

Sixty-ninth
Legislative Assembly
of North Dakota

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; to amend and reenact section 65-04-32 of the North Dakota
4 Century Code, relating to decisions issued by electronic means; and to provide for application.

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

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

8 **Premium credit.**

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

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

17 **65-04-32. Decisions by organization - Disputed decisions.**

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

- 20 1. The organization may issue a notice of decision based on an informal internal review
21 of the record and shall ~~serve~~issue the notice of the decision on the parties by regular
22 mail or electronic means. The organization shall include with the decision a notice of
23 the employer's right to reconsideration.

2. An employer has forty-five days from the day the notice of decision was ~~mailed~~issued by the organization by regular mail or electronic means to file a written request for reconsideration. The request for reconsideration is considered filed only upon receipt by the organization. The employer is not required to file the request through an attorney. The request must state the reason for disagreement with the organization's decision and the desired outcome. The request may be accompanied by additional evidence not previously submitted to the organization. The organization shall reconsider the matter by informal internal review of the information of record. Absent a timely and sufficient request for reconsideration, the notice of decision is final and may not be reheard or appealed.
3. After receiving a petition for reconsideration, unless settlement negotiations are ongoing, the organization shall ~~serve on~~issue to the parties by regular mail or electronic means, an administrative order including its findings of fact, conclusions of law, and order, in response to the petition for reconsideration. The organization may serve an administrative order on any decision made by informal internal review without first issuing a notice of decision and receiving a request for reconsideration. If the organization does not issue an order within sixty days of receiving a request for reconsideration, a party may request, and the organization shall promptly issue, an appealable determination.
4. A party has forty-five days from the date of ~~service~~issuance of an administrative order to file a written request for rehearing. The request must state specifically each alleged error of fact and law to be reheard and the relief sought. Absent a timely and sufficient request for rehearing, the administrative order is final and may not be reheard or appealed.
5. Rehearings must be conducted as hearings under chapter 28-32 to the extent that chapter does not conflict with this section.
6. An employer may appeal a posthearing administrative order to district court in accordance with chapter 65-10. Chapter 65-10 does not preclude the organization from appealing to district court a final order issued by a hearing officer under this title.

SECTION 3. APPLICATION. Section 1 applies to new account applications received on or after July 1, 2025.