

**2011 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HB 1050**

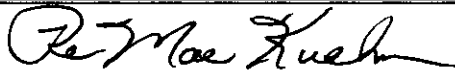
# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB1050  
January 5, 2011  
12589

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Workers' compensation grant program for vocational rehabilitation & provide a continuing appropriation.

### Minutes:

**Chairman Keiser:** Opens the hearing on HB 1050.

**Representative Ruby~District 38, Interim Chair:** This is a recommendation from the performance audit that WSI is subjected to each biennium. We heard four claims that came to us. There weren't a lot of subsistence things that we could change on those. A lot of it was a communication problem of what people didn't understand like the consequence of not responding at certain times. They felt some of the communications were complicated. That is being worked on at this time internally. This bill allows for further training or retraining after rehabilitation. This allows for grants for entities to supplement and address the needs of the injured workers. It is using existing dollars in their education revolving loan fund. It is not allowing them to set up their own. I will let the people from WSI get into the details. It was a recommendation from the performance audit.

**Jennifer Clark, Legislative Council:** We are taking this out of WSI's Educational Revolving Loan Fund. However, this is a grant so we are drawing off of the principal of that Revolving Loan Fund. There is a lifetime max of \$100,000. There is a limit to how much this grant program can be used by WSI. Once they issue up to \$100,000 of grants then they no longer have that option available unless you revisit this provision. Not only did this come from a performance evaluation but also a study we did on innovative ways to deal with vocational rehabilitation. As this is drafted, it doesn't indicate who will receive it. It is a grant to go to the service providers not the individual.

**Rob Forward, Staff Attorney WSI:** (see attachment)

**Vice Chairman Kasper:** A few months ago an individual from the Carson area called with his frustration about educational grants from WSI. He had applied to WSI for educational assistance. He was finally granted that assistance but it took months to get it. Then he enrolled in an educational institution in Bismarck and the funds to pay his tuition didn't come so he was getting notices from the college that he was in arrears. What are you going to do to alleviate that type of problem?

**Rob Forward:** Was that individual trying to obtain loans through our Revolving Loan Fund or was it a scholarship?

**Vice Chairman Kasper:** I can't recall.

**Rob Forward:** There are a number of different educational options. One is the ordinary retraining route. That system is fairly streamlined. With the loan fund, we don't distribute many loans. We do that through the Bank of North Dakota. They handle that paper work for us. If he needed remedial training, that could be helped by this grant situation.

**Vice Chairman Kasper:** It was none of that. He was living at home, going back to get educated, had been approved, but the funds just weren't coming. He called me and I got involved and it loosened the funds up. All I'm asking that you have the staff available to help these workers.

**Rob Forward:** Point taken.

**Representative Ruby:** How much is in the Revolving Loan Fund at this time?

**Rob Forward:** Approximately \$15 million that is not committed, \$80,000 committed.

**Representative Vigesaa:** How is the Revolving Loan Fund funded?

**Rob Forward:** I believed it's a continuing appropriation from WSI's general fund.

**Representative N Johnson:** A total annual use would be up to \$100,000 until the fund runs out. Is this right?

**Rob Forward:** It is \$100,000 annually. For example, for 2011 once we hit that \$100,000 limit there can be no more grant funds distributed for 2011.

**Representative N Johnson:** Any idea of numbers who will apply?

**Rob Forward:** I would ask Robin Halvorson to answer.

**Robin Halvorson~Director, Return to Work Services for WSI:** I have visited with our adult learning centers across the state. We have approximately 166 individuals in our vocational rehabilitation program that utilize services. They have expressed their desire to work with us in assisting these individuals. They are limited in their funding, time frames. Each one has submitted to me they are very willing to work with us through the grant program to provide additional services for our injured workers.

**Chairman Keiser:** To clarify, the grants will be given to the centers not to individuals.

**Robin Halvorson:** That's correct.

**Chairman Keiser:** What are the criteria for applying and receiving dollars? What is that process?

**Rob Forward:** The bill as written would give the agency the ability to meet administrative rules to set up the criteria and application process.

