



Workforce Safety & Insurance

Putting safety to work

Prepared at the Request of Representative Jim Kasper
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A History of Defeated or Withdrawn bills relating to the Workers' Compensation in North Dakota since 1997

1997

HB 1304 (withdrawn)

If an employer or claimant presented testimony before a legislative committee about their account or claim, a legislative committee member may request a written release to review that employer or claimant's entire file.

SB 2381 (Failed in Senate 12-32)

Allow employees to opt out of the workers' compensation system by filing a notice with their employer prior to any injury.

SB 2284 (Failed in Senate 18-30)

Required that the Bureau release to a requester the rate classification of an employer, the number of employees in each classification, the amount of the premium paid for each employee, and the expiration date of the premium paid by an employer.

HB 1383 (Passed in House 83-11, Failed in Senate 3-41)

BUREAU TO STUDY BASIS FOR PREMIUM CALCULATION. The bureau shall study the feasibility and desirability of establishing a premium calculation system based on an employee's gross wages instead of on gross wages up to a maximum of seventy percent of the state's average annual wage.

1999

HB 1263 (Failed in House 13-85)

Established a fee schedule for payment of attorney fees in cases of constructive denial. And said that the bureau shall adopt by rule an hourly rate to compensate an employee's attorney from the date the bureau notifies the employee to be available for vocational consultation testing.

HB 1330 (Governor veto sustained)

Proposed changes in how disputed decisions were handled and specifically decided in cases where new information were brought forward in previous decisions.

HB 1232 (Failed in the House 26-69)

Required that the Bureau release to a requester the rate classification of an employer, the number of employees in each classification, the amount of the premium paid for each employee, and the expiration date of the premium paid by an employer.

HB 1264 (Failed in the House 28-65)

The bureau also shall notify the employee that the employee may have a companion present at independent medical examinations and the employee may make an audiotape and a videotape of the examinations.

SB 2342 (Failed in the Senate 16-33)

Lowered the threshold for Permanent Partial Impairment (PPI) awards to 10 percent whole body and increased awards from 10-30 percent.

HB 1265 (Withdrawn)

Lowered the threshold for Permanent Partial Impairment (PPI) awards from 1-17 percent whole body.

HB 1262 (Failed in the House 21-75)

The presumption retirement clause would not apply to those on permanent and total disability benefits.

SB 2301 (Failed in the Senate 18-30)

In the case of an injury that causes temporary total disability, the injured employee is deemed permanently totally disabled if the injured employee is unable to return to work within seven years of the date of injury.

HB 1261 (Failed in the House 14-83)

Changes in composition to the Workers' Compensation Board of Directors.

2001 Session

HB 1281 (Passed in the House 53-45, Failed in the Senate 2-44)

A bill to remove the workers' compensation bureau from the biennial appropriations process and established a reporting requirement to legislative committees.

SB 2416 (Failed in the Senate 6-41)

The proposed bill would make workers' compensation premiums dischargeable in bankruptcy.

HB 1412 (Failed in the House 17-77)

Provides coverage for preventive treatment for communicable diseases if exposure to the communicable disease results from performing an employer-required emergency medical procedure.

HB 1368 (Failed in the House 30-66)

Required that the Bureau release to a requester the rate classification of an employer, the number of employees in each classification, the amount of the premium paid for each employee, and the expiration date of the premium paid by an employer.

HB 1420 (Failed in the House 0-93)

A study on how to develop a pilot program for a performance incentive program for employees of the organization.

HB 1402 (Withdrawn)

Providing coverage for a mental injury arising from a mental stimulus that occurs to an emergency medical service provider, a firefighter, or a law enforcement officer if the injury occurred in the course of employment and if the injury meets the criteria of critical incident, as defined by the bureau.

HB 1429 (Failed in the House 7-85)

Changes to how an employee's premium calculations are derived, moving to a gross payroll system.

HB 1163 (Failed in the House 0-98)

Adding funding to create a safety grant program.

SB 2433 (Failed in the Senate 17-30)

An injured employee is deemed permanently totally disabled if the injured employee is unable to return to work within seven years of the date of injury.

