

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1443

2007 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1443

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1443**

House Industry, Business and Labor

Check here for Conference Committee

Hearing Date: **5 February 2007**

Recorder Job Number: **2853**

Committee Clerk Signature

Minutes:

Chairman Kaiser opened the hearing of HB 1443.

Representative Merle Boucher, District 9, introduced the bill. (Testimony Attached.)

This bill would allow medical reports used to make determination of eligibility for social security disability to be submitted to WSI to document proof of injury.

Troy Beckler, testified in support of the bill. In 1983 I suffered a work related injury. While unloading an engine I crushed my right hand and arm. Since then I have had over ten surgeries. I have undisputed medical evidence from my doctor that I gave to the WSI at the time of my ALJ hearings. The ALJ said there were a lot of black holes in my case. (He read his doctor's report.) Social Security accepted this medical evidence but the bureau is refusing this evidence. I believe if this bill were passed it would stop a lot of people from being divorced. It would stop people from filing bankruptcy. It would stop people from committing suicide. It would stop them from losing their homes or vehicles. It would also stop claimants from selling off prescription drugs. In my case there is an offset by the bureau of 50% of my social security disability benefits. 50% means a lot to a claimant. It will help them get on with their lives. Only the treating physician can release you to go to work, not WSI. WSI cannot reduce benefits just because they finished the retraining program. I was retrained back in 1991. My doctors agreed that I was not capable of doing what I was trained to do. The

bureau has so many non-compliance laws in effect where it's almost impossible for a person to react for benefits. They are in violation of the law that was established in 1989. They are not the ones making the decisions; it should be left up strictly the doctor's medical evidence.

David Kemnitz, president of the AFL-CIO, testified in favor of the bill. We want to make sure that we are on record supporting this move.

Beckler: There is a statement I want to read to you as far as medical evidence is concerned. This is the opinion district court judge (unable to understand name) dated October 22, 2003. ". . . WSI resists the motion to supplement the record. The court denies the request to supplement the record because the court finds no justifiable reason for failure to present the evidence to the ALJ. . . . it would be unfair to WSI in this appeals process." They would not allow medical evidence that supported my claim of disability.

Sebald Vetter, CARE, testified in favor of the bill. I think if you got medical records from your doctor saying you are disabled, Workman's Comp denies that. They think they are above the law. Not one of our bills is passing. This is ridiculous folks.

Leroy Volk testified in favor of the bill. My wife works in the clinic. She comes home and she doesn't tell me people's names but tells me about certain things. A few years ago they had a doctor and that doctor told the doctor that she works for that he doesn't know what he is doing. But that doctor, that Workman's Comp hired, got laid off because he thought he knew more than the people did. If you told him your elbow hurt, he checked your knee—and Workman's Comp hired him. This is why we need bills like this to protect us not just them guys with their doctors who write up false reports. I have a friend who works on Memorial Bridge and broke his leg and had steel plates put in it. His doctor said to stay off work for 4 months.

Workman's Comp sent him to a different doctor who sent him back to work in 7 weeks. How can you expect us to win when the judge is there, the jury is there, and everything is in their

courtroom in their building? They hire they hire their own judge, their own lawyers and through all the evidence against us. We ain't got no chance.

Ed Christiansen, CARE, testified that he is for the bill.

Dan Finneman, CARE, voiced his approval of the bill. It's been a long time coming. I don't think Workman's Comp should be able to squeeze and weasel on out from underneath there liability. I don't think the federal government should be liable for something Worker's Comp should have taken care of in the first place.

Rob Forward, staff attorney for WSI, testified in opposition to the bill. (Testimony Attached.)

Representative Zaiser: Having gone through the SSDI process, I'm curious as to how you can say it's not a factor. F

Forward: The reason it's not a factor is 1) we do accept the medical records that are submitted for social security and 2) the disability finding under social security law is different that under WSI law. Social security disability has only one standard. WSI has three different types of disability benefits and each one has its own little tweak and unique law.

Representative Zaiser: I understand that WSI benefits are different and there are additional standards. I find it hard to grasp that it seems you want to eliminate that as a factor. It makes no sense to me.

Forward: The point being that it's two different systems. The evidence is the same but under the social security system leads to a different conclusion.

Representative Amerman: Are you saying that you already do what Representative Boucher testified to?