**Robin Halvorson:** Ideas from the adult learning centers are: providing teachers in the summer time that can provide academic upgrades for these individuals. Many individuals looking for a career change have not been in school for many years. It is important that they receive aggressive academic upgrading skills. We have injured workers who, due to their backgrounds, are not able to attend some of the learning centers during the time that there are minors at those facilities. By providing evening classes we would eliminate that barrier. Some of the other programs, with our retraining candidates, many of them because of their injuries while they are in recovery would like to do some of their programs from home online. Online programming is difficult if you are not familiar with computer systems. The learning centers want to provide instruction on training for online training.

**Vice Chairman Kasper:** What if these rehab centers are offering A, B, C, D courses and an injured worker wants F which is not offered at this rehab place?

**Robin Halvorson:** That is where we take a look at the resources available to us. Most of the time the adult learning centers can take care of our needs. We do have the ability to do course referrals. That is part of the grant program, to go out and locate those resources.

**Chairman Keiser:** Who else could apply for this grant besides adult learning centers?

**Robin Halvorson:** Others interested would be programs through Bismarck State College to provide computer classes such as Excel, Microsoft, etc.

**Chairman Keiser:** If you can write the administrative rules to determine who gets this money, why can't we do that now and put it in this bill?

**Robin Halvorson:** I don't see a barrier to that.

**Opposition:** None

**Neutral:**

**Leroy Volk, Injured Worker:** I know a lady who was hurt and couldn't work. She went back to school. She couldn't get money enough to pay for the babysitter, gas, etc. She took out college loans to pay for it all. In this bill if there would be something on it to help pay for gas, housing, etc., I would be for the bill all the way

**Chairman Keiser:** Robin, can you address Leroy's concern? Isn't it possible to address Leroy's concern that we have two complimentary programs? One is a grant or funding to an individual that would cover mileage and expenses in addition to the center establishing a night course. Is that not true?

**Robin Halvorson:** That is correct. We do have an administrative rule that does allow us to pay for mileage for the individual to attend the adult learning center. When an individual is in a formalized retraining program based on the number of miles, we do pay an additional percentage on top of their average weekly wage to provide for expenses.

**Chairman Keiser:** Closed the hearing.

Asked Representative Ruby, carrier of the bill, to work with them to operationalize that rule and put into this bill.

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee  
Peace Garden Room, State Capitol

HB 1050

January 11, 2011

#12739

☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Committee Work

## Minutes:

**Chairman Keiser:** Requests Rep. Ruby to review the bill.

**Representative Ruby:** This deals with a grant through WSI for education of Vocational Rehab. There was some concern that it was too broad and we should have some parameters what qualifies for the grant. Without trying to be too restrictive, they proposed an amendment that narrowed it to the types of programs who would receive it. It would allow flexibility of having it address either curriculum or a number of employees. It didn't limit it down that for every \$20,000 you have to have educated 15 people. It is limiting them to grants to entities within the adult education and literacy system within the Department of Public Instruction.

**Representative N Johnson:** Would this still allow the agency to give grants to BSC to increase the welding program or would it limit it to the ones through the Dept. of Public Instruction?

**Representative Ruby:** That is a good question. Because colleges are not a part of adult learning centers they would not be a part of it. I thought they would give us some parameters or bench marks a grant is going to have to either assist and increase people to the program or improve or add a curriculum for the needs of our injured workers. I could go back and ask them to further define but not limit the places that it goes to.

**Chairman Keiser:** It does not allow dollars to be directed to BSC for the welding program. In theory, those moneys should come from higher education. They are trying to target the adult education learning center. How many have you been to an adult education learning center and met with the students? You need to see them. A significant proportion is 16, 17, 18 years old. They are disenfranchised adults in terms of the court system. I met one young man whose father no longer wanted him, gave him money for a bus ticket for as far as he could go. The ticket ended in Bismarck because that is when the money ran out. He was 16 years old and he was putting his life together. He had 2 credits for high school. There was no place for him in the high school system. He was getting his GED in an adult education center. Voc. Rehab. and WSI develop a custom plan when they have an injured worker. The best thing to do, is get in the adult learning center, get a GED and go the next

step. They can't get much of job without a GED. Out of that fund they want to use up to \$100,000 if it is available and give it to the adult centers. That is the intent.

