

NDRA Legislative Update:

HB 1440 Pharmacy Ownership Law:

The Pharmacy Ownership Law was the most hotly debated bill of the session's first half. Both sides were very vocal and persistent in their efforts. After an all morning hearing before roughly 300 people in the House IBL committee, HB 1440 was given an 8-5 DNP recommendation by the committee. An intense week of lobbying followed before the bill was heard on the House floor where it was defeated by a 57-35-2 count. So, the ND pharmacy ownership law remains intact. NDRA and the pharmacists received tremendous lobbying support from the North Dakota Farmers Union in defeating the bill. Unfortunately, this battle is likely far from over as talk is already circulating about a potential initiated measure in the next election geared at once again attempting to overturn the current pharmacy law in North Dakota.

HB 1213 relating to smoking restrictions in public places and places of employment:

HB 1213 was the latest "no smoking" bill brought forward. It called for a ban on smoking in hotel/motel rooms and all ND bars. NDRA and NDPMA got involved in this bill for several reasons. First, a business owner has a right to choose how to operate their facility without Government interference. Secondly, the smoking issue is already being decided on a city by city basis. Thirdly, there was talk that truck stops should be added to the bill in committee. This bill came out of political subs after a very emotional three hour hearing with an 8-5 DNP recommendation. The association worked with the ND Hospitality officials in lobbying for a "no" vote. The bill was killed on the House floor by a 59-33-2 count.

relating to the sales and use tax exemption for clothing:

HB 1268 HB 1268 is a bill which would exempt all state sales tax on clothing and apparel in ND. NDRA testified in support of this bill citing Minnesota and Montana had major business advantages over bordering ND communities. NDRA stated this would also be a good way to jump start a sluggish retail economy in 2009. HB 1268 put money into the hands of shoppers to purchase more of the products they use on a daily basis. This bill came out of committee with a 13-0 DP. It received favorable support in House Appropriations before passing on the House floor by a 66-26-2 vote. In the Senate, the bill encountered anticipated, much rougher sledding. Officials from the major cities in North Dakota turned out in strong numbers at the Senate hearing to oppose the bill. City leaders said substantial portions of the sales tax on clothing and apparel were currently being designated for long term capital improvements. Opponents said losing this money would

likely force city officials to seek other funding mechanisms, including a potential increase in property taxes. The bill literally had no legs coming out of the Senate Finance and Tax Committee receiving a 7-0 DNP recommendation. NDRA worked this bill hard enough to reach the point of potential burning a few bridges, so the association eventually backed off. The bill failed on the Senate floor by a 46-1 count.

HB 1560 was one of the most interesting, yet dangerous bills on the retail side. This bill sought to bring a foreign manufacturer of a defective product back to ND to stand trial. The only catch was if the manufacturer couldn't be returned to the state to stand trial, then the seller or retailer who unknowingly sold the defective product could be left to face charges.

HB 1560 NDRA fought vigorously to uphold current law which has safeguards for retailers in place. We were able to amend out the term "seller" in the bill. It came out of House IBL with a 8-4 DNP recommendation and died on the House floor by a 66-26-2 vote.

Workforce Safety Insurance Issues: There were about 30 different bills pertaining to workforce safety in the 2009 session. NDRA was only actively involved in the WSI bill process when called upon. Otherwise, the North Dakota State Chamber took the lead in this area. Chamber officials did an excellent job representing the business community on the issues. Overall, it was a very productive session with the WSI bills falling in favor of the business community in nearly every instance.

