

Sec. 2.) Any person who violates any provision of this Act shall, upon conviction thereof, be punished by a fine of not less than Twenty-five dollars nor more than two hundred dollars.

Sec. 3. REPEAL.) All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1st, 1923.

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## WORKMEN'S COMPENSATION

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### CHAPTER 347.

(H. B. No. 149—Anderson of Burleigh.)

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#### POWERS OF WORKMEN'S COMPENSATION BUREAU.

An Act To Amend and Re-enact Section 7 of Chapter 162 of the Laws of North Dakota for the year 1919, to Empower the Workmen's Compensation Bureau to Classify Employments, fix rates for Premium, provide for Reserves and Surplus, provide for Establishment of a System of Merit Rating, and to Provide for the Payment of Premiums into the Workmen's Compensation Fund.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. AMENDMENT.) That Section 7 of Chapter 162 of the Laws of North Dakota for 1919 relating to the classification of employments, the fixing of premiums and the maintenance of reserves and surplus in the Workmen's Compensation Fund is hereby amended and re-enacted to read as follows:

Sec. 7. The Workmen's Compensation Bureau shall classify employments with respect to their degree of hazard and shall determine the risks of different classification and shall fix the rates of premium for each of said classifications sufficiently high to provide for the payment of the expenditures of the Bureau, the payment of compensation according to the schedules established by this act for the maintenance of adequate reserves and surplus by the North Dakota Workmen's Compensation Fund to the end that such fund may be kept at all times in an entirely solvent condition.

The Bureau may establish a system of merit rating within any class which will tend to equitable treatment of individual employers.

It shall be the duty of the Workmen's Compensation Bureau in the exercise of the powers and discretion conferred upon it, ultimately to fix and maintain, for each class of occupation, the lowest possible rates of premium consistent with the payment of the expenditures of the Bureau, the maintenance of a solvent

compensation fund and the creation and maintenance of a reasonable surplus, after the payment of legitimate claims for injury and death that it may authorize to be paid from the North Dakota Workmen's Compensation Fund for the benefit of the injured and the dependents of deceased employees, and in order that said object may be accomplished, the Bureau shall observe the following requirements in classifying occupations and fixing the rates of premium for the risks of the same.

It shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or industries, and the disbursements on account of injuries and death of employees thereof, and it shall also keep an account of the money received from each individual employer and the amount disbursed from the Workmen's Compensation Fund on account of injuries and death of the employees of such employer.

Ten per cent of the money that is paid into the Workmen's Compensation Fund shall be set aside for the creation of a surplus until such surplus shall amount to the sum of fifty thousand dollars (\$50,000.00) after which time the sum of five per cent of all the money paid into the Workmen's Compensation Fund shall be credited to such surplus fund, until such time as, in the judgment of the Bureau, such surplus shall be sufficiently large to guarantee the Workmen's Compensation Fund from year to year.

Every employer subject to this Act, shall pay annually into the Workmen's Compensation Fund the amount of premium determined and fixed by the Workmen's Compensation Bureau for the employment or occupation of such employer, the amount of which premium to be so paid by such employer to be determined by the classification, rules and rates made and published by the Bureau; and a receipt or certificate certifying that such payment has been made shall immediately be mailed to such employer by the Bureau, which receipt or certificate, attested by the seal of the Bureau shall be a prima facie evidence of the payment of such premium. The Bureau may make provision so that premiums fall due on different dates so as to distribute the business of the Workmen's Compensation Fund as evenly as possible throughout the year.

In the event the amount of premiums collected from any employer at the beginning of any premium period is ascertained and calculated by using the estimated expenditures of wages for the period of time covered by such premium payments as a basis, an adjustment of the amount of such premium shall be made at the end of such period and the actual amount of such premium shall be determined in accordance with the amount of the actual expenditure of wages for said period.

In case a subsequent injury occurs to an employee who has sustained another injury not in the same employment the employer shall not be penalized in his premium rate for any disability in excess of the degree of incapacity which would have resulted from the later injury if the earlier disability or injury had not existed.

Approved March 8th, 1923.

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## CHAPTER 348.

(H. B. No. 150—Anderson of Burleigh.)

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### REPORTING PUBLIC CONTRACTS.

An Act Providing for the Reporting to the Workmen's Compensation Bureau of All Contracts Involving Labor Entered Into By All Political Subdivisions of the State.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. As soon as a county, city, village, township, or school district or any other political subdivision of the State of North Dakota shall have entered into a contract with any other person, firm or corporation for any construction, building, improvement, road, bridge or other contract requiring manual labor, it shall be the duty of the auditor or clerk of every such political subdivision to report to the Workmen's Compensation Bureau of North Dakota at Bismarck, such details and information regarding such contract as is necessary for the Bureau to approximately determine the size and extent of the contract and the cost of the amount of labor therein, and shall give the name and postoffice address of the person, firm, or corporation with which the said subdivision has contracted, the date on which such labor shall begin and approximately when it will end, together with a brief description of where the labor is to be performed.

