

HOUSE CONCURRENT RESOLUTION

TO ESTABLISH A COMMITTEE TO MAKE A STUDY OF THE LAWS RELATING TO THE WORKER'S COMPENSATION SECOND INJURY FUND TO DETERMINE THE DESIRABILITY OF REVISING THOSE LAWS TO ASSURE THAT THE PURPOSES OF THE FUND ARE ACCOMPLISHED.

WHEREAS, the Worker's Compensation Second Injury Fund was designed to insure that an employer employing a person who had suffered a previous disability would, in the event such worker suffers a second injury, be liable only for the disability resulting from the second injury with the difference being paid from the Second Injury Fund; and

WHEREAS, the primary purpose of the second injury fund concept is to encourage employers to employ workers who have suffered previous disability and thereby enable such persons to become gainfully employed, to be a productive member of society and to relieve the burden on public welfare support programs; and

WHEREAS, as a result of several court decisions involving the Second Injury Fund law and other worker's compensation laws, there is now serious doubt as to whether the second injury fund concept is accomplishing all the desired results intended at the time of its passage; and

WHEREAS, it appears that it would be in the best interest of labor, management and the State of Arkansas that a special committee be established to study the second injury fund laws and their relationship to other worker's compensation laws to determine if there is need for revision of such laws,

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

SECTION 1. There is hereby created the Worker's Compensation Second Injury Fund Study Committee to be composed of two members of the Joint Interim Committee on Public Health, Welfare and Labor, to be designated by the Co-Chairmen of that Committee with one of said members being a member of the Senate and one a member of the House of Representatives, two members of the Joint Interim Committee on Agriculture and Economic Development to be designated by the Co-Chairmen of that Committee, with one of such members to

be a member of the Senate and one a member of the House of Representatives, one member who shall be a representative of the Arkansas Worker's Compensation Commission, one member who shall be a representative of labor, one member who shall be a representative of management, one member who shall be a representative of the Governor, and one member who shall be a representative of vocational-technical education, with all of said non-legislative members being designated by the Governor.

The special committee created herein shall make a study of the Worker's Compensation Second Injury Fund laws and other related Worker's Compensation laws for the purpose of determining whether the second injury fund concept is producing the desired and intended results or whether such laws should be revised to assure that they do produce the desired results. The committee shall report its findings and recommendations, together with any proposed legislation to the 1989 General Assembly.