

2009 HOUSE INDUSTRY, BUSINESS AND LABOR

HCR 3008

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3008

House Industry, Business and Labor Committee

☐ Check here for Conference Committee

Hearing Date: January 26, 2009

Recorder Job Number: 7794

Committee Clerk Signature

Ellen Letang

Chairman Keiser: Opened the hearing on HRC 3008 relating to directing the LC to study worker's compensation laws in this state & other states with respect to prior injuries, preexisting conditions & degenerative conditions.

Chairman Keiser: This is a study resolution and is before you with three sponsors. The issue related to prior, preexisting and degenerative conditions. Those are three of the big hot spots for injured workers for need to develop policy and make recommendations for.

Tom Wahlin~WSI. Supports the HRC and I'm here to answer any questions.

Bill Shalhoob~North Dakota Chamber of Commerce. See testimony attachment.

Sebald Vetter~C.A.R.E. I'm here in support.

Leroy Volk~I'm in support. I think this should be done and done with doctors.

Renee Pfenning~North Dakota Building & Construction Trades. I'm in support because it just makes sense.

Anyone here in opposition, neutral?

Sylvan Loegering~North Dakota Injured Workers Support Group. See testimony attachment. I would like to see an amendment.

Chairman Keiser: This is the way the legislature; there is no assignment to study.

Kapser: Could you clarify, you said something about insiders having a different view point to get to the resolution?

Loeering: What I was getting at was there is a me & them mentality. There is some perception by injured workers.

Kapser: you are saying it's theirs not yours?

Loeering: Correct.

What are the wishes of the committee?

Representative Nottestad: Move a Do Pass on the HCR 3008.

Representative Thorpe: Second.

Chairman Keiser: I want this on the consent calendar for discussion on the floor.

Representative Ruby: I think this is an important one to do and a good one to look at.

Representative Schneider: I agree, the number of calls is increasing from injured workers.

Voting roll call as taken with a Do Pass on HRC 3008 with 12 yea's, 0 nay's, 1 absent and

Representative Amerman is the carrier.

Date: Jan 26, 2009
Roll Call Vote # _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 3008

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 Nottestad Seconded By Thorpe

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Representative Amerman	✓	
Vice Chairman Kasper	✓		Representative Boe	✓	Absent
Representative Clark	✓		Representative Gruchalla	✓	
Representative N Johnson	✓		Representative Schneider	✓	
Representative Nottestad	✓		Representative Thorpe	✓	
Representative Ruby	✓				
Representative Sukut	✓				
Representative Vigasaa	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Amerman

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

REPORT OF STANDING COMMITTEE (410)
January 26, 2009 6:14 p.m.

Module No: HR-15-0985
Carrier: Amerman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3008: Industry, Business and Labor Committee (Rep. Kelser, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HCR 3008 was placed on the Eleventh order on the calendar.

2009 SENATE INDUSTRY, BUSINESS AND LABOR

HCR 3008

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3008

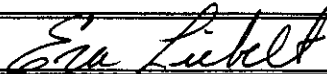
Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Hearing Date: March 24, 2009

Recorder Job Number: 11462

Committee Clerk Signature



Minutes:

Chairman Klein: Calls the committee to order.

Representative George Keiser: In support of the bill. This is a short study resolution it comes in large part at the request of WSI as well as the WSI interim committee. There are four or five issues that continue to arise in the discussion and presentation of cases. Clearly this is one of them and as you can see although the 2008 performance evaluation when they focused on the degeneration condition found zero claims that were being denied. But there are still questions relative to North Dakota law. We do have in statute a relatively more conservative position than other states. We thought it would be appropriate to have a study or request legislative counsel to consider a study that would address the pre-existing degenerative condition.

Rob Forward, Staff Counsel for Workforce Safety and Insurance: WSI and the board of directors support 3008.

Jeb Oehlke, North Dakota Chamber of Commerce: Written testimony in support of 3008.

Senator Andrist: Asked about a friends' case.

