

SECOND REGULAR SESSION

SENATE BILL NO. 878

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time February 29, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6027S.011

AN ACT

To repeal sections 287.067, 287.120, 287.220, 287.715, and 287.800, RSMo, and to enact in lieu thereof five new sections relating to workers' compensation, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 287.067, 287.120, 287.220, 287.715, and 287.800, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 287.067, 287.120, 287.220, 287.715, and 287.800, to read as follows:

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury **or death** by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 disease for purposes of this chapter. An occupational disease due to repetitive
19 motion is compensable only if the occupational exposure was the prevailing factor
20 in causing both the resulting medical condition and disability. The "prevailing
21 factor" is defined to be the primary factor, in relation to any other factor, causing
22 both the resulting medical condition and disability. Ordinary, gradual
23 deterioration, or progressive degeneration of the body caused by aging or by the
24 normal activities of day-to-day living shall not be compensable.

25 4. "Loss of hearing due to industrial noise" is recognized as an
26 occupational disease for purposes of this chapter and is hereby defined to be a
27 loss of hearing in one or both ears due to prolonged exposure to harmful noise in
28 employment. "Harmful noise" means sound capable of producing occupational
29 deafness.

30 5. "Radiation disability" is recognized as an occupational disease for
31 purposes of this chapter and is hereby defined to be that disability due to
32 radioactive properties or substances or to Roentgen rays (X-rays) or exposure to
33 ionizing radiation caused by any process involving the use of or direct contact
34 with radium or radioactive properties or substances or the use of or direct
35 exposure to Roentgen rays (X-rays) or ionizing radiation.

36 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or
37 disease of the heart or cardiovascular system, including carcinoma, may be
38 recognized as occupational diseases for the purposes of this chapter and are
39 defined to be disability due to exposure to smoke, gases, carcinogens, inadequate
40 oxygen, of paid firefighters of a paid fire department or paid police officers of a
41 paid police department certified under chapter 590 if a direct causal relationship
42 is established, or psychological stress of firefighters of a paid fire department if
43 a direct causal relationship is established.

44 7. Any employee who is exposed to and contracts any contagious or
45 communicable disease arising out of and in the course of his or her employment
46 shall be eligible for benefits under this chapter as an occupational disease.

47 8. With regard to occupational disease due to repetitive motion, if the
48 exposure to the repetitive motion which is found to be the cause of the injury is
49 for a period of less than three months and the evidence demonstrates that the
50 exposure to the repetitive motion with the immediate prior employer was the
51 prevailing factor in causing the injury, the prior employer shall be liable for such
52 occupational disease.

287.120. 1. Every employer subject to the provisions of this chapter shall

2 be liable, irrespective of negligence, to furnish compensation under the provisions
3 of this chapter for personal injury or death of the employee by accident or
4 **occupational disease** arising out of and in the course of the employee's
5 employment[.]. **Any employee of such employer shall not be liable for**
6 **any injury or death for which compensation is recoverable under this**
7 **chapter and every employer and employees of such employer shall be**
8 released from all other liability therefor whatsoever, whether to the employee or
9 any other person, **except that an employee shall not be released from**
10 **liability for injury or death if the employee engaged in an affirmative**
11 **negligent act that purposefully and dangerously caused or increased**
12 **the risk of injury, and when an employer acts knowingly and is**
13 **reasonably certain that injury to or death of an employee will result,**
14 **an employer's acts shall be deemed to make such an injury or death not**
15 **subject to the exclusive remedy provisions of this section and the**
16 **employer shall forfeit any and all subrogation rights under this**
17 **chapter.** The term "accident" as used in this section shall include, but not be
18 limited to, injury or death of the employee caused by the unprovoked violence or
19 assault against the employee by any person.

20 2. The rights and remedies herein granted to an employee shall exclude
21 all other rights and remedies of the employee, his wife, her husband, parents,
22 personal representatives, dependents, heirs or next kin, at common law or
23 otherwise, on account of such [accidental] injury or death **by accident or**
24 **occupational disease**, except such rights and remedies as are not provided for
25 by this chapter.

