

Blackwell

VT (10)

91 LSO-2363

HOUSE BILL 0181

Title HB0181

AN ACT to amend W.S. 27-14-601(d) relating to temporary total disability benefit determinations under worker's compensation; modifying the effect of employer objections upon determinations for continued temporary total disability payments as specified; specifying affect on employer rating upon subsequent reversal or modification of determination; specifying application; and providing for an effective date.

Samuel C. Blackwell

By E. Cannon

Wm O. Harris Jr. Sub.

William M. Latta

Introduced by:

Paul J. Guernsey

HOUSE BILL 0181

DATE	ACTION	DATE	ACTION
JAN 9 1901	READ FIRST TIME		
	REFERRED TO COM. NO. <u>10</u>		
	DELIVERED TO COM. NO. <u>10</u>		
JAN 24 1901	RETURNED		
	Recommended do pass <u>6 AYES</u> <u>5 AYES</u>		
FEB 1 1901	CONSIDERED IN COM. OF WHOLE		
	Recommended do pass		
FEB 4 1901	READ SECOND TIME		
FEB 5 1901	READ THIRD TIME		
	CONSENT LIST		
	PASSED		
	<u>58</u> Ayes <u>6</u> Noes <u>1</u> Absent		
	Sent to Senate		
FEB 6 1901	Received from House		
	Read first time		
	Referred to Com. No. <u>10</u>		
	Delivered to Com. No. <u>10</u>		
FEB 14 1901	STANDING COMM. REPORT		
	RECOMMEND AMEND AND DO PASS		
2/26	Died on CF		

CONTINUED ON BACK

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February 14, 19⁹¹

Mr. President:

Your Committee No. 10 on LABOR & FEDERAL RELATIONS
to whom was referred H.B. No. 0181

respectfully reports same back to the Senate with the recommendation that

it DO PASS AS AMENDED. SEE SCHEDULE A.

AYES: Senators Burke, Maldonado, Vinich, Howard.
NOES: Senator Zimmer

HB 0181 2011

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Allan D. Howard Chairman

Bill # 94B181 Child Restraint Date 2/5/91

HOUSE ROLL CALL

FIFTY-FIRST WYOMING LEGISLATURE

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent	
✓				ALDEN	✓				MICHELI
✓				ANDERSON	✓				MILLER
✓				ARNOLD	✓				O'TOOLE
✓				BEBOUT	✓				PERKINS, D.
✓				BENSEL	✓				PERKINS, J.
✓				BLACKWELL	✓				PHELAN
✓				BODINE	✓				PLANT
✓				BOWRON	✓				RANKINE
✓				BUDD	✓				RATLIFF
✓				CALL	✓				ROHRBACH
✓				CHAMBERLAIN	✓				RYCKMAN
✓				CHAMBERLAIN	✓				SCHWOPE
✓				CUBIN	✓				SHREVE
✓				DEWITT		✓			SIMONS
	✓			DUNNUCK	✓				SULLIVAN
✓				ENZI	✓				TEMPEST
✓				GAMS	✓				TIBBS
✓				GARCIA	✓				TIPPETS
✓	✓			GOODENOUGH	✓				TIPTON
✓				GRANT		✓			TYSDAL
✓				HACKER	✓				VASEY
✓				HAGEMAN	✓				VLASTOS
✓				HANSEN	✓				WALLIS
✓				HARRIS	✓				WATSON
✓				HARRISON, F.	✓				WOLD
✓				HARRISON, R.	✓				WOLFLEY
	✓			HINCHEY	✓				WRIGHT
	✓			HINES	✓				ZUMBRUNNEN
✓				HONAKER	✓				MR. SPEAKER
✓				HUMPHREY					
	✓			KUNZ					
✓				LAW					
✓				LUMMIS					
✓				MACMILLAN, P.					
✓				MARTON					
✓				MCMILLAN, B.					

AYES 58
 NOES 6
 EXCUSED _____
 ABSENT _____
 TOTAL 64
 LESS _____

PRESENT _____

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, January 23, 1991

Mr. Speaker:

Your Committee No. 10 on LABOR, HEALTH & SOCIAL SERVICES
to whom was referred House Bill No. 0181
respectfully reports same back to the House with the recommendation that it DO PASS.

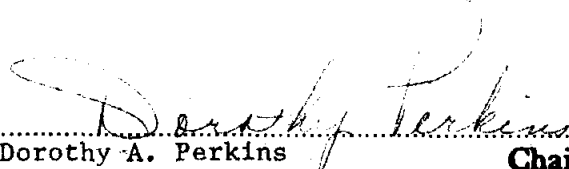
AYES

Blackwell
Harris
Perkins
Schwope
Tibbs
Wright

NOES

Bowron
Dunnuck
Marton
ZumBrunnen
D. Perkins

EXCUSED


Dorothy A. Perkins

Chairman

Page 1-line 4 Delete "continued".