Senator Behm: How do you determine how a case is reopened?

Rob: If a case is dormant for four years and in order for it to be reopened he has to show his injury was from a prior cause. We went from sole cause to primary cause.

Chairman Klein: Closed the hearing.

Senator Wanzek: Motioned for a do pass.

Senator Andrist: Seconded the motion.

Passed 7-0

Senator Horne: To carry the bill.

Date: 3/24/09
Roll Call Vote #: 1

Senate

Industry, Business and Labor

Legislative Council Amendment Number

 **Pass**

☐ **Do Not Pass**

☐ **Amended**

Motion Made By Senator Wanzek Seconded By Senator Andrist

[illegible]

Total (Yes) 7 No 0

Absent ☐

Floor Assignment Senator Horne

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

REPORT OF STANDING COMMITTEE (410)
March 24, 2009 12:21 p.m.

Module No: SR-53-5670
Carrier: Horne
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3008: Industry, Business and Labor Committee (Sen. Klein, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HCR 3008 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HCR 3008



Testimony of Bill Shalhoob
North Dakota Chamber of Commerce
HCR 3008
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 HCR 3008 and urge a do pass from the committee on this bill.

During the past interim we had a decision moving WSI back to the Governor's control. That issue has been decided. During the process there were many statements made about the benefit levels in North Dakota. As employers we believe our benefits, including those for those outlined in HCR 3008, are somewhere in the middle of those provided nationally. We would like to know definitively if that is not the case and this resolution gives a means to find an answer that may end the debate.

Thank you for the opportunity to appear before you today in support of HCR 3008. I would be happy to answer any questions.

THE VOICE OF NORTH DAKOTA BUSINESS

Remarks from Sylvan Loegering, regarding HCR 3008 January 26, 2008
Volunteer coordinator, ND Injured Workers Support Group

This measure cites the 2008 Performance Evaluation as its reason for existence, but it does not follow the recommendation. The evaluation recommends creation of a study group consisting of all the stakeholder groups. This measure asks legislative council to study and report findings and recommendations and legislation.

I'm afraid the public would see this measure as a way of delaying other changes in treatment of prior injuries, preexisting conditions and degenerative conditions. They know we have suffering injured workers right now who would be receiving benefits if they lived in almost any other state. The public might feel that this is a continuation of an organization run by insiders. That is what upset the voters so much in 2008.

I'm not pushing hard to stop the study or encourage it. I will ask that you do two things if you pass this resolution. First, I'd like to see it amended so that it truly follows the recommendation of creating a true study group with all stakeholders involved. Second, I'd like you to approve other bills that deal with the aforementioned type of injuries without waiting two or more years just to get ready to make changes.



Testimony of Jeb Oehlke
North Dakota Chamber of Commerce
HCR 3008
March 24, 2009

Mr. Chairman and committee members my name is Jeb Oehlke. I represent the North Dakota Chamber of Commerce, the voice of North Dakota business. Our organization is an economic and geographical cross section of North Dakota's private sector and also includes statewide associations, local chambers of commerce, development organizations, convention and visitors bureaus and public sector organizations. For the purposes of this hearing we also represent sixteen local chambers with total membership over 7,200 members and ten employer associations. As a group we stand in support of HCR 3008 and urge a do pass from the committee on this bill.

The businesses of this state depend on a healthy workforce to be successful. We believe Workforce Safety and Insurance does a wonderful job of making sure injured workers receive the proper care needed to get them healthy and back to work and that the benefits provided for by our statutes compare quite well with those offered by the rest of the country. However, we also believe that we need to study the system regularly to ensure it continues to provide adequate coverage for workplace injuries. The study proposed in this resolution will allow us to evaluate our coverage of certain injuries against that offered in other states and make adjustments if the study determines they are needed.

Thank you for the opportunity to appear before you today in support of HCR 3008. I am happy to answer any questions.

THE VOICE OF NORTH DAKOTA BUSINESS