Forward: In respect to medical records, yes. If you are injured worker and you have medical records residing with the medical providers, WSI obtains those medical records and the bulk of your file is made up of medical records. We don't go through and sort out those that you

might use for social security determination and only keep the ones that are helpful to us. All the medical records are in your files. If they have something to do with the work injury, we have to reconcile the fit or explain why we disagree with them. The other factor is making social security determination a relevant factor in our disability determination. We don't do that. As a practical matter, injured worker's attorneys do submit social security determinations at the hearing level. The ALJs will review them but many times they are not given much weight because they realize that there are two systems and the findings from the social security administration don't have much bearing on finding for disability for WSI.

Representative Zaiser: If I hear you correct, to the WSI folks it's not relevant because it's a broader view. But you are looking at making those same kinds of conclusions. I would think that there might be a conclusion there that your doctors or others that look at it may not be able to pick out. It boggles my mind that there is more of an effort to reject this information than to look at more data to consider and err on the side of helping out this injured worker by looking at more information. I just don't understand why. This is one of the reasons I proposed some of the bills I did. It seems as though there is an objective to reject information rather than to accept it.

Representative Clark: Are you saying there are different reasons under the social security law that a person can be disabled than there under WSI?

Forward: That's exactly the point.

Chairman Kaiser: This bill throws limits to the medical records. You have to accept them and consider them. But it is just medical records.

Forward: The bill says we have to accept medical records related to the determinations and we have considered the determination itself as a relevant factor.

Representative Zaiser: The operative word there is "accept." It does not mean that you couldn't reject it if it's non work related. Do those ever have a bearing on the findings of WSI?

Forward: That was exactly my point. The part dealing with medical records is not necessary.

They all come into our files. They are accepted. They can argue those at an administrative hearing if necessary. No, they don't have a bearing even if the injury occurred on the job.

Usually we see SSDI determinations where a person has an illness that is not work related.

Representative Thorpe: Are you confident that if asked the Attorney General these same questions I would get the same answers.

Forward: Yes, because they realize you are comparing apples and oranges. This bill proposes putting a square peg in a round hole.

Chairman Kaiser: I'm injured on the job, exclusive remedy says the job related injury, that portion, is going to be covered by WSI not social security. If in addition to that I had other issues that were not related to the injury and couldn't go back to work. Everything else other than the work related injury that would be of a medical nature such as anxiety would be social security not WSI.

Forward: That's our argument. Yes. Social security would include the entire medical condition even the work related injury. WSI is only concerned with the work related injury.

Representative Zaiser: What if the injury that happened on the job is the sole injury that SSDI made it's determination on.

Forward: I'm not sure that scenario is possible. I can't answer your question.

Representative Zaiser: Why then say unilaterally that's its not relevant. Why reject it? Why not just accept it as part of the body of information. I just don't understand that.

Forward: The point is WSI is concerned with the work injury and we focus on that and the return to work issue. The SSDI definition is to be unable to engage in work. . . . Understand that we are dealing with partial disability and it's not going to mesh with this at all. A person can go back to work in modified duties.

Representative Zaiser: I was talking about permanent and total disability and it occurred on the job. Why would not that determination be relevant information? Isn't that the same definition under WSI? Could you explain permanent and total disability under WSI?

Forward: No, it isn't the same. Pre January 2007, the definition under WSI statutes for total and permanent disability means an employee is incapable of rehabilitation to earning capacity as determined by the nature of the injury, degree of physical impairment, education, work history and vocational rehabilitation potential. The post 2007 definition "permanent total disability is a disability that is a direct result of a compensable injury that prevents an employee from performing any work and results from any one of the following conditions: a. b. . ." and the list goes on. The bill doesn't talk about only this bill; it talks about all our disabilities.

Representative Zaiser: Could we change this bill to a standard which you are looking at? The bottom line is why it could not be considered in the big pot of information you are looking at?

Representative Amerman: You think this deals with all your disabilities and not just the permanent ones. Say an employer found another job for the person to come back to work.

Forward: It's a situation we see occasionally. A person's medical condition may get better or from the social security position the employer was not in a position to make this many allowances for an injured worker. A person's situation is often fluid and sometimes the two systems more often than not meshed with each other.

Representative Kasper: When social security looks at a determination of disability they have their set of standards that they use to determine whether or not an employee is disabled.

When WSI looks you have a different set of standards because we are a different type of an agency with different rules and guidelines than social security; therefore, to be required to use the social security records as a relevant factor, would not be fair to the WSI system or objective and openness that you try to have with injured workers?

Forward: I believe you stated the position.

Chairman Kaiser: You have a claimant with work related injury and they go to social security and get 100% disability, they are eligible to bring those records to WSI to become part of their file. They can go into their file. But you are going to only look at those relevant portions of the record that deal with the work related injury. How do you separate that out?

