

2009 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1061

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1061

House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: January 26, 2009

Recorder Job Number: 7690

Committee Clerk Signature

Ellen LeTang

Chairman Keiser: Opened the hearing on HB relating to the worker's compensation definition of artificial members as it relates to compensable injuries.

Jennifer Clark~Legislative Council. Go over the changes of HB 1061. We are changing the definition of artificial members.

Representative Ruby: Since this would be damage to the devise accompanied by the injury, it wouldn't have repaired the scratched of the duties earlier.

JClark: That's correct.

Representative Gruchalla: This is a bill that increases benefits for injured workers and there is no cost to it.

JClark: The first part is correct, it designed expand the benefits that are currently offered in the WSI program. I can't speak for the fiscal impact.

Ann Green~Staff Counsel with WSI. See testimony attachment.

Representative Ruby: I have a question about the fiscal impact. I know is doesn't affect the reserve because it's perspective but, what is the estimated adjustment to the premium in future of ongoing?

Green: No adjustment to the premium. It will not have a fiscal impact.

Bill Shalhoob~Representing the North Dakota Chamber of Commerce and representing also representing the business on the attached list. See testimony attachment.

Dave Kimmets~President of AFL-CIO. We represent 15,000 members of local union across the state. We support the bill.

Sebald Vetter~C.A.R.E. The bill was here in the 60's. Why was the bill taken out? I support HB 1061.

Sylvan Loegering~ North Dakota Injured Worker Support Group. This bill fits into the bigger picture. It brings the pendulum back. I've figured out that WSI does exactly what you tell them to do. If you tell that you want artificial members to do it, they will do it. Your work is extremely critical for injured workers of North Dakota.

Anyone here to testify in opposition, neutral?

What are the wishes of the committee?

Representative Nottestad: Move a Do Pass on HB 1061.

Representative N Johnson: Second.

Representative Thorpe: The bill seems to be a no brainer to me. I've been on this committee a long time and I don't recall taking it out. It's time to put it back in.

Chairman Keiser: Mr. Sylvan has come to an important recognition; WSI does have to follow the law in terms of applying benefits. We do set the policy of the legislature and they follow that policy.

Voting roll call on a Do Pass was taken on HB 1061 with 12 yea's, 0 nay's, 1 absent and Representative Gruchalla is the carrier.

FISCAL NOTE
Requested by Legislative Council
12/08/2008

Bill/Resolution No.: HB 1061

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The proposed legislation provides for payment of "artificial members" such as eyeglasses, contact lenses, dental braces, and orthopedic braces if an injury occurs and damages those prescriptive devices.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

WORKFORCE SAFETY & INSURANCE
2009 LEGISLATION
SUMMARY OF ACTUARIAL INFORMATION

BILL NO: HB 1061

BILL DESCRIPTION: Artificial Members Bill

SUMMARY OF ACTUARIAL INFORMATION: Workforce Safety & Insurance, together with its actuary, Glenn Evans of Pacific Actuarial Consultants, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

The proposed legislation provides for payment of "artificial members" such as eyeglasses, contact lenses, dental braces, and orthopedic braces if an injury occurs and damages those prescriptive devices.

Reserve Level Impact: The proposed legislation will have no reserve level impact as it applies to prospective injuries only.

Rate Level Impact: The proposed legislation will increase future benefit costs in the State, but it is anticipated the potential increase is not likely to be material in relation to current premium rate levels. To the extent that costs increase, future rate levels will be adjusted accordingly.

DATE: December 26, 2008

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	John Halvorson	Agency:	WSI
Phone Number:	328-6016	Date Prepared:	12/26/2008

Date: Jan 26
Roll Call Vote # 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1061

House House, Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By Thorpe Seconded By Jo

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Representative Amerman	✓	
Vice Chairman <u>Kooper</u>	✓		Representative Boe		
Representative Clark	✓		Representative Gruchalla	✓	
Representative N Johnson	✓		Representative Schneider	✓	
Representative Nottestad	✓		Representative Thorpe	✓	
Representative Ruby	✓				
Representative Sukut	✓				
Representative Vigasaa	✓				

Ab

Total (Yes) 12 No 0

Absent 1

Floor Assignment Gruchalla

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 26, 2009 12:30 p.m.

Module No: HR-15-0918
Carrier: Gruchalla
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1061: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1061 was placed on the Eleventh order on the calendar.

