriculture and Labor is hereby authorized and empowered to ascertain and declare in the manner hereinafter provided the following things:

(a) Standards of hours of employment for women or minors and what are unreasonably long hours for women or for minors in any occupation within the state of North Dakota;

(b) Standards of conditions of labor for women or for minors in any occupation within the state and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of women or of minors in any such occupation;

(c) Standards of minimum wages for women in any occupation in the state and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health;

(d) Standards of minimum wages for minors in any occupation within the state of North Dakota and what wages are unreasonably low for any such minor workers;

(e) To prepare, adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this act, including rules and regulations for the selection of members and the mode of procedure of conferences;

(f) To employ any and all necessary help and assistance for the purpose of carrying out the provisions of this act and to fix their compensation and bonds, providing that the total amount of such compensation shall not exceed the amount appropriated therefor by the legislative assembly;

(g) To investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in different occupations in which they are employed in the state of North Dakota.

(h) Either through any authorized representative or the Commissioner, to inspect and examine any and all books and payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of labor or hours of labor or conditions of labor of any such women workers or minor workers in any of such occupations;

(i) To require from any such employer full and true statements of the wages paid to and the hours of labor and conditions of labor, of all women and minors in such employment.

§ 3. AMENDMENT.] That Section 396b4 of the 1925 Supplement to the 1913 Compiled Laws be, and the same is, hereby amended and re-enacted to read as follows:

§ 396b4. REGISTER OF NAMES.] Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit the Commissioner of Agriculture and Labor or any authorized representative of the Department of Agriculture and Labor to inspect and examine such register.

§ 4. AMENDMENT. That Section 396b5 of the 1925 Supplement to the 1913 Compiled Laws be, and the same is, hereby amended and re-enacted to read as follows:

§ 396b5. INVESTIGATIONS; WITNESSES; PROCURING ATTENDANCE; OATHS; FEES.] The Commissioner of Agriculture and Labor may hold public hearings at such times and places as he deems fit and proper for the purpose of investigating any of the matters as authorized to investigate by this act. At any public hearing any person interested in the matter being investigated may appear and testify. The Commissioner or his representative shall have power to subpoena and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; the Commissioner or his duly authorized representative shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpoenaed by said Commissioner, or duly authorized representative, shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the District Court.

§ 5. AMENDMENT.] That Section 396b10 of the 1925 Supplement

ment to the 1913 Compiled Laws be, and the same is, hereby amended and re-enacted to read as follows:

§ 396b10. QUESTIONS OF FACT; CONCLUSIVENESS OF COMMISSIONER'S DECISIONS; APPEAL.] All questions of fact arising under the foregoing provisions of this act shall except as otherwise herein provided, be determined by the Commissioner, and there shall be no appeal from the decision of the Commissioner on any question of fact; but there shall be a right of appeal from said Commissioner to the district court of Burleigh county, from any ruling or holding on the question of law included in or embodied in any decision or order of the said Commissioner, and, on the same question of law, from said district court to the supreme court of the state. In all such appeals the Attorney General shall appear for and represent said Commissioner.

§ 6. INTENT OF THIS ACT.] Wherever the word "Bureau" is used in Article 11b, Chapter 5, Political Code of the 1925 Supplement to the 1913 Compiled Laws being Sections 396b1 to 396b18 inclusive, it shall be construed and held to mean the Department of Agriculture and Labor and wherever the word "Commissioner" is used in the said chapter, it shall be construed and held to mean the Commissioner of Agriculture and Labor. It is the intention of this act to transfer all the powers and duties provided for in said Article 11b, Chapter 5, of the Political Code of the 1925 Supplement, from the Workmen's Compensation Bureau to the Department of Agriculture and Labor and the Commissioner of Agriculture and Labor is hereby vested with all the power and authority heretofore vested in the Workmen's Compensation Bureau and the Commissioner of Agriculture and Labor shall perform all the duties heretofore performed by said Workmen's Compensation Bureau in respect to the provisions of said Article 11b Chapter 5 of the Political Code of the 1925 Supplement.

§ 7. REPEAL.] All acts and parts of acts in conflict with the provisions of this act is [are] hereby expressly repealed.

§ 8. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval

Approved March 13, 1935.