**Representative Ruby:** In house training is limited. Vice Chairman Kasper pointed out that in the bill on line 12 the loan must be used to pursue an education at an accredited institution of higher education or an institution of technical education. This amendment will conflict with that.

**Chairman Keiser:** I'm not sure that is a conflict. We need to check to make it consistent. I think adult learning centers are part of the technical system.

**Representative Ruby:** The revolving loan fund is for getting a loan for that. This is a new part that is talking about a grant that doesn't go to the employee. This goes to the facility. It would be consistent.

**Chairman Keiser:** It would be okay. They get alternative funding. When I served as chair of the interim committee, one of the complaints was that the adult centers didn't have the capacity to take that niche of Voc. Rehab. people that WSI had. They wanted this money so they can fund it and create a slot and place those people.

**Representative Amerman:** I liked the bill as it stood before the amendment. Any organization knows the struggles injured workers face. WSI and I don't get along all the time. I still believe in giving them a little latitude.

**Chairman Keiser:** Ironically, I raised the issue that we were giving away power relative to developing policy. Where they have inserted their amendment doesn't address the area of my concern. The area of my concern is on lines 18-20 where it said the organization shall establish grant eligibility requirements to make grant determinations based on those criteria. It would be nice from a policy standpoint to know what your requirements are. Why can't that be put in the bill?

**Representative Ruby:** I told them they have no benchmarks, no criteria to follow. They said they need it to be flexible. I don't know that even in rules they will have anything. I think they are taking it case by case.

**Chairman Keiser:** We have the bill with a proposed amendment. What are the wishes of the committee?

**Representative Ruby:** I agree with Representative Amerman. I propose not to put this amendment on.

**Representative Ruby:** Moved for a Do Pass HB 1050.

**Vice Chairman Kasper:** Second.

A Roll Call vote was taken. **Yes:** 14, **No:** 0, **Absent:** 0,

Chairman Keiser: Motion for Do Pass carries.

**Representative Ruby will carry the bill.**



## FISCAL NOTE

Requested by Legislative Council  
12/15/2010

Bill/Resolution No.: HB 1050

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The proposed legislation provides for the establishment of a vocational rehabilitation grant program.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

WORKFORCE SAFETY & INSURANCE  
2011 LEGISLATION  
SUMMARY OF ACTUARIAL INFORMATION

BILL NO: HB 1050

BILL DESCRIPTION: Educational Grants–Rehabilitation Pilot Programs

SUMMARY OF ACTUARIAL INFORMATION: Workforce Safety & Insurance, together with its actuarial firm, Bickerstaff, Whatley, Ryan & Burkhalter Consulting Actuaries, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

The proposed legislation provides for the establishment of a vocational rehabilitation grant program to provide grants to organizations assisting injured workers with skill upgrades and educational opportunities. The legislation limits total grant awards to no more than \$100,000 per year.

FISCAL IMPACT: The proposed legislation should not have a direct affect on statewide reserve and premium rate levels. The funding source for the proposed grant fund already exists in the form of the educational revolving loan fund.

DATE: December 15, 2010

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

<b>Name:</b>	John Halvorson	<b>Agency:</b>	WSI
<b>Phone Number:</b>	328-6016	<b>Date Prepared:</b>	12/22/2010

Date: Jan 11-2011

Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1050

House House Industry, Business and Labor Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Representative Amerman	✓	
Vice Chairman Kasper	✓		Representative Boe	✓	
Representative Clark	✓		Representative Gruchalla	✓	
Representative Frantsvog	✓		Representative M Nelson	✓	
Representative N Johnson	✓				
Representative Kreun	✓				
Representative Nathe	✓				
Representative Ruby	✓				
Representative Sukut	✓				
Representative Vigasaa	✓				

Total Yes 14 No 0

Absent 0

Floor Assignment Ruby

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

**REPORT OF STANDING COMMITTEE**

**HB 1050: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1050 was placed on the Eleventh order on the calendar.

**2011 SENATE INDUSTRY, BUSINESS AND LABOR**

**HB 1050**

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee  
Roosevelt Park Room, State Capitol

HB 1050  
February 15, 2011  
Job Number 14563

☐ Conference Committee

Committee Clerk Signature

*Eva Lubelt*

## Explanation or reason for introduction of bill/resolution:

Relating to workers compensation grant program for vocational rehabilitation; and to provide a continuing appropriation

