

2023 Workforce Safety & Insurance (WSI) Legislative Quick Guide (FINAL--4/27/2023)

**SB 2021 (Eng w/ House Amend): WSI Appropriations Bill
(Introduced by Appropriations Committee)**

Senate App Vote: DP 16-0 Amended Senate Vote: 44-0

House App Vote: DP 17-1 Amended House Vote: 90-0

Senate Concurred: 42-3

Signed by Governor: 4/20/23

- Provides a WSI appropriation of \$72,023,722 and FTE authority for 260.14 FTEs for the 2023-25 biennium.

HB 1052 (Reengrossed w/ Conf Comm Amend): WSI Agency Bill [WSI Board Supports]

House IBL Vote: DP 13-0 Amended House Vote: 91-0

Senate IB Vote: DP 5-0 Amended Senate Vote: 45-2

Conference Committee Report: House Accede and Further Amends

House Vote: 88-2

Senate Vote: 45-2

Signed by Governor: 4/26/23

- Expands coverage for preventive treatment for exposures to bloodborne pathogens to all covered occupational classifications.
- Clarifies when a request for reconsideration is considered filed.
- Allows WSI to provide employer file information to other employers in certain instances including employer account consolidations and transfers.
- Expands the types of law enforcement entities in which WSI can share information.
- Further outlines WSI's premium calculation process for employers that do not provide reliable payroll information.
- Provides that an employer that knowingly conducts business with an uninsured employer may be subject to a cease and desist order.
- Provides for a WSI study and report on general contractor liability.

Fiscal impact: No significant impact to premium rate levels is anticipated.

**HB 1279 (Eng): Presumption Clause—Cardiac Event Coverage and Service Requirements
(Emergency Measure) [WSI Board Neutral]**

Sponsors: Reps. Roers Jones, Heinert, Jonas, Louser, Schauer, Thomas; Sen. Barta, Larson, Lee

House PS Vote: DP 12-0 Amended House Vote: 93-0

Senate WD: DP 6-0

Senate Vote: 44-0

Signed by Governor: 2/6/23

- Provides that the five-year continuous service requirement required for full-time paid law enforcement and paid firefighter personnel for eligibility for conditions covered under the presumption clause can include full-time paid service outside of the state.
- Adjusts requirements related to periodic medical examinations.

- Extends presumption coverage to full-time paid law enforcement and paid firefighter personnel with less than five years of continuous service for cardiac related events that result from strenuous activity and occur within 48 hours of engaging or participating in that activity.
- Provides for retroactive application for claims filed after October 1, 2021 and declares the Act to be an emergency measure.

Fiscal impact: To the extent future losses emerge with the expanded coverage, we would anticipate rates for the law enforcement and paid firefighter classifications to be adjusted accordingly.

SB 2038: Quadrennial Performance Evaluation [WSI Board Supports]

(Interim Legislative Workers' Compensation Review Committee Bill)

Senate IB Vote: DP 5-0 Senate Vote: 45-1

House IBL Vote: DP 10-0 House Vote: 82-3

Signed by Governor: 3/13/23

- Repeals the requirement for an independent quadrennial performance evaluation (65-02-30).

Fiscal impact: The funding for the independent performance evaluation is provided via a continuing appropriation. Future evaluation costs will be eliminated.

SB 2039: WSI Legislative Reports [WSI Board Supports]

(Interim Legislative Workers' Compensation Review Committee Bill)

Senate IB Vote: DP 5-0 Senate Vote: 43-3

House IBL Vote: DP 9-0 House Vote: 85-0

Signed by Governor: 3/13/23

- Removes the requirement that WSI provide the Legislative Management with reports on current and completed pilot programs and compiled data relating to safety grants (65-01-19 & 65-03-05).
- Removes the requirement that WSI and Office of Administrative Hearings provide the Legislative Management with quarterly updates on the statistical information regarding results under the case processing standards and policies (54-57-09).

Fiscal impact: No fiscal impact is anticipated.

SB 2040: Workers' Compensation Review Committee [WSI Board Neutral]

(Interim Legislative Workers' Compensation Review Committee Bill)

Senate IB Vote: DP 5-0 Senate Vote: 43-3

House IBL Vote: DP 7-2 House Vote: 69-16

Signed by Governor: 3/13/23

- Repeals the interim Legislative Workers' Compensation Review Committee (54-35-22).

Fiscal impact: No fiscal impact is anticipated.

SB 2116 (Eng): WSI Red Tape Bill [WSI Board Supports]

(WSI Agency Bill)

Senate WD Vote: DP 6-0 Amended Senate Vote: 46-1

House IBL Vote: DP 13-0
Signed by Governor: 3/29/23

House Vote: 92-0

- Repeals WSI Information Fund (65-01-13).
- Adds law enforcement officers employed by the Bismarck State College Police Department to the law enforcement entities covered under the presumption clause.
- Removes requirement for WSI to produce a biennial report under § 54-06-04.
- Repeals claim file retention statute requiring file retention until 10 years post death (65-02-28).
- Amends the safety regulation and enforcement statute to conform to current practice (65-03-01).
- Repeals the penalty for violation of safety rules or regulations (65-03-02).
- Eliminates an unnecessary financial report to OMB.
- Eliminates the educational revolving loan fund.
- Repeals the retrospective rating program (65-04-17.1).

Fiscal impact: No significant fiscal impact is anticipated.

SB 2214 (Eng.): Exclusion of Athletes in Contact Sports from Definition of Employee [WSI Board Neutral]

Sponsors: Sen. Magrum, Boehm; Reps. Christenson, S. Olson

Senate IB Vote: DP 5-0 Amended Senate Vote: 47-0

House IBL Vote: DP 13-0 House Vote: 93-0

Signed by Governor: 3/22/23

- Excludes athletes in the contact sports of football and hockey from the definition of employee.
- Provides a sunset on the legislation for August 31, 2028.

Fiscal impact: Workers compensation coverage for athletes in the specified contact sports would no longer be required resulting in no premium assessments or losses arising from this employee class.

Failed/Withdrawn Bills

SB 2175 (Eng.): Notification Requirements [WSI Board Opposes]

Sponsors: Sen. Vedaas; Reps. Louser, Thomas

Senate IB Vote: DNP 5-0 Amended Senate Vote: 5-41

- Requires WSI to provide notification via mail at different intervals to an injured worker when disability benefits are subject to reduction at time of retirement eligibility.

Fiscal impact: No significant fiscal impact is anticipated.

SB 2218: Retirement Presumption and Additional Benefit [WSI Board Opposes]

Sponsors: Sen. Vedaas; Reps. Anderson, Louser, Thomas

Senate IB Vote: DNP 5-0 Senate Vote: 4-40

- Provides that injured workers will continue receiving wage-loss benefits past their social security presumed retirement age in lieu of the existing additional benefit payable benefit currently received post-retirement.

- Eliminates the three-year cap on disability benefits for employees injured post-retirement.

Fiscal impact: It is estimated that the proposed legislation will increase discounted reserve levels in excess of \$100 million and will serve to increase statewide premium rates by approximately 1.2%.

SB 2255: Professional Sports Organizations [WSI Board Opposes]

Sponsors: Sen. Magrum, Boehm; Rep. S. Olson

Bill Withdrawn

- Excludes all employees of a professional sports organization engaged as professional athletes from the definition of hazardous employment.

Fiscal impact: Workers compensation coverage for professional sports organizations would no longer be required resulting in no premium assessments or losses arising from these types of organizations.