

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

(At the request of the Workforce Safety and Insurance)

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, pre-existing conditions, and
3 degenerative 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;

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

10 **WHEREAS**, the 2008 performance evaluation included conclusions indicating that none
11 of the claims reviewed which involved pre-existing 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, pre-existing or degenerative conditions, triggers and
14 aggravations";

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 _____ OF**
19 **NORTH DAKOTA, THE _____ CONCURRING THEREIN:**

20 That the Legislative Council study workers' compensation laws in this state and other
21 states with respect to prior injuries, pre-existing 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.