

GOVERNMENTAL FINANCE

CHAPTER 290

HOUSE BILL NO. 1457
(R. Berg, Schneider)

FARGO SCHOOL DISTRICT BONDING

AN ACT to amend and reenact subsection 7 of section 21-03-07 of the North Dakota Century Code, relating to dedication of tax levies and issuance of general obligation bonds by the Fargo school district.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Subsection 7 of section 21-03-07 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. The governing body of any public school district may also by resolution adopted by a two-thirds vote dedicate the tax levies as authorized by section 57-15-16, 15-51-11, or 15-51-13 and may authorize and issue general obligation bonds to be paid by these dedicated levies for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public school buildings; provided, that the initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official newspaper, and any owner of taxable property within the school district may within sixty days after publication file with the business manager of the school district a protest against the adoption of the resolution. Protests must be in writing and must describe the property which is the subject of the protest. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the school district, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.

Approved April 3, 1989
Filed April 3, 1989

* NOTE: Subsection 7 of section 21-03-07 was also amended by section 8 of House Bill No. 1477, chapter 209.

CHAPTER 291

SENATE BILL NO. 2542

(Heigaard, Satrom)

(Approved by the Committee on Delayed Bills)

POLITICAL SUBDIVISION EMERGENCY BONDING

AN ACT to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to issuance of bonds by political subdivisions when emergency conditions exist; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 21-03-07 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The governing body of a municipality or other political subdivision, located at least in part within a county that is included within a disaster or emergency executive order or proclamation of the governor under chapter 37-17.1, may by resolution adopted by a two-thirds vote authorize and issue general obligation bonds of the political subdivision without an election for the purpose of providing funds to pay costs associated with the emergency condition. The political subdivision may dedicate and levy taxes for retirement of bonds under this subsection and such levies are not subject to limitations as otherwise provided by law.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 28, 1989

Filed April 28, 1989

CHAPTER 292

SENATE BILL NO. 2338
(Holmberg)**BOND ISSUANCE REQUIREMENTS**

AN ACT to amend and reenact sections 21-03-14 and 21-03-30 of the North Dakota Century Code, relating to the initiation of the issuance of bonds and the sale of refunding bonds by political subdivisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 21-03-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-03-14. Bonds issued without an election. Proceedings for the issuance of bonds under this chapter, ~~where~~ if no election is required, ~~shall~~ must be instituted by a resolution of the governing body containing the facts required for an initial resolution as prescribed by section 21-03-09, ~~except that the amount, date, and maturities of the issue shall be stated specifically.~~ At or after the adoption of ~~such~~ the resolution, the governing body may proceed to sell, issue, and deliver ~~such~~ the bonds, as hereinafter provided for the sale, issuance, and delivery of bonds.

SECTION 2. AMENDMENT. Section 21-03-30 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-03-30. Municipal bonds - Private sale to United States or state agencies. The procedure prescribed in this chapter relative to calling for bids upon the sale of municipal bonds shall not be required in the case of bonds issued under the authorization of subdivisions b or c of subsection 7 of section 21-03-06, or in case bonds are sold to:

1. The state board of university and school lands.
2. The Bank of North Dakota.
3. The North Dakota municipal bond bank.
4. Trust funds administered by public officials.
5. The United States of America, or any agency or instrumentality thereof.

Approved March 28, 1989
Filed March 28, 1989

CHAPTER 293

HOUSE BILL NO. 1412
(Representatives Lindgren, Oban)
(Senator Waldera)

CITY AND PARK DISTRICT RECORDS

AN ACT to amend and reenact sections 21-06-05, 21-06-06, and 54-46-12 of the North Dakota Century Code, relating to city and park district records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 21-06-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-06-05. Documents which may be destroyed - When. After the ~~same documents~~ have been offered to the state archivist for preservation as archival resources, the ~~auditor, business manager, or clerk~~ of a school district, ~~city, or park district~~ may destroy, by any suitable means as determined by the ~~governing body, their school board, its~~ records after the ~~same have~~ records become five years old except the following ~~which shall must~~ be retained as permanent records of the school district, ~~city, or park district~~:

1. ~~Governing body's~~ School board proceedings.
2. Receipt and expenditure journals.
3. Payroll records.