26 3. No compensation shall be allowed under this chapter for the injury or
27 death due to the employee's intentional self-inflicted injury, but the burden of
28 proof of intentional self-inflicted injury shall be on the employer or the person
29 contesting the claim for allowance.

30 4. Where the injury is caused by the failure of the employer to comply
31 with any statute in this state or any lawful order of the division or the
32 commission, the compensation and death benefit provided for under this chapter
33 shall be increased fifteen percent.

34 5. Where the injury is caused by the failure of the employee to use safety
35 devices where provided by the employer, or from the employee's failure to obey
36 any reasonable rule adopted by the employer for the safety of employees, the
37 compensation and death benefit provided for herein shall be reduced at least

38 twenty-five but not more than fifty percent; provided, that it is shown that the
39 employee had actual knowledge of the rule so adopted by the employer; and
40 provided, further, that the employer had, prior to the injury, made a reasonable
41 effort to cause his or her employees to use the safety device or devices and to obey
42 or follow the rule so adopted for the safety of the employees.

43 6. (1) Where the employee fails to obey any rule or policy adopted by the
44 employer relating to a drug-free workplace or the use of alcohol or nonprescribed
45 controlled drugs in the workplace, the compensation and death benefit provided
46 for herein shall be reduced fifty percent if the injury was sustained in conjunction
47 with the use of alcohol or nonprescribed controlled drugs.

48 (2) If, however, the use of alcohol or nonprescribed controlled drugs in
49 violation of the employer's rule or policy is the proximate cause of the injury, then
50 the benefits or compensation otherwise payable under this chapter for death or
51 disability shall be forfeited.

52 (3) The voluntary use of alcohol to the percentage of blood alcohol
53 sufficient under Missouri law to constitute legal intoxication shall give rise to a
54 rebuttable presumption that the voluntary use of alcohol under such
55 circumstances was the proximate cause of the injury. A preponderance of the
56 evidence standard shall apply to rebut such presumption. An employee's refusal
57 to take a test for alcohol or a nonprescribed controlled substance, as defined by
58 section 195.010, at the request of the employer shall result in the forfeiture of
59 benefits under this chapter if the employer had sufficient cause to suspect use of
60 alcohol or a nonprescribed controlled substance by the claimant or if the
61 employer's policy clearly authorizes post-injury testing.

62 7. Where the employee's participation in a recreational activity or
63 program is the prevailing cause of the injury, benefits or compensation otherwise
64 payable under this chapter for death or disability shall be forfeited regardless
65 that the employer may have promoted, sponsored or supported the recreational
66 activity or program, expressly or impliedly, in whole or in part. The forfeiture of
67 benefits or compensation shall not apply when:

68 (1) The employee was directly ordered by the employer to participate in
69 such recreational activity or program;

70 (2) The employee was paid wages or travel expenses while participating
71 in such recreational activity or program; or

72 (3) The injury from such recreational activity or program occurs on the
73 employer's premises due to an unsafe condition and the employer had actual

74 knowledge of the employee's participation in the recreational activity or program
75 and of the unsafe condition of the premises and failed to either curtail the
76 recreational activity or program or cure the unsafe condition.

77 8. Mental injury resulting from work-related stress does not arise out of
78 and in the course of the employment, unless it is demonstrated that the stress is
79 work related and was extraordinary and unusual. The amount of work stress
80 shall be measured by objective standards and actual events.

81 9. A mental injury is not considered to arise out of and in the course of
82 the employment if it resulted from any disciplinary action, work evaluation, job
83 transfer, layoff, demotion, termination or any similar action taken in good faith
84 by the employer.

85 10. The ability of a firefighter to receive benefits for psychological stress
86 under section 287.067 shall not be diminished by the provisions of subsections 8
87 and 9 of this section.

