

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED 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 reporting of
4 employee and employer zip codes for 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 in aggregate
9 form employers' and employees' nine-digit zip codes provided to the bureau by employers.

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

12 **65-04-15. Information in employer's reports confidential - Exceptions - Penalty if**
13 **employee of bureau divulges information.** The information contained in an employer's
14 report is not subject to section 44-04-18 and section 6 of article XI of the Constitution of North
15 Dakota; is for the exclusive use and information of the bureau in the discharge of its the
16 bureau's official duties; and is not open to the public nor usable in any court in any court action
17 or proceeding pending therein unless the bureau is a party thereto to that court action or
18 proceeding. The information contained in an employer's report may be provided to a federal or
19 state law enforcement agency pursuant to a lawful order of a court upon a showing of necessity
20 and prior notice to the bureau of an application for the order. The information contained in the
21 report, however, may be tabulated and published by the bureau in statistical form for the use
22 and information of the state departments and of the public. Upon request, the bureau shall
23 disclose the rate classification of an employer to the requester; however, the bureau may not
24 disclose any information that would reveal the amount of payroll upon which that employer's

1 premium is being paid or the amount of premium the employer is paying. At least annually, the
2 bureau shall furnish the department of commerce with employers' and employees' nine-digit zip
3 codes. Disclosure by a public servant of information contained in an employer's report, except
4 as otherwise allowed by law, is a violation of section 12.1-13-01. Anyone who is convicted
5 under section 12.1-13-01 is disqualified from holding any office or employment with the bureau.

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

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

- 24 4. An employer who fails or refuses to furnish to the bureau the annual payroll report
25 and estimate or who fails or refuses to furnish other information required by the
26 bureau under this chapter is subject to a penalty established by the bureau of two
27 thousand dollars. Upon the request of the bureau, the employer shall furnish the
28 bureau any of that employer's payroll records, annual payroll reports, employer's
29 and employees' nine-digit zip codes, and other information required by the bureau
30 under this chapter and an estimate of payroll for the advance premium year. If the
31 employer fails or refuses to provide the records within thirty days of a written

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