SECTION 2. AMENDMENT. Section 21-06-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-06-06. Procedure for destruction of documents. The ~~governing body school board~~ of any school district, ~~city, or park district~~ desiring to destroy any documents ~~described in under~~ section 21-06-05, at its first meeting in January of each year, shall procure from the ~~auditor, business manager, or clerk of such the~~ school district, ~~city, or park district~~ a list of ~~such those~~ documents ~~which have been~~ paid more than five years prior to ~~such that~~ time and against which the period within which an action might be commenced to determine the validity of such documents has expired, ~~which said~~. The list ~~shall must~~ contain a full statement and description of the documents ~~desired~~ to be destroyed, and ~~thereupon~~ the school board shall check ~~said the~~ documents with ~~such lists~~ the list. If ~~found~~ the list is correct, the ~~said governing body school board~~ by resolution shall order ~~said the~~ documents ~~to be~~ destroyed and in ~~said the~~ resolution shall provide the manner of ~~such~~ destruction. The list ~~provided for in this section shall must~~ be filed in the office of the ~~city auditor or business manager or clerk~~ of the school district ~~or park district~~ and retained as a permanent record.

SECTION 3. AMENDMENT. Section 54-46-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46-12. County, city, and park district records - Uniform system established by administrator. The administrator shall ~~promulgate~~ adopt rules ~~and regulations~~ in accordance with chapter 28-32 consistent with specific requirements of state law for a uniform system of cataloging, reproduction, retention, and final disposition of county, city, and park district records. Upon ~~promulgation~~ adoption of ~~such the~~ rules and regulations all county, city, and park district offices, departments, and agencies ~~shall be authorized to may~~ establish and maintain ~~such the~~ uniform system as prescribed by the administrator.

Approved March 21, 1989
Filed March 23, 1989

CHAPTER 294

SENATE BILL NO. 2069
(Lodoen)

PUBLIC BODIES' BOND VALIDATION

AN ACT to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to the validation of bonds issued by public bodies of the state prior to July 1, 1989.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 21-09-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-09-05. Application of chapter. The provisions of this chapter relating to validation apply to all bonds issued and proceedings taken by any public body prior to July 1, ~~1987~~ 1989.

Approved March 9, 1989
Filed March 9, 1989

CHAPTER 295

SENATE BILL NO. 2324
(Senators Olson, D. Meyer, Langley)
(Representatives Whalen, Mertens, Dorso)

WORKERS COMPENSATION BUREAU ADMINISTRATION

AN ACT to amend and reenact sections 21-10-01, 28-32-08, subsection 1 of section 54-07-01.2, sections 65-01-02, 65-01-12, 65-02-01, 65-02-02, 65-02-05, 65-02-06, 65-02-09, 65-02-12, 65-04-11, 65-04-13, 65-04-31, 65-05-17, 65-05.1-03, 65-05.1-06, 65-08-04, 65-11-01, and 65-12-01 of the North Dakota Century Code, relating to the establishment of the director of the workers compensation bureau; and to repeal sections 65-02-03 and 65-02-04 of the North Dakota Century Code, relating to the commissioners of the workers compensation bureau.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 21-10-01 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-10-01. State investment board - Membership - Term - Compensation. The North Dakota state investment board consists of the governor, the state treasurer, the commissioner of university and school lands, the ~~chairperson~~ director of the workers compensation bureau, the commissioner of insurance, the executive secretary of the teachers' fund for retirement, and three members who are experienced in, and have considerable knowledge of the field of investments, and who are not otherwise employed by the state of North Dakota. The governor shall appoint the members with investment experience to three-year, two-year, and one-year terms respectively on January 31, 1989. Thereafter, the appointed members shall serve four-year terms. The appointed members are entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and necessary mileage and travel expenses as provided in sections 54-06-09 and 44-08-04.

