

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2116

Introduced by

Workforce Development Committee

(At the request of Workforce Safety and Insurance)

1 A BILL for an Act to amend and reenact subsection 1 of section 54-06-04, subsection 4 of
2 section 65-01-15.1 as amended in section 2 of House Bill No. 1279, as approved by the
3 sixty-eighth legislative assembly, subsection 5 of section 65-01-15.2, as created in section 3 of
4 House Bill No. 1279, as approved by the sixty-eighth legislative assembly, and sections
5 65-02-09, 65-03-01, 65-04-30, and 65-05.1-08 of the North Dakota Century Code, relating to
6 reports submitted to the governor and secretary of state, presumption of compensability for
7 firefighters and law enforcement officers, information provided by workforce safety and
8 insurance to the public, enforcement of safety regulations, submission of financial statements to
9 the office of management and budget, and the organization's educational revolving loan fund;
10 and to repeal sections 65-01-13, 65-02-28, 65-03-02, and 65-04-17.1 of the North Dakota
11 Century Code, relating to an information fund and continuing appropriation to pay publication
12 and statistical processing expenses, organization claim file destruction, penalty for violation of a
13 safety rule or regulation, and the retrospective rating program.

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

15 **SECTION 1. AMENDMENT.** Subsection 1 of section 54-06-04 of the North Dakota Century
16 Code is amended and reenacted as follows:

- 17 1. The following executive and administrative officers and departments shall submit to
18 the governor and the secretary of state reports covering their operations for the two
19 preceding fiscal years, except as otherwise provided by law, not later than the first day
20 of December each year after the regular session of the legislative assembly:
- 21 a. Secretary of state.
 - 22 b. State auditor.
 - 23 c. Insurance commissioner.
 - 24 d. Attorney general.

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- 1 e. Agriculture commissioner.
- 2 f. Superintendent of public instruction.
- 3 g. State tax commissioner.
- 4 h. Public service commission.
- 5 i. Department of corrections and rehabilitation.
- 6 j. Department of transportation.
- 7 k. Department of health and human services.
- 8 ~~l. Workforce safety and insurance.~~
- 9 ~~m.l.~~ Office of management and budget.
- 10 ~~n.m.~~ State treasurer.
- 11 ~~o.n.~~ Labor commissioner.
- 12 ~~p.o.~~ Department of financial institutions.
- 13 ~~q.p.~~ Game and fish department.
- 14 ~~r.q.~~ Industrial commission.
- 15 ~~s.r.~~ Job service North Dakota.
- 16 ~~t.s.~~ Board of university and school lands.
- 17 ~~u.t.~~ Department of environmental quality.

18 **SECTION 2. AMENDMENT.** Subsection 4 of section 65-01-15.1 of the North Dakota
19 Century Code, as amended in section 2 of House Bill No. 1279, as approved by the sixty-eighth
20 legislative assembly, is amended and reenacted as follows:

- 21 4. For purposes of this section, "law enforcement officer" means an individual who is
22 licensed to perform peace officer law enforcement duties under chapter 12-63 and is
23 employed full time by the bureau of criminal investigation, the game and fish
24 department, the state highway patrol, the parole and probation division, the North
25 Dakota state university police department, the North Dakota state college of science
26 police department, the university of North Dakota police department, the Bismarck
27 state college police department, a county sheriff's department, a city police
28 department, or the parks and recreation department pursuant to section 55-08-04.

29 **SECTION 3. AMENDMENT.** Subsection 5 of section 65-01-15.2 of the North Dakota
30 Century Code, as created in section 3 of House Bill No. 1279, as approved by the sixty-eighth
31 legislative assembly, is amended and reenacted as follows:

1 5. For purposes of this section, "law enforcement officer" means an individual who is
2 licensed to perform peace officer law enforcement duties under chapter 12-63 and is
3 employed full time by the bureau of criminal investigation, the game and fish
4 department, the state highway patrol, the parole and probation division, the North
5 Dakota state university police department, the North Dakota state college of science
6 police department, the university of North Dakota police department, the Bismarck
7 state college police department, a county sheriff's department, a city police
8 department, or the parks and recreation department pursuant to section 55-08-04.

9 **SECTION 4. AMENDMENT.** Section 65-02-09 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **65-02-09. General information to public ~~--Biennial report.~~**

12 ~~The organization, from time to time, may publish and distribute among employers and~~
13 ~~employees~~ general information as to the business transacted by the organization as in its
14 judgment may be useful. ~~The director shall submit a biennial report to the governor and the~~
15 ~~secretary of state in accordance with section 54-06-04. The report must include~~organization
16 shall make the following information from no less than the two previous fiscal years available to
17 the public:

- 18 1. A statement of the number of awards made by it.
- 19 2. A general statement of the causes of accidents leading to the injuries for which the
20 awards were made.
- 21 3. A detailed statement of the disbursements from the fund.
- 22 4. A statement of the conditions of the various funds carried by the organization.
- 23 5. A breakdown of those allocated loss adjustment expenses that reflect the attorney's
24 fees and costs paid to attorneys who represent injured workers, the attorney's fees
25 and costs paid to attorneys with whom the organization contracts to represent the
26 organization, the amount paid for administrative law judges for hearings, and the
27 amount paid for the court reporter and any other legal expenses.
- 28 ~~6. Any other matters which the organization wishes to call to the attention of the~~
29 ~~governor, including any recommendation for legislation or otherwise which it may have~~
30 ~~to make.~~