HB 1436 (Failed in the House 6-87)

The experience rating system may not consider claims of two hundred fifty dollars or less in a manner that negatively affects an employer's experience rating.

HB 1419 (Passed in the House 83-12, Failed in the 24-25)

Authorization for an independent study of the effects of competition on the workers' compensation system. The independent study must determine whether the state has a large enough economic base to support workers' compensation competition and the feasibility and desirability of allowing employers to obtain private insurance or be self-insured for purposes of workers' compensation.

SB 2432 (Failed in the Senate 17-30)

Information concerning claimants' names and addresses may be released in aggregate form to claimant interest groups approved by the board.

2003 Session

SB 2167 (Passed in the Senate 45-0, Failed in House 25-62)

A bill to authorize a study on the equity of the current system for how the workers' compensation bureau treats after-acquired medical evidence in determining an injured worker's eligibility for benefits.

SB 1455 (Failed in the House 27-66)

Death benefits would be paid to surviving spouses after six years, if the death was the result of the injury.

SB 2397 (Failed in the Senate 0-46)

The bureau may not terminate an individual's medical benefits under this section unless the individual intentionally misrepresented the individual's physical condition or ability with the purpose of obtaining medical benefits to which the individual knew the individual was not entitled. The bureau shall prove a violation of this subsection by clear and convincing evidence.

HB 1302 (Failed in the House 20-71)

Changes in an employee's appeal rights, payment of attorney fees and selection of independent medical examiners.

HB 1317 (Failed in the House 46-48)

Providing coverage for a mental injury arising from a mental stimulus that occurs to an emergency medical service provider, a firefighter, or a law enforcement officer if the injury occurred in the course of employment and if the injury meets the criteria of critical incident, as defined by the bureau.

HB 1370 (Passed in the House 80-7, Failed in the Senate 1-44)

A bill to study whether the state should adopt a gross annual premium system.

HB 1304 (Failed in the House 4-87)

A bill to allow employers to obtain workers' compensation insurance in the private markets.

SB 2351 (Failed in the Senate 16-30)

The bureau may not offset the employee's benefits based on receipt of these social security retirement benefits.

2005 Session

SB 2063 (Withdrawn)

The organization shall reopen a claim and reassess compensability if, within four years of the filing of the claim at issue, the injured employee requests in writing that the organization reopen the claim and reassess compensability based on after-acquired medical evidence.

HB 1510 (Failed in the House 7-81)

Removing the agriculture exemption and thus requiring coverage for all agriculture workers.

SB 2291 (Failed in the Senate 11-32)

A claimant may appeal a decision of the organization directly to District Court.

HB 1411 (Failed in the House 23-68)

Death benefits would be paid to surviving spouses after six years, if the death was the result of the injury.

SB 2292 (Failed in the Senate 15-32)

Governor appoints the Executive Director and the Board becomes advisory.

HB 1119 (Passed in the House 57-31, Failed in the Senate 0-46)

If an employee tests positive for an unprescribed substance the organization may suspend benefits for up to 30 days. Repeated positive tests may result in termination of time-loss benefits.

HB 1495 (Failed in the House 24-63)

The organization may not exercise any civil penalties under this subsection unless the organization establishes by clear and convincing evidence that the organization incurred actual harm as a result of the false claim or false statement.

SB 2381 (Failed in the Senate 21-26)

If an injured employee or injured employee's representative voluntarily discloses claim information to the public, the injured employee waives confidentiality.

HB 1372 (Failed in the House 24-66)

If a good-faith work trial or work search efforts of the injured worker are unsuccessful, the injured employee remains eligible for benefits while the organization reevaluates the employee's vocational rehabilitation claim.

SB 2230 (Failed in the Senate 15-31)

Would add three legislative members to the 11 members WSI Board of Directors.

HB 1504 (Passed in the House 84-7, Failed in the Senate 4-41)

Would add marriage counseling to rehabilitation services.

HB 1406 (Failed in the House 26-65)

Would study the effects of the retirement age on injured workers' benefits.