Forward: Correct. It's very difficult and we rely on medical people to tell us what is work related and what isn't.

Bill Shalhoob, representing the ND Chamber of Commerce, testified in opposition to the bill.

(Testimony Attached.)

Representative Zaiser: Do you think we are talking apples and oranges here? Do you think that in determination by the WSI it would be appropriate to use any determination such as SSDI and throw that in the hopper and use it as information to reject or accept?

Shalhoob: The test would be if it was considered to be a relevant factor. If we say the SSDI is a relevant factor, as soon as you receive SSDI you would be automatically eligible there would be no sense in going through a WSI determination. We would bypass that step. If that's the policy we are taking away the ability of the WSI to make a determination. It's already made by the federal government.

Representative Zaiser: My question was not whether or not that would be the determining factor. Could that be thrown in the hopper or box for them to consider?

Shalhoob: Whether we're going to put it in the box is not what this bill says. It says is we are not only going to put it in the box, but we are going to consider it the relevant factor. With the language in here it becomes more of a problem when we say it's going to be considered the relevant factor in making the determination. It seems those are two different things.

Representative Amerman: You probably just hit on it. When we do study bills we say they shall consider it, it doesn't say they have to use it. Would you say that's the point you were trying to make?

Shalhoob: That's what I said. I also say that if it is a relevant factor, that's another.

There was no further testimony. Chairman Kaiser closed the hearing of HB 1443.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1443**

House Industry, Business and Labor

Check here for Conference Committee

Hearing Date: **6 February 2007**

Recorder Job Number: **2885**

Committee Clerk Signature 

Minutes:

Chairman Kaiser opened discussion on HB 1443.

Representative Zaiser: I move Do Pass.

Representative Boe: I second.

Representative Clark: This bill WSI came in and opposed the bill and say they already do have the medical reports in the file and it would further mandate them to consider those medical reports in making a determination whereas now, as I understand it, the social security system has a different set of laws and different set of objectives than workforce safety does.

Representative Ruby: Representative Zaiser was asking the question and we were trying to get a handle on why there was a difference. If somebody who was injured and temporarily disabled under worker's comp and then let's say for some heart reason they become completely disabled under social security they would have to use the information under social security for total disability under WSI. That's what this would require which has nothing to do with a work related injury. That's what I was trying to figure out.

Representative Zaiser: It just says "shall consider" it so if it's not appropriate then it's thrown out. But it is put in the hopper.

Representative Ruby. I don't mind the "shall consider" but when it is determined as relevant factor in this, I think that's the language they had the most problem with. Now it has to be part

of the equation to determine the benefits and it may not have anything to do with a work related injury and now it has to be a relevant factor. That's the distinction.

Representative Dosch: One of the problems I see with this bill at the hotel we are currently employing a disabled individual by definition of social security. She cannot work full time, but she can work for us part time. If she has an injury at our place, that becomes a worker's comp claim. When that becomes a worker's comp claim, according to this bill she can bring in the fact that she is disabled under social security and this says they shall consider the determination as a relevant factor. The disability had nothing to do with the injury, but that is pulled into this and it's now a relevant factor. That's where the problem is.

Representative Zaiser: From my perspective relevant means it can or cannot be used. It just means it should be part of the equation but if it does not appropriately fit into the equation it is rejected. It gets down to semantics—how we interpret the work relevant.

Representative Kasper: If that's what the bill says then I don't think there is a problem with it; but the way I read it, you shall consider that determination as a relevant factor in this claim. The two don't work together; they sometimes oppose each other. It is not relevant but the bill says you must make it relevant.

Representative Nottestad: If we take it out? Just strike "shall consider that determination as a relevant factor."

Representative Ruby: We could say "if related to the work injury" and that would make the bill not needed because that's what they already do.

Representative Boe: Would it help this bill if we took the "shall" out and made it "may"?

Representative Kasper: Amend so we are accomplishing the fact that the department would look at social security records. They could do with it as they please.

Representative Ruby: Then it's not needed because they already do.

Chairman Kaiser: This came up two times in the interim committee. What I recognized very clearly was that what the claimant's are asking is not what this bill does. They want to say

that if social security says you are disabled, then you are disabled and WSI has to take it.

There was a total lack of understanding because of emotion and the willingness to understand the differences between the two systems.

Representative Ruby: I would guess that WSI would recognize they are indeed disabled but they have to look at it whether it was work related.