Approved March 8th, 1923.

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## CHAPTER 349.

(H. B. No. 215—Anderson.)

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### ENFORCEMENT OF PAYMENT OF PREMIUMS.

An Act To Amend Section 1 of Chapter 144 of the Session Laws of North Dakota for the year of 1921, Relating to Enforcement of Payment of Premiums to the Workmen's Compensation Fund.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. AMENDMENT.) That Section 1 of Chapter 144 of

the Session Laws of North Dakota for the year of 1921, relating to the enforcement of payment of premiums to the Workmen's Compensation Fund, is hereby amended and re-enacted to read as follows, to-wit:

Sec. 8. If any employer subject to the act is not a subscriber to the Workmen's Compensation Fund, the Bureau shall determine the amount of premium due from said employer for the next succeeding twelve months from the date notice is given by the Bureau of the amount so due, and shall inform said employer of the amount thereof in such notice, and shall order the same to be paid into said fund; provided, that if the annual premium payable to the Fund by any employer amounts to \$200.00 or more, one-half thereof shall be paid in cash within a period of thirty (30) days from the date said notice is received, and one-half thereof shall be paid within a period of six (6) months from date of said notice provided such employer files a certified check, a Certificate of Deposit, or a bond within said period of thirty (30) days with the Workmen's Compensation Bureau with sureties to the approval of said Bureau, guaranteeing that such portion to be paid after the said thirty (30) days will be paid to said Bureau within said period of six (6) months, together with the court costs which may be incurred on account of suit on such bond; and provided, also, if the annual premium payable to the Fund by any employer amounts to more than \$100.00 and less than \$200.00, \$100.00 thereof shall be paid in cash within said period of thirty (30) days, and the remaining portion thereof shall be paid within said period of six (6) months, provided a certified check, a Certificate of Deposit or a bond is filed with said Bureau within said period of thirty (30) days with sureties to the approval of the Bureau guaranteeing that such portion to be paid after the said thirty days (30) will be paid to said Bureau within said period of six (6) months, together with court costs as aforesaid. Nothing in this Act shall be construed to prevent any employer from paying the whole amount of premium in cash.

In case of default of any employer in making any payment or in filing any proper bond as herein required, a penalty shall attach at the rate of 5% of the amount of the premium demanded for every period of thirty days or major fraction thereof during which such default shall continue, but in case 5% of such premium demanded does not exceed \$25.00 then a penalty of \$25.00 shall immediately attach and shall be in lieu of the penalty above provided for the first thirty days or major fraction thereof, and after the first thirty days of default, such penalty shall be computed at the rate of one per cent of such premium for every default period of thirty days or major fraction thereof, and it shall be the duty of the Workmen's Compensation Bureau to Certify or cause to be certified, to the

Attorney General, of the State the name and place of business of such employer and the amount due from such employer and it shall then be the duty of the Attorney General forthwith to bring, or cause to be brought, for the collection of such amount so due, a civil action against such employer, in the name of the state and such action shall be brought in either the District Court of Burleigh County, North Dakota, or in any county in which such employer is engaged in business, at the option of the Attorney General. If upon final hearing of said cause it is found and determined that the defendant is an employer within the meaning of this act, the court shall render judgment against said defendant for the amount of said premium, with interest and penalties from the date of the determination of said amount by the Bureau, together with costs, which judgment shall be paid into the Workmen's Compensation Fund. The payment of such judgment shall entitle such employer and employees to the benefits of the act from the date said notice is issued by this Bureau notifying such employer of the amount of premium due. If the judgment cannot be paid in full, the Bureau shall determine the date upon which said employees' right to participate in the fund shall cease.

The payment of premium into the Workmen's Compensation Fund by an employer shall entitle such employer and the employees of such employer to the benefits of this Act from the date notice is issued by this Bureau notifying such employer of the amount of premium due.

All judgments obtained in any action prosecuted by the Bureau or by the state under authority of this Act, shall be prior lien over all other judgments and liens, except those now in existence.

If any employer, who has complied with this Act, shall be in default in any payment required to be made by him or it to the Workmen's Compensation Fund for a period of thirty days after notice that such payment is due, the same penalty shall attach and the same proceedings be had as in the case of an employer who had not previously been a subscriber to the Fund. The payment of a judgment for such premium and penalty shall entitle such employer and employees to the benefits of this Act continuously from the expiration date of such employer's previous period of insurance and the payment of premium by such employer into the Workmen's Compensation Fund shall entitle such employer and his employees to the benefits of this Act for such continuous period. If the judgment cannot be paid in full the Bureau shall determine the date upon which said employees' right to participate in the Fund shall cease. This act shall not operate retrospectively, but shall operate only from the date it becomes effective as a law. All rights and liabilities and causes of action as regards

employers and employees and the Bureau which are in existence or have accrued prior to the date this law becomes effective shall be governed by the law in force at the time such rights or obligations arose.

