

Sixty-first  
Legislative Assembly  
of North Dakota

## HOUSE CONCURRENT RESOLUTION NO.

Introduced by

Representative Keiser

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.