MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1283

2007 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1283

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1283**

House Industry, Business and Labor

☐ Check here for Conference Committee

Hearing Date: **5 February 2007**

Recorder Job Number: **2759**

Committee Clerk Signature Jan Friesz

Minutes:

Chairman Keiser called opened the hearing of HB 1283.

Representative Bill Amerman, District 26, introduced the bill. This would add liberal construction under WSI that was taken away in HB 1217 back in 1995. He distributed Rules of Interpretation (Attachment A) Liberal construction applies mostly to the courts. If someone goes through a worker's comp situation that gets to the Supreme Court, the courts had to come down liberally on the side of the injured worker to assure they would get sure and certain relief. It is also my understanding that liberal construction applies pretty much across the board in the court system and that WSI is probably the only entity that doesn't have to adhere to liberal construction. When liberal construction was taken away in 1995, it put WSI in a pretty strong position as far as denying claims. An injured worker could go through the system as far as the Supreme Court and WSI knew that liberal construction no longer applied and it had to be based on clear and convincing evidence. There used to be a preponderance of evidence which was a lower standard than clear and convincing. It was definitely harder for an injured worker to get justice in the court system once it got that far. I was looking at the fiscal note, and there is none because there is no way we could judge this. In reading this it says that WSI anticipates that if passed in its present form, the legislation will act to increase the uncertainty of outcomes to claims subject to judicial review. Right now, with low liberal

construction when I read this, they are certain they are going to win because the claimants will not be able to prevail in a court proceeding. If you put liberal construction back in, they are uncertain. It goes on to say, "And since then the overall funds and status has improved significantly." I don't disagree with that at all, but I'm not sure that's the right thing. If you look at the handout with the definition of the Rule of Construction, ". . . with a view to effecting its objects and to promoting justice." That is lacking. We are not promoting justice anymore.

Representative Ruby: The language that is struck in this bill concerns me because it is basically saying on line 15 that a review must be reviewed solely on the merits of the action or claim. Merits of the claim would be the sensible thing to make a judgment on. Don't you think that if it's not based on merit, that possibly it could just be by individual judges depending on their views more than the merits of the claim?

Representative Amerman: As most of us know when you have these drawn up, that's how it is drawn up. All I can assume is that what was taken away in 1995 is being restored by taking this back out.

Representative Kasper: What evidence or case histories have been aware of that have suffered because this language is now in the statute?

Representative Amerman: To be honest, I haven't reviewed any cases. All I can go by and why I brought this bill forward is that liberal construction has been there from 1919 to 1995. I believe the only reason it was taken out was because of the difficulties that WSI was having at that time and I can't perceive that this was the great savior of it. I think the only thing it did was take out justice in the court system.

Representative Kasper: To clarify—you are not aware of any workers that have brought forth any allegations or claims saying that because of this language they have not been treated fairly. You are not aware of any circumstances where people have said, "if that would have been in there, my case might have been different or it might have had different results."

Representative Amerman: Through my years at Bobcat and positions I have held there, I've talked to many people that went through the system and have not prevailed. I can only anticipate that the courts can no longer construe liberally on the side of the claimant and there is not a good chance that they would win their claim.

Representative Zaiser: In our Pledge of Allegiance the final words are "and justice for all." By giving away the right to sue and having laws that prevent that, are we contradicting?

Representative Amerman: That goes to interpretation. I think there has been justice lost because this part of the law has been taken out.

David Kemnitz, president of the ND AFL/CIO, testified in favor of the bill. Hopefully we can answer some of the questions that have arisen today. I will try my best. I confess that I am not a law trained individual, only self trained. Like many of you, we rely on counsel in an effort to better understand the things that are happening around us. **He distributed Handouts labeled B, C, D, E, F, and G.)** He explained the AFL/CIO believes the term "liberal construction" has changed how the bureau adjudicates claims within its purview. He discussed the report of the Legislative Council and claimant's plea to that Committee as to their problems within the system and what they would like to see done or changed.

Representative Thorpe: In the about the 1995 session we were wrestling with getting this organization back in the black. It was severely in the red for a few years. Some of these things were done at that time to facilitate that. I don't know if it was a promise or a quote, but I recall hearing that when we get this back in the black again maybe we can start moving the other way.

Kemnitz: I do have the minutes from that session that added the language. Speaking from that record, Mr. Carlson in his testimony as recorded indicated that we need to do something about the unfunded liabilities and get to the black of the balance sheet and later as things progress we can adjust.

