

HOUSE BILL NO. 1436

Introduced by

Representatives Dosch, Ruby

Senator Stenehjem

1 A BILL for an Act to amend and reenact section 65-04-17 and subsection 1 of section
2 65-04-26.1 of the North Dakota Century Code, relating to payments by employers to the
3 workers compensation bureau; and to repeal section 65-05-07.2 of the North Dakota Century
4 Code, relating to employers' reimbursements to the workers compensation bureau for certain
5 medical expenses.

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

7 **SECTION 1. AMENDMENT.** Section 65-04-17 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **65-04-17. Experience rating of employers.**

- 10 1. The bureau may establish a system for the experience rating of risks of employers
11 contributing to the fund, ~~and such.~~ The experience rating system ~~shall~~ must
12 provide for the credit rating and the penalty rating of individual risks within ~~such~~
13 limitations ~~as~~ the bureau may establish ~~from time to time.~~ The experience rating
14 system may not consider claims of two hundred fifty dollars or less in a manner
15 that negatively affects an employer's experience rating.
- 16 2. In calculating the experience rating, the bureau shall determine the maximum and
17 minimum rates for each employment classification by:
- 18 ~~4-~~ a. Multiplying the required average premium rate by one and seventy-five
19 hundredths to get the maximum rate assigned to an employer with a negative
20 experience rating; and
- 21 ~~2-~~ b. Multiplying the required average premium rate by twenty-five hundredths to
22 get the minimum rate assigned to an employer with a positive experience
23 rating.

1 3. The bureau may not amend its experience rating system by emergency
2 rulemaking.

3 **SECTION 2. AMENDMENT.** Subsection 1 of section 65-04-26.1 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 1. An officer or director of a corporation, or manager or governor of a limited liability
6 company, or employee of a corporation or limited liability company having twenty
7 percent stock ownership who has control of or supervision over the filing of and
8 responsibility for filing premium reports or making payment of premiums or
9 reimbursements under this title and who fails to file the reports or to make
10 payments as required, is personally liable for premiums under this chapter ~~and~~
11 ~~reimbursement under section 65-05-07.2~~, including interest, penalties, and costs if
12 the corporation or limited liability company does not pay to the bureau those
13 amounts for which the corporation or limited liability company is liable.

14 **SECTION 3. REPEAL.** Section 65-05-07.2 of the North Dakota Century Code is
15 repealed.