SECTION 2. AMENDMENT. Section 28-32-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-32-08. Specifications of any issues to be furnished by agency. Whenever an administrative agency, pursuant to authority conferred upon it by law, shall institute an investigation upon its own motion or without the filing of a specified complaint, or shall hold any hearing or make any independent investigation upon the claim or request of any person, no decision shall be made by the agency until all parties in interest shall have been furnished with a written specification of the issues which are to be considered and determined, nor until an opportunity shall have been afforded to such parties to present evidence and to be heard upon the precise issues so specified. ~~Provided, however, that the commissioners~~ The director of the ~~workmen's workers~~ workers compensation bureau may make determinations without the giving of the notice herein provided for. ~~This provision shall not be construed to relieve the commissioners of the workmen's compensation bureau~~

~~of by this section, but the director is subject to the requirements of section 28-32-13 of this chapter.~~

* SECTION 3. AMENDMENT. Subsection 1 of section 54-07-01.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Notwithstanding ~~the provisions of~~ sections 2-05-01, 4-18.1-04, 4-27-04, 6-01-03, 6-09.1-02, 12-55-01, 12-59-01, 15-21-17, 15-38-17, 15-39.1-05, 15-65-02, 20.1-02-23, 23-01-02, 23-25-02, 36-01-01, 37-18.1-01, 50-26-01, 51-10-13, 54-54-02, 55-01-01, 55-06-01, 61-02-04, and 61-28-03, ~~and 65-02-01,~~ all members of the following boards and commissions shall, subject to the limitations of this section, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor:
 - a. The aeronautics commission.
 - b. The milk stabilization board.
 - c. The dairy promotion commission.
 - d. The state banking board.
 - e. The state credit union board.
 - f. The advisory board of directors to the Bank of North Dakota.
 - g. The board of pardons.
 - h. The state parole board.
 - i. The state board of public school education.
 - j. The teachers' professional practices commission.
 - k. The board of trustees for the teachers' fund for retirement.
 - l. The educational broadcasting council.
 - m. The state game and fish advisory board.
 - n. The health council.
 - o. The air pollution control advisory council.
 - p. The livestock sanitary board.
 - q. The administrative committee on veterans' affairs.
 - r. The governor's council on human resources.
 - s. The North Dakota trade commission.
 - t. The North Dakota council on the arts.

* NOTE: Section 54-07-01.2 was also amended by section 6 of House Bill No. 1041, chapter 241, and section 70 of Senate Bill No. 2257, chapter 69.

- u. The state historical board.
- v. The Yellowstone-Missouri-Fort Union commission.
- w. The state water commission.
- x. The state water pollution control board.
- y. ~~The workers compensation bureau.~~

* SECTION 4. AMENDMENT. Section 65-01-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-01-02. Definitions. Whenever used in this title:

1. "Adopted" or "adoption" refers only to a legal adoption effected prior to the time of the injury.
2. "Artificial members" includes only such devices as are substitutes for, and not mere aids to, a natural part, organ, limb, or other part of the body.
3. "Average weekly wage in the state" means the determination made of the average weekly wage in the state by job service North Dakota on or before July first of each year.
4. "Brother" and "sister" includes a stepbrother and a stepsister, a half brother and a half sister, and a brother and sister by adoption, but such terms shall not include a married brother or sister unless he or she actually is dependent.
5. "Bureau" means the North Dakota workers compensation bureau.
6. "Child" means a child under eighteen years of age residing in the employee's household or to whom the employee has a legal obligation of support; or a child eighteen years of age or over and physically or mentally incapable of self-support who is actually dependent upon the employee for support; or any child between eighteen and twenty-two years of age who is enrolled as a full-time student in any accredited educational institution who is actually dependent upon the employee for support. This term includes a legitimate child, a stepchild, adopted child, posthumous child, foster child, and acknowledged illegitimate child, but shall not include a married child unless actually dependent.
7. "Compensable injury" means an injury by accident arising out of and in the course of employment including an injury caused by the willful act of a third person directed against an employee because of his employment, but such term shall not include an injury caused by the employee's willful intention to injure himself or to injure another, nor any injury received because of the use of narcotics or intoxicants while in the course of the employment. If an injury is due to heart attack or stroke, such heart attack or stroke must be causally related to the worker's employment, with reasonable medical certainty, and must have been precipitated by unusual stress. Such term, in addition to an injury by accident, includes:

* NOTE: Section 65-01-02 was also amended by section 74 of Senate Bill No. 2056, chapter 69, and section 1 of Senate Bill No. 2256, chapter 765.

