

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2419
(Senator O'Connell)

AN ACT to amend and reenact subdivision b of subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code, relating to workers' compensation vocational rehabilitation awards; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision b of subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code is amended and reenacted as follows:

- b. The rehabilitation allowance must include ~~an~~, as chosen by the employee, an additional ~~twenty-five~~ thirty percent of the rehabilitation allowance for expenses associated with maintaining a second domicile or for travel associated with attendance at a school or training institution when it is necessary for the employee to maintain ~~two~~ households, when it is necessary for the employee to maintain ~~two~~ households and the employee elects to commute to and from school on a daily basis rather than maintain a second household and the distance from the employee's residence to the school or training institution is at least ~~thirty~~ miles, or when the employee meets other criteria established by the organization by rule travel at least ~~twenty-five~~ miles [40.23 kilometers] one way. Travel must be calculated from the employee's residence to the school or training institution. If it is necessary for an employee to travel less than ~~twenty-five~~ miles one way to a school or training institution, the employee may qualify for an additional rehabilitation allowance as determined in accordance with the following schedule:

<u>Round-trip mileage</u>	<u>Percentage increase in rehabilitation allowance</u>
<u>Under 10 miles</u>	<u>0</u>
<u>10 to 30 miles</u>	<u>10</u>
<u>31 to 50 miles</u>	<u>20</u>

Travel must be calculated from the employee's residence to the school or training institution.

SECTION 2. APPLICATION. This Act applies to new retraining programs beginning on or after the effective date of this Act and to existing retraining programs from the date of the first new semester following the effective date of this Act.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2419.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 90 Nays 0 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State