

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1469

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1469

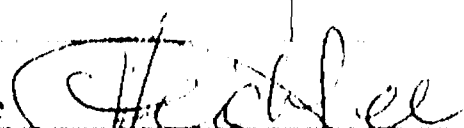
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1469

House Industry, Business and Labor Committee

Conference Committee

Hearing Date Jan 29, 2001

Tape Number	Side A	Side B	Meter #
2	X		32.7
		X	-16.6
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair Cl. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Rep Pam Gulleson: **Written testimony sponsoring bill.**

Rep Kasper: What happens is an exempt farmer gets hurt?

Rep Gulleson: Then the farmer is liable.

Rep Koppang: Is this only instate ag operations?

Rep Gulleson: No, but not the very large operations.

Rep Mike Brandenburg: (38.4) I am in favor of the bill and the guidelines.

Vice-Chairman Keiser: What is the current law?

Rep Brandenburg: Custom harvesters need workmen's comp.

Mark Scallon: (44.8) *Attorney at Law* **Written testimony in support of bill.** This solves the problem of what is the standard and the lack of notice.

Page 2

House Industry, Business and Labor Committee

Bill/Resolution Number HB 1469

Hearing Date Jun 29, 2001

Julie Lier: (55.9) *ND Workers Comp* Written testimony opposed as written, support amend.

Vice-Chairman Keiser: How many other groups are exempt?

Lier: Hazardous employment is defined in bill.

Rep Klein: What does "exclusive of hauling" mean?

Lier: It just excludes special contracts.

Vice-Chairman Keiser: Are any other companies writing workers comp?

Lier: Not that I'm aware of but maybe liability.

Rep Lemieux: What is the base rate?

Lier: \$4 to 100 reported.

Rep Severson: Have the sponsors seen the amendments?

Lier: yes.

Chairman Berg: What more information do we need?

Lier: A study would look for an easy way to set the guidelines.

Chairman Berg: Is the number of people exempt the problem?

Lier: This is taking away coverage from those who need it.

Rep Lemieux: Why do you think of the amendments?

Mark Scallon: I just feel that we need a standard.

Rep Lemieux: What about saying "you have to have workman's comp."?

Scallon: Yes it sounds good in theory, but that's not realistic.

Vice-Chairman Keiser: I would like information on how a part-time farmer fits in.

Chairman Berg: We'll close the hearing on HB 1469.


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1469(B)

House Industry, Business and Labor Committee

Conference Committee

Hearing Date Feb 14, 2001

Tape Number	Side A	Side B	Meter #
1		X	1.76-5.1
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Rep Severson: Proposed and explained amendments.

Rep Keiser: I move to adopt the amendments.

Rep Pietsch: I second.

Rep Severson: I move a do pass as amended.

Rep Lemieux: I second.

13 yea, 0 nay, 2 absent

Carrier Rep Severson

FISCAL NOTE
 Requested by Legislative Council
 2/20/2001

Bill/Resolution No.:

Amendment to: HB 1469

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

NORTH DAKOTA WORKERS COMPENSATION
 2001 LEGISLATION
 SUMMARY OF ACTUARIAL INFORMATION

BILL DESCRIPTION: Custom Agricultural Exemptions

BILL NO: Engrossed HB 1469

SUMMARY OF ACTUARIAL INFORMATION: North Dakota Workers Compensation, together with its actuary, Glenn Evans of Pacific Actuarial Consultants, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

The engrossed bill will exempt from workers' compensation coverage certain custom agricultural operations unless the employer's custom agricultural operations are based outside this state or require more than thirty actual working days of operation during the calendar year.

FISCAL IMPACT: We do not anticipate that this change will materially change rate and reserve levels. To the extent that some employer's opt out of the workers' compensation system, collected premiums will decline; but the Bureau should realize a reduction in losses that will offset the drop in income.