287.220. 1. All cases of permanent disability where there has been
2 previous disability, **and for which compensation has been awarded or**
3 **which have been filed prior to July 1, 2012**, shall be compensated as herein
4 provided. Compensation shall be computed on the basis of the average earnings
5 at the time of the last injury. If any employee who has a preexisting permanent
6 partial disability whether from compensable injury or otherwise, of such
7 seriousness as to constitute a hindrance or obstacle to employment or to obtaining
8 reemployment if the employee becomes unemployed, and the preexisting
9 permanent partial disability, if a body as a whole injury, equals a minimum of
10 fifty weeks of compensation or, if a major extremity injury only, equals a
11 minimum of fifteen percent permanent partial disability, according to the medical
12 standards that are used in determining such compensation, receives a subsequent
13 compensable injury resulting in additional permanent partial disability so that
14 the degree or percentage of disability, in an amount equal to a minimum of fifty
15 weeks compensation, if a body as a whole injury or, if a major extremity injury
16 only, equals a minimum of fifteen percent permanent partial disability, caused
17 by the combined disabilities is substantially greater than that which would have
18 resulted from the last injury, considered alone and of itself, and if the employee
19 is entitled to receive compensation on the basis of the combined disabilities, the
20 employer at the time of the last injury shall be liable only for the degree or
21 percentage of disability which would have resulted from the last injury had there
22 been no preexisting disability. After the compensation liability of the employer

23 for the last injury, considered alone, has been determined by an administrative
24 law judge or the commission, the degree or percentage of employee's disability
25 that is attributable to all injuries or conditions existing at the time the last injury
26 was sustained shall then be determined by that administrative law judge or by
27 the commission and the degree or percentage of disability which existed prior to
28 the last injury plus the disability resulting from the last injury, if any, considered
29 alone, shall be deducted from the combined disability, and compensation for the
30 balance, if any, shall be paid out of a special fund known as the second injury
31 fund, hereinafter provided for. If the previous disability or disabilities, whether
32 from compensable injury or otherwise, and the last injury together result in total
33 and permanent disability, the minimum standards under this subsection for a
34 body as a whole injury or a major extremity injury shall not apply and the
35 employer at the time of the last injury shall be liable only for the disability
36 resulting from the last injury considered alone and of itself; except that if the
37 compensation for which the employer at the time of the last injury is liable is less
38 than the compensation provided in this chapter for permanent total disability,
39 then in addition to the compensation for which the employer is liable and after
40 the completion of payment of the compensation by the employer, the employee
41 shall be paid the remainder of the compensation that would be due for permanent
42 total disability under section 287.200 out of a special fund known as the "Second
43 Injury Fund" hereby created exclusively for the purposes as in this section
44 provided and for special weekly benefits in rehabilitation cases as provided in
45 section 287.141. Maintenance of the second injury fund shall be as provided by
46 section 287.710. The state treasurer shall be the custodian of the second injury
47 fund which shall be deposited the same as are state funds and any interest
48 accruing thereon shall be added thereto. The fund shall be subject to audit the
49 same as state funds and accounts and shall be protected by the general bond
50 given by the state treasurer. Upon the requisition of the director of the division
51 of workers' compensation, warrants on the state treasurer for the payment of all
52 amounts payable for compensation and benefits out of the second injury fund
53 shall be issued.

54 2. In all cases in which a recovery against the second injury fund is
55 sought for permanent partial disability, permanent total disability, or death, the
56 state treasurer as custodian thereof shall be named as a party, and shall be
57 entitled to defend against the claim. The state treasurer, with the advice and
58 consent of the attorney general of Missouri, may enter into compromise

59 settlements as contemplated by section 287.390, or agreed statements of fact that
60 would affect the second injury fund. All awards for permanent partial disability,
61 permanent total disability, or death affecting the second injury fund shall be
62 subject to the provisions of this chapter governing review and appeal. For all
63 claims filed against the second injury fund on or after July 1, 1994, the attorney
64 general shall use assistant attorneys general except in circumstances where an
65 actual or potential conflict of interest exists, to provide legal services as may be
66 required in all claims made for recovery against the fund. Any legal expenses
67 incurred by the attorney general's office in the handling of such claims, including,
68 but not limited to, medical examination fees, expert witness fees, court reporter
69 expenses, travel costs, and related legal expenses shall be paid by the
70 fund. Effective July 1, 1993, the payment of such legal expenses shall be
71 contingent upon annual appropriations made by the general assembly, from the
72 fund, to the attorney general's office for this specific purpose. **Beginning on**
73 **July 1, 2012, the attorney general shall quarterly transmit the projected**
74 **cost of all legal expenses related to defense of the fund, including**
75 **personnel services and equipment and expenses, to the director. The**
76 **director shall withhold sufficient funds to meet the quarterly legal**
77 **expenses, not to exceed one-fourth of the annual appropriation by the**
78 **general assembly for this specific purpose. The attorney general shall**
79 **reduce staff defending the second injury fund in proportion to the**
80 **number of pending cases.**

81 3. If more than one injury in the same employment causes concurrent
82 temporary disabilities, compensation shall be payable only for the longest and
83 largest paying disability.

