**2023 SENATE INDUSTRY AND BUSINESS**

**SB 2040**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Industry and Business Committee**
Fort Union Room, State Capitol

SB 2040

1/10/2023

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|---|
| Relating to quadrennial performance evaluation of workforce safety and insurance, relating to the workers' compensation review committee. |

9:52 AM Chairman D. Larsen called the meeting to order.
Members Present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Boehm, Senator Klein.

**Discussion Topics:**

- Performance evaluation
- Committee process
- History of committee

9:52 AM Senator Scott Meyer introduced SB 2040 and testified in favor of SB 2040. #12693

10:00 AM Jodi Bjornson testified verbally in favor of SB 2040.

10:05 AM Chris Joseph, Attorney, Legislative Council gave neutral verbal testimony.

**Additional Written Testimony:**
Kevin Herman testified in opposition #12696

10:33 AM Senator D. Larsen closed the hearing on SB 2040.

*Brenda Cook, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Industry and Business Committee**
Fort Union Room, State Capitol

SB2040
1/10/2023

Relating to quadrennial performance evaluation of workforce safety and insurance, relating to the workers' compensation review committee.

10:50 AM Chairman D. Larsen opened the meeting on SB 2040.
Members Present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Boehm, Senator Klein.

**Discussion Topics**

- Bill review

10:50 AM Senator Klein moved to Do Pass SB 2040.
Senator Kessel, Seconded.

| Senators | Vote |
|---|---|
| Senator Doug Larsen | Y |
| Senator Greg Kessel | Y |
| Senator Jeff Barta | Y |
| Senator Keith Boehm | Y |
| Senator Jerry Klein | Y |

Motion passed: 5-0-0

Chairman D. Larsen will carry the bill.

10:53 Chairman D. Larsen closed the meeting.

*Brenda Cook, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2040: Industry and Business Committee (Sen. Larsen, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

**2023 HOUSE INDUSTRY, BUSINESS AND LABOR**

**SB 2040**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Industry, Business and Labor Committee**
Room JW327C, State Capitol

SB 2040
3/1/2023

Relating to the workers' compensation review committee.

Chairman Louser called meeting to order 1:21 PM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

Members absent: Representatives Christy, Dakane, Johnson, Kasper.

**Discussion Topics:**

- Treatment of complaint
- Lack of proper communication
- Claimant benefits
- Red tape reduction
- Constituent services

**In Favor:**
Representative Dan Ruby, District 38, Minot, ND (no written testimony)
Russ Hanson, Director, Association General Contractors (no written testimony)

**Neutral:**
Jodi Bjornson, General Counsel, ND Workforce Safety, and Insurance (no written testimony)

Representative Schauer moved do pass.
Representative Thomas seconded.

Roll call vote:

| Representatives | Vote |
|---|---|
| Representative Scott Louser | Y |
| Representative Mitch Ostlie | Y |
| Representative Josh Boschee | N |
| Representative Josh Christy | AB |
| Representative Hamida Dakane | AB |
| Representative Jorin Johnson | AB |
| Representative Jim Kasper | AB |
| Representative Ben Koppelman | Y |
| Representative Dan Ruby | AB |
| Representative Austen Schauer | Y |
| Representative Paul J. Thomas | Y |
| Representative Bill Tveit | N |
| Representative Scott Wagner | Y |

| | |
|---|---|
| Representative Jonathan Warrey | Y |

Motion passed 7-2-5

Representative Schauer will carry the bill.

**Additional written testimony:**
Kevin Herrmann, Beulah, ND, #21458

Chairman Louser adjourned the meeting 1:52 PM

*Diane Lillis, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2040: Industry, Business and Labor Committee (Rep. Louser, Chairman)** recommends **DO PASS** (7 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING). SB 2040 was placed on the Fourteenth order on the calendar.

**TESTIMONY**

**SB 2040**

Senator Scott Meyer
District 18
scottmeyer@ndlegis.gov

- Senate Bill No. 2040
  - Is a bill draft repealing the Workers' Compensation Review Committee.
    - Section 1 changes receipt of the WSI performance evaluation from the Workers' Compensation Review Committee to the Legislative Management. The performance evaluation will be received by another interim committee.
      - Earlier in the interim, the committee voted to recommend to legislative management a bill repealing the performance evaluation. If both this bill and the bill repealing the performance evaluation pass, a repeal trumps an amendment.
    - Section 2, repeals 54-35-22 (the statutory provision establishing the Workers' Compensation Review Committee and provides the meeting requirements and duties of the committee).

