

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

**HOUSE CONCURRENT RESOLUTION NO. 3008
(Representatives Keiser, Wald)
(Senator Klein)**

A concurrent resolution directing the Legislative Council to study workers' compensation laws in this state and other states with respect to prior injuries, preexisting conditions, and degenerative conditions.

WHEREAS, under North Dakota Century Code Section 65-02-30, Workforce Safety and Insurance is required to undergo a biennial independent performance evaluation to determine, among other things, whether the agency is providing quality service in an efficient and cost-effective manner; and

WHEREAS, an element of the 2008 performance evaluation focused on claims for benefits by injured workers who have degenerative conditions; and

WHEREAS, the 2008 performance evaluation included conclusions indicating that none of the claims reviewed which involved preexisting or degenerative conditions were inappropriately denied, but that North Dakota law is more conservative than most other jurisdictions as it relates to prior injuries, preexisting or degenerative conditions, triggers, and aggravations; and

WHEREAS, the performance evaluation also recommended the creation of a study group of all the stakeholder groups to review how other jurisdictions' statutes handle those issues;

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

That the Legislative Council study workers' compensation laws in this state and other states with respect to prior injuries, preexisting conditions, and degenerative conditions; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-second Legislative Assembly.