Chairman Kaiser: On the green handout on page 3 where you talk about the courts ruling on liberal construction, I point out to you that the first one is 1922, the second is 1977, the third is 1967, the fourth is 1987, the fifth is 1990 and the sixth is 1992. That's all pre 1995. If the court is doing its job, they are not advocating liberal construction they are ruling in favor of it because that was what was in place at the time.

Kemnitz: The best I can do in answer to that is in the first handout we had, it shows it comes from common law and an application of statute to all laws. In the yellow handout it shows all remedial legislation should receive a liberal construction.

Chairman Kaiser: The courts ruled and based their ruling on the fact that this language wasn't in the law at that time. Wouldn't you agree?

Kemnitz: I would respectfully disagree because of conversations with others that I am not at liberty to speak for them and would hesitate to quote.

Chairman Kaiser: Let me give you a factual case pre 1995. An employee comes to work Monday morning. This is in days when everybody was going crazy for wood burning stoves in their house. He spent 12 hours on Saturday cutting wood down on the river bottom. Sunday he spent 8 hours. He was very proud of it and said he never worked harder in his life. Then on Monday he's driving to Dickinson in the car, felt a twinge in his back, went to the doctor and had surgery. Liberal construction says that's a work related injury. That's what the three commissioners ruled. Do you agree?

Kemnitz: If that individual was able to assert that there may have been, and probably was, a pre condition from an injury from work.

Chairman Kaiser: That was not the assertion. The assertion was that the pain occurred while driving. I'm telling you the facts; there was no pre existing condition. Do you think that's a good claim?

Kemnitz: I don't have enough information. If I were able to review the case as you have and understand all of the ramifications, and I can't. I would assert that a pre existing condition from a job related injury, which many of us have, may have triggered it. If you could prove that at least 50% of that pain is from a pre existing injury or condition that is job related. . .

Chairman Kaiser: I would agree with that, but there was nothing. No pre existing condition. Zero.

Ed Christiansen: I would like to ask the Chairman if you were out working on a construction job, you were carrying stuff down into the hole, and you fell down and broke your leg and the bone was sticking out of it and you were hauled into the hospital for surgery, would you say that kind of injury is on the job.

Chairman Kaiser: Yes.

Christiansen: The gentleman's wife had to haul him to the job. After 9 weeks he had not heard anything from Workforce Safety. They were investigating to see if he did it on the job site. Should there be any question about it? There was to them. I just wanted to point out that isn't always cut and dried because that was cut and dried too. When they read that report it should have been starting to be processed don't you think. This guy had something and they still do it so I just wanted to point that out to you. It isn't always cut and dried on either side.

Sebald Vetter, representing an organization called Concerned Advocates for Rights for Employees, testified in favor of the bill. I support this bill. I think this bill does support us.

Dan Finneman, Concerned Advocates for Rights of Employees, testified in favor of the bill. I would like to first address the striking of the language in that law. I had a case that if they had taken the evidence that wasn't able to be exhibited and would have taken the doctor's medical evidence that supported it and in my case the district court system would have been able to hear all the evidence, it would have been overturned. Even today when I try to submit

medical findings they are rejected because I have already had my hearing and it is settled. I would like you to ponder upon what President Thomas Jefferson said, "The care of human life and happiness and not their destruction is the first and only legitimate objective of government." We are not to destroy people in creating laws. We try to help them along through life. You are pretty much tying the hands of injured workers.

Anne Jorgenson Green, staff attorney, WSI, testified in opposition to the bill.

(Testimony Attached.)

Representative Amerman: Would you say that every court case is uncertain and there is no sure outcome as far as where the judge may rule.

Green: If the law is applied as the Legislature wrote the law, it increases the certainty of the court system

Amerman: Then after 1995 as the Legislature took away liberal construction, then there was pretty certainty that the claimant didn't have much of a chance.

Green: No, I disagree. Prior to 1995, liberal construction was not statutory. It was not something this Legislature created. It was created by the ND Supreme Court when they determined through a series of cases that they would decide what you meant by the law that you wrote. In other words, we're not going to apply the law as it's written, as you the Legislature passed it, but rather we're going to decide what we believe that you meant. As a response the Legislature said we wrote the law a certain way. We wrote the law for you the courts and the agencies to apply the statute as written. You said in 1995 "apply the law as written."

