

**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 amend and reenact subsection 31 of section 65-01-02 and sections  
2 65-01-13, 65-04-15, and 65-05-07.2 of the North Dakota Century Code, relating to definition of  
3 wages, information fund, confidentiality of employer files, and penalties applied to medical  
4 expense assessments for workforce safety and insurance purposes; and to repeal section  
5 65-03-03 of the North Dakota Century Code, relating to rules for mine foremen.

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

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

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

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

17 **65-01-13. Information fund - Continuing appropriation.** There is hereby created a  
18 fund to be known as the information fund. ~~Workforce safety and insurance within the workforce~~  
19 safety and insurance fund, to which the organization shall deposit into this fund all moneys  
20 received from private citizens, businesses, associations, corporations, and limited liability  
21 companies for providing these entities with publications and statistical information concerning  
22 workforce safety and insurance matters. The information must be provided at cost. The  
23 moneys in the fund are appropriated, as a standing and continuing appropriation, to workforce  
24 safety and insurance to pay publication and statistical processing expenses incurred by the

1 organization. ~~If on the first day of July in any year the amount of money in the information fund~~  
2 ~~is more than ten thousand dollars, the amount in excess of ten thousand dollars must be~~  
3 ~~transferred to the organization's general fund.~~

4 **SECTION 3. AMENDMENT.** Section 65-04-15 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **65-04-15. Information in employer's files confidential - Exceptions - Penalty if**  
7 **employee of organization divulges information.**

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

1 employer's report, except as otherwise allowed by law, is a violation of section  
2 12.1-13-01. Anyone who is convicted under section 12.1-13-01 is disqualified from  
3 holding any office or employment with the organization.

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

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

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

23 **SECTION 4. AMENDMENT.** Section 65-05-07.2 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **65-05-07.2. Payment to organization for certain claims.** The employer shall  
26 reimburse the organization for all medical expenses related to a compensable injury to an  
27 employee if the expenses are not more than two hundred fifty dollars and shall reimburse the  
28 organization for the first two hundred fifty dollars of medical expenses when the expenses are  
29 more than two hundred fifty dollars. If a claim for benefits is filed with the organization by  
30 midnight central time on the first business day following the workplace injury, the organization  
31 shall pay the first two hundred fifty dollars of medical expenses. A claim is filed by submitting a

1 form furnished by the organization or by another method designated by the organization. ~~If a~~  
2 ~~claim for benefits is filed with the organization more than fourteen days from the date the~~  
3 ~~employer received notice of the workplace injury from the employee, the employer shall~~  
4 ~~reimburse the organization for the first three hundred fifty dollars of medical expenses when the~~  
5 ~~expenses are greater than three hundred fifty dollars.~~ If an employee's compensable injury is  
6 determined through a civil action to have been sustained through the fault or negligence of a  
7 third person, or if a settlement has been entered between the employee and a third person  
8 through which the third person agrees to compensate the employee for the injury, the  
9 organization, upon receipt of its subrogation interest, shall credit the account of the employer to  
10 the extent of the payment made by the employer to the organization under this section. Upon  
11 the organization's determination that the claim is compensable, the organization shall pay the  
12 medical expenses associated with the claim and notify the employer of payments to be made  
13 by the employer under this section. If the employer does not pay the organization within thirty  
14 days of notice by the organization, the organization may impose a penalty on that employer.  
15 The penalty may not exceed one hundred twenty-five percent of the payment owed by the  
16 employer. The organization shall collect the penalty in a civil action against the employer and  
17 deposit the money in the fund. An employer may not directly or indirectly charge an injured  
18 employee for any payment the employer makes on a claim. Except as otherwise provided, if  
19 the cost of an injured employee's medical treatment exceeds two hundred fifty dollars, the  
20 organization shall pay all further medical expenses. This section is effective for all  
21 compensable injuries that occur after July 31, 1995. Compensable injuries paid under sections  
22 65-06.2-04 through 65-06.2-08 are not subject to this section.

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