84 4. If more than one injury in the same employment causes concurrent and
85 consecutive permanent partial disability, compensation payments for each
86 subsequent disability shall not begin until the end of the compensation period of
87 the prior disability.

88 5. If an employer fails to insure or self-insure as required in section
89 287.280, funds from the second injury fund may be withdrawn to cover the fair,
90 reasonable, and necessary expenses **incurred and filed prior to July 1, 2012,**
91 to cure and relieve the effects of the injury or disability of an injured employee
92 in the employ of an uninsured employer, or in the case of death of an employee
93 in the employ of an uninsured employer, funds from the second injury fund may
94 be withdrawn to cover fair, reasonable, and necessary expenses **incurred and**

95 **filed prior to July 1, 2012**, in the manner required in sections 287.240 and
96 287.241. In defense of claims arising under this subsection, the treasurer of the
97 state of Missouri, as custodian of the second injury fund, shall have the same
98 defenses to such claims as would the uninsured employer. Any funds received by
99 the employee or the employee's dependents, through civil or other action, must
100 go towards reimbursement of the second injury fund, for all payments made to the
101 employee, the employee's dependents, or paid on the employee's behalf, from the
102 second injury fund pursuant to this subsection. The office of the attorney general
103 of the state of Missouri shall bring suit in the circuit court of the county in which
104 the accident occurred against any employer not covered by this chapter as
105 required in section 287.280.

106 6. Every [three years] **year** the second injury fund shall have an actuarial
107 study made to determine the solvency of the fund **taking into consideration**
108 **any existing balance carried forward from a previous year**, appropriate
109 funding level of the fund, and forecasted expenditures from the fund. The first
110 actuarial study shall be completed prior to July 1, [1988] **2013**. The expenses of
111 such actuarial studies shall be paid out of the fund for the support of the division
112 of workers' compensation.

113 7. The director of the division of workers' compensation shall maintain the
114 financial data and records concerning the fund for the support of the division of
115 workers' compensation and the second injury fund. The division shall also
116 compile and report data on claims made pursuant to subsection 9 of this
117 section. The attorney general shall provide all necessary information to the
118 division for this purpose.

119 8. All claims for fees and expenses filed against the second injury fund
120 and all records pertaining thereto shall be open to the public.

121 9. Any employee who at the time a compensable work-related injury is
122 sustained **prior and filed prior to July 1, 2012**, is employed by more than one
123 employer, the employer for whom the employee was working when the injury was
124 sustained shall be responsible for wage loss benefits applicable only to the
125 earnings in that employer's employment and the injured employee shall be
126 entitled to file a claim against the second injury fund for any additional wage loss
127 benefits attributed to loss of earnings from the employment or employments
128 where the injury did not occur, up to the maximum weekly benefit less those
129 benefits paid by the employer in whose employment the employee sustained the
130 injury. The employee shall be entitled to a total benefit based on the total

131 average weekly wage of such employee computed according to subsection 8 of
132 section 287.250. The employee shall not be entitled to a greater rate of
133 compensation than allowed by law on the date of the injury. The employer for
134 whom the employee was working where the injury was sustained shall be
135 responsible for all medical costs incurred in regard to that injury.