Page 1-line 7 After first ";" insert "providing for recovery and recoupment of temporary total benefits as specified;".

Page 3-line 5 Delete "1".

Page 3-line 6 Delete "CONTINUED" insert "AND UPON OBJECTION BY THE EMPLOYER₁"; delete "CON-".

Page 3-line 7 Delete line through "DETERMINATION" insert "BE PAID".

Page 3-line 13 Delete "CONTINUED".

Page 3-line 15 Delete "OF RECERTIFICATION".

Page 3-line 16 After "1." insert "IF THE HEARING EXAMINER DETERMINES THE INJURED EMPLOYEE IS NOT ELIGIBLE FOR TEMPORARY TOTAL DISABILITY BENEFITS₁ THE EMPLOYEE IS LIABLE FOR REPAYMENT OF SUCH BENEFITS RECEIVED UNDER THIS ACT. REPAYMENT UNDER THIS SUBSECTION SHALL BE BY RECOUPMENT OR RECOVERY AND THE DIVISION MAY:

(i) RECOUP THE AMOUNT BY OFFSETTING, WITHOUT CIVIL ACTION, AGAINST ANY FUTURE PERMANENT BENEFIT PAYABLE TO THE INJURED EMPLOYEE UNDER THIS ACT WITHIN FOUR (4) YEARS FROM THE DATE OF DETERMINATION;

(ii) RECOVER THROUGH CIVIL ACTION BROUGHT IN THE NAME OF THE DIVISION BY THE ATTORNEY GENERAL;

(iii) NOT RECOVER OR RECOUP ANY BENEFITS FOR WHICH APPEAL IS PENDING BEFORE THE DISTRICT OR SUPREME COURT;

(iv) WAIVE THE LIABILITY OF AN INJURED EMPLOYEE FOR REPAYMENT OF TEMPORARY TOTAL BENEFITS.". HOWARD, CHAIRMAN

9613 82A 181, 156. 161, 1348, 369, 370, 385, 399, 303, 362, 305, 334, 326, 15191
 # 9B178, 181, 272, Date _____
 337. 347, HOUSE ROLL CALL 331, 392, 336, 378, 396, 397, 919 24
 FIFTY-FIRST WYOMING LEGISLATURE

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent		
✓				ALDEN	✓			✗	MICHELI	
✓				ANDERSON	✓				MILLER	
✓				ARNOLD	✓				O'TOOLE	
✓				BEBOUT	✓				PERKINS, D.	
✓				BENSEL	✓				PERKINS, J.	
✓				BLACKWELL	✓				PHELAN	
✓				BODINE	✓				PLANT	
✓				BOWRON	✓				RANKINE	
✓				BUDD	✓				RATLIFF	
✓				CALL	✓				ROHRBACH	
✓				CHAMBERLAIN	✓				RYCKMAN	
				CROSS	✓				SCHWOPE	
✓				CUBIN	✓				SHREVE	
✓				DEWITT	✓				SIMONS	
✓				DUNNUCK	✓				SULLIVAN	
✓				ENZI	✓				TEMPEST	
✓				GAMS	✓				TIBBS	
✓				GARCIA	✓				TIPPETS	
	✓			GOODENOUGH	✓				TIPTON	
✓				GRANT	✓				TYSDAL	
✓				HACKER	✓				VASEY	
✓				HAGEMAN	✓				VLASTOS	
✓				HANSEN	✓				WALLIS	
✓				HARRIS	✓				WATSON	
✓				HARRISON, F.	✓				WOLD	
✓				HARRISON, R.	✓				WOLFLEY	
✓				HINCHEY	✓				WRIGHT	
✓				HINES	✓				ZUMBRUNNEN	
✓				HONAKER	✓				MR. SPEAKER	
✓				HUMPHREY	AYES <u>63</u> NOES <u>1</u> EXCUSED _____ ABSENT _____ TOTAL <u>64</u> LESS _____					PRESENT _____
✓				KUNZ						
✓				LAW						
✓				LUMMIS						
✓				MACMILLAN, P.						
✓				MARTON						
✓				MCMILLAN, B.						

House of Intro				Second House			
To Com. No.				To Com No.			
_____	Stand Report	Do	Amd Not	_____	Stand Report	Do	Amd Not
_____	Com Whole	Do	Amd Not	_____	Com Whole	Do	Amd Not
_____	2nd Reading	Amd		_____	2nd Reading	Amd	
_____	3rd Reading	Amd	Pass Fail	_____	3rd Reading	Amd	Pass Fail

1991

STATE OF WYOMING

91LSO-0363.01

HOUSE BILL NO. 0181

Worker's compensation-temporary disability.