Amerman: Since 1995, as far as claimants being in the position to go to the Supreme Court, are there other laws that have helped or hindered as far as being able to retain counsel, paying counsel, and that type of thing. Are there any other laws that have been written that make it more difficult for the claimant?

Green: No, I don't believe so. It is my belief that claims are analyzed on the facts. Sometimes that takes a bit of time. It is the organization's position that the laws as they stand today give the injured worker every opportunity for a compensable work injury.

Representative Thorpe: Going back to where we were in 1995 I think somewhere along the way in reading the reams of documentation, I read someplace that decisions rendered should be on the preponderance of the evidence to weighing to the claimant. Wouldn't that cover what Representative Amerman is proposing in this bill?

Green: Currently, the injured worker's burden for a compensable injury is that it's more likely than not that the injury occurred during the course of his employment. It's more than 50% likely that it occurred during the course of employment. It is the injured worker's burden to prove it.

Representative Thorpe: I'm aware of that. I've listened to a lot of that testimony here. I would certainly be amiss to sit on a hearing or committee that is going decide for or against the injured. As I understand there is even conflict within the doctor's giving testimony. It seems like it's almost impossible to make a solid decision.

Green: I agree that there are areas that are difficult. It is particularly difficult the further away we get from date of injury.

Chairman Kaiser: This is a complicated issue. If I understand you correctly, you are saying that current practice is more likely than not the injury was related to a work situation. That means 51% of the evidence. Help me understand clear and convincing versus preponderance of evidence. What is the position of the WSI?

Green: Correct. Preponderance is 51%. Clear and convincing is one step above that. If you would go one step beyond that you be at beyond a reasonable doubt. WSI is at preponderance.

Chairman Kaiser: How do those three things fit in with liberal construction?

Green: Liberal construction says that although the agency might take a claim based on the law at the time, apply the law, determines the claim is not compensable, that claim would be appealed by the injured worker to the district court and maybe all the way to the ND Supreme Court. Liberal construction is a judicial determination. It is not based on the law as you wrote it. It is the determination of the court. Rather than apply what is written in the law, the court will tell you what we think you meant by the law.

Chairman Kaiser: If this language wasn't in there before 1995, how does WSI take this language and apply preponderance and not liberal interpretation? How did you take this language and apply it.

Green: WSI took the language, took the facts of the case and if it was more likely that the injured worker's injury happened during the course of his employment, that how we compensated. That's the same standard that applies to many adjudications.

Chairman Kaiser: This language says the claim arising is subject to judicial review and must be reviewed solely on the merits of the action or claim. So they can't go willy nilly. They have to go on the merits of the claim just as you did. That's what ties their hands from being liberal.

Green: That's correct.

Representative Thorpe: This pretty much takes out of the decision of the judges to liberally construct.

Chairman Kaiser: That's correct. What we are saying is that the bureau has to apply 51% or greater standards and the court has to apply those same standards. They can't just arbitrarily subjectively say we disagree. They have to go on the merits of the case.

Representative Thorpe: I'm not sure I'm comfortable with that.

Green: Removing this language would resurrect all that line of cases where the court says, Legislature we're not concerned with what you wrote. We're going to legislate from the bench.

If that's the case and the Legislature wishes to abrogate that law making authority by passing 1283, the court will become the law of the land.

Representative Thorpe: I've always had great respect for the legal system with the protection you get through the juries and judges and that's the part I don't get.

Representative Amerman: If someone is arguing before the Supreme Court, am I wrong in thinking that a lot of the laws we pass here are up for interpretation. They are not unanimous because someone interprets the law differently. That's nothing unusual.

Green: When the Supreme Court makes a determination they are applying a very narrow area of the law. What this bill proposes is to remove the requirement of the court to apply the law as written.

Chairman Kaiser: If we go to a civil court or criminal court whether we have a judge or a jury, we have different standards: preponderance, clear and convincing, and beyond reasonable doubt. If I'm in a murder trial, I can't use liberal construction interpretation. I have to use a strict interpretation. Is that correct? I couldn't just decide that the intent of the Legislature was to do something else despite what they said.

Green: Correct. As a member of the jury you would be instructed on the law.

Representative Amerman: I want to read this to you. "The purpose of the Worker's Compensation Act is remedial and should be construed liberally in favor of the injured worker. Liberal construction resolves reasonable doubt in favor of the injured worker because it was for the worker's benefit the act was passed." That's the way it was before '95. That's the way the act was passed—for the benefit of the injured worker. Does that apply anymore?