SB 2307 (Failed in the Senate 21-26)

Would have provided a workforce safety and insurance premium discount for smoke-free workplaces.

HB 1307 (Failed in the House 21-66)

The bureau may not offset the employee's benefits based on receipt of these social security retirement benefits.

2007 Session

HB 1307 (Withdrawn)

A bill to provide workers' compensation incentives for employers to have pre-employment, post-accident, and random testing for alcohol and controlled substances.

HB 1286 (Failed in the House 31-62)

A bill to provide random audits and a study of independent medical examinations.

HB 1132 (Failed in the House 0-90)

Autopsy records may be released to WSI if the records are work-related.

HB 1283 (Failed in the House 36-58)

Removing language that would liberally construe the merits of the claim in favor of one party or another.

HB 1285 (Failed in the House 27-65)

In the case of the death of a workforce safety and insurance claimant who is receiving permanent total disability benefits, supplementary benefits, or additional benefits payable, the claimant's surviving spouse is eligible to receive the claimant's permanent total disability benefits, supplementary benefits, and additional benefits payable in the same manner as the deceased claimant would have been entitled to receive the benefits.

HB 1516 (Failed in the House 41-53)

If a claimant is appealing an order of the organization for which the organization did not accept the administrative law judge's recommended findings of fact, conclusions of law, and order, the burden of proof shifts to the organization to prove by a preponderance of the evidence the claimant is not entitled to the benefits sought.

SB 2043 (Failed in the Senate 1-43)

Firefighters and law enforcements would have 45 days, instead of 30 days to respond to disputed decisions.

HB 1287 (Failed in the House 33-61)

The organization would develop pilot programs for vocational rehabilitation services.

HB 1443 (Failed in the House 32-59)

Social Security disability shall be a relevant factor in determining WSI disability eligibility.

HB 1288 (Failed in the House 32-61)

The waiting period for eligibility for supplementary benefits shall be reduced from 7 to 3 years.

SB 2342 (Passed in the Senate 29-17, Failed in the House 28-62)

If an original claim for benefits is still pending on the sixty-first day following filing, the claim is deemed approved.

HB 1204 (Failed in the House 11-78)

Allowing volunteer firefighters to have the benefits of the presumption clause.

HB 1345 (Failed in the House 30-63)

Changing the calculation for the paying of Additional Benefit Payable awards.

HB 1239 (Failed in the House 20-72)

The organization may not offset the employee's benefits based on receipt of these social security retirement benefits.

SB 2073 (Passed in the Senate 42-0, Failed in the House 4-85)

Provided changes to the make-up of the WSI Board of Directors.

SB 2072 (Passed in the Senate 46-0, Failed in the House 9-83)

Allowed for members of the Special Investigative Unit to travel in unmarked vehicles, provided the award of the non-dependency benefit to the estate, provided clean-up language within the vocational rehabilitation statute and increased the weekly dependency allowance from 10 to 15 dollars per week.

SB 2257 (Passed in the Senate 25-21, Failed in the House 6-81)

Agriculture Commissioner, Labor Commissioner and Attorney General would have submitted names for certain outgoing WSI Board members.

SB 2297 (Failed in the Senate 10-35)

A bill to provide the state medical board provide a list of three names to injured workers to select from when conducting independent medical examinations.

HB 1323 (Failed in the House 33-60)

The Governor shall appoint the Executive Director of WSI and the Board shall become an advisory Board.

SB 2292 (Passed in the Senate 39-7, Failed in the House 29-59)

The WSI Office of Independent Review shall be transferred to the Department of Labor.

HB 1424 (Failed in the House 40-53)

A bill to establish a pilot program for out-of-state employers who come into the state on a temporary basis.

HB 1493 (Failed in the House 29-63)

A bill to provide workers' compensation incentives for employers to have pre-employment, post-accident, and random testing for alcohol and controlled substances.

HB 1442 (Failed in the House 27-66)

The termination of benefits upon retirement would not apply to an employee who is permanently and totally disabled due to an injury that occurred before August 1, 1995, if that permanent and total disability occurred before the employee was considered retired.