- a. Any disease which can be fairly traceable to the employment. Ordinary diseases of life to which the general public outside of the employment is exposed shall not be compensable except where the disease follows as an incident to, and in its inception is caused by a hazard to which an employee is subjected in the course of his employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employee. The disease includes impairment and effects from radiation fairly traceable to the employment. It need not have been foreseen or expected, but after it is contracted, it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.
 - b. An injury to artificial members.
8. "Director" means the director of the bureau.
 9. "Disability" means inability to work as a result of a compensable injury.
 - 9- 10. "Employee" means every person engaged in a hazardous employment under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, and:
 - a. ~~Such~~ The term includes:
 - (1) All elective and appointed officials of this state and its political subdivisions, including municipal corporations and including the members of the legislative assembly, all elective officials of the several counties of this state, and all elective peace officers of any city.
 - (2) Aliens.
 - (3) Poor relief workers except such as are engaged in repaying to counties relief moneys which the counties have been compelled by statute to expend for poor relief.
 - (4) Minors, whether lawfully or unlawfully employed; a minor is deemed sui juris for the purposes of this title, and no other person may have any claim for relief or right to compensation for any injury to such minor workman, but in the event of the award of a lump sum of compensation to such minor employee, such sum shall be paid only to the legally appointed guardian of such minor.
 - b. ~~Such~~ The term does not include:
 - (1) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.
 - (2) Any person who is engaged in an illegal enterprise or occupation.

(3) The spouse or child of the employer dwelling in the household of the employer.

- c. Persons employed by subcontractor, or by an independent contractor operating under an agreement with the general contractor, for the purpose of this chapter are deemed to be employees of the general contractor who is liable and responsible for the payments of premium for the coverage of these employees until the subcontractor or independent contractor has secured the necessary coverage and paid the premium therefor. This subdivision may not be construed as imposing any liability upon a general contractor other than liability to the bureau for the payment of premiums which are not paid by a subcontractor or independent contractor.

~~10-~~ 11. "Employer" means:

- a. The state and all political subdivisions thereof.
- b. All public and quasi-public corporations in this state.
- c. Every person, partnership, association, and private corporation, including a public service corporation.
- d. The legal representative of any deceased employer.
- e. The receiver or trustee of any person, partnership, association, or corporation, having one or more employees as herein defined.
- f. The president, vice presidents, secretary, or treasurer of a business corporation.

~~11-~~ 12. "Employment" means employment by the state and all political subdivisions thereof, by all public and quasi-public corporations therein, and all private employments.

~~12-~~ 13. "Fairly traceable to the employment" when used to modify the term "disease" means only a disease which:

- a. Arises under conditions wherein it is apparent to the rational mind upon consideration of all the circumstances that there is a direct causal connection between the conditions under which the work is performed and the disease;
- b. Can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment;
- c. Can be fairly traced to the employment;
- d. However, any condition or impairment of health of a full-time paid fireman or law enforcement officer caused by lung or respiratory disease, hypertension, heart disease, or exposure to infectious disease as defined by sections 23-07.3-01 and 23-07.3-02, or occupational cancer in a full-time paid fireman, resulting in total or partial disability or death is presumed

to have been suffered in the line of duty. The condition or impairment of health may not be attributed to any disease existing before that total or partial disability or death unless the contrary is shown by competent evidence. As used in this subdivision, an occupational cancer is one which arises out of employment as a full-time paid fireman and is due to injury due to exposure to smoke, fumes, or carcinogenic, poisonous, toxic, or chemical substances while in the performance of active duty as a full-time paid fireman. A full-time paid fireman or law enforcement officer is not eligible for the benefit provided under this subdivision unless that full-time paid fireman or law enforcement officer has completed two years of continuous service and has successfully passed a physical examination which fails to reveal any evidence of such a condition.

- ~~+3-~~ 14. "Fund" means the North Dakota workmen's compensation fund.
- ~~+4-~~ 15. "Grandchild" and the terms defined in subsections 4 and 6 include only a person who, at the time of the death of the deceased employee, is under eighteen years of age, or if over that age, is incapable of self-support.
- ~~+5-~~ 16. "Hazardous employment" means any employment in which one or more employees are employed regularly in the same business or in or about the establishment except:
- a. Agricultural or domestic service.
 - b. Any employment of a common carrier by railroad.
 - c. Any employment for the transportation of property or persons by nonresidents, where, in such transportation, the highways are not traveled more than seven miles [11.27 kilometers] and return over the same route within the state of North Dakota.
 - d. All members of the clergy and employees of religious organizations engaged in the operation, maintenance, and conduct of the place of worship.
- ~~+5-1-~~ 17. "Orphan" means a child who has no lawful parent.
- ~~+6-~~ 18. "Parent" includes a stepparent and a parent by adoption.
- ~~+7-~~ 19. "Permanent impairment" means the loss of or loss of use of a member of the body and includes disfigurement resulting from an injury if such disfigurement diminishes the ability of the employee to obtain employment.
- ~~+8-~~ 20. "Premises" means that part of the employer's property upon or in which the employee is expected to perform services for his employer.
- ~~+9-~~ 21. "Spouse" includes only the decedent's husband or wife who was living with the decedent or was dependent upon the decedent for support at the time of injury.