Green: No, that law doesn't apply. Recall that worker's comp law was written to provide sure and certain relief to injured workers at a time when workers were not necessarily given anything. They gave up the opportunity to sue their employers for "sure and certain relief" that paid them expeditiously and without litigation and without the burden of proving negligence on

the part of their employer. That language arises out of a set of conditions that was very different than it is in 2007.

Bill Shalhoob, ND Chamber of Commerce, testified in opposition to the bill. (Testimony Attached.) If people talk about a pendulum and say we have gone too far, let's talk about an incremental change.

J. Volentor, testified neutral on the bill. I am a carpenter. In 1964 I got hurt on the job—in my back. I went to chiropractor and he said he could fix me. Needless to say, he didn't. This has been with me all my life. My quality of life has been going downhill because I live with a lot of pain. I paid for a lot of the bills myself. I was injured on the job and as I got older it bothered me more and more. I started filing claims with Worker's Comp. We are laborers, we work hard, and we get hurt bad. Who do we go to? We have to hire a lawyer to fight workman's comp. We don't want to fight you guys. We just want what we have coming to us. Can't you people understand right and wrong? Either we have insurance with workman's comp or we don't.

There being no further testimony, Chairman Kaiser closed the hearing of HB 1283.

Representative Zaiser: I move Do Pass.

Representative Thorpe: I second.

Representative Amerman: This is something that deals with justice and I don't think it will make or break Workman's Comp. It puts justice back in to the system. It's very difficult for injured workers to get to the point where they have to go the courts. Liberal construction is used throughout the law. I don't know why WSI has to be exempt from it.

Representative Zaiser: I am of the same opinion. It's very difficult to take on City Hall and I think this is even larger than City Hall. Can you imagine having essentially no money and then have to hire an attorney to take on a team of attorneys. This enables the individual to have a fighting chance.

Representative Kasper: I look at the language being struck on line 15 where we say everything must be reviewed solely on the merits of the action or the claim. That's the way the law ought to be. We want to strike that. It goes further to say and I think this is key, "the title may not be liberally on behalf of any party. The merits of the claim are where our law ought to be and the way all courts ought to be. I will resist the Do Pass.

Representative Thorpe: Apparently with the language that was in prior to 1995, we got along with it. Worker's Comp originated somewhere around 1918. We got along with it for a while. I don't see a claim for WSI is in the same category.

Representative Ruby: I don't see any train coming here. I think it's got a fair hearing. I see this as there were some problems where things were legislated from the bench in a way that usurps what the Legislature does. We all complain about things worded correctly. While it is written precisely and with great detail, it does leave a lot of interpretation for the courts. Unfortunately that can work for you or against you depending on the case and the person that's sitting there. I think it's upon us to make sure that law is written precisely.

Chairman Kaiser: I've looked at the pre language and I'm assuming that liberal construction is not appropriate and that you would go on the merits of the case. In all our courts we use those standards of preponderance, clear and convincing, and beyond reasonable doubt and they are not construed liberally. If you want liberal construction why not delete this language and say the court and all parties must use liberal construction. Would you support that? Then you would be setting the policy. You will use liberal construction. Forget what the facts are. Use your own mind. I don't think that's a position that you really support.

Representative Thorpe: There is no way I feel my capability is on the bench as a legislator so I'm supporting the bill.

Representative Zaiser: The term, we don't want to legislate from the bench is getting overused and has been for the last ten years. It has become something to rally against. I

just think that's not there. To defend this bill is not to say we must use liberal construction. That's not a fair argument. I think this is one of those things that the worker right now, as the law is, is at a disadvantage. You said you would move towards giving some of those protections back to the worker. As Representative Amerman said, the workers would give up their right to sue if we go this way. I think that right to sue and the possibility to sue is very difficult and I don't think these guys would litigate. I couldn't litigate. I think this moves it a little bit. I think it's the right way to go.

A roll call vote was taken: Yes: 4, No: 9, Absent: 1 (Boe).

The do pass motion failed.

Representative Ruby: I move Do Not Pass

Representative Kasper: I second.

A roll call vote was taken: Yes: 9, No: 4, Absent: 1 (Boe).

The Do Not Pass prevailed.

Representative Kasper will carry the bill.

