

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1334

Introduced by

Representatives Eckre, Skarphol, Thoreson

Senators Grindberg, Heitkamp, Wardner

1 A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota
2 Century Code, relating to commerce data; and to amend and reenact section 65-04-15 and
3 subsection 4 of section 65-04-33 of the North Dakota Century Code, relating to employer
4 reporting of employee information for workers' compensation and commerce purposes.

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

6 **SECTION 1.** A new section to chapter 54-60 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Workers compensation commerce data.** The department shall publish or otherwise
9 make available in a useful format the commerce data received from the bureau of workers
10 compensation under section 65-04-15.

11 **SECTION 2. AMENDMENT.** Section 65-04-15 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **65-04-15. Information in employer's reports confidential - Exceptions - Penalty if**
14 **employee of bureau divulges information.** The information contained in an employer's
15 report is not subject to section 44-04-18 and section 6 of article XI of the Constitution of North
16 Dakota; is for the exclusive use and information of the bureau in the discharge of its the
17 bureau's official duties; and is not open to the public nor usable in any court in any court action
18 or proceeding pending therein unless the bureau is a party thereto to that court action or
19 proceeding. The information contained in an employer's report may be provided to a federal or
20 state law enforcement agency pursuant to a lawful order of a court upon a showing of necessity
21 and prior notice to the bureau of an application for the order. The information contained in the
22 report, however, may be tabulated and published by the bureau in statistical form for the use
23 and information of the state departments and of the public. Upon request, the bureau shall
24 disclose the rate classification of an employer to the requester; however, the bureau may not

1 disclose any information that would reveal the amount of payroll upon which that employer's
2 premium is being paid or the amount of premium the employer is paying. At least annually, the
3 bureau shall furnish the department of commerce with statistical data relating to the physical
4 location of employers and employees and any other statistical data the department of
5 commerce may request for purposes of furthering commerce in the state. Disclosure by a
6 public servant of information contained in an employer's report, except as otherwise allowed by
7 law, is a violation of section 12.1-13-01. Anyone who is convicted under section 12.1-13-01 is
8 disqualified from holding any office or employment with the bureau.

9 The bureau may, upon request of the state tax commissioner or the secretary of state,
10 furnish to them a list ~~or lists~~ of employers showing only the names, addresses, and bureau file
11 identification numbers of such employers as those files relate to this chapter; provided, that any
12 such list so furnished must be used by the tax commissioner or the secretary of state only for
13 the purpose of administering their duties. The bureau may provide the commissioner of labor or
14 job service North Dakota with information obtained pursuant to the administration of this title.
15 Any information so provided must be used only for the purpose of administering the duties of
16 the commissioner of labor or job service North Dakota. Whenever the bureau obtains
17 information on activities of a contractor doing business in this state of which officials of the
18 secretary of state, job service North Dakota, or tax commissioner may be unaware and that
19 may be relevant to the duties of those officials, the bureau shall provide any relevant
20 information to those officials for the purpose of administering their duties. The bureau may
21 provide any state agency or a private entity with a list of names and addresses of employers for
22 the purpose of jointly publishing or distributing publications or other information pursuant to
23 section 54-06-04.3. Any information so provided may only be used for the purpose of jointly
24 publishing or distributing publications or other information as provided in section 54-06-04.3.

25 **SECTION 3. AMENDMENT.** Subsection 4 of section 65-04-33 of the North Dakota
26 Century Code is amended and reenacted as follows:

- 27 4. An employer who fails or refuses to furnish to the bureau the annual payroll report
28 and estimate or who fails or refuses to furnish other information required by the
29 bureau under this chapter is subject to a penalty established by the bureau of two
30 thousand dollars. Upon the request of the bureau, the employer shall furnish the
31 bureau any of that employer's payroll records, annual payroll reports, employees'

1 nine-digit zip codes, and other information required by the bureau under this
2 chapter and an estimate of payroll for the advance premium year. If the employer
3 fails or refuses to provide the records within thirty days of a written request from
4 the bureau, the employer is subject to a penalty not to exceed one hundred dollars
5 for each day until the bureau receives the records, in addition to the two thousand
6 dollar penalty set forth above. The bureau may reduce penalties for employers
7 under this subsection. However, an employer may not appeal a bureau decision
8 not to reduce a penalty. The bureau shall notify an employer by regular mail of the
9 amount of premium and penalty due the bureau from the employer. If the
10 employer fails to pay that amount within thirty days, the bureau may collect the
11 premium, penalties, and interest due by civil action. In that action, the court may
12 not review or consider the action of the bureau regarding the acceptance or
13 payment of a claim filed when the employer was uninsured. No exemptions except
14 absolute exemptions under section 28-22-02 are allowed against any levy under
15 executions pursuant to a judgment recovered in the action.