- ~~20-~~ 22. "Wages" includes the market value of board, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as a part of his remuneration.
- ~~21-~~ 23. "Weekly wage" means the computation best calculated to give the weekly earnings of the employee.
- ~~22-~~ 24. Any term includes the singular and plural and either or both sexes where the context so requires.

SECTION 5. AMENDMENT. Section 65-01-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-01-12. Attorney general to represent bureau. Upon the request of the bureau, the attorney general shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this title or for the recovery of any money due the fund or of any penalty provided for in this title, and shall defend all suits, actions, or proceedings brought against the bureau or any member thereof of its employees in his the attorney general's official capacity.

* SECTION 6. AMENDMENT. Section 65-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

~~65-02-01. Workmen's Workers compensation bureau - Membership - Terms of office Executive director. The North Dakota workmen's compensation bureau shall must be maintained for the administration of the provisions of this title. Such bureau shall consist of three workmen's compensation commissioners who shall be appointed by the governor. The terms of the commissioners shall be six years, and shall be arranged so that the term of one commissioner, and of only one, shall expire on the tenth day of July in each odd-numbered year. One of the commissioners shall be a representative of labor, one shall be a representative of the public, and one shall be a representative of the employers. The commissioners shall devote their entire time to the duties of the bureau, and each commissioner shall serve until his successor has been appointed and qualified. Any commissioner may be removed by the governor for cause. The governor shall appoint the director of the bureau who is subject to the supervision and direction of the governor and who shall serve at the pleasure of the governor. The appointment must be on a nonpartisan, merit basis, in accordance with chapter 54-42. The governor shall set the compensation and prescribe the duties of the director. The director may appoint the director of any division of the bureau which is established by the director. The appointment of a division director must be on a nonpartisan, merit basis.~~

SECTION 7. AMENDMENT. Section 65-02-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-02-02. Oath of office - Salary Bond. Before commencing to perform his the duties of director of the bureau, each commissioner the director shall file an oath of office in the usual form and shall be bonded by the state bonding department fund in the sum of five thousand dollars for the faithful discharge of his the director's duties as such commissioner and the proper accounting for all moneys received by him as such officer the director. Each commissioner shall receive a salary within the amount appropriated for salaries by the legislative assembly.

* NOTE: Section 65-02-01 was also amended by section 77 of Senate Bill No. 2056, chapter 69.

SECTION 8. AMENDMENT. Section 65-02-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-02-05. Office space for bureau - Expenditures from fund for ~~assistants~~ employees and supplies - Travel. The bureau ~~shall~~ must be provided with office space. The bureau, at the expense of the fund, shall provide all necessary equipment, supplies, stationery, and furniture, and all clerical and other help necessary to carry out the provisions of this title. The ~~members~~ employees of the bureau ~~and its assistants shall be are~~ entitled to receive from the fund for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty by motor vehicle the same rates in the same manner as other state officials. If travel is by a motor vehicle owned by the state, or by any department or political subdivision thereof, no allowance ~~shall~~ may be paid for ~~such~~ the mileage. Vouchers for travel and other administrative expenses ~~shall~~ must bear the approval of the bureau and the office of management and budget before payment is made therefor. Travel and other administrative expense payments ~~shall~~ must be made by warrant-check prepared by the office of management and budget drawn upon the state treasurer against the fund. Expenditures made under ~~the provisions~~ of this section, however, must be within the limitations designated by the legislative assembly in appropriation measures adopted from time to time.