DATE: February 20, 2001

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Paul R. Kramer	Agency:	ND Workers Compensation
Phone Number:	320-3856	Date Prepared:	02/20/2001

FISCAL NOTE

Requested by Legislative Council
01/23/2001

Bill/Resolution No.: HB 1469

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

**NORTH DAKOTA WORKERS COMPENSATION
2001 LEGISLATION
SUMMARY OF ACTUARIAL INFORMATION**

BILL DESCRIPTION: Custom Agricultural Exemptions

BILL NO: HB 1469

SUMMARY OF ACTUARIAL INFORMATION: North Dakota Workers Compensation, together with its actuary, Glenn Evans of Pacific Actuarial Consultants, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

This bill will exempt from workers' compensation coverage certain custom agricultural operations that comprise less than 50% of the employer's gross income or gross payroll for custom agricultural operations exceeds \$20,000.

FISCAL IMPACT: We do not anticipate that this change will materially change rate and reserve levels. To the extent that some employer's opt out of the workers' compensation system, collected premiums will decline; but the Bureau should realize a reduction in losses that will offset the drop in income.

DATE: January 26, 2001

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Paul R. Kramer	Agency:	ND Workers Compensation
Phone Number:	328-3856	Date Prepared:	01/26/2001

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1469

Page 1, remove line 9

Page 1, line 10, remove "operation or unless", remove "gross payroll for", and replace "exceeds" with "are based out of this state and do not require more than thirty actual working days of operation during the calendar year"

Page 1, line 11 remove "twenty thousand dollars"

Renumber accordingly

10378.0301
Title.

Prepared by the Legislative Council staff for
Representative Gulletson
January 31, 2001

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1469

Page 1, remove line 9

Page 1, line 10, remove "operation or unless"

Page 1, line 11, replace "twenty" with "ten"

Renumber accordingly

Date: 2-14-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1469

House Industry, Business and Labor Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Severson Seconded By Lemieux

Representatives	Yes	No	Representatives	Yes	No
Chairman- Rick Berg	✓		Rep. Jim Kasper	✓	
Vice-Chairman George Keiser	✓		Rep. Matthew M. Klein		
Rep. Mary Ekstorm	✓		Rep. Myron Koppang	✓	
Rep. Rod Froelich			Rep. Doug Lemieux	✓	
Rep. Glen Froseth	✓		Rep. Bill Pietsch	✓	
Rep. Roxanne Jensen	✓		Rep. Dan Ruby	✓	
Rep. Nancy Johnson	✓		Rep. Dale C. Severson	✓	
			Rep. Elwood Thorpe	✓	

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep Severson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1469: Industry, Business and Labor Committee (Rep. Berg, Chairinan) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1469 was placed on the Sixth order on the calendar.

Page 1, remove line 9

Page 1, line 10, remove "operation or unless", remove "gross payroll for", and replace "exceeds" with "are based outside this state or require more than thirty actual working days of operation during the calendar year"

Page 1, line 11, remove "twenty thousand dollars"

Renumber accordingly

2001 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1469

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1469

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date March 05, 2001.

Tape Number	Side A	Side B	Meter #
2	x		18.7 to to 46.0
Committee Clerk Signature <i>Doris E. Pirog</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on HB 1469 to provide that certain custom agricultural operation employment is exempt from workers' compensation coverage.

Bob Indvik, Vice-Chairman ND WC Board of Directors. Provided brief description of the bill and the Board's recommendation. Written testimony attached.

Julie Leer, General Counsel, NDWC. The Board of Directors opposed this bill as introduced. Upon reviewing the amendments they chose not to take a position, but asked that NDWC present the committee with some background information. Written testimony attached.

Pam Gulleason, District 26, co sponsor. This bill was submitted on behalf of a couple of people in my district that have farm operations, as a result of problems because of no clear definition of when an operator who provides custom work needs to come under workers' compensation coverage. Employers' claim was denied, requested to go off workers comp coverage and dispute