2009 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1061

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1061

Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: March 10, 2009

Recorder Job Number: 10567

Committee Clerk Signature

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Minutes:

Jennifer Clark, Legislative Counsel on the Workers' Compensation Committee: This is a result of an injury from an injured mall employee. We want to include the coverage of artificial members as it relates to compensable injuries. The mall employees glasses were broken but she did not suffer any injury to her body therefore the glasses were not covered.

Senator Andrist: You are saying if the person glasses were only broken they would not be covered?

Jennifer: If the glasses being broken were not in result of an injury they would not be covered.

Anne Green, Staff counsel WSI: Written testimony in support of the bill.

Senator Wanzek: The fact that it says include doe not exclude other possibilities?

Anne: That's correct.

Sylvan Loegering, ND Injured Worker Support Group: In support of the bill.

Seibald Vetter, President of C.A.R.E.: In support of the bill.

Dave Kemnitz, President of the ND AFL-CIO: Also in support of the bill.

Jeb Oehlke, ND Chamber of Commerce: In support.

Senator Wanzek: Motioned a do pass.

Senator Behm: Seconded.

Row Call Vote: 7-0

Floor Assignment: Senator Nodland.

REPORT OF STANDING COMMITTEE (410)
March 10, 2009 1:16 p.m.

Module No: SR-43-4456
Carrier: Nodland
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1061: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1061 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1061

2009 House Bill No. 1061
Testimony before the House Industry, Business, and Labor Committee
Presented by: Anne Jorgenson Green, Staff Counsel
Workforce Safety & Insurance
January 26, 2009

Mr. Chairman, Members of the Committee:

My name is Anne Green, Staff Counsel with WSI. I am here today to testify in support of this bill and to provide information to the Committee to assist in making its determination. WSI's Board of Directors unanimously supports this bill.

WSI staff attended the Interim Workers Compensation Review Committee and provided information to the Committee regarding a number of issues which surfaced during the testimony. One of those issues is the bill before you.

This bill provides for the payment of an "artificial member" under workers compensation law. Examples of artificial members are eyeglasses, a leg brace, and dentures. Under current law, if an artificial member is damaged or ruined in an otherwise compensable work incident, WSI generally does not have the authority to repair the leg brace or replace the dentures.

News of this benefit enhancement was well received by WSI's claim adjusters who consider this a meaningful and common sense workers' compensation benefit.

This bill is intended to apply to future injuries occurring after the effective date of this Act and is not anticipated to have a material impact on state-wide premium levels. That concludes my testimony. I am happy to answer any questions that you may have.

*Same
to Sena*



Testimony of Bill Shalhoob
North Dakota Chamber of Commerce
HB 1061
January 26, 2009

Mr. Chairman and members of the committee, my name is Bill Shalhoob and am here today representing the ND Chamber of Commerce, the principle business advocacy group in North Dakota. Our organization is an economic and geographical cross section of North Dakota's private sector and also includes state associations, local chambers of commerce development organizations, convention and visitors bureaus and public sector organizations. For purposes of this hearing we are also representing seven local chambers with total membership over 7,000 members and ten employer associations. A list of those associations is attached. As a group we stand in support of HB 1061 and urge a do pass from the committee on this bill.

We believe the additional language adding replacement of prescriptive glasses, contact lenses, dental and orthopedic braces damaged in a workplace accident is a reasonable addition to benefit coverage at WSI.

Thank you for the opportunity to appear before you today in support of HB 1061. I would be happy to answer any questions.

THE VOICE OF NORTH DAKOTA BUSINESS



The following associations support our testimony and position on WSI issues:

AGC of ND
ND Grocers Association
ND Motor Carriers
ND Hospitality Association
ND Petroleum Council
ND Automobile Dealers Association
ND Implement Dealers Association
ND Retail Association
ND Petroleum Marketers
ND Health Care Association

The following chambers are members of a coalition that support our 2009 Legislative Policy Statements:

Chamber of Commerce of Fargo Moorhead
Greater Bottineau Area Chamber of Commerce
Hettinger Area Chamber of Commerce
Kenmare Association of Commerce
Minot Chamber of Commerce
Oakes Area Chamber of Commerce
Bismarck-Mandan Area Chamber of Commerce

THE VOICE OF NORTH DAKOTA BUSINESS

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