

2023 Engrossed Senate Bill No. 2214
Testimony before the House IB & L Committee
Presented by Anne Jorgenson Green, Workforce Safety and Insurance
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Mr. Chairman and Members of the Committee: My name is Anne Green, Director of Legal Services with Workforce Safety & Insurance (WSI). I am here today to provide testimony regarding Engrossed SB No. 2214. The WSI Board of Directors is neutral on this bill.

Engrossed SB 2214 removes an employer's obligation to cover professional athletes playing football and hockey through WSI. Employers in this industry are still required to maintain workers' compensation coverage on their non-athlete personnel: coaches, trainers and office staff.

With limited exceptions, North Dakota employers are required to carry workers' compensation coverage through WSI. Exemptions from workers' compensation coverage have been sparingly passed by the legislature over the last 100+ years. The legislature has exempted some workers by excluding them from the definition of "employee": real estate brokers, members of boards of directors not employed by the businesses they serve, newspaper delivery workers, owners of businesses and their children under age 22. The definition of "hazardous employment" excludes agricultural workers, railroads, certain transporters, domestic employees and members of the clergy. The last class of workers removed from protection under the Workers Compensation Act was in 1997 where the age of a child who could be excluded was raised from 18 to 22.

WSI's core purpose, a foundational element of our strategic plan, is to care for injured workers. The workers affected by SB 2214 are young athletes pursuing their dream of a career in professional sports. By definition, physical risk-taking is a part of the job. The exclusion of athletes whose primary job duty is to engage in physical altercation is philosophically at odds with WSI's mission of caring for injured workers. As a result, the WSI Board of Directors opposed the bill in its original form.

Advocates of this proposed legislation indicate that alternative coverage will be provided to the players. While the scope, length and value of that coverage have not been specified, the proponents of the bill have represented players injured playing contact football will receive appropriate medical care.

While the exclusion of any worker at risk for serious injury remains a concern for WSI, the bill's scope was narrowed in the House to only exclude coverage for athletes in professional football and hockey. In addition, a sunset clause was included to allow re-evaluation of this exclusion. These changes allowed for WSI's Board of Directors to take a neutral stance on this bill.

This concludes my testimony. I am happy to answer any questions at this time.