

WORKMEN'S COMPENSATION

CHAPTER 388

H. B. No. 561

(Johnston, Wheeler, Lowe, Baldwin, Maragos)

FIREMEN'S COMPENSATION AND DEATH PAYMENTS

AN ACT

To amend and reenact subdivision d of subsection 9 of section 65-01-02 of the North Dakota Century Code, relating to firemen's compensation and death payments under workmen's compensation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Subdivision d of subsection 9 of section 65-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- d. Provided, any condition or impairment of health of a full-time paid fireman caused by tuberculosis, hypertension or heart disease resulting in total or partial disability or death shall be presumed to have been suffered in line of duty and shall not be attributed to any disease existing prior to such total or partial disability or death unless the contrary be shown by competent evidence, provided, further, that such a full-time paid fireman shall have completed two years of continuous service and have successfully passed a physical examination which examination fails to reveal any evidence of such condition;

Approved March 1, 1961.

CHAPTER 389

H. B. No. 874

(Leet, Renfrow)

PREMIUMS

AN ACT

To amend and reenact section 65-04-04 of the North Dakota Century Code, relating to determinations of premiums by the workmen's compensation bureau, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Each employer subject to the provisions of this title shall pay into the fund annually the amount or premiums determined and fixed by the bureau for the employment or occupation of such employer, which amount shall be determined by the classifications, rules, and rates made and published by the bureau and shall be based on a proportion of the annual expenditure of money by such employer for the service of persons subject to the provisions of this title; provided, however, that the computation of such premiums shall not be based upon any premium wages in excess of the basic hourly rate of pay or any annual remuneration, in whatever form, in excess of the sum of thirty-six hundred dollars paid to any employee by an employer. A receipt or certificate specifying that such payment has been made shall be mailed to such employer by the bureau immediately after such payment is made, and such receipt or certificate, attested by the seal of the bureau, shall be prima facie evidence of the payment of the premium. The bureau shall provide that premiums to be paid by school districts, cities, villages, townships, and all municipal and public corporations or agencies fall due at the end of the fiscal year of such entity and may make provisions so that premiums of other employers fall due on different or specified dates and for the purpose of effectuating such due dates the bureau may carry new or current risks for a period of less than one year and not to exceed fifteen months, either by request of the employer or action of the bureau.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 16, 1961.

CHAPTER 390

S. B. No. 281

(Garaas, Fiedler)

MAXIMUM AND MINIMUM BENEFITS

AN ACT

To amend and reenact sections 65-05-09 and 65-05-11 of the North Dakota Century Code, relating to maximum and minimum benefits to be paid for total disability and for temporary partial disability under the workmen's compensation act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 65-05-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-09. Total Disability—Weekly and Aggregate Compensation.) If the injury causes temporary or permanent total disability, the fund shall pay to the disabled employee during such disability a weekly compensation equal to eighty percent of his weekly wage, subject to the maximum and minimum limitations contained in section 65-05-11. In case of temporary or permanent total disability, there shall be paid to such disabled employee an additional sum of three dollars per week for each dependent child under the age of eighteen years, and for each child over eighteen years and incapable of self-support due to physical or mental disability and whose maintenance is the responsibility of the claimant. Dependency awards for the children may be made direct to either parent at the discretion of the bureau. In no event shall the total weekly payment to the totally disabled employee exceed the sum of fifty-seven dollars per week, and in no case shall the compensation and dependency award exceed the actual wage of the disabled employee except in those cases on which the minimum compensation award is applied.

§ 2. **Amendment.)** Section 65-05-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-11. Maximum and Minimum Compensation Allowances—Total and Partial Disability.) The weekly compensation for total disability shall not be more than forty-two dollars, except where an allowance for dependents is made in compliance with section 65-05-09, nor less than fifteen dollars. The weekly compensation for temporary partial disability with partial allowance for dependents shall not be more than forty-

two dollars. If the injured person, at the time of the injury, was a minor or was employed in a learner's capacity, and was not physically or mentally defective, the bureau from time to time shall determine the probable increase in weekly earning capacity of such person if such injury had not occurred, and shall base its award for compensation upon such probable weekly wage-earning capacity.

Approved March 16, 1961.

CHAPTER 391

S. B. No. 212

(Foss)

FEES FOR BOILER INSPECTION

AN ACT

To amend and reenact sections 65-12-06 and 65-12-11 of the North Dakota Century Code, relating to fees charged by workmen's compensation bureau for inspection of boilers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 65-12-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-12-06. Certificate of Inspection.) A certificate of inspection for each boiler inspected shall be issued by the bureau upon payment direct to the bureau of a fee of three dollars. Such inspection certificate shall be valid for a period of not more than fourteen months for power boilers and twenty-six months for low pressure heating boilers. No certificate of inspection shall be issued for any boiler not in a safe condition to be operated. The inspection fees for the inspection of non-insured boilers must be paid before a certificate of inspection is issued.

§ 2. **Amendment.)** Section 65-12-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-12-11. Inspection Fees.) The owner or user of a boiler required by this chapter to be inspected by the boiler inspector, shall pay to the bureau, upon completion of inspection, fees in accordance with the following schedule:

1. Internal inspections of power boilers:

- a. Not more than one hundred square feet of heating surface five dollars;

- b. Over one hundred and not more than two thousand five hundred square feet of heating surface twelve dollars;
- c. Over two thousand five hundred square feet of heating surface fifteen dollars.
- 2. Internal inspections of low pressure heating boilers:
 - a. Boilers without a manhole five dollars;
 - b. Boilers with a manhole twelve dollars.
- 3. External inspections of all boilers five dollars.

Not more than twenty dollars shall be charged or collected for any and all inspections, as above, of any boiler in any one year except for special inspections made upon request as hereafter provided. All other inspections made by the boiler inspector including shop inspections and special inspections when requested by the owner or user of a boiler, shall be charged for on the scale applicable to an internal inspection plus any additional expenses incurred in connection therewith.

Approved March 4, 1961.