

HOUSE CONCURRENT RESOLUTION NO. 3008

Introduced by

Representatives Keiser, Wald

Senator Klein

1 A concurrent resolution directing the Legislative Council to study workers' compensation laws in
2 this state and other states with respect to prior injuries, preexisting conditions, and degenerative
3 conditions.

4 **WHEREAS**, under North Dakota Century Code Section 65-02-30, Workforce Safety and
5 Insurance is required to undergo a biennial independent performance evaluation to determine,
6 among other things, whether the agency is providing quality service in an efficient and
7 cost-effective manner; and

8 **WHEREAS**, an element of the 2008 performance evaluation focused on claims for
9 benefits by injured workers who have degenerative conditions; and

10 **WHEREAS**, the 2008 performance evaluation included conclusions indicating that none
11 of the claims reviewed which involved preexisting or degenerative conditions were
12 inappropriately denied, but that North Dakota law is more conservative than most other
13 jurisdictions as it relates to prior injuries, preexisting or degenerative conditions, triggers, and
14 aggravations; and

15 **WHEREAS**, the performance evaluation also recommended the creation of a study
16 group of all the stakeholder groups to review how other jurisdictions' statutes handle those
17 issues;

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

20 That the Legislative Council study workers' compensation laws in this state and other
21 states with respect to prior injuries, preexisting conditions, and degenerative conditions; and

22 **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and
23 recommendations, together with any legislation required to implement the recommendations, to
24 the Sixty-second Legislative Assembly.