

January 15, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2046

Introduced by

Industry and Business Committee

(At the request of Workforce Safety and Insurance)

1 A BILL for an Act to create and enact a new section to chapter 65-04 of the North Dakota
2 Century Code, relating to eligibility for a one-time premium credit for North Dakota national
3 guard, armed forces, ~~and~~ veterans, and a surviving spouse of a veteran; to amend and reenact
4 section 65-04-32 of the North Dakota Century Code, relating to decisions issued by electronic
5 means; and to provide for application.

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

7 **SECTION 1.** A new section to chapter 65-04 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Premium credit.**

10 1. An active member of the North Dakota national guard or the armed forces as defined
11 under section 37-01-01 ~~or~~ a veteran as defined under section 37-01-40, or a surviving
12 spouse of a veteran, is eligible for a one-time premium credit of up to two hundred fifty
13 dollars. The premium credit is available to a new account with the organization having
14 active member ~~or~~ veteran, or surviving spouse ownership of fifty percent or more.

15 2. The organization may implement rules for the administration of this section.

16 **SECTION 2. AMENDMENT.** Section 65-04-32 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **65-04-32. Decisions by organization - Disputed decisions.**

19 Notwithstanding any provisions to the contrary in chapter 28-32, the following procedures
20 apply when the organization issues a decision under this chapter or section 65-04-04.4:

- 1 1. The organization may issue a notice of decision based on an informal internal review
2 of the record and shall ~~serve~~issue the notice of the decision on the parties by regular
3 mail or electronic means. The organization shall include with the decision a notice of
4 the employer's right to reconsideration.
- 5 2. An employer has forty-five days from the day the notice of decision was ~~mailed~~issued
6 by the organization by regular mail or electronic means to file a written request for
7 reconsideration. The request for reconsideration is considered filed only upon receipt
8 by the organization. The employer is not required to file the request through an
9 attorney. The request must state the reason for disagreement with the organization's
10 decision and the desired outcome. The request may be accompanied by additional
11 evidence not previously submitted to the organization. The organization shall
12 reconsider the matter by informal internal review of the information of record. Absent a
13 timely and sufficient request for reconsideration, the notice of decision is final and may
14 not be reheard or appealed.
- 15 3. After receiving a petition for reconsideration, unless settlement negotiations are
16 ongoing, the organization shall ~~serve on~~issue to the parties by regular mail or
17 electronic means, an administrative order including its findings of fact, conclusions of
18 law, and order, in response to the petition for reconsideration. The organization may
19 serve an administrative order on any decision made by informal internal review without
20 first issuing a notice of decision and receiving a request for reconsideration. If the
21 organization does not issue an order within sixty days of receiving a request for
22 reconsideration, a party may request, and the organization shall promptly issue, an
23 appealable determination.
- 24 4. A party has forty-five days from the date of ~~service~~issuance of an administrative order
25 to file a written request for rehearing. The request must state specifically each alleged
26 error of fact and law to be reheard and the relief sought. Absent a timely and sufficient
27 request for rehearing, the administrative order is final and may not be reheard or
28 appealed.
- 29 5. Rehearings must be conducted as hearings under chapter 28-32 to the extent that
30 chapter does not conflict with this section.

- 1 6. An employer may appeal a posthearing administrative order to district court in
2 accordance with chapter 65-10. Chapter 65-10 does not preclude the organization
3 from appealing to district court a final order issued by a hearing officer under this title.
4 **SECTION 3. APPLICATION.** Section 1 applies to new account applications received on or
5 after July 1, 2025.