136 **10. The division shall pay any liabilities of the fund in the**
137 **following priority:**

138 **(1) Expenses related to the legal defense of the fund, under**
139 **subsection 2 of this section;**

140 **(2) Permanent total disability awards in the order in which such**
141 **claims are settled or finally adjudicated;**

142 **(3) Permanent partial disability awards in the order in which**
143 **such claims are settled or finally adjudicated;**

144 **(4) Medical expense incurred prior to July 1, 2012, under**
145 **subsection 5 of this section.**

146 **Such liabilities shall be paid to the extent the fund has a positive**
147 **balance. Any unpaid amounts shall remain an ongoing liability of the**
148 **fund until satisfied. No interest shall accrue on any outstanding**
149 **liabilities of the fund.**

287.715. 1. For the purpose of providing for revenue for the second injury
2 fund, every authorized self-insurer, and every workers' compensation policyholder
3 insured pursuant to the provisions of this chapter, shall be liable for payment of
4 an annual surcharge in accordance with the provisions of this section. The
5 annual surcharge imposed under this section shall apply to all workers'
6 compensation insurance policies and self-insurance coverages which are written
7 or renewed on or after April 26, 1988, including the state of Missouri, including
8 any of its departments, divisions, agencies, commissions, and boards or any
9 political subdivisions of the state who self-insure or hold themselves out to be any
10 part self-insured. Notwithstanding any law to the contrary, the surcharge
11 imposed pursuant to this section shall not apply to any reinsurance or
12 retrocessional transaction.

13 2. Beginning October 31, 2005, and each year thereafter, the director of
14 the division of workers' compensation shall estimate the amount of benefits
15 payable from the second injury fund during the following calendar year and shall
16 calculate the total amount of the annual surcharge to be imposed during the
17 following calendar year upon all workers' compensation policyholders and

18 authorized self-insurers. The amount of the annual surcharge percentage to be
19 imposed upon each policyholder and self-insured for the following calendar year
20 commencing with the calendar year beginning on January 1, 2006, shall be set at
21 and calculated against a percentage, not to exceed three percent, of the
22 policyholder's or self-insured's workers' compensation net deposits, net premiums,
23 or net assessments for the previous policy year, rounded up to the nearest
24 one-half of a percentage point, that shall generate, as nearly as possible, one
25 hundred ten percent of the moneys to be paid from the second injury fund in the
26 following calendar year, less any moneys contained in the fund at the end of the
27 previous calendar year. All policyholders and self-insurers shall be notified by
28 the division of workers' compensation within ten calendar days of the
29 determination of the surcharge percent to be imposed for, and paid in, the
30 following calendar year. The net premium equivalent for individual self-insured
31 employers and any group of political subdivisions of this state qualified to
32 self-insure their liability pursuant to this chapter as authorized by section
33 537.620 shall be based on average rate classifications calculated by the
34 department of insurance, financial institutions and professional registration as
35 taken from premium rates filed by the twenty insurance companies providing the
36 greatest volume of workers' compensation insurance coverage in this state. For
37 employers qualified to self-insure their liability pursuant to this chapter, the
38 rates filed by such group of employers in accordance with subsection 2 of section
39 287.280 shall be the net premium equivalent. The director may advance funds
40 from the workers' compensation fund to the second injury fund if surcharge
41 collections prove to be insufficient. Any funds advanced from the workers'
42 compensation fund to the second injury fund must be reimbursed by the second
43 injury fund no later than December thirty-first of the year following the
44 advance. The surcharge shall be collected from policyholders by each insurer at
45 the same time and in the same manner that the premium is collected, but no
46 insurer or its agent shall be entitled to any portion of the surcharge as a fee or
47 commission for its collection. The surcharge is not subject to any taxes, licenses
48 or fees.

49 3. All surcharge amounts imposed by this section shall be deposited to the
50 credit of the second injury fund.

51 4. Such surcharge amounts shall be paid quarterly by insurers and
52 self-insurers, and insurers shall pay the amounts not later than the thirtieth day
53 of the month following the end of the quarter in which the amount is received

54 from policyholders. If the director of the division of workers' compensation fails
55 to calculate the surcharge by the thirty-first day of October of any year for the
56 following year, any increase in the surcharge ultimately set by the director shall
57 not be effective for any calendar quarter beginning less than sixty days from the
58 date the director makes such determination.

59 5. If a policyholder or self-insured fails to make payment of the surcharge
60 or an insurer fails to make timely transfer to the division of surcharges actually
61 collected from policyholders, as required by this section, a penalty of one-half of
62 one percent of the surcharge unpaid, or untransferred, shall be assessed against
63 the liable policyholder, self-insured or insurer. Penalties assessed under this
64 subsection shall be collected in a civil action by a summary proceeding brought
65 by the director of the division of workers' compensation.

