

HOUSE BILL NO. 1304

Introduced by

Representatives Skarphol, Poolman, Carlson

Senators Andrist, Robinson, Kinnoin

1 A BILL for an Act to create and enact a new subsection to section 65-05-32 of the North Dakota
2 Century Code, relating to confidentiality of an employer's workers' compensation records; and
3 to amend and reenact section 65-04-15 of the North Dakota Century Code, relating to
4 confidentiality of a claimant's workers' compensation records.

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

6 **SECTION 1. AMENDMENT.** Section 65-04-15 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **65-04-15. Information in employer's reports confidential - Penalty if employee of**
9 **bureau divulges information.** The information contained in an employer's report is for the
10 exclusive use and information of the bureau in the discharge of its official duties and is not open
11 to the public nor usable in any court in any action or proceeding pending therein unless the
12 bureau is a party thereto. The information contained in an employer's report may be provided
13 to a federal or state law enforcement agency pursuant to a lawful order of a court upon a
14 showing of necessity and prior notice to the bureau of an application for the order. The
15 information contained in the report, however, may be tabulated and published by the bureau in
16 statistical form for the use and information of the state departments and of the public. Upon
17 request, the bureau shall disclose the rate classification of an employer to the requester;
18 however, the bureau may not disclose any information that would reveal the amount of payroll
19 upon which that employer's premium is being paid or the amount of premium the employer is
20 paying. Anyone who is convicted under section 12.1-13-01 is disqualified from holding any
21 office or employment with the bureau.

22 The bureau ~~may~~, upon request of the ~~state~~ tax commissioner or the secretary of state,
23 may furnish to them a list or lists of employers showing only the names, addresses, and bureau
24 file identification numbers of such employers as those files relate to this chapter; provided, that

1 any such list so furnished must be used by the tax commissioner or the secretary of state only
2 for the purpose of administering their duties. The bureau may provide the commissioner of
3 labor or job service North Dakota with information obtained pursuant to the administration of
4 this title. Any information so provided must be used only for the purpose of administering the
5 duties of the commissioner of labor or job service North Dakota. Whenever the bureau obtains
6 information on activities of a contractor doing business in this state of which officials of the
7 secretary of state, job service North Dakota, or tax commissioner may be unaware and that
8 may be relevant to the duties of those officials, the bureau shall provide any relevant
9 information to those officials for the purpose of administering their duties. The bureau may
10 provide any state agency or a private entity with a list of names and addresses of employers for
11 the purpose of jointly publishing or distributing publications or other information pursuant to
12 section 54-06-04.3. Any information so provided may only be used for the purpose of jointly
13 publishing or distributing publications or other information as provided in section 54-06-04.3.

14 If an employer testifies before a legislative committee or a legislative council interim
15 committee regarding information contained in the employer's report to the bureau, a member of
16 the committee may request that employer to present a written release to allow the committee to
17 review that employer's entire file.

18 **SECTION 2.** A new subsection to section 65-05-32 of the North Dakota Century Code
19 is created and enacted as follows:

20 If a claimant testifies before a legislative committee or legislative council interim
21 committee regarding any aspect of the claimant's claim, a member of that
22 committee may request that claimant to present a written release to allow the
23 committee to review that claimant's entire claim file.