

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE CONCURRENT RESOLUTION NO. 3034
(Representative Boucher)
(Senator Cook)

A concurrent resolution urging Congress to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation permanent partial impairment benefits.

WHEREAS, employees who are injured and dependents of employees who are killed in the course of working for North Dakota employers receive workers' compensation benefits; and

WHEREAS, more than 700 employees or dependents who receive workers' compensation benefits also qualify for Social Security disability insurance benefits if the employees are totally disabled and supplemental security insurance benefits based on financial need; and

WHEREAS, federal law [42 U.S.C. 424a] provides for a reduction in Social Security disability insurance benefits to those persons who are totally disabled and who receive workers' compensation benefits; and

WHEREAS, federal law [42 U.S.C. 1382a] provides for a reduction in supplemental security insurance benefits to those persons who receive workers' compensation benefits notwithstanding the financial need of those people and their families; and

WHEREAS, an employee injured on the job may receive a permanent partial impairment benefit from the North Dakota Workers Compensation Bureau based on the injured worker's loss of use of a body part due to the work injury; and

WHEREAS, unlike other states, a permanent partial impairment award in North Dakota is not based on wages lost or on the worker's ability to do his or her job; and

WHEREAS, the Social Security Administration also offsets North Dakota workers' compensation permanent partial impairment awards against social security disability payments even though the permanent partial impairment awards are not disability benefits; and

WHEREAS, the offset of permanent partial impairment awards results in a substantial loss of benefits to the injured worker;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation permanent partial impairment benefits; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Commissioner of the Social Security Administration and to each member of the North Dakota Congressional Delegation.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2001,
at _____ o'clock _____ M.

Secretary of State