FISCAL NOTE

Requested by Legislative Council
01/18/2007

Bill/Resolution No.: HB 1283

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 eliminates the requirement that civil actions or claims subject to judicial review must be reviewed solely on the merits of the action or claim and not be construed liberally on behalf of any party.

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 1283

BILL DESCRIPTION: Workers Compensation Law Construction

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 eliminates the requirement that civil actions or claims subject to judicial review must be reviewed solely on the merits of the action or claim and not be construed liberally on behalf of any party.

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 subject to judicial review as the courts will have greater latitude when issuing decisions. The introduction of a clear standard for judicial review was an important element of the workers' compensation reform package that was passed in 1995. Since then, the overall fund status has improved significantly. Though many factors contributed to the improvement, WSI believes that the proposed legislation could act to partially reverse the trend.

The proposed change may also act to increase the level of uncertainty of any actuarial estimates because of the increased potential for upward loss development (increases in cost estimates) associated with adverse court opinions.

DATE: January 26, 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:**	01/26/2007

Date: 2-5-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1283

House **Industry Business & Labor** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken DoPass

Motion Made By Rep. Zaiser Seconded By Rep Thorpe

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		X	Rep. Zaiser	X	
Rep. Kasper		X			
Rep. Nottestad		X			
Rep. Ruby		X			
Rep. Vigesaa		X			

Total Yes 4 No 9

Absent 1

Floor Assignment Rep. Kasper

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

Date: 2-5-07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1283

House **Industry Business & Labor** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Not Pass

Motion Made By Rep Ruby Seconded By Rep Kasper

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	X		Rep. Zaiser		X
Rep. Kasper	X				
Rep. Nottestad	X				
Rep. Ruby	X				
Rep. Vigesaa	X				

Total Yes 9 No 4

Absent 1

Floor Assignment Rep Kasper

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

REPORT OF STANDING COMMITTEE

HB 1283: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1283 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

HB 1283

#1

2007 House Bill No. 1283
Testimony before the House Industry, Business and Labor Committee
Anne Jorgenson Green, Staff Attorney
Workforce Safety and Insurance
February 5th, 2007

Mr. Chairman, Members of the Committee:

Good Morning. My name is Anne Jorgenson Green and I am staff counsel for Workforce Safety and Insurance (WSI). I am here to testify on HB 1283 which eliminates the provisions that a claim "must be reviewed solely on the merits of the action or claim" and that the "title may not be construed liberally on behalf of any party to the action or claim." The WSI Board of Directors opposes this bill.

In a series of decisions from the 1970's and 1980's, the North Dakota Supreme Court held that the provisions of the Workers' Compensation Act were to be construed in favor of the injured worker to afford benefits and avoid forfeiture. Although WSI applied the law as written by the legislature, the Court ruled otherwise resulting in the payment of benefits where there was no entitlement under workers' compensation law.

An example of these rulings occurred in 1989 when the North Dakota Supreme Court ruled in White v. North Dakota Workers Compensation Bureau, 441 N.W.2d 908 (1989), that despite medical treatment for and awareness of a work-related injury in 1984, Mr. White did not file his claim until December of 1986. The Bureau applied the law that the date of the slip and fall triggered the one-year period for filing, barring Mr. White's claim.

The Supreme Court subsequently held that "under the circumstances of this case, we do not believe that a reasonable basis existed for the Bureau to conclude that, given his education and intelligence, White knew or should have known that he suffered a compensable injury on April 27, 1984." The Supreme Court also asserted in White that, "We do not believe that the Legislature intended to go that far. We believe that the Legislature intended that any doubt about whether a claimant can determine the actual date of a compensable injury with certainty must be resolved by testing the claimant's knowledge under the reasonable person standard."

In response to White and similar rulings, the 1995 North Dakota Legislature established statutory language to assure a claim is reviewed based solely on its merits and without favor to either the injured worker or the employer. Additionally, Arkansas, Florida, Maine, Minnesota, Montana, Nevada, Wyoming, and most recently Ohio, have all eliminated the liberal construction application in workers' compensation cases.

While WSI does do not have access to sufficient data to permit a comprehensive evaluation of the potential rate level and reserve impact of this proposed legislation, the organization does anticipate that the level of uncertainty would increase actuarial estimates.

For these reasons, WSI requests a "do not pass" on HB 1283. I am happy to answer any questions that you might have at this time.