Representative Zaiser: The question I have what's the problem with having them take it into the box to consider, using the word consider and then you can reject it. It would be a good public relations maneuver.

Representative Johnson: Line 5 on the second page just add a period after "shall consider this determination." It looks at it but doesn't make it a relevant factor.

Representative Thorpe: Would it make it more acceptable to the committee and the workers if we change that "shall" in the two places to "may"?

Representative Boe: It seems obvious that there is some thought to changing this. I could withdraw my second.

Chairman Kaiser: I just caution the Committee that this is not what they want; nor if you amend it will it do what they really want. The real issue is that they want it accepted. I'm concerned about giving a small sense of hope. Either we want them to do and accept it or we don't.

Representative Kasper: In reading Rob Forward's testimony, he says "WSI does not limit injured workers from submitting medical records to the agency's files including social security . . . and, in fact the Supreme Court has mandated WSI to consider and reconcile all medical evidence relative to the work injury." So they already have to do this. I agree this gives false hope and isn't going to give them what they want.

Representative Clark: What is the unspoken goal of this bill? If they can qualify for . . .

Chairman Kaiser: The unspoken goal is that if you qualify under social security, case over and you qualify for worker's comp. That's what the injured worker's want.

A roll call vote was taken: Yes: 3, No: 11, Absent: 0. The motion failed.

Representative Vigesaa: I move Do Not Pass:

Representative Johnson: I second.

Chairman Kaiser: I wish I could find a solution to this issue, but I haven't found one. I do hope the Committee has a better understanding after this hearing. You have a total person out there and social security looks at the total person and says it might be mental, heart problems or something else—you're disabled. WSI looks at it and says I can't look at all the medical stuff; I'm going to look at the medical relative to the injury that is work related and make my ruling based on that information and not taking in account all the other stuff. So you are going to end up with different rulings.

A roll call vote was taken: Yes: 10, No: 4, Absent: 0

Representative Clark will carry the bill.

FISCAL NOTE
Requested by Legislative Council
01/18/2007

Bill/Resolution No.: HB 1443

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 |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

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 proposed legislation requires the organization to accept medical reports related to social security's supplemental security income (SSI) and social security disability (SSD) determinations and use these determinations as a relevant factor in determining workers' compensation disability.

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
2007 LEGISLATION
SUMMARY OF ACTUARIAL INFORMATION

BILL NO: HB 1443

BILL DESCRIPTION: Workers Compensation Disability Determinations

SUMMARY OF ACTUARIAL INFORMATION: Workforce Safety & Insurance, together with its actuary, Glenn Evans of Pacific Actuarial Consultants, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

The proposed legislation requires the organization to accept medical reports related to social security's supplemental security income (SSI) and social security disability (SSD) determinations and use these determinations as a relevant factor in determining workers' compensation disability.

FISCAL IMPACT: We do not have access to sufficient data to permit a comprehensive evaluation of the potential rate level and reserve impact of this proposed legislation. However, WSI anticipates that, if passed in its present form, the legislation will act to increase the uncertainty of outcomes for claims that have had disability determinations under the federal programs. Incorporating the federal system for disability benefits into the state workers' compensation program as a "relevant factor" may serve to increase overall claims costs. The federal disability programs are separate benefit schemes and consider a person's entire medical condition; often times conditions not linked to disability determinations under a workers' compensation program. To the extent this legislation creates added confusion in worker's compensation determinations; it is likely the associated costs of making these determinations will increase and ultimately flow through future premium rate levels.

DATE: February 2, 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.

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.

| | | | |
|----------------------|----------------|-----------------------|------------|
| Name: | John Halvorson | Agency: | WSI |
| Phone Number: | 328-3760 | Date Prepared: | 02/02/2007 |

Date: 2-6-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1443

House Industry Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Zaiser Seconded By Rep. Boe

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------------|-----|----|-----------------|-----|----|
| Chairman Keiser | | X | Rep. Amerman | X | |
| Vice Chairman Johnson | | X | Rep. Boe | | X |
| Rep. Clark | | X | Rep. Gruchalla | | X |
| Rep. Dietrich | | X | Rep. Thorpe | X | |
| Rep. Dosch | | X | Rep. Zaiser | X | |
| Rep. Kasper | | X | | | |
| Rep. Nottestad | | X | | | |
| Rep. Ruby | | X | | | |
| Rep. Vigesaa | | X | | | |
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Total Yes 3 No 11

