

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2267

2007 SENATE POLITICAL SUBDIVISIONS

SB 2267

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2267**

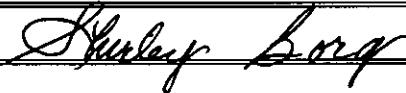
Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: **February 1, 2007**

Recorder Job Number: **2549**

Committee Clerk Signature



Minutes:

Chairman Cook called the Senate Political Subdivisions committee to order. All members(5) present.

Chairman Cook opened the hearing on SB 2267 relating to the definition of employer for labor-management relations purposes.

Representative Schneider, District 21, Fargo, ND. Introduced SB 2267 as an attorney representing ND Public Employees Association. I see first hand the need for collective bargaining in the state. What this bill does simply forces in this session, why is North Dakota not recognizing as an employer for collective bargaining purposes. Collective bargaining in North Dakota already exists but the state of North Dakota and its political subdivisions are excluded from participating.

Jodee Buhr, Executive Director of the ND Public Employees Association, testified in support of SB 2267. (See attachment #1)

Senator Heitkamp, District 26, testified in support of SB 2267. This bill is in front of the committee because, first off if you take a look at what it does; it restricts ND from an exemption. Does it need an exemption? What we are saying is they are an employer and so

that is what the bill does, it recognizes that fact. Compared with other states and take a look at where they are at and where we are at. (See attachment #2)

Chairman Cook asked how our roll as legislatures would change.

Senator Heitkamp answered it would empower the employees more. They would have the right to set at the table and make their case.

Nick Whitman, Executive Director, North Dakota Education Association, testified in support of SB 2267. (Attachment #3)

Gary Feist, President, North Dakota Public Employees Association and also a member of the State Employee Compensation Commission. The commission is set up for the employees to give a voice and recommend what they would like for salary increases. What we are asking for in the collective bargaining is to have a voice in the process, not only about salaries but about working conditions we are facing as state employees and social subdivisions people.

David Kemnitz, President of ND AFL-CIO testified in support of SB 2267. He discussed subsection 3 of sections 34-12-01. He had a concern with the fiscal note and challenges it. It disturbs him that \$1,055,161 can be applied to something that is already in law. If human resource directors don't understand now they should have. The human resource departments can go to the Supreme Court library and find information on any thing they want to know on labor management. He asks the committee to challenges the fiscal note and ask in detail and where that fiscal note would apply and how did those numbers be put to something as simple as 34-12 that is already in existence.

Teresa Schafer, Correction Officer, ND State Penitentiary, speaking for herself, testified in support of SB 2267. (See Attachment # 4)

John Risch, United Transportation Union Railroad Worker across the state testified in support of SB 2267. Collective bargaining is not just something that benefits employees. It is a

positive thing and is a means of working out disputes or issues in the work place that is beneficial to not just employees but to employers as well. They support our public employees. He feels the fiscal note is out of hand.

Christopher Dobson, North Dakota Catholic Conference, testified in support of SB 2267. He presented a different perspective on this issue. It's been for over one hundred years that the church has called it its mission to promote the dignity of workers including the right to unionize and collectively bargain. The rights are bases on the human person and the person's transcendent dignity and that includes the right to negotiate with employers collectively. That right is an indispensable right of social life.

Testimony in opposition.

Bob Frantsrog, representing ND League of Cities in opposition to SB2267. The city of Minot had two active unions, one with police and one with fire. About 15 years ago we were sued by the union. Every ten years the city of Minot has a pay study. Our pay plan for our employees is market driven. We survey comparable political subdivision and based on the responses we determine the salaries for the coming year. Political subdivisions can operate without collective bargaining.

No further testimony in favor, opposed or neutral to SB 2267.

Chairman Cook closed the hearing on SB 2267.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2267**

Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: **February 2, 2007**

Recorder Job Number: 2716

Committee Clerk Signature

Shirley Long

Minutes:

Chairman Cook called the Senate Political Subdivisions to order. All members (5) present.

Chairman Cook: We have before us SB 2267.

Senator Warner moved a Do Pass.

Senator Anderson seconded the motion.

Discussion:

Senator Hacker: In the as is condition on SB 2267 I would have to oppose this motion. It would take a lot of amendments for me to support the bill.

Chairman Cook: Said it would take a few amendments on it for me to support the bill.