66 **6. In order to maintain the fiscal solvency of the second injury**
67 **fund, should the anticipated collections authorized in subsection 2 of**
68 **this section fail to be sufficient to meet its current and anticipated**
69 **legal obligations, provide funds to settle cases, and provide funds for**
70 **the administration of the fund for calendar years 2013, 2014, 2015, 2016,**
71 **2017, 2018, and 2019, the director of the division of workers'**
72 **compensation, shall determine the amount of revenue so**
73 **required. Notwithstanding subsection 2 of this section to the contrary,**
74 **such necessary funds as determined by the director of the division of**
75 **workers' compensation shall be collected with a supplemental**
76 **surcharge, not to exceed one and one-half percent, calculated in like**
77 **manner as authorized in subsection 2 of this section. All policyholders**
78 **and self-insurers shall be notified by the division of workers'**
79 **compensation of the supplemental surcharge percent to be imposed for**
80 **such period of time as part of the notice provided in subsection 2 of**
81 **this section. The provisions of this subsection shall expire on**
82 **December 31, 2019.**

83 7. In order to maintain the fiscal solvency of the second injury
84 fund, should the anticipated collections authorized in subsections 2 and
85 6 of this section fail to be sufficient to meet its current and anticipated
86 legal obligations, provide funds to settle cases, and provide funds for
87 the administration of the fund for calendar years 2014, 2015, 2016, 2017,
88 2018, and 2019, the second injury fund commission shall determine on
89 or before October thirty-first the amount of revenue so required for the
90 following calendar year. Notwithstanding subsection 2 of this section

91 to the contrary, such necessary funds as determined by the second
92 injury fund commission shall be collected with a supplemental
93 surcharge, not to exceed one and one-half percent, calculated in like
94 manner as authorized in subsection 2 of this section. All policyholders
95 and self-insurers shall be notified by the division of workers'
96 compensation of the supplemental surcharge percent to be imposed for
97 such period of time as part of the notice provided in subsection 2 of
98 this section. The provisions of this subsection shall expire on
99 December 31, 2019.

100 8. Once the number of pending cases is reduced to the point
101 where the number of staff with the attorney general's office defending
102 the second injury fund can be reduced from July 2012 levels, the
103 attorney general shall begin reducing such staff in proportion to the
104 number of pending cases which remain.

105 9. Funds collected under the provisions of this chapter shall be
106 the sole funding source of the second injury fund.

107 10. The "Second Injury Fund Commission" is hereby
108 established. The second injury fund commission shall be composed of
109 four members including the governor, the attorney general, the
110 president pro tempore of the senate, and the speaker of the house of
111 representatives. Commission members may not appoint a designee to
112 serve in their absence. The second injury fund commission shall
113 convene as necessary as determined by the governor. The second
114 injury fund commission shall also reconvene within thirty days of any
115 official written request submitted to the governor by any member of the
116 second injury fund commission. The surcharge amount as authorized
117 under subsection 7 of this section shall be reviewed and established
118 annually by the second injury fund commission by a three-fourths vote.
119 The office of attorney general and the division of workers'
120 compensation shall provide technical assistance and support to the
121 members of the second injury fund commission, for purposes of this
122 section. The members of the second injury fund commission shall
123 receive no compensation in addition to their salary as governor,
124 attorney general, or members of the general assembly, but may receive
125 their necessary expenses while attending the meetings of the
126 commission, to be paid out of the second injury fund.

2 judges, legal advisors, the labor and industrial relations commission, the division
3 of workers' compensation, and any reviewing courts shall construe the provisions
4 of this chapter strictly.

5 2.] Administrative law judges, associate administrative law judges, legal
6 advisors, the labor and industrial relations commission, and the division of
7 workers' compensation shall weigh the evidence impartially without giving the
8 benefit of the doubt to any party when weighing evidence and resolving factual
9 conflicts.

Section B. Because it is necessary to ensure proper coverage and liability
2 under the workers' compensation laws of the state, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force and effect upon its
6 passage and approval.

✓

Bill

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