Below is the WSI bill summary:

Bill Number	Bill Title	Position
HB 1097 - FAILED TO PASS	Relating to limitations of withholdings of an employer from compensation due employees	Monitor
HB 1408 - FAILED TO PASS	Relating to allowing employers to self-insure for workers' compensation coverage	Oppose
HCR 3008	Study workers' compensation laws in this state and other states with respect to prior injuries, preexisting conditions, and degenerative conditions	Support - PASSED
HB 1201	Relating to changing the name of the workforce safety and insurance office of independent review	Support - PASSED

SB 2058	Relating to distinction between workers' compensation independent medical examinations and independent medical reviews	Support - PASSED
SB 2057	Relating to workers' compensation permanent partial impairment awards for loss of vision; to provide for application; and to declare an emergency.	Support as Amended - PASSED
SB 2056	Relating to workers' compensation mileage reimbursement for injured employee's medical travel; and to provide for application	Support - PASSED
HB 1035	Relating Workforce Safety and Insurance reserves	Monitor - PASSED
HB 1101	Relating to workers' Compensation dependency allowances, preacceptance disability benefits, maximum disability benefits, travel and other reimbursement, death benefits, and burial expenses; and to provide for application	Support - PASSED
HB 1455	Relating to workers' compensation benefits for surviving spouse of permanently and totally disabled injured employee; and to provide for application	Support as Amended - PASSED
HB 1064	Relating to cost-of-living adjustments for workers' compensation total disability benefits; to provide for application; to provide an effective date; and to declare an emergency.	Support - PASSED
HB 1063	Relating to workers' compensation coverage for preexisting conditions; to provide for application	Support - PASSED
HB 1062	Relating to workers' compensation rehabilitation services pilot programs; relating to expansion of workers' compensation rehabilitation services; and to provide for a report to the legislative council	Support - PASSED
HB 1061	Relating to workers' compensation definition of artificial members as it relates to compensable injuries; and to provide for application	Support - PASSED
HB 1037	Relating to the independent performance evaluation of Workforce Safety and Insurance	Support - PASSED

HB 1036	Relating to the calculation of Workforce Safety and Insurance premiums	Support
HB 1160 - FAILED TO PASS	Relating to examination of Workforce Safety and Insurance by the Insurance Commissioner; and to provide a continuing appropriation	Oppose
SB 2435 - FAILED TO PASS	Relating to the exercise of continuing jurisdiction by workforce safety and insurance	Oppose
SB 2432	Relating to preferred providers for work-related injuries	Oppose - PASSED
SB 2419	Relating to workers' compensation vocational rehabilitation awards; and to provide for application	Support as Amended - PASSED
SB 2059	Relating to workforce safety and insurance payment of an injured employee's attorney's fees for a case review or settlement proposal; to provide for a report to the legislative assembly; and to provide for application	Oppose
HB 1151	Relating to reporting requirements in safety grant programs; relating to definition of wages, information fund, and confidentiality of employer files for workforce safety and insurance purposes; relating to rules for mine foremen	Support
HB 1561	Relating to a treating doctor's opinion in workers' compensation decisions and appeals	Support as Amended - PASSED
HB 1524 - FAILED TO PASS	Relating to workers' compensation fraud; and to provide a penalty	Oppose
HB 1410 - FAILED TO PASS	Relating to workers' compensation offset for social security retirement benefits	Oppose
SB 2434 - FAILED TO PASS	Relating to reapplication for workers' compensation disability benefits	Oppose
HB 1427 - FAILED TO PASS	Relating to an injured worker's request for workers' compensation to exercise continuing jurisdiction	Oppose

SB 2430 - FAILED TO PASS	Relating to the duration of workers' compensation temporary partial disability benefits	Oppose
HCR 3013	A concurrent resolution directing the Legislative Council to study the availability of legal representation to assist injured employees in understanding and pursuing Workforce Safety and Insurance decisions	Neutral - PASSED
SB 2386 - FAILED TO PASS	Relating to workers' compensation definitions for compensable injury, permanent total disability, and temporary total disability and workers' compensation aggravation awards	Oppose
HB 1542 - FAILED TO PASS	Relating to construction of workers' compensation claims	Oppose
HB 1525	Relating to workers' compensation additional benefits payable	Support as Amended - PASSED
HB 1464	Relating to the workforce safety and insurance personnel system and spending authority	Support as Amended - PASSED
SB 2433	Relating to work searches by disabled workers	Oppose - PASSED
HB 1247 - FAILED TO PASS	Relating to workers' compensation dependency allowances	Oppose