Roll call vote: Yes 3 No 2 Absent 0

Senator Olafson moved a **Do Not Pass**.

Senator Hacker seconded the motion.

Discussion :

Senator Hacker: It would take a lot of amendments but I think there are areas in our state that I think it would be very good.

Senator Warner: If we did amend it, a lot of areas would have to be carved out.

Chairman Cook: I support that public servants can not strike. That is what makes it difficult for collective bargaining to be successful.

Roll call vote: Yes 3 No 2 Absent 0

Carrier: **Senator Hacker**

FISCAL NOTE

Requested by Legislative Council

01/19/2007

Bill/Resolution No.: SB 2267

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$1,055,161	\$58,594	\$1,459,618	\$60,937
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill removes the provision excepting the state and political subdivisions from the ND Labor-Management Relations Act.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This act would necessitate adding labor relations staff to the Labor Commissioners Office for administration of the act. It would also necessitate staff in the HRMS Division of OMB and in the Attorney General's Office to work with agencies and any bargaining units formed. In order to avoid conflict of interest, legal services for the Labor Commissioner would either be separate Attorney General staff or outside labor relations counsel.

Coverage would include up to 14,000 state employees (incl Higher Ed) and up to 36,000 employees of political subdivisions (source: Job Service 2006 Area Profiles – Statewide).

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Estimates include:

Labor Department: 4 positions (2 professional, 2 support), Office Equipment, Reference resources. \$567,781 for 07-09.

HRMS – OMB: 3 positions (2 professional, 1 support), Office Equipment, Reference resources. \$311,600 for 07-09.

Attorney General: 1 staff attorney. \$234,374 for 07-09.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and*

appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

Name:	Ken Purdy	Agency:	HR Management Services
Phone Number:	328-4739	Date Prepared:	01/25/2007

Date: 2-2-07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2267

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Senator Warner Seconded By Senator Anderson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman		X	Senator Arden C. Anderson	X	
Senator Curtis Olafson, ViceChair		X	Senator John M. Warner	X	
Senator Nicholas P. Hacker		X			

Total Yes 3 No 2

Absent 0

Floor Assignment

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

Date: 2-2-07
Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2267

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Senator Olafson Seconded By Senator Hacker

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X		Senator Arden C. Anderson		X
Senator Curtis Olafson, ViceChair	X		Senator John M. Warner		X
Senator Nicholas P. Hacker	X				

Total Yes 3 No 2

Absent 0

Floor Assignment Senate Hacker

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

REPORT OF STANDING COMMITTEE

SB 2267: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO NOT PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2267 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

SB 2267



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PUBLIC EMPLOYEES ASSOCIATION

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TESTIMONY OF JODEE BUHR
ON SB 2267
BEFORE SENATE POLITICAL SUBDIVISIONS COMMITTEE
FEBRUARY 1, 2007

Good morning Chairman Cook and Committee Members. My name is Jodee Buhr, Executive Director of the North Dakota Public Employees Association, AFT Local #4660. I would like to begin by thanking the sponsors of this bill: Senators Heitkamp, Bakke, and Potter and Representatives Amerman, Delmore, and Schneider. NDPEA strongly supports SB 2267, a bill which would bring collective bargaining rights to state employees and political subdivisions, a right afforded all other workers in the state of North Dakota.

Chairman Cook and Committee members, we are asking that you update the definition of "employer" in the North Dakota Labor-Management Relations Act (NDCC Section 34-12-01). The change proposed in SB 2267 is to remove the exclusion of state employees and political subdivisions from the existing definition of "employer" in Section 34-12-01. This change would grant state employees and political subdivisions the same right extended to all other North Dakota workers.

Quality Services from Quality People

Testimony

What is collective bargaining and why do we need it? Simply stated, **collective bargaining is a democratic process used by an employer and employees to discuss and determine wages, hours of work, and conditions of employment.** Collective bargaining helps ensure the efficient deliverance of quality services to the citizens of North Dakota through the use of a written agreement between the employee and the employer. Collective bargaining will give our public employees a voice in the decisions that affect their jobs by allowing us to negotiate as equals with the state in determining our salary, benefits, and conditions of employment. The voice of employees in the workplace is a vital component to the successful operation of every agency!