## Minutes:

Testimony Attached

**Chairman Klein:** Opened the hearing on House Bill 1050.

**Representative Dan Ruby:** In support of the bill. This bill is a result of the interim Workers' Compensation Committee that he was chairman on. He briefly introduces the bill and explains what they did. He stated that it is a result of the performance evaluation that they looked at. Bill 1050 is for the ability for grants to be given to vocational rehabilitation groups. The grant will be applied for by the facility providing the rehabilitation. It is generally the Adult Education Centers that will apply for this grant. It is broad enough for other entities that might offer training and Educational opportunities for injured workers. It is a hundred thousand dollars a year, the maximum amount that can be granted out. It could be for several loans that are for smaller amounts. This will come out of the educational revolving loan fund that already exists in WSI.

**Senator Larsen:** He commented that beside the grant there was also a part in the bill that talked about a loan, and asked if the individual applying for a low interest loan would be given grant dollars from WSI.

**Representative Ruby:** The first part of the bill is about a loan that exists already in this section of law for the employee and that part is basically a cleanup. The rest of the bill is on page two sub-section three, which is the new proposal for the grant program.

**Jennifer Clark, Legislative Council:** Stated that her testimony was neutral. Said that she wanted to point out that two years ago the work of the work comp review committee was giving WSI charge to evaluate their rehabilitation programs and come up with ways to improve the services. That is where this came from. She also brought up the question about the grant and said that it was slipped into the loan program. This bill will include the existing loan program and the grant program.

**Senator Andrist:** Asked if a hundred thousand dollar cap was total and not for per employee.

**Jennifer:** She said she reads it as being the total under the program, each year not per employee.

**Rob Forward, Staff Attorney, Workforce Safety and Insurance:** Testimony Attached, in support of the bill.

**Chairman Klein:** Asked if they had enough money in the fund.

**Rob:** They have fourteen million, nine hundred and twenty thousand dollars that is uncommitted and eighty thousand dollars that is committed.

**Senator Schneider:** Asked what they anticipate the grant to an injured worker will be.

**Rob:** The grants would not be to the injured worker they will be to the facility, like the adult learning center. It would be to hire more teachers so they could offer a class in the summer time or increase the number of staff they have so there isn't such a long waiting list.

**Chairman Klein:** The adult learning center would have to put their grant proposal together showing you exactly how they would use the money to benefit the injured worker?

**Rob:** That is correct.

**Senator Larsen:** The adult learning centers offer welding as a class, they get these grant dollars to run the program. In the adult learning situations that I know, the person who is going to take the welding class has to pay a fifty dollar class fee. Does the grant allow these injured workers to take the class without paying the fee?

**Rob:** They do not have to come up with the fee, WSI picks that up.

**Chairman Klein:** We are trying to provide more opportunities, creating more times for these people to be able to go back and get some education.

**Rob:** That is correct.

**Senator Andrist:** Asked if he would give them an idea who runs the programs.

**Rob:** They are under a Federal program and the definition of who you could be is pretty broad, it could be the public library, State Pen, North Dakota University in Devils Lake. If you have a community based organization or a state based organization that has the facilities and the community need for adult education they would fill out paper work and apply to the department of public instruction and follow the Federal regulations for becoming certified as an ALC.

**Senator Andrist:** Asked how many adult learning centers there are in North Dakota.

**Robin Halvorson:** She said there are about twelve adult learning centers throughout the state and they are trying to get more in the rural areas.

**Robin Halvorson, Director of Return to Work Services:** She oversees the medical case management case program and all of the vocational rehabilitation services. They do not utilize the Job Core in Minot, which is more for the younger workforce. Their intent is to build the academic background of these injured employees and get them to a higher level of education or academic knowledge. They utilize the adult learning centers to do this. They prepare them to make a choice if they are going to return to the workforce or if higher education is going to be a necessity.

**Senator Larsen:** Asked if they concentrate on the GED part of it and not so much expanded vocations like welding and nursing.

**Robin:** That is their intent. Some of the programs like welding command a medium to heavy physical capability and the individuals that they mostly work with are those individuals that only have the capability to do sedentary or light positions. In some of the research done in the state of North Dakota the top forty most in demand positions are positions that require a higher education so that they can maintain a higher wage in our state.