All such cases shall have precedence over all other civil actions and shall be assigned for trial as soon as the issues are made up.

If the defendant is a non-resident of this State, or a foreign corporation doing business in this State, service of summons may be made upon any agent, representative or foreman of said defendant wherever found in the state, or service may be made in any other manner designated by statute.

In any action, provided for herein for the collection of premiums the remedies of garnishment or attachment or both shall be available, and in any action for the collection of premiums, no exemptions, except absolute exemptions, shall be claimed by or allowed to such employer.

Approved March 10th, 1923.

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## CHAPTER 350.

(H. B. No. 153—Anderson of Burleigh.)

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### COMPENSATION FOR INJURIES OCCURRING OUTSIDE THE STATE.

An Act To Amend and Re-enact Section 10 of Chapter 162 of the Laws of North Dakota for the Year 1919, Providing for the Payment of Compensation Out of the Workmen's Compensation Fund and Providing that Compensation Shall be Paid for Injuries and Deaths from Injuries Occurring Outside the State of North Dakota only Under Circumstances as Provided in the Act.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. AMENDMENT.) That Section 10 of Chapter 162 of the Laws of North Dakota for 1919 Relating to the disbursement of the Workmen's Compensation Fund to employees who have been injured in the course of their employment wheresoever such injuries have occurred is hereby amended and re-enacted to read as follows:

Sec. 10.) The Workmen's Compensation Bureau shall disburse the Workmen's Compensation Fund to such employees of employers as have paid into the said fund the premiums applicable to the classes to which they belong, who have been injured in the course of their employment, wheresoever such injuries have occurred, or to their dependents in case death has ensued, and such payment or payments to such injured employees, or to their dependents in case death has ensued, shall be in lieu of any and all rights of action whatsoever against

the employer of such injured or deceased employee, but no compensation shall be paid on account of injuries occurring outside of the State of North Dakota, nor because of death due to an injury occurring outside of the State of North Dakota, unless the employer and the Bureau shall have previously contracted for insurance protection for employees while working outside of the State in the employment in which the injury occurred. Provided that no such contract shall be issued to any employer unless his principal plant and main or general office is located in North Dakota and at least two-thirds of whose entire payroll is used or expended for work performed in the State of North Dakota.

Approved March 8th, 1923.

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### CHAPTER 351.

(H. B. No. 151—Anderson, of Burleigh.)

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#### EMPLOYER INSURANCE.

An Act Relating to the insurance of employers with the Workmen's Compensation Fund providing for compensation for injuries or death of the employer himself, in cases where the employer has contracted for such protection with the Bureau also providing for the basis of premium for such protection.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. Any employer may by special contract with the Workmen's Compensation Bureau secure insurance protection against injuries to his own person or for his own death when such injury or death occurs in the course of his work in an industry in which he has insured his employees with the Workmen's Compensation Fund, and in case such contract is entered into, premium for such protection and compensation shall be based on a reasonable weekly wage for employees in the same class of industry, such reasonable wage to be determined by the Workmen's Compensation Bureau, and the injured employer, or, in case of his death, his dependents shall be entitled to the same compensation as is provided in Chapter 162 of the Session laws of 1919 and any amendments thereto for injuries or death of employees.

Approved February 27th, 1923.

## CHAPTER 352.

(H. B. No. 148—V. L. Anderson.)

## LIST OF AUDITORS AND CLERKS.

An Act providing for the Annual Reporting by County Auditor to the Workmen's Compensation Bureau of all elective Auditors and Clerks of Political Subdivisions of the County.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. Between the dates of July 1 and July 15 of each year the County Auditor shall furnish to the Workmen's Compensation Bureau of North Dakota, at Bismarck, a full report, giving the name and post office address of each and every city auditor, village clerk and township clerk at that time holding office in the various political subdivisions within his County, together with the name of such political subdivisions in which each of the officials mentioned are elected and serve.

Approved February 27th, 1923.

## CHAPTER 353.

(H. B. No. 152—V. L. Anderson.)

## LIST OF SCHOOL DISTRICT CLERKS.

An Act Requiring the County Superintendant of Schools of all counties to report names of School District Clerks to the Workmen's Compensation Bureau.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. Between the dates of July 1 and July 15 of each and every year, the county superintendent of schools shall report to the Workmen's Compensation Bureau of North Dakota at Bismarck, the name and address of all clerks of the school districts within said county, together with the name and number of the school district in which each one serves.

Approved February 27th, 1923.