

**FIRST ENGROSSMENT
with Senate Amendments**

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, 65-03-04, and 65-04-15 of
4 the North Dakota Century Code, relating to definition of wages, information fund, safety grant
5 awards, and confidentiality of employer files for workforce safety and insurance purposes; and
6 to repeal section 65-03-03 of the North Dakota Century Code, relating to rules for mine
7 foremen.

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

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

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

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

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

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

6 **SECTION 3. AMENDMENT.** Section 65-03-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **65-03-04. Safety programs - Continuing appropriation.** The organization shall
9 create and operate work safety and loss prevention programs to protect the health of covered
10 employees and the financial integrity of the fund, including programs promoting safety practices
11 by employers and employees through education, training, consultation, grants, or incentives.
12 As a term of award of a grant under this section, a recipient authorizes the organization to
13 disclose the name of the award recipient and the amount of the award received. Any funds
14 deposited in the workforce safety insurance fund are appropriated to the organization on a
15 continuing basis for the purpose of funding the programs implemented under this section.

16 **SECTION 4.** A new section to chapter 65-03 of the North Dakota Century Code is
17 created and enacted as follows:

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

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

23 **65-04-15. Information in employer's files confidential - Exceptions - Penalty if**
24 **employee of organization divulges information.**

- 25 1. The information contained in an employer's file is confidential and not subject to
26 ~~section 44-04-18~~ disclosure under chapter 44-04 and section 6 of article XI of the
27 Constitution of North Dakota; is for the exclusive use and information of the
28 organization or its agents in the discharge of the organization's official duties; and
29 is not open to the public nor usable in any court in any court action or proceeding
30 unless the organization is a party to that court action or proceeding. The
31 information contained in the file, however, may be tabulated and published by the

organization in statistical form for the use and information of the state departments and of the public.

2. An employer file includes all documents and data pertaining to a person that pays premium to the organization, except for information relating to a grant award under section 65-03-04 which the organization is specifically authorized to disclose or under section 65-03-04 which does not disclose payroll or premium information as provided in subsection 3.

3. Upon request, the organization shall disclose the rate classification of an employer to the requester; however, the organization may not disclose any information that would reveal the amount of payroll upon which that employer's premium is being paid or the amount of premium the employer is paying. The organization may 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.

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

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

11 **SECTION 6. REPEAL.** Section 65-03-03 of the North Dakota Century Code is
12 repealed.