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3034

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

HCR 3034

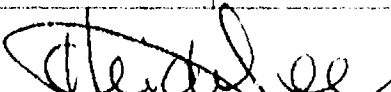
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3034

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date Feb 12, 2001

Tape Number	Side A	Side B	Meter #
1	X		30,9-50,1
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Re Merle Boucher, Sponsor **Written testimony** This directs Congress to look at the offset of Social Security Insurance.

Dave Kemnitz: *AFL/CIO* I support this bill as is.

Rep Froseth: What is the dollar amount of injured workers?

Kemnitz: There are more than 700 employees that are benefactors.

Rep Ekstrom: Have other states incorporated this?

Kemnitz: North Dakota would be the leader.

Dave Tieley: Neutral testimony. The offset was to avoid duplication of benefits. Approximately 50% of federal benefits are offset. Social Security has nothing to do with PPD.

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House Industry, Business and Labor Committee

Bill/Resolution Number HCR3034

Hearing Date Feb 12, 2001

Chairman Berg: If an employee is being reimbursed twice for the same injury from Social Security and from the Workers Comp Bureau it is better for the worker if ND pays them rather than Workers Comp.

Rep Lemieux: I'd like to see the fiscal note for Workers Comp Bureau on an annual basis.

Chairman Berg: We'll close the hearing


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3034

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date Feb. 13, 2001

Tape Number	Side A	Side B	Meter #
3	X		3.8-5.0
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Rep Kasper: I move a do pass.

Rep M. Klein: I second.

13 yea, 0 nay, 2 absent Carrier Rep Ekstrom

Date: 2-13-01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3034

House Industry, Business and Labor Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Kasper Seconded By M. Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman- Rick Berg	✓		Rep. Jim Kasper	✓	
Vice-Chairman George Keiser			Rep. Matthew M. Klein	✓	
Rep. Mary Ekstrom	✓		Rep. Myron Koppang	✓	
Rep. Rod Froelich			Rep. Doug Lemieux	✓	
Rep. Glen Froseth	✓		Rep. Bill Pietsch	✓	
Rep. Roxanne Jensen	✓		Rep. Dan Ruby	✓	
Rep. Nancy Johnson	✓		Rep. Dale C. Severson	✓	
			Rep. Elwood Thorpe	✓	

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep Ekstrom

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

REPORT OF STANDING COMMITTEE (410)
February 14, 2001 8:41 a.m.

Module No: HR-27-3272
Carrier: Ekstrom
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3034: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends
DO PASS and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS,
2 ABSENT AND NOT VOTING). HCR 3034 was placed on the Tenth order on the
calendar.

2001. SENATE INDUSTRY, BUSINESS AND LABOR

HCR 3034

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3034

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date February 28, 2001.

Tape Number	Side A	Side B	Meter #
1	x		32.3 to 54.5
2	x		17.1 to 18.2
(3/06/01) 2	x		4.1 to 2.8
(3/12/01) 2		x	7.6 to 11.4
Committee Clerk Signature <i>Doris E. Perez</i>			

Minutes:

The meeting was called to order. All committee members, except Senator Tollefson, present. Hearing was opened on HCR 3034 urging Congress to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation benefits.

David Kemnitz, NDAFL-CIO, same resolution as one presented in Senate. Social Security requires that if ND WCB does not offset they will do it at a higher rate. Social Security views payments as wage replacement and its not, it is an award for loss of use of a part of your body. They view it as income and offset this one time award unfairly. This resolution addresses that concern.

Representative Merle Boucher, District 9, co sponsor. Written testimony attached. A premium was paid by employer and employee to social security, a premium was paid to workers' compensation by employer on behalf of employee, generated by employee's work and when the

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Senate Industry, Business and Labor Committee

Bill/Resolution Number HCR 3034

Hearing Date February 28, 2001.

employee is injured because he/she has income from two sources, income from one source is reduced. I find this to be wrong because a premium was paid for a benefit and employee entitled to full benefits. If people are retired they can receive income from different sources without reductions, why can't injured workers be treated the same?

Julie Leer, WCB, to answer questions.

Senator Mutch: What would be the impact on the fund?

Julie Leer: We have not put together the information because of the nature of the resolution.

D Kennitz: No fiscal impact until next session if Congress abolishes offset.

Senator Espgaard: What percent is offset?

J Leer: Fifty percent is offset by the bureau (of the social security amount). Social Security administration does not recognize it as a wage replacement benefit so they offset the impairment payments.

No opposing testimony. Hearing closed.

Tape 2-A- 17.1 to 18.2 Discussion held. Amendment is forthcoming.

March 06/01 Tape 2-A-4.1 to 2.8

Committee reconvened. All members present. Discussion held.

Senator Klein presented an amendment to limit the scope of this resolution to permanent partial impairment. As it is now it is identical to SCR 4024. With the amendment it would be different and that way everybody maintains their authorship.

Senator Krebsbach: What would be the fiscal impact?

Senator Klein: I think it would add twenty five thousand a week. If both resolutions pass the impact would be seventy five thousand/week.

Senator Klein moved to adopt amendment and withdrew the motion after committee members

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Senate Industry, Business and Labor Committee

Bill/Resolution Number HCR 3034

Hearing Date February 28, 2001.

requested more time to study the amendment and the fiscal impact.

