

HOUSE BILL NO. 1336

Introduced by

Representatives Kasper, Clark, Keiser, Koppelman

Senators Espgaard, Klein

1 A BILL for an Act to amend and reenact section 65-04-15 and subsection 4 of section 65-04-33
2 of the North Dakota Century Code, relating to reporting of employer and employee zip codes for
3 commerce purposes; and to repeal section 54-60-08 of the North Dakota Century Code,
4 relating to publishing of employer and employee zip codes.

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 files confidential - Exceptions - Penalty if**
9 **employee of organization divulges information.** The information contained in an employer's
10 file is not subject to section 44-04-18 and section 6 of article XI of the Constitution of North
11 Dakota; is for the exclusive use and information of the organization or its agents in the
12 discharge of the organization's official duties; and is not open to the public nor usable in any
13 court in any court action or proceeding unless the organization is a party to that court action or
14 proceeding. The information contained in the file, however, may be tabulated and published by
15 the organization in statistical form for the use and information of the state departments and of
16 the public. Upon request, the organization shall disclose the rate classification of an employer
17 to the requester; however, the organization may not disclose any information that would reveal
18 the amount of payroll upon which that employer's premium is being paid or the amount of
19 premium the employer is paying. The organization may disclose whether an employer's file is
20 active, canceled, closed, pending, or delinquent. The information in the employer's file may not
21 be released in aggregate form, except to those persons contracting with the organization for
22 exchange of information pertaining to the administration of this title or except upon written
23 authorization by the employer for a specified purpose. ~~At least annually, the organization shall~~
24 ~~furnish the department of commerce with employers' and employees' nine-digit zip codes.~~

1 Disclosure by a public servant of information contained in an employer's report, except as
2 otherwise allowed by law, is a violation of section 12.1-13-01. Anyone who is convicted under
3 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
5 state, furnish to them a list of employers showing only the names, addresses, and organization
6 file identification numbers of such employers as those files relate to this chapter; provided, that
7 any such list so furnished must be used by the tax commissioner or the secretary of state only
8 for the purpose of administering their duties. The organization may provide any state or federal
9 agency information obtained pursuant to the administration of this title. Any information so
10 provided must be used only for the purpose of administering the duties of that state or federal
11 agency. Whenever the organization obtains information on activities of a contractor doing
12 business in this state of which officials of the secretary of state, job service North Dakota, or tax
13 commissioner may be unaware and that may be relevant to the duties of those officials, the
14 organization shall provide any relevant information to those officials for the purpose of
15 administering their duties. The organization may provide any state agency or a private entity
16 with a list of names and addresses of employers for the purpose of jointly publishing or
17 distributing publications or other information pursuant to section 54-06-04.3. Any information so
18 provided may only be used for the purpose of jointly publishing or distributing publications or
19 other information as provided in section 54-06-04.3.

20 **SECTION 2. AMENDMENT.** Subsection 4 of section 65-04-33 of the North Dakota
21 Century Code is amended and reenacted as follows:

22 4. An employer who fails or refuses to furnish to the organization the annual payroll
23 report and estimate or who fails or refuses to furnish other information required by
24 the organization under this chapter is subject to a penalty established by the
25 organization of two thousand dollars. Upon the request of the organization, the
26 employer shall furnish the organization any of that employer's payroll records,
27 annual payroll reports, ~~employer's and employees' nine digit zip codes,~~ and other
28 information required by the organization under this chapter and an estimate of
29 payroll for the advance premium year. If the employer fails or refuses to provide
30 the records within thirty days of a written request from the organization, the
31 employer is subject to a penalty not to exceed one hundred dollars for each day

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

14 **SECTION 3. REPEAL.** Section 54-60-08 of the North Dakota Century Code is
15 repealed.