

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1156

2007 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1156

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1156

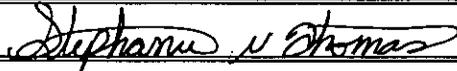
House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: January 29, 2007

Recorder Job Number: 2114

Committee Clerk Signature



Minutes:

**Chairman George Keiser:** Called the meeting to order, 3 committee members were absent (Dosch, Kasper, Boe).

**Chairman Keiser:** Appeared in support of HB 1156. This is a simple bill, it simply takes the sunset provision off of the workers compensation review committee which was created by the last legislative session and was operational during the last interim committee, there are about 4 or 5 bills that are the product of the interim committee. There is no other state that has done, what we have done during this last interim, other legislators around the country or people with in the workers comp arena when they heard what we were doing, they thought it was a very bold move on the part of the legislative body in a sense have self examination from the claimant prospective, it also was very beneficial.

**Sandy Blunt, Executive Director/CEO of Workforce Safety and Insurance:** Appeared in support of HB 1156, I'm here on behalf of the board of directors, I believe that some very good investigation, of what is appropriate, what is good for the legal system, and legislative system for WSI.

**Dave Kemnitz, President of the North Dakota AFL-CIO:** Appeared in support of HB 1156 we would like to see it expanded to clients who are having difficulties addressing their needs in the present ND Workers Compensation system, but have not exhausted all appeals process. We want to thank you very much for your openness and earnestness for allowing people to come forth, we think there needs to be some how claimant council that could come to that same table and for the benefit for the committee to debate with the bureau, they have legal council that they are an expert in what they do, to say that these are the reasons for our predicament or the situation that came to how it is.

**Sebald Vetter, C.A.R.E.:** Appeared in support of HB 1156, I want to thank you people that were on the interim committee, we heard and learned alot this summer.

**Bill Shalhoob, North Dakota Chamber of Commerce:** Appeared in support of HB 1156 and provided a written statement (**SEE ATTACHED TESTIMONY**).

**Leroy Volk, (injured worker):** Appeared in support of HB 1156

**Daryl Gronfur:** Appeared in support of HB 1156 on behalf of his brother.

**Ed Christansen,** Appeared in support of HB 1156, I think the committee should be working on many other bills that are on the table that will help Workforce Safety.

**Russ Hansen:** Appeared in support of HB 1156 and wanted to go on the record.

**Brenda Paulson:** Appeared in support of this bill to extend the committee and would like to see some kind of text put in it that allows for notification of the injured worker when the committee is meeting.

No Opposition appeared

Hearing closed.

**Representative Thorpe:** I Move a DO PASS on HB 1156

**Representative Amerman:** I second the DO PASS MOTION on HB 1156.

**VOTE: YES: 11 No: 0**

**3 Absent and not voting**

**Motion carried**

**Representative Thorpe will carry the bill on the floor.**

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/05/2007

Bill/Resolution No.: HB 1156

**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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>			\$13,881		\$13,881	
<b>Appropriations</b>						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 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 bill continues the Legislative Council's six member interim Workers' Compensation Review Committee which was scheduled to be discontinued on July 31, 2007.

**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.*

The bill continues the Legislative Council's six member interim Workers' Compensation Review Committee which was scheduled to be discontinued on July 31, 2007.

**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.*

The expenditure amounts reflect the estimated travel and per diem costs associated with the Workers' Compensation Review Committee.

**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.*

The 2007-09 budget request for the Legislative Council includes adequate funding to provide for the costs of this committee for the 2007-09 biennium.

<b>Name:</b>	Jim W. Smith	<b>Agency:</b>	Legislative Council
<b>Phone Number:</b>	328-2916	<b>Date Prepared:</b>	01/05/2007

Date: 1-29-07  
Roll Call Vote #: \_\_\_\_\_

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1156

House Industry Business & Labor Committee

Check here for Conference Committee

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

Action Taken DO Pass

Motion Made By Rep Thorpe Seconded By Rep. Amerman

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep. Amerman	X	
Vice Chairman Johnson	X		Rep. Boe		
Rep. Clark	X		Rep. Gruchalla	X	
Rep. Dietrich	X		Rep. Thorpe	X	
Rep. Dosch			Rep. Zaiser	X	
Rep. Kasper					
Rep. Nottestad	X				
Rep. Ruby	X				
Rep. Vigesaa	X				

Total Yes 11 No 0

Absent 3

Floor Assignment Rep Thorpe

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

**REPORT OF STANDING COMMITTEE (410)**  
January 29, 2007 1:07 p.m.

**Module No: HR-19-1434**  
**Carrier: Thorpe**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1156: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).  
HB 1156 was placed on the Eleventh order on the calendar.

2007 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1156

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1156**

Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: **March 7, 2007**

Recorder Job Number: **4568**

Committee Clerk Signature



*WSI Review Committee:*

**Sandy Blunt – WSI - In Favor**

Want to thank you for all your efforts.

**S Klein:** This bill barely passed in the Senate a few years ago. I was in support of it, but through the process, we went through the interim and listened and had the opportunity for everyone to lay everything out. It did provide us some ability to bring this forward and get a better handle on things.

**S Heitkamp:** You're right when you say there were people that came into that committee that had committed fraud. They just flat out had. There were examples of where you just knew they were letting people down. You had a little bit of everything, for that reason alone, there's some good legislation coming out of that. Did it go far enough? Maybe not for some of us in the room, but there is some good legislation coming out of it.

