

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1151

Introduced by

Industry, Business and Labor Committee

(At the request of Workforce Safety and Insurance)

1 A BILL for an Act to create and enact a new section to chapter 65-03 of the North Dakota
2 Century Code, relating to reporting requirements in safety grant programs; to amend and
3 reenact subsection 31 of section 65-01-02 and sections 65-01-13 and 65-04-15 of the North
4 Dakota Century Code, relating to definition of wages, information fund, and confidentiality of
5 employer files for workforce safety and insurance purposes; and to repeal section 65-03-03 of
6 the North Dakota Century Code, relating to rules for mine foremen.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Subsection 31 of section 65-01-02 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 31. "Wages" means an employee's remuneration from all employment reportable to
11 the internal revenue service as earned income for federal income tax purposes.
12 For purposes of chapter 65-04, "wages" means all gross earnings of all
13 employees. The term includes all pretax deductions for amounts allocated by the
14 employee for deferred compensation, medical reimbursement, retirement, or any
15 similar program, but may not include dismissal or severance pay.

16 **SECTION 2. AMENDMENT.** Section 65-01-13 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **65-01-13. Information fund - Continuing appropriation.** There is hereby created a
19 fund to be known as the information fund. ~~Workforce safety and insurance within the workforce~~
20 safety and insurance fund, to which the organization shall deposit into this fund all moneys
21 received from private citizens, businesses, associations, corporations, and limited liability
22 companies for providing these entities with publications and statistical information concerning
23 workforce safety and insurance matters. The information must be provided at cost. The
24 moneys in the fund are appropriated, as a standing and continuing appropriation, to workforce

1 safety and insurance to pay publication and statistical processing expenses incurred by the
2 organization. ~~If on the first day of July in any year the amount of money in the information fund~~
3 ~~is more than ten thousand dollars, the amount in excess of ten thousand dollars must be~~
4 ~~transferred to the organization's general fund.~~

5 **SECTION 3.** A new section to chapter 65-03 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Safety grant programs - Reporting requirements.** The organization shall compile
8 data relating to grants issued under this chapter. The organization shall report biennially to the
9 legislative council.

10 **SECTION 4. AMENDMENT.** Section 65-04-15 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **65-04-15. Information in employer's files confidential - Exceptions - Penalty if**
13 **employee of organization divulges information.**

- 14 1. The information contained in an employer's file is confidential and not subject to
15 ~~section 44-04-18~~ disclosure under chapter 44-04 and section 6 of article XI of the
16 Constitution of North Dakota; is for the exclusive use and information of the
17 organization or its agents in the discharge of the organization's official duties; and
18 is not open to the public nor usable in any court in any court action or proceeding
19 unless the organization is a party to that court action or proceeding. The
20 information contained in the file, however, may be tabulated and published by the
21 organization in statistical form for the use and information of the state departments
22 and of the public.
- 23 2. An employer file includes all documents and data pertaining to a person that pays
24 premium to the organization, except for information relating to a grant award under
25 section 65-03-04 that does not disclose payroll or premium information as provided
26 in subsection 3.
- 27 3. Upon request, the organization shall disclose the rate classification of an employer
28 to the requester; however, the organization may not disclose any information that
29 would reveal the amount of payroll upon which that employer's premium is being
30 paid or the amount of premium the employer is paying. The organization may
31 disclose whether an employer's file is active, canceled, closed, pending,

delinquent, or uninsured. The information in the employer's file may not be released in aggregate form, except to those persons contracting with the organization for exchange of information pertaining to the administration of this title, except upon written authorization by the employer for a specified purpose, or at the discretion of the organization with regard to delinquent and uninsured employers. Disclosure by a public servant of information contained in an employer's report, except as otherwise allowed by law, is a violation of section 12.1-13-01. Anyone who is convicted under section 12.1-13-01 is disqualified from holding any office or employment with the organization.

4. The organization may, upon request of the state tax commissioner or the secretary of state, furnish to them a list of employers showing only the names, addresses, and organization file identification numbers of such employers as those files relate to this chapter; provided, that any such list so furnished must be used by the tax commissioner or the secretary of state only for the purpose of administering their duties. The organization may provide any state or federal agency information obtained pursuant to the administration of this title. Any information so provided must be used only for the purpose of administering the duties of that state or federal agency.

5. Whenever the organization obtains information on activities of a contractor doing business in this state of which officials of the secretary of state, job service North Dakota, or tax commissioner may be unaware and that may be relevant to the duties of those officials, the organization shall provide any relevant information to those officials for the purpose of administering their duties.

6. The organization may provide any state agency or a private entity with a list of names and addresses of employers for the purpose of jointly publishing or distributing publications or other information pursuant to section 54-06-04.3. Any information so provided may only be used for the purpose of jointly publishing or distributing publications or other information as provided in section 54-06-04.3.

SECTION 5. REPEAL. Section 65-03-03 of the North Dakota Century Code is repealed.