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 To Com. No. _____
 Stand Report Do ___ Amd ___ Not ___
 Com Whole Do ___ Amd ___ Not ___
 2nd Reading Amd ___
 3rd Reading Amd ___ Pass ___ Fail ___

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

INTRODUCED

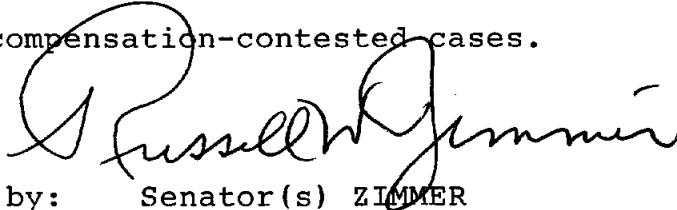
1989

STATE OF WYOMING

89LSO-0374.01

SENATE FILE NO. 0086

Worker's compensation-contested cases.



Sponsored by: Senator(s) ZIMMER

A BILL

for

1 AN ACT to create W.S. 27-14-612; to amend W.S.
 2 27-14-203(a), 27-14-401(b), 27-14-403(g)(i)(C), (E)
 3 through (G) and (ii), 27-14-407, 27-14-503(c), 27-14-509,
 4 27-14-601(a), 27-14-602, 27-14-604, 27-14-606, 27-14-607,
 5 27-14-608(a), 27-14-609(b) and 27-14-610; and to amend and
 6 renumber W.S. 27-14-612 through 27-14-615 as 27-14-613
 7 through 27-14-616 relating to worker's compensation; pro-
 8 viding for the adjudication of contested cases under the
 9 Wyoming Worker's Compensation Act by the district court;
 10 eliminating provisions and procedures for adjudication by
 11 independent hearing officers; providing for juries in

1 specified cases; providing for jurisdiction during the
2 transition as specified; abolishing the office of indepen-
3 dent hearing officers and providing for disposition of
4 unexpended funds and official records; and providing for
5 an effective date.

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

7 Section 1. W.S. 27-14-612 is created to read:

8 27-14-612. Appeal to supreme court; procedure. Any
9 order made in any investigation or hearing by the court
10 pursuant to the provisions of this act is reviewable by
11 the supreme court. The record on appeal shall be filed in
12 the supreme court within seventy (70) days from the date
13 of decision or order on motion for a new trial by the
14 court unless the time is extended by order of court. Fif-
15 teen (15) days shall be allowed the appellant thereafter
16 for filing briefs, and fifteen (15) days thereafter shall
17 be allowed appellee for filing briefs. The appeal shall
18 be advanced on the calendar and disposed of as promptly as
19 possible.

20 Section 2. W.S. 27-14-203(a), 27-14-401(b),
21 27-14-403(g)(i)(C), (E) through (G) and (ii), 27-14-407,
22 27-14-503(c), 27-14-509, 27-14-601(a), 27-14-602,

1 27-14-604, 27-14-606, 27-14-607, 27-14-608(a),
2 27-14-609(b) and 27-14-610 are amended to read:

3 27-14-203. Penalty for failure of employer to file
4 payroll, to make monthly payment; interest to be charged
5 delinquent payments; enforcement and remedies; lien;
6 enjoining operations; remedies not exclusive.

7 (a) Any employer not applying for coverage of eligi-
8 ble employees or, after obtaining coverage under this act,
9 any employer failing, neglecting or refusing to make pay-
10 ments required by this act on the date due and against
11 whom any injured employee is held entitled to worker's
12 compensation benefits is liable to the state for an amount
13 equal to all awards entered for payment to or for the
14 employee under this act. If the employer fails, neglects
15 or refuses to satisfy his liability, the amount shall be
16 recovered by civil action in the name of the director. The
17 entry of final order by the division or ~~hearing-examiner~~
18 THE DISTRICT COURT approving and allowing an award of com-
19 pensation is prima facie proof of the liability of an
20 employer failing to comply with this act.

21 27-14-401. Medical, hospital and ambulance expenses;
22 notice as to claim; employer designated providers.