In addition to a right that is granted to ALL other North Dakota workers, collective bargaining is allowed for public employees in every state surrounding North Dakota. In fact, thirty states currently allow collective bargaining for their public employees. Attached to my testimony please find copies of collective bargaining "policy statements" from Montana, Washington, New Mexico, and Minnesota. It is my hope that this information will help you understand why other states have implemented collective bargaining for their public employees. As stated in the handout from the state of Washington, the intention behind collective bargaining is ultimately "...to achieve more efficient and expert administration of public labor relations administration and to thereby ensure the public of quality public services." (Washington State "Intent - Construction" RCS 41.58.005). Some of the most innovative and effective worker involvement programs in this country are in the organized workplace. Through the collective

bargaining process, government can be more efficient, more responsive, and work-quality assured.

As you know, we have been working with legislators on both sides of the aisle on other critical public employee issues throughout this Legislative Session and we have worked hard to convey the message that public employees are valuable and essential to our State and that they need to be a priority this Session! If we truly want to convey this message and empower our employees, we will afford them the right to be involved in discussions on how to make government more efficient, more responsive and customer driven.

We are here today in support of SB 2267 because we strongly believe that state employees and political subdivisions deserve the same right as all other North Dakota workers! A right afforded to North Dakotans in the private sector, federal employees and K-12 educators. I challenge you to trust our public employees and allow them to have access to this democratic process.

SB 2267 is the first step in accomplishing this. The next step would be to work together, in a collaborative effort, with all necessary parties – the Governor's office, legislators, agency heads, the Labor Department, etc. to develop the parameters of collective bargaining for state employees and political subdivisions. We are not here today to deliberate what exactly the parameters would be – this step would need to take place AFTER the passage of this bill. However, it is important to remember that the Legislature retains the final authority over the funds necessary to implement an

agreement. Chairman Cook and Committee members, all we are asking of you today is to take the first step – and grant public employees the same right that has been given to ALL other North Dakota workers.

The passage of SB 2267 would allow us to take the next step and begin developing the parameters through discussions and negotiations between the involved parties. This process would take time and consequently, we believe the fiscal note submitted is premature. After all parties involved have discussed the parameters, we would then have a more accurate idea of what resources may be needed to move forward and most likely, these resources would be considerably less than the fiscal note reflects. Please remember that we currently have human resource personnel in almost every state agency who are trained, or capable of being trained, in employer-employee relations. These employees are an existing resource and would be critical in the implementation and maintenance of the collective bargaining process. As mentioned, it will take time for all parties involved to meet and develop the parameters. Only after these discussions have occurred and the parameters have been developed will we know what, if any, additional resources may be needed for implementation. Based on the timeline necessary for planning and discussion, we believe that any additional resources would not be needed until the 2009-2011 biennium at the earliest.

On behalf of public employees, NDPEA is asking you to open the door to the democratic process for our hard-working, dedicated public employees! NDPEA supports SB 2267

and urges a DO PASS. Thank you for your consideration of SB 2267. I would be happy to answer any questions you may have.

Montana Code Annotated 2005

[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

39-31-101. Policy. In order to promote public business by removing certain recognized sources of strife and unrest, it is the policy of the state of Montana to encourage the practice and procedure of collective bargaining to arrive at friendly adjustment of all disputes between public employers and their employees.

History: En. Sec. 1, Ch. 441, L. 1973; R.C.M. 1947, 59-1601.

Provided by Montana Legislative Services

[RCWs > Title 41 > Chapter 41.58 > Section 41.58.005](#)

Beginning of Chapter << [41.58.005](#) >> [41.58.010](#)

RCW 41.58.005 Intent — Construction.

(1) It is the intent of the legislature by the adoption of chapter 296, Laws of 1975 1st ex. sess. to provide, in the area of public employment, for the more uniform and impartial (a) adjustment and settlement of complaints, grievances, and disputes arising out of employer-employee relations and, (b) selection and certification of bargaining representatives by transferring jurisdiction of such matters to the public employment relations commission from other boards and commissions. It is further the intent of the legislature, by such transfer, to achieve more efficient and expert administration of public labor relations administration and to thereby ensure the public of quality public services.

(2) Nothing contained in chapter 296, Laws of 1975 1st ex. sess. shall be construed to alter any existing collective bargaining unit or the provisions of any existing bargaining agreement.

