

WORKMEN'S COMPENSATION

CHAPTER 425

S. B. No. 62

(Saumur, Longmire, Lips, Reichert, Sanford)

WORKMEN'S COMPENSATION PREMIUMS

AN ACT

Amending and reenacting section 65-04-04 of the North Dakota Century Code Supplement, relating to the payment of premiums to the North Dakota workmen's compensation fund, and providing the due date thereof for municipal corporations be the end of the fiscal year of such municipal corporation.

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

§ 1. **Amendment.**) Section 65-04-04 of the North Dakota Century Code Supplement is hereby amended and reenacted to read as follows:

65-04-04. Employers Obligated to Pay Premiums—Determination of Premiums—Premium Receipts and Certificates To Be Mailed.) Each employer subject to the provisions of this title shall pay into the fund annually the amount or premiums determined and fixed by the bureau for the employment or occupation of such employer, which amount shall be determined by the classifications, rules, and rates made and published by the bureau and shall be based on a proportion of the annual expenditure of money by such employer for the service of persons subject to the provisions of this title; provided, however, that the computation of such premiums shall not be based upon any premium wages in excess of the basic hourly rate of pay or any annual remuneration, in whatever form, in excess of the sum of thirty-six hundred dollars paid to any employee by any employer. A receipt or certificate specifying that such payment has been made shall be mailed to such employer by the bureau immediately after such payment is made, and such receipt or certificate, attested by the seal of the bureau, shall be prima facie evidence of the payment of the premium. The bureau shall provide that premiums to be paid by school districts, townships, and all public corporations or agencies, except municipal corporations, fall due at the end of the fiscal year of such entity, and that premiums to be paid by all municipal corporations fall due at the end of the calendar year, and may make provisions so that premiums of other employers fall due on different or

specified dates and for the purpose of effectuating such due rates the bureau may carry new or current risks for a period of less than one year and not to exceed fifteen months, either by request of the employer or action of the bureau.

Approved March 14, 1963.

CHAPTER 426

S. B. No. 86

(Lips, Kautzmann, Mahoney, Robinson)

INVESTMENT OF WORKMEN'S COMPENSATION FUNDS

AN ACT

To amend and reenact section 65-04-31 of the North Dakota Century Code, relating to investment of moneys in the workmen's compensation fund.

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

§ 1. **Amendment.**) Section 65-04-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***65-04-31. Investment of Fund Authorized—Continuing Appropriation—Penalty.)** The bureau, upon a resolution to that effect duly entered upon the minutes of the bureau, concurred in by a majority of the commissioners, and when duly authorized so to do by a resolution duly adopted by the industrial commission of the state of North Dakota, may invest excess moneys in the fund in bonds of the United States of America, bonds and mortgages or other securities the payment of which is guaranteed by the United States of America, bonds of the state of North Dakota or of any other state, revenue producing building bonds of North Dakota higher education institutions or junior colleges issued under the provisions of chapter 15-55, or in certificates of indebtedness of the state of North Dakota, or in bonds, certificates of indebtedness, or warrants of any political subdivision of the state of North Dakota which constitute the general or contingent general obligations of the issuing tax authority, and purchase such loans and purchase such mortgage investments dated after the effective date of this section as are insured by or guaranteed in any manner wholly or in part, or other investments that are fully guaranteed by the United States or any in-

***Note:** Section 65-04-31 was also amended by section 6, chapter 205, 1963 S.L.

strumentality thereof, or by this state or instrumentality thereof. Before any investment is made in any securities, however, the securities shall be approved by the attorney general as to the form and legality thereof. The state treasurer shall be the custodian of all such securities, and the bureau shall deliver any securities so purchased to the state treasurer as such custodian. This section shall constitute a continuing appropriation out of the fund of all moneys that may be required for the making of the investments authorized by this section. The bureau, or any commissioner or other officer thereof, who shall invest any moneys in the fund without first having obtained the authorization of the industrial commission as provided in this section shall be guilty of a misdemeanor.

Approved March 4, 1963.

CHAPTER 427

H. B. No. 662
(Maragos)

WORKMEN'S COMPENSATION BENEFITS

AN ACT

To amend and reenact sections 65-05-09, 65-05-11, 65-10-01, and 65-10-03 of the North Dakota Century Code, relating to the amount of workmen's compensation benefits and appeals from decisions of the workmen's compensation bureau.

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

§ 1. **Amendment.)** Section 65-05-09 of the North Dakota Century Code Supplement is hereby amended and reenacted to read as follows:

65-05-09. Total Disability—Weekly and Aggregate Compensation.) If the injury causes temporary or permanent total disability, the fund shall pay to the disabled employee during such disability a weekly compensation equal to eighty percent of his weekly wage, subject to the maximum and minimum limitations contained in section 65-05-11. In case of temporary or permanent total disability, there shall be paid to such disabled employee an additional sum of three dollars per week for each dependent child under the age of eighteen years, and for each child over eighteen years and incapable of self-support due to physical or mental disability and whose maintenance is the responsibility of the claimant. Dependency awards for the children may be made direct to either parent at the

discretion of the bureau. In no event shall the total weekly payment to the totally disabled employee exceed the sum of sixty dollars per week, and in no case shall the compensation and dependency award exceed the actual wage of the disabled employee except in those cases on which the minimum compensation award is applied.

§ 2. **Amendment.)** Section 65-05-11 of the North Dakota Century Code Supplement is hereby amended and reenacted to read as follows:

65-05-11. Maximum and Minimum Compensation Allowances—Total and Partial Disability.) The weekly compensation for total disability shall not be more than forty-five dollars, except where an allowance for dependents is made in compliance with section 65-05-09, nor less than fifteen dollars. The weekly compensation for temporary partial disability with partial allowance for dependents shall not be more than forty-five dollars. If the injured person, at the time of the injury, was a minor or was employed in a learner's capacity, and was not physically or mentally defective, the bureau from time to time shall determine the probable increase in weekly earning capacity of such person if such injury had not occurred, and shall base its award for compensation upon such probable weekly wage-earning capacity.

§ 3. **Amendment.)** Section 65-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-10-01. Appeal from Decision of Bureau.) If the final action of the bureau denies the right of the claimant to participate at all in the fund on the ground that the injury was self-inflicted, or on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the claimant's right, or if the bureau allows the claimant to participate in the fund to a lesser degree than that claimed by the claimant, if such allowance is less than the maximum allowance provided by this title, the claimant may appeal to the district court of the county wherein the injury was inflicted. An employer may also appeal a decision of the bureau in any injury case in the manner prescribed in this section. An appeal involving injuries received under insurance provided under contracts with extraterritorial coverage shall be triable in the district court of Burleigh County. Any appeal under this section shall be taken in the manner provided in chapter 28-32. In such a proceeding the state's attorney of the county wherein the appeal is taken without additional compensation shall represent the bureau. The clerk of court of the county within

which the appeal is taken shall notify the state's attorney of the filing of such appeal.

§ 4. **Amendment.)** Section 65-10-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-10-03. Costs of Appeal Including Attorneys' Fees Fixed by Court.) The cost of the appeal, including a reasonable attorney's fee for the prevailing attorney, shall be fixed by the trial judge and taxed against the bureau provided, however, that in the event the appeal is taken from an award of the bureau, the trial judge shall not allow attorneys' fees in excess of twenty percent of the amount allowed on appeal over and above the award given by the bureau in its final action prior to appeal. Such attorney's fee shall cover and constitute the entire remuneration for the prevailing attorney for all services in connection with the appeal.

Approved March 18, 1963.