

A CONCURRENT RESOLUTION establishing the Kentucky Workers' Compensation Task Force.

WHEREAS, workers' compensation was enacted by the 1916 Kentucky General Assembly to establish wage replacement and medical benefits for employees who sustain injuries arising out of and in the scope of employment, and to grant protections to employers against the expense and liability of defending and paying claims of negligence associated with work-related injuries; and

WHEREAS, the original Workers' Compensation Act has continuously evolved to accommodate changes occurring over time, including provisions enacted by the General Assembly establishing professional administration of the Worker's Compensation Program in 1987, providing more affordable insurance coverage for high-risk employers in 1994, modifying the indemnity benefit structure in 1996, revising some of the changes made in 1996 in 2000, and altering the manner in which black lung claims were adjudicated in 2002; and

WHEREAS, since no major changes to the workers' compensation system have been undertaken since 2002, consideration must now be given to possible changes to the workers' compensation system to allow it to continue to evolve to meet the challenges of a constantly changing workers' compensation landscape, such as increased cost of medical care for injured workers; and

WHEREAS, all aspects of the Kentucky workers' compensation system must be studied and potentially realigned to adequately safeguard the rights of both employees and employers under the workers' compensation system and to ensure that income, medical, and vocational benefits continue to be delivered to injured workers in a timely and efficient manner;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

➔Section 1. The Legislative Research Commission is hereby directed to create a Kentucky Workers' Compensation Task Force that shall study and develop consensus recommendations concerning possible procedural and substantive changes to the workers' compensation system in Kentucky, with particular focus on enhancing the system of delivering income, medical, and vocational benefits to injured workers and improving the administration of the Kentucky workers' compensation system.

➔Section 2. The task force shall be composed of the following members, with final membership of the task force being subject to the consideration and approval of the Legislative Research Commission:

(1) Two members of the Senate, to be appointed by the President of the Senate, with one member being of the majority party in the Senate and who will serve as co-chair, and one member being of the minority party in the Senate;

(2) Two members of the House of Representatives, to be appointed by the Speaker of the House, with one member being of the majority party in the House of Representatives and who will serve as co-chair, and one member being of the minority party in the House of Representatives;

(3) Five representatives of the Kentucky AFL-CIO;

(4) Two representatives of the Kentucky Justice Association;

(5) Two representatives of the Kentucky Workers' Association;

(6) A representative of the Kentucky Chamber of Commerce;

(7) A representative of the Kentucky Association of Manufacturers;

(8) A representative of National Federation of Independent Business/Kentucky;

(9) A representative of the Kentucky Employers' Mutual Insurance Authority;

(10) A representative of the Kentucky Retail Federation;

(11) A representative of the Kentucky League of Cities;

(12) A representative of the Kentucky Association of Counties;

(13) A representative of self-insured employers in Kentucky to be selected jointly

by the Kentucky League of Cities, the Kentucky Association of Counties, and the Kentucky Chamber of Commerce;

(14) A representative of Kentucky workers' compensation insurance carriers to be selected by the Commissioner of the Department of Insurance;

(15) The Secretary of the Labor Cabinet or his or her designee as an ex officio member; and

(16) The Commissioner of the Department of Workers' Claims or his or her designee as an ex officio member.

➔Section 3. The task force shall meet a minimum of three times during the 2016 Interim of the General Assembly and shall submit a report to the Legislative Research Commission for referral to the appropriate committee or committees by December 1, 2016. The report shall, at a minimum, include a detailed analysis of the current workers' compensation system and recommendations regarding proposed legislation, related to improving the delivery of workers' compensation benefits to injured workers.

➔Section 4. Provisions of this Resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.