Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1047
(Legislative Management)
(Human Services Committee)

AN ACT to amend and reenact section 34-13-01 of the North Dakota Century Code, relating to licensing employment agents and agencies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-13-01 of the North Dakota Century Code is amended and reenacted as follows:

34-13-01. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Commissioner" means the labor commissioner.

2. "Employee" means any ~~person~~individual, whether employed or unemployed, seeking or entering into any arrangement for employment or change of employment through the medium of service of an employment agent.

3. "Employer" means any ~~person~~individual, firm, corporation, limited liability company, or association employing or seeking to enter into an arrangement to employ any ~~person~~individual through the medium or service of an employment agent.

4. "Employment agent" or "employment agency" ~~means~~:

   a. Means any ~~person~~individual, firm, corporation, limited liability company, or association in this state engaged for hire or compensation in the business of furnishing:

      ~~a.~~(1) ~~Persons~~Individuals seeking employment or changing employment, with information or other service enabling or tending to enable such ~~persons~~individuals to procure employment, by or with employers, other than such employment agent; or

      ~~b.~~(2) Any other ~~person~~individual, firm, corporation, limited liability company, or association ~~who~~that may be seeking to employ or may be in the market for help of any kind, with information enabling or tending to enable such other ~~person~~individual, firm, corporation, limited liability company, or association to procure such help.

   ~~The term "employment agent" or "employment agency" does~~

   b. Does not include ~~any person~~:

      (1) An individual, firm, corporation, limited liability company, or association employing individuals to render part-time or temporary services to or for a third person, if the ~~person~~individual, firm, corporation, limited liability company, or association employing the individuals, in addition to wages or salaries, pays social security and unemployment insurance taxes, provides workforce safety and insurance coverage, and is responsible for the acts of the employees while rendering services to or for a third person. ~~The term "employment agent" or "employment agency" does not include a person~~

      (2) An individual, firm, corporation, limited liability company, or association charging service fees or any other charges exclusively to employers.

(3) An individual, firm, corporation, limited liability company, or association licensed or certified by the department of human services to provide employment related services, to the extent the employment-related services are being provided for the clientele identified by the department in the issuance of the license or certificate.

5. "Gross misconduct" means misconduct involving assault and battery, the malicious destruction of property, or the theft of money or property.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1047.

House Vote:	Yeas 91	Nays 0	Absent 3
Senate Vote:	Yeas 47	Nays 0	Absent 0

Chief Clerk of the House

Received by the Governor at 8:25 A.M. on March 25, 2015.

Approved at 1:07 P.M. on March 26, 2015.

Governor

Filed in this office this 26th day of March, 2015,

at 3:04 o'clock P M.

Secretary of State