**Chairman Klein:** Closed the hearing.



# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee  
Roosevelt Park Room, State Capitol

HB 1050  
February 16, 2011  
Job Number 14621

☐ Conference Committee

Committee Clerk Signature

*Eva Lubelt*

## Explanation or reason for introduction of bill/resolution:

Relating to workers compensation grant program for vocational rehabilitation; and to provide a continuing appropriation

## Minutes:

Discussion and Vote

**Chairman Klein:** Called the meeting to order on House Bill 1050.

**Senator Andrist:** Moved a do pass.

**Senator Larsen:** Seconded the motion.

**Chairman Klein:** Stated that this bill dealt with the grants to the continuing education companies so that there would be more opportunities for them to provide programs so the injured workers would have additional opportunities for rehab courses.

**Senator Schneider:** Said that he felt that the under scored language on page two did not make clear where these grants were going. Doesn't say they are going to adult learning centers or educational centers.

**Senator Andrist:** Stated that it was made clear during the testimony that this is what the grant is for but they had the authority to give it to anyone who would provide these services.

**Senator Schneider:** Said he agreed the testimony was clear and that is why he was surprised that the legislation is not.

Roll Call Vote: Yes-7 No-0

Senator Andrist to carry the bill

Date: 2/16/11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1050

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Andrist Seconded By Senator Larsen

Senators	Yes	No	Senators	Yes	No
Chairman Jerry Klein	✓		Senator Mac Schneider	✓	
VC George L. Nodland	✓		Senator Philip Murphy	✓	
Senator John Andrist	✓				
Senator Lonnie J. Laffen	✓				
Senator Oley Larsen	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Andrist

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

**REPORT OF STANDING COMMITTEE**

**HB 1050: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1050 was placed on the Fourteenth order on the calendar.**

**2011 TESTIMONY**

**HB 1050**

**2011 House Bill No. 1050**  
**Testimony before the House Industry, Business, and Labor Committee**  
**Presented by: Rob Forward, Staff Attorney**  
**Workforce Safety & Insurance**  
**January 5, 2011**

Good Morning, Mr. Chairman and Members of Committee:

My name is Rob Forward. I am a staff attorney at Workforce Safety & Insurance (WSI) and on behalf of the agency I am here to testify in support of HB 1050.

This bill allows for the creation of a grant program to help fill voids in the vocational rehabilitation process that present occasional barriers for North Dakota's injured workers. HB 1050 is a product of the Workers' Compensation Review Committee from the summer of 2010, and its roots are in legislation from 2009 that requires WSI to implement pilot programs aimed at alternative methods of rehabilitation services. Some of you may recall that the 2009 legislation was in HB 1062 and it passed unanimously.

Under HB 1050, grants would be awarded to educational programs or companies that, for example, would:

- Provide the counseling services necessary to assist injured workers and their families with the psychological and financial adjustments that follow work injuries;
- Provide summer school opportunities (this is a serious void because many Adult Learning Centers in North Dakota close during the summer months);
- Offer night classes;
- Teach specific transferable skills like customer service; and
- Provide internships or job shadow opportunities for retraining graduates or individuals that are looking at career changes (these positions would not

be expected to be permanent, but the employers would have the opportunity to hire them).

The grant program would use the funds contained within WSI's educational revolving loan fund that was created for injured workers by the Legislative Assembly in 2005. The grants would be paid using the money in the loan fund that has not already been committed. Because the bill needs no new money, the agency's reserves and premium levels would not be affected.

The total grants awarded annually would be limited to \$100,000.

This concludes my testimony. I'd be happy to answer any of your questions as would Robin Halvorson, WSI's Director of Return to Work Services, who is with me today.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1050

Page 2, line 15, remove "a grant"

Page 2, line 15, after "award" insert "grants to entities within the adult education and literacy system of the department of public instruction"

Renumber accordingly

**2011 House Bill No. 1050**  
**Testimony before the Senate Industry, Business, and Labor Committee**  
**Presented by: Rob Forward, Staff Attorney**  
**Workforce Safety & Insurance**  
**February 15, 2011**

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