

Introduced by

Industry, Business and Labor Committee

(At the request of Workforce Safety and Insurance)

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 of
2 the North Dakota Century Code, relating to background checks for potential workforce safety
3 and insurance job applicants; to amend and reenact subsection 3 of section 65-04-32,
4 subdivision h of subsection 8 of section 65-05-07, section 65-05-20.1, subsection 2 of section
5 65-05-28, subsection 4 of section 65-05.1-04, subdivision b of subsection 2 of section
6 65-05.1-06.1, and subsection 1 of section 65-05.1-08 of the North Dakota Century Code,
7 relating to service of administrative orders by regular mail, nonpayment of weight loss and
8 smoking programs unless ordered by the organization, eligibility for the scholarship program,
9 travel reimbursements for injured workers, work trial and work search, payment of mileage
10 during training programs, and eligibility for the revolving loan fund; and to provide for
11 application.

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

13 **SECTION 1.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota
14 Century Code is created and enacted as follows:

15 Workforce safety and insurance for a final applicant for a specified occupation
16 with workforce safety and insurance as designated by the director, or for
17 contractors who may have access to confidential information as designated by
18 the director.

19 **SECTION 2. AMENDMENT.** Subsection 3 of section 65-04-32 of the North Dakota Century
20 Code is amended and reenacted as follows:

21 3. Within sixty days after receiving a petition for reconsideration, unless settlement
22 negotiations are ongoing, the organization shall serve on the parties by ~~certified~~regular
23 mail a notice of decision reversing the previous decision or, in accordance with the
24 North Dakota Rules of Civil Procedure, an administrative order including its findings of

1 fact, conclusions of law, and order, in response to the petition for reconsideration. The
2 organization may serve an administrative order on any decision made by informal
3 internal review without first issuing a notice of decision and receiving a request for
4 reconsideration.

5 **SECTION 3. AMENDMENT.** Subdivision h of subsection 8 of section 65-05-07 of the North
6 Dakota Century Code is amended and reenacted as follows:

7 h. Aids or programs primarily intended to help the employee lose weight or stop
8 smoking unless ordered by the organization.

9 **SECTION 4. AMENDMENT.** Section 65-05-20.1 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **65-05-20.1. Scholarship fund - Rules.**

12 The organization may establish a scholarship fund to provide scholarships for the spouse
13 and dependent ~~children~~child of a worker who dies as a result of a compensable work-related
14 injury, if the spouse and ~~children~~child have received benefits under section 65-05-17. The
15 organization may also grant scholarships for the spouse and child of an injured worker deemed
16 to be catastrophically injured as defined in subdivision c of subsection 2 of section 65-05.1-06.1
17 and the child meets the definition of child at the time of the initial scholarship application. The
18 organization may also grant scholarships to injured workers for whom the organization
19 determines a scholarship would be beneficial and appropriate because of exceptional
20 circumstances, or upon successful completion of a rehabilitation program contemplated under
21 subdivision g of subsection 4 of section 65-05.1-01, as determined by the organization.

22 Scholarships are payable to an accredited institution of higher education or an institution of
23 technical education on behalf of a student attending that institution. The total amount awarded
24 annually in scholarships may not exceed ~~three~~five hundred thousand dollars. The maximum
25 amount payable on behalf of an applicant is ~~four~~ten thousand dollars per year for no more than
26 five years, except that ~~scholarships awarded on the basis of exceptional circumstances may not~~
27 ~~exceed ten thousand dollars per year for more than five years, per applicant~~the combined
28 retraining and scholarship periods for applicants successfully completing a rehabilitation
29 program under subdivision g of subsection 4 of section 65-05.1-01 may not exceed five years.

30 Scholarships must be awarded by a panel chosen by the organization. The organization shall
31 adopt rules establishing selection criteria and obligations associated with the program and

1 identifying information an applicant is required to submit to determine an appropriate
2 scholarship award. There is no right to reconsideration, rehearing, or appeal from any decision
3 regarding the award, denial, or amount of a scholarship.

4 **SECTION 5. AMENDMENT.** Subsection 2 of section 65-05-28 of the North Dakota Century
5 Code is amended and reenacted as follows:

6 2. Travel and other personal reimbursement for seeking and obtaining medical care is
7 paid only upon request of the injured employee. All claims for reimbursement must be
8 supported by the original vendor receipt, when appropriate, and must be submitted
9 within one year of the date the expense was incurred or reimbursement must be
10 denied. Reimbursement must be made at the organization reimbursement rates in
11 effect on the date of incurred travel or expense. The calculation for reimbursement for
12 travel by motor vehicle must be calculated using miles actually and necessarily
13 traveled. Providing further that:

- 14 a. Payment for mileage or other travel expenses may not be made when the
15 distance traveled is less than fifty miles [80.47 kilometers] one way, unless the
16 total mileage equals or exceeds two hundred miles [321.87 kilometers] in a
17 calendar month;
- 18 b. All travel reimbursements are payable at the rates at which state employees are
19 paid per diem and mileage, except that the organization may pay no more than
20 actual cost of ~~meals and~~ lodging, if actual cost is less;
- 21 c. Reimbursement may not be paid for travel other than that necessary to obtain the
22 closest available medical or hospital care needed for the injury. If the injured
23 employee chooses to seek medical treatment outside a local area where care is
24 available, travel reimbursement may be denied;
- 25 d. Reimbursement may not be paid for the travel and associated expenses incurred
26 by the injured employee's spouse, children, or other persons unless the
27 employee's injury prevents travel alone and the inability is medically
28 substantiated; and
- 29 e. Other expenses, including telephone calls and car rentals are not reimbursable
30 expenses.

Sixty-second
Legislative Assembly

1 catastrophically injured applies to all applications received on or after the effective date of this
2 Act.

3 The amendment provided for in section 8 of this Act pertaining to applications for
4 low-interest educational loans applies to the spouse or child of an injured employee whose
5 claim was filed on or after January 1, 2006, and has been deemed permanently and totally
6 disabled.