1 **SECTION 5. AMENDMENT.** Section 65-03-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **65-03-01. Jurisdiction of organization - Safety regulations - Enforcement.**

4 The organization shall have full power and jurisdiction over, and the supervision of, every
5 employment and place of employment subject to the provisions of this title, and whenever,
6 ~~Whenever~~ necessary adequately to enforce and administer this title, ~~shall the organization may~~
7 issue and enforce all necessary and proper rules and safety regulations. The organization may
8 designate ~~some suitable person~~ an individual to make inspections ~~to~~ and determine if safety
9 rules and regulations are being followed ~~or complied with~~.

10 **SECTION 6. AMENDMENT.** Section 65-04-30 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **65-04-30. State treasurer is custodian of fund - Deposit - Disbursement on vouchers.**

13 The state treasurer is the custodian of the fund and all payments of awards of the
14 organization for disbursements other than travel and administrative expenses must be paid by
15 the state treasurer upon warrant-checks authorized and prepared by the organization. Warrants
16 drawn upon the fund and paid by the state treasurer must be returned to the organization and
17 must be kept in the files of the organization. ~~The organization shall submit to the office of~~
18 ~~management and budget once each month a monthly financial statement showing the receipts,~~
19 ~~disbursements, investments, and status of the fund.~~ The treasurer may deposit any portion of
20 the fund not needed for immediate use in the manner and subject to the requirements
21 prescribed by law for the deposit by the treasurer of state funds. Any interest earned by any
22 portion of the fund which is deposited by the state treasurer under this section must be collected
23 by the state treasurer and placed to the credit of the fund.

24 **SECTION 7. AMENDMENT.** Section 65-05.1-08 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **65-05.1-08. Workforce safety and insurance educational revolving loan fund --**

27 ~~Vocational~~vocational rehabilitation grants - Continuing appropriation.

28 1. ~~The organization may establish a revolving loan fund to provide a low-interest loan to~~
29 ~~an injured employee or to a surviving spouse or child of an injured employee whose~~
30 ~~death resulted from a compensable injury under section 65-05-16; or to the spouse or~~
31 ~~child of an injured employee deemed to be catastrophically injured as defined in~~

1 subdivision c of subsection 2 of section 65-05.1-06.1; or to the spouse or child of an
2 injured employee deemed to be eligible for permanent total disability benefits as
3 defined in section 65-01-02.

4 2. The loan must be used to pursue an education at an accredited institution of higher
5 education or an institution of technical education. In order to be eligible for a loan
6 under this section, an individual must have obtained a high school diploma or its
7 equivalent and either must be ineligible for retraining under this chapter or must have
8 exhausted training and education benefits. A child of an injured employee must meet
9 the definition of child at the time of the initial loan application in order to be eligible for
10 a loan. The Bank of North Dakota and the organization shall establish loan eligibility
11 requirements and make application determinations based on the established criteria.
12 The loan application must require an applicant to demonstrate a viable education plan
13 that will enable the individual to achieve gainful employment.

14 3. The total amount loaned annually under this section may not exceed two million five
15 hundred thousand dollars. The maximum amount payable on behalf of a loan
16 applicant may not exceed fifty thousand dollars and must be payable within five years.
17 A loan must be repaid within a period not to exceed twenty years. A loan must be
18 repaid at an interest rate established by the organization which may not exceed the
19 rate of one percent below the Bank of North Dakota's prime interest rate. The
20 organization shall pay the Bank of North Dakota a negotiated fee for administering and
21 servicing loans under this section. At the organization's discretion, moneys to establish
22 and maintain the revolving loan fund must be appropriated from the organization's
23 workforce safety and insurance fund. The revolving loan fund is a special fund and
24 must be invested pursuant to section 21-10-06. Investment income and collections of
25 interest and principal on loans made from the revolving loan fund are appropriated on
26 a continuing basis to maintain the fund and provide loans in accordance with this
27 section. As determined necessary, the organization may transfer uncommitted moneys
28 of the revolving loan fund to the workforce safety and insurance fund.

29 4. The organization may implement a grant program to promote and provide necessary
30 educational opportunities for injured employees within the vocational rehabilitation
31 process. The organization may award a grant to promote necessary skills upgrading

1 and to provide for the completion of remedial educational requirements which allow for
2 optimal transition into the labor force. The total annual amount the organization may
3 grant under this ~~subsection~~section may not exceed one hundred thousand dollars. The
4 organization shall establish grant eligibility requirements and make grant
5 determinations based on the established criteria. Moneys are appropriated on a
6 continuing basis ~~from uncommitted moneys in the educational revolving loan fund~~ for
7 the purpose of funding the grants under this ~~subsection~~section and for payment of
8 educational revolving loan fund obligations after July 31, 2023.

9 **SECTION 8. REPEAL.** Sections 65-01-13, 65-02-28, 65-03-02, and 65-04-17.1 of the North
10 Dakota Century Code are repealed.