Sponsored by: Representative(s) BLACKWELL, HARRIS, J. PERKINS
and TIBBS and Senator(s) CAMERON and ZIMMERMAN

A BILL

for

1 AN ACT to amend W.S. 27-14-601(d) relating to temporary
2 total disability benefit determinations under worker's
3 compensation; modifying the effect of employer objections
4 upon determinations for continued temporary total disabili-
5 ty payments as specified; specifying affect on employer
6 rating upon subsequent reversal or modification of deter-
7 mination; specifying application; and providing for an
8 effective date.

9 Be It Enacted by the Legislature of the State of Wyoming:

10 Section 1. W.S. 27-14-601(d) is amended to read:

11 27-14-601. Payment or denial of claim by division;

1 notice; objections; exception under temporary total dis-
2 ability; review and settlement of claims; recovery of
3 erroneous payments to health care providers; failure to
4 file objection presumption as to determination or award;
5 duties of clerk of court; filing fee.

6 (d) Upon receipt of a claim for disability or death
7 benefits filed under W.S. 27-14-501(e) and (f) and if the
8 initial injury or death resulting from injury is deter-
9 mined compensable and within the jurisdiction of this act,
10 the division shall determine if the injured employee or
11 his dependents are eligible for benefits and shall approve
12 or deny the claim in accordance with this act. If a claim
13 is approved, the division shall determine the amount of
14 the award for compensation in accordance with W.S.
15 27-14-403 through 27-14-406. The division shall provide
16 notice of any determination under this subsection to the
17 employer, employee and the clerk of court. Except as
18 otherwise provided in this subsection, an employer or
19 employee may object to a determination or award under this
20 subsection by filing written objection with the division
21 within ten (10) days from the date of notice. An employer
22 may object to an initial claim for temporary total dis-
23 ability by filing written objection with the division

1 within ten (10) days following the date of notice of the
2 claim transmitted by the clerk of court. An employer
3 objecting to a determination for continued temporary total
4 disability is not subject to the ten (10) day limitation,
5 BUT NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT,
6 CONTINUED TEMPORARY TOTAL DISABILITY PAYMENTS SHALL CON-
7 TINUE UNDER THE DETERMINATION UNTIL THE OBJECTION IS
8 RESOLVED UNDER SUBSECTION (e) OF THIS SECTION, A DETERMI-
9 NATION IS RENDERED BY A HEARING EXAMINER UNDER W.S.
10 27-14-602 OR THE PERIOD OF CONTINUED TEMPORARY TOTAL DIS-
11 ABILITY RECERTIFICATION UNDER W.S. 27-14-404(g) HAS
12 EXPIRED, WHICHEVER FIRST OCCURS, IF THE DETERMINATION BY
13 THE DIVISION FOR CONTINUED TEMPORARY TOTAL DISABILITY IS
14 REVERSED OR MODIFIED, DISABILITY PAYMENTS DURING THE DIS-
15 PUTED PERIOD OF RECERTIFICATION SHALL NOT AFFECT THE
16 OBJECTING EMPLOYER'S EXPERIENCE RATING.

17 Section 2. Continued temporary total disability pay-
18 ments which have ceased under an objection by an employer
19 pursuant to W.S. 27-14-601(d) and for which the objection
20 has not been resolved as of the effective date of this
21 act, shall commence on the effective date of this act in
22 accordance with the determination by the division until
23 the objection is resolved under W.S. 27-14-601(d) as

1 amended by section 1 of this act.

2 Section 3. This act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming Consti-
5 tution.

6 (END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>FY 1992</u>	<u>FY 1993</u>	<u>FY 1994</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED REVENUE	_____	_____	_____

<u>Anticipated COST to:</u>	<u>FY 1992</u>	<u>FY 1993</u>	<u>FY 1994</u>
Workers' Comp. Fund	\$720,000.00	\$720,000.00	\$720,000.00
TOTAL ESTIMATED COST	\$720,000.00	\$720,000.00	\$720,000.00

<u>Anticipated SAVINGS to:</u>	<u>FY 1992</u>	<u>FY 1993</u>	<u>FY 1994</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED SAVINGS	_____	_____	_____

<u>Anticipated Change in Personnel:</u>	<u>FY 1992</u>	<u>FY 1993</u>	<u>FY 1994</u>
Full-Time	_____	_____	_____
Part-Time	_____	_____	_____
Temporary	_____	_____	_____
Time-Limited, Other	_____	_____	_____
TOTAL PERSONNEL IMPACT	_____	_____	_____