(3) Nothing contained in chapter 296, Laws of 1975 1st ex. sess. shall be construed to alter any power or authority regarding the scope of collective bargaining in the employment areas affected by chapter 296, Laws of 1975 1st ex. sess., but chapter 296, Laws of 1975 1st ex. sess. shall be construed as transferring existing jurisdiction and authority to the public employment relations commission.

(4) Nothing contained in chapter 296, Laws of 1975 1st ex. sess. shall be construed to prohibit the consideration or adjustment of complaints or grievances by the public employer.

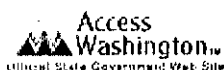
[1975 1st ex.s. c 296 § 1.]

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New Mexico Statutes

Statutory Chapters in New Mexico Statutes Annotated 1978
CHAPTER 10 PUBLIC OFFICERS AND EMPLOYEES
ARTICLE 7E PUBLIC EMPLOYEE BARGAINING
10-7E-2. Purpose of act. (2003)

10-7E-2. Purpose of act. (2003)

The purpose of the Public Employee Bargaining Act [10-7E-1 to 10-7E-26 NMSA 1978] is to guarantee public employees the right to organize and bargain collectively with their employers, to promote harmonious and cooperative relationships between public employers and public employees and to protect the public interest by ensuring, at all times, the orderly operation and functioning of the state and its political subdivisions.

History: Laws 2003, ch. 4, § 2 and by Laws 2003, ch. 5, § 2.

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179A.01, Minnesota Statutes 2006

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179A.01 PUBLIC POLICY.

It is the public policy of this state and the purpose of sections 179A.01 to 179A.25 to promote orderly and constructive relationships between all public employers and their employees. This policy is subject to the paramount right of the citizens of this state to keep inviolate the guarantees for their health, education, safety, and welfare.

The relationships between the public, public employees, and employer governing bodies involve responsibilities to the public and a need for cooperation and employment protection which are different from those found in the private sector. The importance or necessity of some services to the public can create imbalances in the relative bargaining power between public employees and employers. As a result, unique approaches to negotiations and resolutions of disputes between public employees and employers are necessary.

Unresolved disputes between the public employer and its employees are injurious to the public as well as to the parties. Adequate means must be established for minimizing them and providing for their resolution. Within these limitations and considerations, the legislature has determined that overall policy is best accomplished by:

- (1) granting public employees certain rights to organize and choose freely their representatives;
- (2) requiring public employers to meet and negotiate with public employees in an appropriate bargaining unit and providing that the result of bargaining be in written agreements; and
- (3) establishing special rights, responsibilities, procedures, and limitations regarding public employment relationships which will provide for the protection of the rights of the public employee, the public employer, and the public at large.

Nothing in sections 179A.01 to 179A.25 impairs, modifies, or alters the authority of the legislature to establish rates of pay, or retirement or other benefits for its employees.

History: 1984 c 462 s 2

CHAPTER 34-12 NORTH DAKOTA LABOR-MANAGEMENT RELATIONS ACT

34-12-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Commissioner" means the North Dakota labor commissioner, the labor commissioner's successor, or the labor commissioner's duly authorized deputy.
2. "Employee" includes any employee, and is not limited to the employees of a particular employer, unless the chapter explicitly states otherwise, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but does not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at that family's or person's home, or any individual employed by that individual's parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor or guard, or any individual employed by an employer subject to the Railway Labor Act [Pub. L. 69-257; 44 Stat. 577; 45 U.S.C. 151 et seq.], as amended from time to time, or by any other person who is not an employer as herein defined.
3. "Employer" includes any person acting as an agent of an employer, directly or indirectly, but does not include the United States or any wholly owned government corporation, or any federal reserve bank, or any state or political subdivision thereof, or any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual, or any person subject to the Railway Labor Act [Pub. L. 69-257; 44 Stat. 577; 45 U.S.C. 151 et seq.], as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization, or any farmer.
4. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
5. "Person" includes one or more individuals, labor organizations, partnerships, associations, corporations, limited liability companies, legal representatives, trustees, trustees in bankruptcy, or receivers.
6. "Representatives" includes any individual or labor organization.
7. "Unfair labor practice" means any unfair labor practice as provided in section 34-12-03.

