

persons so liable for the recovery of the amount of money, with interest thereon, paid to such recipient, together with the costs and disbursements of such suit or action. The United States shall, if it so requires, be reimbursed out of such money so collected on a pro-rata basis in proportion to the amount it has expended in such case, and the remaining amount shall be paid to the Territorial Treasurer for the Old Age Assistance Fund.

Section 6. An emergency is hereby declared to exist and following its passage and approval this Act shall be in full force and effect as of May 1, 1949.

Emergency
clause.

Approved March 9, 1949.

CHAPTER 34

AN ACT

[H. B. 8]

Pertaining to Employer-Employee relationships; to amend Secs. 43-1-5 and 43-2-11, Alaska Compiled Laws Annotated, 1949, regarding powers of Commissioner of Labor, and detailing procedure for collection of wage claims; and repealing Sec. 43-1-8 and Secs. 43-4-1 to 43-4-7 inc. Alaska Compiled Laws Annotated, 1949.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Section 43-1-5, Alaska Compiled Laws Annotated, 1949, is hereby amended to read as follows:

Section 43-1-5. In addition to administering and enforcing the provisions of this Act, the

Commissioner shall have the power: (1) to take appropriate steps to enforce all other Territorial labor laws; (2) to act as mediator and to appoint deputy commissioners of conciliation in labor disputes whenever in his judgment the interest of industrial peace may require it to be done; (3) to make investigations, collect and compile statistical information concerning the conditions of labor generally and upon all matters relating to the enforcement of the provisions of this Act; (4) to institute appropriate proceedings in a court having jurisdiction over the matter against any employer of labor without cost to the employee when he is satisfied that the employer has failed to pay an employee or employees any amount that may be due and payable in accordance with the terms of an existing contract or agreement; (5) and to issue all orders, rules and regulations necessary to carry out the purposes of this Act.

Power of Labor
Commissioner.

Section 2. Section 43-2-11, Alaska Compiled Laws Annotated, 1949, is hereby amended to read as follows:

Section 43-2-11. Monthly pay periods: Establishment: Termination of services: Written contracts and agreements not affected. Every person or corporation employing labor in the Territory shall establish monthly pay periods, at which time such employer shall pay all employees for all labor performed or services rendered; provided, however, that where the laborers' or employees' services are terminated, regardless of the cause of termination, all wages, salaries or other compensation for labor or services shall become due immediately and shall be paid within twenty-four hours after such termination; provided, further, that nothing in this section shall be construed to affect any valid

Monthly pay
periods.

written contract or agreement entered into between employer and employee or their respective representatives. That nothing in this Act shall prevent said laborers or employees from receiving total wages due them at the end of the monthly pay period, if said laborers or employees so desire.

In the event a central pay office is maintained at a point removed from the place of employment and termination notices are accompanied by pay orders for submission to such central pay office the pay order shall be considered the same as a paycheck in fulfilling the 24 hour requirement as outlined above. Pay orders so issued must be paid promptly on presentation by the employee at the central pay office and nothing herein may be construed as limiting the liability of the individual or company issuing such a pay order.

Pay order in
lieu of check.

(a) Posting and Notification. (1) It shall be the duty of every employer to notify his employees in writing at the time of hiring, of the day and place of payment, and the rate of pay, and of any change with respect to these items on the pay day next preceding or prior to the time of change. Alternatively, however, every employer shall have the option of giving such notification by posting the aforementioned facts, and keeping them posted conspicuously at or near the place of work where such posted notice can be seen by each employee as he comes or goes to his place of work.

Notification
how made.

(b) Strikes, Lockouts and Layoffs. Employees who go on strike, or are temporarily laid off or subjected to an employer lockout during a pay period shall receive the portion of compensation earned, on or before the next en-

suing regular pay day established as above required.

(c) Unconditional Payment of Wages Conceded to be Due. In case of a dispute over wages, the employer shall give written notice to the employee of the amount of wages which he concedes to be due, and shall pay such amount, without condition, within the time set by this Act, provided that acceptance by the employee of any payment made hereunder shall not constitute a release as to the balance of his claim.

Partial
settlement.

