

HOUSE BILL NO. 1408

Introduced by

Representatives Boschee, Hanson

Senator Piepkorn

1 A BILL for an Act to amend and reenact subsection 37 of section 65-01-02 of the North Dakota
2 Century Code, relating to the definition of wages for purposes of workers' compensation
3 benefits.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 37 of section 65-01-02 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 37. a. "Wages" means:

- 8 (1) An injured employee's remuneration from all employment reportable to the
9 internal revenue service as earned income for federal income tax purposes.
- 10 (2) For members of the national guard who sustain a compensable injury while
11 on state active duty, "wages" includes income from federal employment and
12 may be included in determining the average weekly wage.
- 13 (3) For purposes of chapter 65-04 only, "wages" means all gross earnings of all
14 employees. The term includes all pretax deductions for amounts allocated
15 by the employee for deferred compensation, medical reimbursement,
16 retirement, or any similar program, but may not include dismissal or
17 severance pay.
- 18 (4) For purposes of sections 65-05-09 and 65-05-10, the term includes the
19 amount of the monthly premium for health insurance paid by the employer
20 and the monthly contribution by the employer into a retirement program or
21 system for the injured employee.
- 22 (5) For purposes of chapter 65-05.1 only, the term includes the amount of the
23 monthly premium for health insurance paid by the employer and the monthly

- 1 contribution by the employer into a retirement program or system for the
2 injured employee.
- 3 b. The organization may consider postinjury wages for which coverage was not
4 required or otherwise secured in North Dakota for purposes of determining
5 appropriate vocational rehabilitation options or entitlement to disability benefits
6 under this title.