* SECTION 9. AMENDMENT. Section 65-02-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-02-06. Expenditures by bureau from fund - Employment of full-time assistant attorney general authorized. The bureau may make necessary expenditures to obtain statistical and other information required for the proper enforcement of ~~the provisions~~ of this title. The salaries and compensation of the ~~members~~ director of the bureau, ~~of its secretary~~, and of all employees of the bureau, and all other authorized expenses thereof, including the premium on the bond required of the state treasurer under ~~the provisions~~ of section 65-04-30, ~~shall~~ must be paid out of the fund. The bureau may employ as its full-time attorney a duly appointed assistant attorney general and pay from the fund the entire salary of ~~such~~ the assistant.

SECTION 10. AMENDMENT. Section 65-02-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-02-09. General information to public - Biennial report of bureau. The bureau, from time to time, may publish and distribute among employers and employees ~~such~~ general information as to the business transacted by the bureau as in its judgment may be useful. The ~~bureau, under the oath of at least two of its members, director~~ shall make a biennial report as prescribed by section 54-06-04 to the governor and the office of management and budget. In addition to any requirements established pursuant to section 54-06-04, the report ~~shall~~ must include:

1. A statement of the number of awards made by it.
2. A general statement of the causes of accidents leading to the injuries for which the awards were made.
3. A detailed statement of the disbursements from the fund.

* NOTE: Section 65-02-06 was also amended by section 1 of Senate Bill No. 2237, chapter 766.

4. A statement of the conditions of the various funds carried by the bureau.
5. Any other matters which the bureau wishes to call to the attention of the governor, including any recommendation for legislation or otherwise which it may have to make.

SECTION 11. AMENDMENT. Section 65-02-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-02-12. Hearings by one member of bureau - Order or decision approved by majority becomes that of bureau director. Any investigation, inquiry, hearing, or decision, and every order by any member of the bureau; when approved and confirmed by a majority of the members thereof; shall be the director is deemed to be the order or decision of the bureau.

SECTION 12. AMENDMENT. Section 65-04-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-04-11. Bureau may make examinations under oath to secure payroll information. The director, the bureau or any member thereof, or any person employed by it the bureau for that purpose, may examine under oath any employer, or any officer, agent, or employee of any employer, for the purpose of ascertaining any information which such the employer is required under any provision of this title to furnish to the bureau.

SECTION 13. AMENDMENT. Section 65-04-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-04-13. Books, records, and payrolls of employers subject to audit and inspection - Penalty for refusal to permit inspection. All books, records, and payrolls of the employers of the state, showing or reflecting in any way upon the amount of wage expenditure of such the employers, shall must be open always for inspection by the bureau or any of its traveling auditors, inspectors, or assistants for the purpose of ascertaining the correctness of the reports, wage expenditures, the number of men employed, and such any other information as may be necessary for the uses and purposes of the bureau in its administration of the provisions of this title. Refusal on the part of any employer to submit his the employer's books, records, and payrolls for the inspection of any member of the bureau, or of a traveling auditor, inspector, or assistant presenting written authority from the bureau, shall subject such subjects the employer to a penalty of one hundred dollars for each such offense, the same to be collected by civil action in the name of the state and paid into the fund to become a part thereof.

SECTION 14. 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. Investment of the fund shall be under the supervision of the state investment board in accordance with chapter 21-10. For purposes of this section, the chairman of the bureau shall be deemed director is the official signatory for the bureau on any check, document, or other legal instrument relating to or resulting from the investment of workmen's compensation bureau funds. The chairman in the event of his absence from the office, may, in writing, delegate this authority to any other commissioner for the period of his absence. In the event that the

office of chairman is vacant, the commissioner with the longest tenure in office shall be deemed this authority during the period of such vacancy:

* SECTION 15. AMENDMENT. Section 65-05-17 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-17. Weekly compensation allowances for death claims. If death results from an injury under the conditions specified in section 65-05-16, the fund shall pay to the following persons, for the periods specified, a weekly compensation:

1. To the spouse or guardian of the orphaned child or children of the decedent, an amount equal to two-thirds of the weekly wage of the deceased, not to exceed two hundred ten dollars per week, until the death or remarriage of the spouse; or, in the case of a guardian, until the orphaned child or children of the decedent no longer meets the definition of child in this title. Where there is more than one orphaned child of a decedent, death benefits must be divided equally among guardians. In no case may total death benefits be less than fifty percent of the maximum weekly death benefits. In no case may total death benefits exceed one hundred ninety-seven thousand dollars as a result of any employee's death.
2. To each child of the deceased employee, the amount of seven dollars per week. The bureau, in its discretion, may make this payment directly to the child of the deceased employee or to the surviving parent or guardian of the child.