**S Andrist:** This is just removing the Sunset?

**Sandy B:** Yes

**Seabald Vetter – CARE - In Support**

We learned a lot this summer. We had some sad stories, and people with fraud, makes it bad for all the people that are out there trying to do what the system is, we've had some tough goings, sometimes we should have had boxing gloves along, but we had some fun with it.

**S Klein:** You have a tough right jab there, Seabald.

**David Kemnitz – President NDAFLCIO - In Favor**

We support the continuance of the Workers Comp review committee. Would like to see it expanded some to not just claims that are closed and deemed final, where other claims that are ongoing, can help all of us understand more about their struggles to adjust and have the system work for them. We still advocate, the legislature puts some funding in it for council that generally represents claimants, and present to the committee under that auspices, so that the committee has a deeper, stronger understanding.

**S Heitkamp:** You'd have to admit that Chuck did a very good job with the people he brought forward.

**David K:** Chuck Hoker, I admire his skill and ability and expertise. Over the years, he could be a lifer in the bureau. In the debates you had after the presentation, I felt that we as claimant advocates, lack what I would say is the same level of legal expertise and education.

**Florence Haux – Injured Worker - In Favor**

I support this bill because without that bill, I could not present my case. And I thank you Mr. Heitkamp and Klein for the work that you did during that process.

**Wade Mann – ND Chamber of Commerce - In Favor**

ND Chamber also supports this bill.

**CLOSE**

**Motion for a DO PASS from S Wanzek**

**Second by S Heitkamp**

**Roll Call for DO PASS on HB 1156 – 7-0-0 – Passed**

**Carrier: S Heitkamp**



**REPORT OF STANDING COMMITTEE (410)**  
March 7, 2007 12:58 p.m.

**Module No: SR-43-4642**  
**Carrier: Heltkamp**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1156: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1156 was placed on the Fourteenth order on the calendar.**

2007 TESTIMONY

HB 1156

**North Dakota AFL-CIO testimony at House IB&L hearings for January 29 and 31, 2007 on Workers' Compensation legislation.**

**HB 1156 sponsors --- Representatives Keiser, N. Johnson and Porter and Senators Klein and Stenehjem**

**We support the continuance of the interim "Workers' Compensation review committee".**

**We would like to see it expanded to claimants who are having difficulties addressing their needs in the present North Dakota Workers' Compensation system but have not exhausted all appeals processes.**

**We suggest that a number of hearings address how present Workers' Compensation Law helps or hinders claimants. And, that these hearings invite attorneys whose practice includes representing claimants involved in the North Dakota's Workers' Compensation system.**

**We believe the claimant and the committee would be well served if independent legal counsel were provided in helping to explain the claimants' case to the committee.**

**In addition, expert independent legal counsel could help interpret WSI assertions in defending its (WSI's) actions involving application of the law and use of WSI regulations applied to individual claimant cases.**



**Testimony of Bill Shalhoob  
North Dakota Chamber of Commerce  
HB 1156  
January 29, 2007**

Mr. Chairman and members of the committee, my name is Bill Shalhoob and I am here today representing the ND Chamber of Commerce, the principle business advocacy group in North Dakota. Our organization is an economic and geographic 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 specifically representing sixteen local chambers with a total membership of 7,236 and eleven employer associations. Lists of the specific members and associations are attached to my testimony. As a group we stand in support of HB 1156 and urge a do pass vote from the committee on this bill.

The legislative council interim workers' compensation review committee served a valuable and useful purpose this past biennium in considering WSI issues. We believe communication between the legislature, WSI, and the stakeholder groups in the process, employers and employees, is essential in moving the process forward as we debate and decide the issues. Since the legislature sets WSI policy and benefits it is helpful for legislative representatives to be aware of issues as they come forward and periodically review agency performance.

Thank you for the opportunity to appear before you today in support of HB 1156.  
I would be happy to answer any questions.



**The following chambers are members of a coalition that support our 2007  
Legislative Policy Statements:**

**Beulah Chamber of Commerce - 107**

**Bismarck - Mandan Chamber of Commerce - 1080**

**Cando Area Chamber of Commerce - 51**

**Chamber of Commerce Fargo Moorhead - 1800**

**Crosby Area Chamber of Commerce - 50**

**Devils Lake Area Chamber of Commerce - 276**

**Dickinson Chamber of Commerce - 527**

**Greater Bottineau Area Chamber of Commerce - 153**

**Hettinger Area Chamber of Commerce - 144**

**Langdon Chamber of Commerce - 112**

**Minot Chamber of Commerce - 700**

**North Dakota Chamber of Commerce - 1058**

**Wahpeton Breckenridge Area Chamber of Commerce - 293**

**Watford City Area Chamber of Commerce - 84**

**Williston Chamber of Commerce - 401**

**West Fargo Chamber of Commerce - 400**

**Total Businesses Represented = 7236 members**

Associated General Contractors of North Dakota

Independent Community Banks of ND

Johnsen Trailer Sales Inc.

North American Coal

North Dakota Auto/Implement Dealers Association

North Dakota Bankers Association

North Dakota Healthcare Association

North Dakota Motor Carriers Association

North Dakota Petroleum Council

North Dakota Retail/Petroleum Marketers Association

Utility Shareholders of North Dakota

North Dakota Hospitality Association