(d) Enforcement. (1) It shall be the duty of the Labor Commissioner to insure compliance with the provisions of this Act, to investigate as to any violations of this Act, and to institute, or cause to be instituted, actions for penalties provided hereunder. The Labor Commissioner may hold hearings to satisfy himself as to the justice of any claim, and he shall cooperate with any employee in the enforcement of a claim against his employer, whenever, in his opinion, the claim is just and valid. (2) The Labor Commissioner or his authorized representative shall, in conducting any hearing authorized by this Act, have power to administer oaths and examine witnesses under oath, issue subpoena, compel the attendance of witnesses, and the production of papers, books, accounts, records, payrolls, evidentiary documents, and to take depositions and affidavits in any proceeding before said Labor Commissioner at the place most convenient to both employer and employee. (3) In case of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, the judge of any court of competent jurisdiction

Investigation.

Examine
witnesses.

Refusal to
comply.

may, on application by the Commissioner, compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. (4) The Attorney General is hereby authorized to prosecute all civil cases arising under this Act which are referred to him by the Labor Commissioner for said purpose.

**Attorney General
to prosecute.**

(e) Assignment of Wage Claims to Labor Commissioner for Recovery. (1) The Labor Commissioner shall have power and authority to take assignments of wage claims, mechanics and other liens of workers who shall have previously submitted an affidavit to the effect that he is unable to provide his own costs of such action and in any event whose claim shall not be in excess of Three Hundred (\$300.00) Dollars. The \$300.00 limit shall apply, excepting in the cases of seasonal employees working under a contract that provides for payment of wages on season's termination, or at greater than monthly intervals, and also excepting in the cases of employees whose wages over a 6-week period exceed \$300.00; in either case, the 6-week pay or the season's pay shall be the limit, whichever is the greater; and shall have power and authority to prosecute actions for the collection of such claims of persons who, in the judgment of the Commissioner, are entitled to the services of the Commissioner, and who, in his judgment, have claims which are valid and enforceable in the courts. The Commissioner is authorized to join several claimants in one lien to the extent allowed by the lien laws, and, in case of suit, to join them in one cause of action. (2) In all actions brought by the Labor Commissioner as assignee under subsection (1) of

**Assignment
for collection.**

**Maximum
assignment.**

**Multiple
claimants.**

this subsection no bond or other security therefor shall be required from the said Commissioner in connection with the same. (3) A United States Marshal, or other officer, requested by the said Commissioner to serve summons, writs, complaints, orders, including any garnishment papers, and all necessary and legal papers, within his jurisdiction, shall do so without requiring the Commissioner to furnish any security or bond therefor. (4) Whenever the Commissioner shall request the United States Marshal, or other officer whose duty it is to seize property or levy thereon in any attachment proceedings to satisfy any wage claim judgment, to perform any such duty, said officer shall do so without requiring the Commissioner to furnish any security or bond in such action; and such officer, in carrying out the provisions of this paragraph, shall not be responsible in damages for any wrongful seizure made in good faith. But whenever anyone other than the defendant claims the right of possession or ownership to such seized property, then in such case the officer may permit such claimant to have the custody of such property, pending determination of the court as to who has right to possession or ownership of such property. (5) Any garnishee defendant, when required to appear in court in such action, shall do so without having paid to him witness fees in advance, but such witness fees shall be included as part of the taxable costs of such action and paid to him in due course. Out of any recovery on a judgment in such suit, there shall be paid, first, all court cost advances, which shall be returned to the Department of Labor's appropriation for such purposes; second, the wage claim involved. (6) When such court actions are lost by the

No bond
required.

Service without
security.

Witness fees.

Labor Commis-
sioner to pay
costs.

Labor Commissioner, costs shall be paid by him out of money appropriated for that purpose.

Savings clause. Section 3. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby.

Section 4. Sections 43-4-1 to 43-4-7 inclusive, Alaska Compiled Laws Annotated, 1949, are hereby repealed.

Approved March 11, 1949.

CHAPTER 35

AN ACT

[H. B. 38]

Pertaining to transportation; prohibiting land transportation of passengers by common carriers in closed vehicles with less than two doorways and restricting number of passengers.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. It shall be unlawful for any person, firm or corporation engaged in business in Alaska as a common carrier to use in the transportation of passengers on land, any bus or other closed vehicle unless same has at least one escape doorway other than at the main entrance, such extra door to be located at the rear of such vehicle or on the side opposite the regular entrance, and kept and maintained in working order without locks at all times when passengers are being carried; provided, however, this Act shall not apply to vehicles now in use

Emergency exit required.