    - The Committee was established in 2005 and was intended to expire on August 1, 2007. A one-interim committee. The expiration clause was repealed in 2007.

As you can see from the bill drafts below, the committee did serve its intended purpose. Initially, the committee and WSI identified issues and you can see multiple bill drafts in 2007-2008 & 2009-2010. After those 16 bills, the number of bill drafts have fallen substantially. That is due to the leadership at WSI turning things around after some dire times in the early 2000s. The legislature digging into the issues at hand and working to make the process better for injured workers.

This committee was formed as a checks and balances of WSI. With the repeal of this committee, injured workers still have the same avenues to appeal a WSI decision, and have their voice heard. They can still contact a lawmaker or the Governor's office for assistance. WSI will continue to work with the legislature should any issues arise, and a bill needs to be introduced. It's my hope for our state's workers that this committee never has to be created ever again.

I ask the committee for a Do Pass recommendation, and I'll stand for any questions.

- 2005-06: 11 claims - 3 bill drafts.
- 2007-08: 15 claims - 9 bill drafts.
- 2009-10: 4 claims - 7 bill drafts.
- 2011-12: 2 claims - 4 bill drafts.
- 2013-14: 1 claim - 2 bill drafts.
- 2015-16: 7 claims - 1 bill draft.
- 2017-18: 10 claims - No bill drafts.
- 2019-20: 12 claims - 1 bill draft.
- 2021-20: 11 claims - 1 bill draft.

Written testimony on Senate Bill 2040

Chairman Larsen and Senate Industry and Business Committee

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND 58523. I am representing myself as an independent hourly wage worker taxpayer.

I oppose Senate Bill 2040 as presented to the Senate Industry and Business Committee. Senate Bill 2040 should be hog house amended to repeal chapter 65 of the North Dakota Century code. I have followed the meetings of Workers Compensation Review Committee in the past interims. After each injured worker presented their issues with WSI, Tim Wahlin from WSI would every time say which part of the century code the injured worker claim pertains too and keep saying it is the legislators who legislate Chapter 65 for WSI to follow. It is very discouraging that the Republicans in the past Workers Compensation Review committee would thank the worker for coming forward but majority of the time nothing has put forward as a bill to help the injured worker to go through the process towards WSI personnel. WSI and past legislators will not agree with me but I have been following WSI bills plus how each legislator votes after 1999 session. At that time, I found out all the big changes happen in 1990's legislative session totally reducing helping injured workers.

Chapter 65 is supposed to be helping injured workers in process of their injuring claim but it is about business owner's interest.

My home phone number is 701-873-4163 for anyone wants to ask me any questions before committee work on this bill.

Kevin Herrmann

Written testimony on Senate Bill 2040

Chairman Louser and House Industry, Business and Labor Committee

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND 58523. I am representing myself as an independent hourly wage worker taxpayer.
I oppose Senate Bill 2040 as presented to the House Industry, Business and Labor Committee. Senate Bill 2040 should be hog house amended to repeal chapter 65 of the North Dakota Century code. I have followed the meetings of Workers Compensation Review Committee in the past interims. After each injured worker presented their issues with WSI, Tim Wahlin from WSI would every time say which part of the century code the injured worker claim pertains too and keep saying it is the legislators who legislate Chapter 65 for WSI to follow.

It is discouraging to listen from injured workers about their issue trying to work through WSI in the Workers Compensation Review Committee hearing even though the amount of supposedly bills been introduced from this committee. You will be told the lack of injured workers coming forward to the Workers Compensation Review Committee. Why should the injured worker come forward when it has not help now or going forward?
Chapter 65 is supposed to be helping injured workers in process of their injuring claim but it is about business owner's premiums.

Please give Senate Bill 2040 a DO NOT PASS recommendation

Kevin Herrmann
300 Fair St. SW
Beulah, ND 58523
701-873-4163