Meeting adjourned.

March 12/01 Tape 2-B-7.6 to 11.4

Committee reconvened. All members present. Discussion held regarding amendment.

Senator Espegard: Motion: adopt amendment. **Senator Klein:** Second.

Roll call vote: 7 yes; 0 no. Motion carried.

Senator Espegard: Motion: do pass as amended. **Senator Mathern:** Second.

Roll call vote: 7 yes; 0 no. Motion carried. Floor assignment: Senator Espegard.

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3034

Page 1, replace lines 16 and 17 with:

"WHEREAS, an employee injured on the job may receive a permanent partial impairment benefit from North Dakota Workers Compensation based on the injured worker's loss of use of a body part due to the work injury; and

WHEREAS, unlike other states, a permanent partial impairment award in North Dakota is not based on wages lost or on the worker's ability to do his or her job; and

WHEREAS, the social security administration also offsets North Dakota workers' compensation permanent partial impairment awards against social security disability payments even though the permanent partial impairment awards are not disability benefits; and

WHEREAS, the offset of permanent partial impairment awards results in a substantial loss of benefits to the injured worker;"

Page 1, line 22, after "compensation" insert "permanent partial impairment"

Renumber accordingly

Date: 3/12/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3034

Senate Industry, Business and Labor

Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt amendment

Motion Made By Sen Espeland Seconded By Sen Klein

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every	✓	
Senator Klein - Vice Chairman	✓		Senator Mathern	✓	
Senator Espeland	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 3/12/01

Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3034

Senate Industry, Business and Labor

Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass as amended

Motion Made By Sen Espigand Seconded By Sen Matherm

[illegible]

Total (Yes) 1 No 0

Absent 0

Floor Assignment Sen Espigard

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

REPORT OF STANDING COMMITTEE

HCR 3034: Industry, Business and Labor Committee (Sen. Mutch, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3034 was placed
on the Sixth order on the calendar.

Page 1, line 2, after "compensation" insert "permanent partial impairment"

Page 1, replace lines 16 and 17 with:

"WHEREAS, an employee injured on the job may receive a permanent partial
impairment benefit from the North Dakota Workers Compensation Bureau based on the
injured worker's loss of use of a body part due to the work injury; and

WHEREAS, unlike other states, a permanent partial impairment award in North
Dakota is not based on wages lost or on the worker's ability to do his or her job; and

WHEREAS, the Social Security Administration also offsets North Dakota
workers' compensation permanent partial impairment awards against social security
disability payments even though the permanent partial impairment awards are not
disability benefits; and

WHEREAS, the offset of permanent partial impairment awards results in a
substantial loss of benefits to the injured worker;"

Page 1, line 22, after "compensation" insert "permanent partial impairment"

Renumber accordingly

2001 TESTIMONY

HCR 3034

Testimony For House Concurrent Resolution No. 3034
Prepared for the House Industry, Business and Labor Committee
Rick Berg, Chairman
Monday - February 12, 2001

Good morning Chairman Berg and members of the House Industry, Business and Labor Committee. For the record I am Merle Boucher a member of the North Dakota House of Representatives from District Nine.

House Concurrent Resolution No. 3034 urges Congress to eliminate the Social Security Disability Insurance Offset and Supplementary Security Insurance Offset for recipients of Worker's Compensation Benefits.

Current Federal Law requires that when an individual receives worker's compensation benefits and supplementary security insurance benefits simultaneously one or the other must be offset. Simply one of the two benefit amounts must be reduced.

No other federal program reduces benefits due to the fact that recipients also receive state benefits. It is not very likely that a benefit is reduced under circumstances where a benefit is being received from a private carrier in addition to a public benefit.

House Concurrent Resolution No. 3034 is directing Congress to become consistent with other programs and what is done as a matter of standard practice in both the public and private sector.

Members of the House Industry, Business and Labor Committee I
recommend that you give HCR 3034 your favorable support. Thank You.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read 'Merle Boucher', written in a cursive style.

Representative Merle Boucher

Testimony For House Concurrent Resolution No. 3034
Prepared for the Senate Industry, Business and Labor Committee
Senator Mutch, Chairman
Wednesday - February 28, 2001

Good morning Chairman Mutch and members of the Senate Industry, Business and Labor Committee. For the record I am Merle Boucher a member of the North Dakota House of Representatives from District Nine.

House Concurrent Resolution No. 3034 urges Congress to eliminate the Social Security Disability Insurance Offset and Supplementary Security Insurance Offset for recipients of Worker's Compensation Benefits.


Current Federal Law requires that when an individual receives worker's compensation benefits and supplementary security insurance benefits simultaneously one or the other must be offset. Simply one of the two benefit amounts must be reduced.

No other federal program reduces benefits due to the fact that recipients also receive state benefits. It is not very likely that a benefit is reduced under circumstances where a benefit is being received from a private carrier in addition to a public benefit.

House Concurrent Resolution No. 3034 is directing Congress to become consistent with other programs and what is done as a matter of standard practice in both the public and private sector.

Members of the Senate Industry, Business and Labor Committee I
recommend that you give HCR 3034 your favorable support. Thank You.

Respectfully submitted by:

A handwritten signature in dark ink, appearing to read 'M. Boucher', with a long horizontal flourish extending to the right.

Representative Merle Boucher