Absent 0

Floor Assignment Rep Clark

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

Date: 2-6-07
 Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1443

House Industry Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do NOT Pass

Motion Made By Rep Vigesaa Seconded By Rep Johnson

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------------|-----|----|-----------------|-----|----|
| Chairman Keiser | X | | Rep. Amerman | | X |
| Vice Chairman Johnson | X | | Rep. Boe | | X |
| Rep. Clark | X | | Rep. Gruchalla | X | |
| Rep. Dietrich | X | | Rep. Thorpe | | X |
| Rep. Dosch | X | | Rep. Zaiser | | X |
| Rep. Kasper | X | | | | |
| Rep. Nottestad | X | | | | |
| Rep. Ruby | X | | | | |
| Rep. Vigesaa | X | | | | |
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Total Yes 10 No 4

Absent 0

Floor Assignment Rep Clark

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

REPORT OF STANDING COMMITTEE (410)
February 6, 2007 11:04 a.m.

Module No: HR-25-2237
Carrier: Clark
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1443: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING).
HB 1443 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

HB 1443

**TESTIMONY HB 1443
INDUSTRY, BUSINESS AND LABOR COMMITTEE
CHAIRMAN: REPRESENTATIVE GEORGE KAISER**

Chairman Kaiser and members of the Industry, Business, and Labor Committee. For the record I am Representative Merle Boucher, a member of the House of Representatives from District Nine (9)

HB 1443 would allow medical reports that were used to make a determination of eligibility for Social Security disability admissible documentation that could be submitted for the purpose of providing documented proof of an injury when filing a claim for WSI benefits.

The bill would allow the claimant to submit the same medical report (s) that had been provided to substantiate a claim that was made for Social Security disability benefits to WSI reviewers.

The language does not compel anyone, or force anyone to make a decision because of the medical reports submitted. The language allows these medical records to be submitted as supporting documentation in addition to other medical evidence submitted by the claimant.

I believe this is a fairness issue. It is an issue of procedure and process. It is one that is appropriate and should be carefully considered.

Mr. Chairman and members of the committee, I ask that you give HB 1443 your careful and serious consideration and recommend a DO PASS.

Thank you for your courteous attention to this matter.

Respectfully submitted:

Representative Merle Boucher, Minority Leader
North Dakota House of Representatives

**2007 House Bill No. 1443
Testimony before the House Industry, Business, and Labor Committee
Rob Forward, Staff Attorney
Workforce Safety and Insurance
February 5, 2007**

Good morning, Mr. Chairman and Members of the Committee:

My name is Rob Forward and I am a staff attorney for Workforce Safety and Insurance (WSI). On behalf of WSI and its Board of Directors, I am testifying in opposition to HB 1443 which has two directives to WSI: first, accept medical reports related to injured workers' social security disability and second, consider social security determinations as a relevant factor in determining workers' compensation disability.

HB 1443's requirement that WSI accept medical reports related to social security disability determinations is not necessary. WSI does not limit injured workers from submitting medical records to the agency's files. As a practical matter, a medical record is a medical record; there is no special set of medical records for social security proceedings that are different from those gathered for workers' compensation claims.

WSI does not limit its consideration of medical evidence regarding an injured worker if it has some arguable bearing on the work injury. In fact, the North Dakota Supreme Court has mandated WSI to consider and reconcile all medical evidence relevant to the work injury, especially if it conflicts. Therefore, the first directive of this legislation would not change the way WSI operates.

Next, incorporating the federal system for disability benefits into our state workers' compensation program as a "relevant factor" is not achievable because the two systems are guided by different factors and goals. Workers' compensation disability laws are focused on work injuries and are concerned with returning injured employees to the workplace. In contrast, social security disability is designed to consider a person's entire medical condition which, more often than not, includes ailments and injuries that have no material connection to the work injury.

If HB 1443 were to become law, an injured worker's non-work related social security disability determinations would be a required factor in determining whether an injured worker is entitled to workers' compensation disability benefits --the use of which would run counter to the basic premise of workers' compensation insurance. Therefore, WSI asks that you give HB 1443 a "do not pass" recommendation. I'd be happy to answer any of your questions.

#3



**Testimony of Bill Shalhoob
North Dakota Chamber of Commerce
HB 1443
February 5, 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 opposition to HB 1443 and urge a do not pass vote from the committee on this bill.

As with many areas of government guidelines, different agencies have varying reasons for developing policy. The definitions developed for the supplemental security income program deal with retirement replacement under the social security act. The guidelines developed by WSI deal with disability payments. Each have their purpose and place and each should be allowed to continue the specific purpose for which they were designed.

Thank you for the opportunity to appear before you today in opposition to HB 1443. 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