

Introduced by

Industry, Business and Labor Committee

(At the request of Workforce Safety and Insurance)

1 A BILL for an Act to ~~amend and reenact paragraph 10 of subdivision b of subsection 10 of~~
2 ~~section 65-01-02 of the North Dakota Century Code, relating to the definition of mental injuries~~
3 ~~arising from a mental stimulus; and to provide for application~~provide for a legislative
4 management study of workers' compensation coverage for mental injuries arising from mental
5 stimulus.

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

7 ~~— **SECTION 1. AMENDMENT.** Paragraph 10 of subdivision b of subsection 10 of section-~~
8 ~~65-01-02 of the North Dakota Century Code is amended and reenacted as follows:~~
9 ~~— (10) — A mental injury arising from mental stimulus, unless the injury is a direct~~
10 ~~result of being the intended victim of a violent crime, but only when the~~
11 ~~mental injury is determined with reasonable medical certainty to be at least~~
12 ~~fifty percent of the cause of the condition as compared with all other~~
13 ~~contributing causes combined, and only when the condition did not preexist~~
14 ~~the work injury. For purposes of this subsection, violent crime means the~~
15 ~~commission or attempt of the offenses of murder and nonnegligent~~
16 ~~manslaughter, forcible rape, robbery, and aggravated assault as defined in~~
17 ~~the federal bureau of investigation's uniform crime reporting program in~~
18 ~~effect on the effective date of this Act. All benefits payable under this~~
19 ~~subsection are limited to a total of fifteen thousand dollars and may not~~
20 ~~extend beyond six months from the date of injury, whichever occurs first.~~

21 ~~— **SECTION 2. APPLICATION.** This Act applies only to injuries occurring on or after the~~
22 ~~effective date of this Act.~~

23 **SECTION 1. WORKERS' COMPENSATION COVERAGE OF MENTAL INJURIES -**
24 **LEGISLATIVE MANAGEMENT STUDY.** During the 2011-13 interim, the legislative

Sixty-second
Legislative Assembly

1 management shall consider studying the feasibility and desirability of providing workers'
2 compensation coverage for a workplace injury that is a mental injury arising from a mental
3 stimulus. The legislative management shall report its findings and recommendations, together
4 with any legislation required to implement the recommendations, to the sixty-third legislative
5 assembly.