

**HOUSE BILL NO. 1127**

Introduced by

Government and Veterans Affairs Committee

(At the request of the Industrial Commission)

1 A BILL for an Act to create and enact a new section to chapter 49-24 of the North Dakota  
2 Century Code, relating to confidentiality of transmission authority information; and to amend  
3 and reenact subsection 12 of section 49-24-05, subsection 3 of section 54-17.5-04, and  
4 subsection 5 of section 54-44.4-02 of the North Dakota Century Code, relating to powers of the  
5 transmission authority and procurement and borrowing by the industrial commission.

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

7 **SECTION 1. AMENDMENT.** Subsection 12 of section 49-24-05 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 12. Consult with the public service commission, regional organizations, and any other  
10 relevant state or federal authority or persons as necessary and establish  
11 reasonable fees, rates, tariffs, or other charges for transmission facilities and all  
12 services rendered by the authority;

13 **SECTION 2.** A new section to chapter 49-24 of the North Dakota Century Code is  
14 created and enacted as follows:

15 **Access to authority records - Confidentiality.**

16 1. Materials and data submitted to, or made or received by, the authority, to the  
17 extent that the authority determines the materials or data consist of trade secrets or  
18 commercial, financial, or proprietary information of individuals or entities applying  
19 to or contracting with the authority or receiving authority services under this chapter  
20 are not public records subject to section 44-04-18 and section 6 of article XI of the  
21 Constitution of North Dakota and are subject to section 44-04-18.4.

22 2. A person or entity must file a request with the authority to have material designated  
23 as confidential under subsection 1. The request must contain any information  
24 required by the authority and must include at least:

- 1           a. A general description of the nature of the information sought to be protected.
- 2           b. An explanation of why the information derives independent economic value,
- 3                 actual or potential, from not being generally known to other persons.
- 4           c. An explanation of why the information is not readily ascertainable by proper
- 5                 means by other persons.
- 6           d. A general description of any person or entity that may obtain economic value
- 7                 from disclosure or use of the information and how the person or entity may
- 8                 obtain this value.
- 9           e. A description of the efforts used to maintain the secrecy of the information.
- 10         3. A request under subsection 2 is confidential. The authority shall examine the
- 11                 request and determine whether the information is relevant to the matter at hand
- 12                 and is a trade secret under the definition in section 47-25.1-01 or 44-04-18.4. If the
- 13                 authority determines the information is either not relevant or not a trade secret, the
- 14                 authority shall notify the requester and the requester may ask for the return of the
- 15                 information and request within ten days of the notice. If no return is sought, the
- 16                 information and request are a public record.

17           **SECTION 3. AMENDMENT.** Subsection 3 of section 54-17.5-04 of the North Dakota  
18 Century Code is amended and reenacted as follows:

- 19           3. To borrow money and issue evidences of indebtedness as ~~provided~~ authorized in
- 20                 this chapter provided that the industrial commission may borrow money from the
- 21                 Bank of North Dakota for a period not to exceed five years on the terms and
- 22                 conditions as the industrial commission may approve without the necessity of
- 23                 establishing or maintaining any reserve fund as otherwise required by section
- 24                 54-17.5-05.

25           **SECTION 4. AMENDMENT.** Subsection 5 of section 54-44.4-02 of the North Dakota  
26 Century Code is amended and reenacted as follows:

- 27           5. Procurements through a contract or other instrument executed by the industrial
- 28                 commission under ~~chapter~~ chapters 54-17.5 and 49-24.