

1                   **JOINT RESOLUTION OPPOSING THE ESTABLISHMENT**  
2                                   **OF A FEDERAL COMMISSION ON**  
3                                   **STATE WORKERS' COMPENSATION LAWS**

4                                   2010 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Chief Sponsor: Michael T. Morley**

7                                   Senate Sponsor: Margaret Dayton

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9                   **LONG TITLE**

10                   **General Description:**

11                   This joint resolution of the Legislature supports the state-based workers' compensation  
12                   system and opposes federal efforts that would undermine the system.

13                   **Highlighted Provisions:**

14                   This resolution:

15                   ▶ expresses strong support for the current state-based workers' compensation system  
16                   and opposes proposed federal legislation that would lead to broadening the federal  
17                   role in that system; and

18                   ▶ opposes H.R. 635 of the 111th United States Congress, which would establish a  
19                   National Commission on State Workers' Compensation Laws, because the  
20                   Commission's evaluation could lead to recommendations that would erode the  
21                   independence of the state-based workers' compensation benefit delivery system,  
22                   would seek to impose federal benefit delivery system rules, which Congress would  
23                   be expected to approve, that inherently interfere with state benefit systems, would  
24                   increase system costs nationwide, and would frustrate efforts of the states to  
25                   contain costs.

26                   **Special Clauses:**

27                   None

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29                   *Be it resolved by the Legislature of the state of Utah:*

30 WHEREAS, state workers' compensation laws should provide an injured worker with  
31 all reasonable and necessary medical treatment that promotes expeditious healing, a return to  
32 work, a fair level of income benefits during disability, and protection against lost wages;

33 WHEREAS, state workers' compensation laws should assure that employees receive  
34 just compensation at a cost affordable to employers;

35 WHEREAS, the state-based workers' compensation system has proven over the  
36 near-century of its existence to be an effective means of protecting injured workers against the  
37 costs of industrial injury, while protecting employers against the unlimited and unpredictable  
38 costs of workplace liability;

39 WHEREAS, a state-based benefit delivery system reflects the nature and cost of  
40 employment in individual states and is an exemplar of the federal system, in which power is  
41 dispersed among the states, facilitating timely response and the ability to tailor remedies to  
42 state-specific conditions;

43 WHEREAS, the imposition of federal oversight and development of federal mandates  
44 on the state workers' compensation system should be opposed, including any proposed  
45 legislation that would unnecessarily increase the federal bureaucracy and create federal  
46 regulation in an area where states are currently providing adequate oversight;

47 WHEREAS, federal requirements on the state-based system would create unnecessary  
48 imbalances and unintended consequences for a system that has been operating effectively for  
49 decades;

50 WHEREAS, a state workers' compensation system, its administration, legal precedents,  
51 funding, and fiscal accountability, which is intricately linked to each state's economy, is a  
52 much more effective approach in dealing with workers' compensation issues;

53 WHEREAS, the state-based system provides the ability to experiment creatively and  
54 borrow from experiences in other states without the burden of a rigid, nationwide,  
55 one-size-fits-all federal program that is slow to change and administratively cumbersome;

56 WHEREAS, the rights of states and their respective legislatures and stakeholders to  
57 review the performance of state-based workers' compensation systems should be preserved;

58 and

59 WHEREAS, it is not the province of Congress to interfere with the state administration  
60 of workers' compensation:

61 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
62 expresses strong support for the current state-based workers' compensation system and  
63 opposes any proposed federal legislation that would lead to broadening the federal role in that  
64 system.

65 BE IT FURTHER RESOLVED that the Legislature of the state of Utah opposes H.R.  
66 635, introduced in the 111th United States Congress, that would establish a National  
67 Commission on State Workers' Compensation Laws, because the Commission's evaluation is  
68 intended, and will assuredly lead, to recommendations that would erode the independence of  
69 the state-based workers' compensation benefit delivery system, would seek to impose federal  
70 benefit delivery system rules, which Congress would be expected to approve, that inherently  
71 interfere with state benefit systems, would increase system costs nationwide, and would  
72 frustrate efforts of the states to contain costs.

73 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of  
74 the United States, the Majority Leader of the United States Senate, the Speaker of the United  
75 States House of Representatives, and to the members of Utah's congressional delegation.