In addition to the awards payments herein, the commissioners bureau shall make an award a payment in the sum of three hundred dollars to the spouse or guardian of the orphaned child or children of the deceased and one hundred dollars for each dependent child. Where there is more than one guardian of orphaned children, the three hundred dollars must be divided equally among the guardians.

**SECTION 16. AMENDMENT. Section 65-05.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05.1-03. Director of rehabilitation services - Duties. The director of rehabilitation services shall:

1. Direct the implementation of programs for individual workmen's workers compensation claimants in accordance with bureau determinations in compliance with the purpose of this chapter.
2. Cooperate, contact, and assist any government or private organization or agency or group of individuals or business or individual necessary or advantageous in carrying out the purpose of this chapter.
3. Enforce the provisions of all vocational rehabilitation contracts as provided in section 65-05.1-05.
4. Keep such records, for statistical purposes, and provide such training necessary for the bureau staff as is necessary to keep pace with future developments in the area of rehabilitation services.

* NOTE: Section 65-05-17 was also amended by section 6 of Senate Bill No. 2237, chapter 766.

** NOTE: Section 65-05.1-03 was also amended by section 84 of Senate Bill No. 2056, chapter 69.

* SECTION 17. AMENDMENT. Section 65-05.1-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05.1-06. Rehabilitation allowance. In the event of a contract as provided in section 65-05.1-05, the bureau, in lieu of temporary total, temporary partial, and permanent total benefits may award a rehabilitation allowance to any claimant in order to effect the purpose of the contract. The rehabilitation allowance shall be limited to the amount and purpose specified in the rehabilitation contract but may not exceed an amount equal to two years' weekly compensation and dependent benefits plus twenty-five percent, except in cases of catastrophic injury in which case additional rehabilitation benefits may be awarded in the discretion of the commissioners director. Catastrophic injury is defined as an acute disabling injury rendering a worker permanently and totally disabled that requires rehabilitation services in order to return the worker to gainful employment. In the event the claimant successfully concludes the terms of the contract, additional awards, not to exceed a total of ten thousand dollars for the life of the claimant, regardless of any subsequent claim, can be made for the actual expenses of relocation or remodeling of living and business facilities as the claimant's condition may require.

** SECTION 18. AMENDMENT. Section 65-08-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-08-04. Agreements between states relating to conflicts of jurisdiction. The workmen's compensation bureau, through the action of a majority of the commissioners the director, shall have authority to may enter into agreements with the workmen's workers compensation agencies of other states relating to conflicts of jurisdiction where the contract of employment is in one state and the injuries are received in the other state, or where there is a dispute as to the boundaries or jurisdiction of the states and when such agreements have been executed and made public by the respective state agencies, the rights of the employee hired in such other state and injured while temporarily employed in North Dakota, or hired in North Dakota and injured while temporarily employed in another state, or where the jurisdiction is otherwise uncertain, shall be determined pursuant to such agreements and confined to the jurisdiction provided in such agreements. Where such an agreement exists, any provisions of this chapter which conflict with the provisions of that agreement shall be superseded by the provisions of that agreement.

SECTION 19. AMENDMENT. Section 65-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-11-01. Appointment - Term of office. The commissioners of the North Dakota workmen's compensation bureau director shall appoint a state safety engineer who shall hold office at the will of the bureau director.

SECTION 20. AMENDMENT. Section 65-12-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-12-01. Chief boiler inspector, deputy inspectors - Appointment - Jurisdiction. The commissioners of the North Dakota workmen's compensation bureau director shall appoint a chief boiler inspector and such deputy inspectors as necessary in accordance with the provisions of section

* NOTE: Section 65-05.1-06 was also repealed by section 6 of House Bill No. 1191, chapter 771.

** NOTE: Section 65-08-04 was also amended by section 92 of Senate Bill No. 2056, chapter 69.

65-02-05. The chief boiler inspector shall have jurisdiction over all boilers in this state except as otherwise provided.

SECTION 21. REPEAL. Sections 65-02-03 and 65-02-04 of the North Dakota Century Code are hereby repealed.

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