

Fifty-seventh  
Legislative Assembly  
of North Dakota

Introduced by

Representative Boucher

Senator Cook

1 A concurrent resolution urging Congress to eliminate the Social Security disability insurance  
2 offset and supplemental security insurance offset for recipients of workers' compensation  
3 permanent partial impairment benefits.

4 **WHEREAS**, employees who are injured and dependents of employees who are killed in  
5 the course of working for North Dakota employers receive workers' compensation benefits; and

6 **WHEREAS**, more than 700 employees or dependents who receive workers'  
7 compensation benefits also qualify for Social Security disability insurance benefits if the  
8 employees are totally disabled and supplemental security insurance benefits based on financial  
9 need; and

10 **WHEREAS**, federal law [42 U.S.C. 424a] provides for a reduction in Social Security  
11 disability insurance benefits to those persons who are totally disabled and who receive workers'  
12 compensation benefits; and

13 **WHEREAS**, federal law [42 U.S.C. 1382a] provides for a reduction in supplemental  
14 security insurance benefits to those persons who receive workers' compensation benefits  
15 notwithstanding the financial need of those people and their families; and

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

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

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

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

1           **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**  
2   **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

3           That the Fifty-seventh Legislative Assembly urges the Congress of the United States to  
4   eliminate the Social Security disability insurance offset and supplemental security insurance  
5   offset for recipients of workers' compensation permanent partial impairment benefits; and

6           **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this  
7   resolution to the Commissioner of the Social Security Administration and to each member of  
8   the North Dakota Congressional Delegation.