34-12-02. Right of employees as to organization, collective bargaining. Employees have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other lawful concerted activities for the purpose of collective bargaining or other mutual aid or protection, and also have the right to refrain from any or all of such activities and are free to decline to associate with their fellows and are free to obtain employment wherever possible without interference or being hindered in any way.

34-12-03. Unfair labor practices.

1. It is an unfair labor practice for any employer:

- a. To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 34-12-02.
 - b. To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it. This may not be construed to prohibit an employer from conferring with employees or their bona fide representatives and including, but not by way of limitation, explaining the position of management in connection with the problems of the employer during working hours without the loss of pay.
 - c. By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.
 - d. To discharge or otherwise discriminate against an employee because the employee has filed charges or given testimony under this chapter.
 - e. To refuse to bargain collectively with the representatives of the employer's employees, subject to section 34-12-02.
2. It is an unfair labor practice for a labor organization or its agents:
- a. To restrain or coerce employees in the exercise of rights guaranteed in section 34-12-02, provided that a labor organization may prescribe its own rules for the acquisition and maintenance of membership in said labor organization.
 - b. To cause or attempt to cause an employer to discriminate or restrain or coerce employees in the exercise of rights set forth in section 34-12-02.
 - c. To restrain or coerce an employer in the selection of the employer's representatives or to refuse to bargain with an employer if the labor organization or its agent is the representative of the employer's employees.
 - d. To force or attempt to force an employer or self-employed person to join any organization.
 - e. To engage in, or to induce or encourage any employee to engage in, a strike or a refusal in the course of the employee's employment to use or work on any goods, articles, materials or commodities, or to perform any services, or to threaten, coerce, or restrain any person for the purpose of forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any employer to recognize or bargain with a labor organization as the representative of the employer's employees unless the labor organization has been certified as the representative of the employer's employees under the provisions of section 34-12-05; but nothing in this subsection may be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing, and nothing contained in this subsection may be construed to make unlawful a refusal by any person to enter upon the premises of any employer, other than the person's own employer, if the employees of the other employer are engaged in a lawful strike.
 - f. To require of employees as a condition for membership the payment of fees found by the commissioner to be excessive or discriminatory.
 - g. To cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.

- h. To make, circulate, or cause to be circulated a black list.
 - i. To coerce or intimidate an employee in the enjoyment of the employee's legal rights, or to intimidate the employee's family or any member thereof, picket the employee's domicile, or injure the person or property of the employee or the employee's family or of any member thereof.
 - j. To hinder or prevent by unlawful picketing, threats, intimidation, force, or coercion of any kind the pursuit of any lawful work or employment, or to obstruct or interfere with entrance to or egress from any place of employment, or to obstruct or interfere with free and uninterrupted use of public roads, streets, highways, railways, airports, or other ways of travel or conveyance.
3. It is unfair labor practice for a person:
- a. To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 34-12-02.
 - b. To coerce or intimidate an employee in the enjoyment of the employee's legal rights, or to intimidate the employee's family or any member thereof, picket the employee's domicile, or injure the person or property of the employee, the employee's family, or any member thereof.
 - c. To hinder or prevent by unlawful picketing, threats, intimidation, force, or coercion of any kind, the pursuit of any lawful work or employment, or to obstruct or interfere with entrance to or exit from any place of employment, or to obstruct or interfere with free and uninterrupted use of entrances, public roads, streets, highways, railways, airports, or other ways of travel or conveyance.
4. The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, is not evidence of an unfair labor practice under this chapter if the expression contains no threat of reprisal or force or promise of benefit.

34-12-04. Collective bargaining.

- 1. For the purposes of this chapter, to bargain collectively means the performance of the mutual obligations of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation or renegotiation of an agreement, or any question thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.
- 2. When there is in effect a collective bargaining contract, the duty to bargain also means that no party to such contract may terminate or modify such contract at the conclusion of its term until sixty days after either party mails notice of a desire to terminate or to modify. A strike or lockout for economic purposes is unlawful until the end of the sixty-day period. The duty to bargain collectively continues despite termination of a collective bargaining contract unless the employee bargaining representative has lost its majority status.

34-12-05. Exclusive representation - Employees' adjustment of grievances directly with employer.

- 1. Representatives designated or selected for the purpose of collective bargaining of the employees in a unit appropriate for such purposes are exclusive representatives