1 (b) No fee for medical or hospital care under this
2 section shall be allowed without notice to the employer
3 and to the division which shall review the fee for
4 appropriateness and reasonableness in accordance with fee
5 schedules adopted by the division. A hearing shall be held
6 before ~~a-hearing-examiner~~ THE DISTRICT COURT if requested
7 by the employer or the division. If no written objection
8 to the payment of each claim is filed within ten (10) days
9 from the date of notice to the employer and division, it
10 is presumed that the employer and division consent to the
11 claim and that claim may be approved by the clerk of
12 court. If after a diligent effort has been made the
13 notice cannot be served upon an employer, the clerk of
14 court may allow or disallow the claims if the division
15 does not object. The division or employer may object to
16 portions of medical or hospital claims for the purpose of
17 expediting partial payment.

18 27-14-403. Awards generally; method of payment.

19 (g) Following payment in full of any award, or if a
20 lump sum settlement was made under subsection (f) of this
21 section when the award would have been fully paid but for
22 the lump sum settlement, to an employee for permanent
23 total disability or to a surviving spouse for death of an

1 employee, an additional award may be granted:

2 (i) In the case of an employee subject to the
3 following requirements and limitations which shall be met:

4 (C) The ~~hearing-examiner~~ DISTRICT COURT
5 in determining entitlement under this paragraph shall con-
6 sider income of the employee from all sources including
7 active or passive income, household income and any monthly
8 amount from any other governmental agency;

9 (E) The ~~hearing-examiner~~ DISTRICT COURT
10 may attach reasonable conditions to application for or
11 receipt of awards under this subsection including retrain-
12 ing or educational programs and the award may be adjusted
13 in accordance with fulfillment of the conditions;

14 (F) The ~~hearing-examiner~~ DISTRICT COURT
15 may decrease an award to qualify an employee eligible for
16 maximum benefits under any other state or federal pension
17 plan;

18 (G) Any award granted under this subsec-
19 tion shall not exceed twelve (12) months but may be
20 renewed following additional hearings unless the ~~hearing~~
21 ~~examiner~~ DISTRICT COURT, the director and the employer
22 mutually determine a hearing is not necessary.

1 (ii) In the case of a surviving spouse, upon
2 application and opportunity for hearing with notice to the
3 employer and division and a showing of necessity, the
4 ~~hearing--examiner~~ DISTRICT COURT may order continued
5 monthly payments to the spouse not to exceed one-third
6 (1/3) of the statewide average monthly wage for the twelve
7 (12) month period immediately preceding the quarter in
8 which the injury occurred. An award granted under this
9 paragraph shall not exceed twelve (12) months but may be
10 renewed after additional hearings and shall cease at the
11 time the spouse dies or remarries.

12 27-14-407. Forfeiture of benefits due to unsanitary
13 or injurious practice. If an injured employee knowingly
14 engages or persists in an unsanitary or injurious practice
15 which tends to imperil or retard his recovery, or if he
16 refuses to submit to medical or surgical treatment reason-
17 ably essential to promote his recovery, he forfeits all
18 right to compensation under this act. Forfeiture shall be
19 determined by the ~~hearing--examiner~~ DISTRICT COURT upon
20 application by the division or employer.

21 27-14-503. Statute of limitations; transfer of
22 claim.

1 (c) At any time after the employee files his claim,
2 he may request that the case and entire file be trans-
3 ferred to the district court clerk of the county in which
4 he resides. At any time after the employer has filed the
5 employer's report of injury, he may request that the case
6 and entire file be transferred to the district court clerk
7 of the county in which his main office in Wyoming is
8 located. Upon request that a case and file be trans-
9 ferred, the clerk of court shall mail notice of the
10 request to the other party at the address shown upon the
11 claim and employer's report. If no objection is filed
12 within ten (10) days after notice has been mailed, or if
13 both parties request transfer of the case to the same
14 clerk of court, the clerk of court shall make proper nota-
15 tion in the docket and forward the entire file to the
16 clerk of court requested. The clerk of court in the other
17 county shall accept the claim in the same manner as origi-
18 nal claims are filed, and the case shall proceed in the
19 same manner as provided for claims originally filed with
20 the clerk of court. If an objection is filed within ten
21 (10) days after notice, the ~~hearing--examiner~~ DISTRICT
22 COURT shall set the request for transfer for hearing at
23 the earliest possible date, and notice of the time of the
24 hearing shall be mailed to both parties at the addresses

1 shown upon the claim and employer's report at least seven
2 (7) days before the date fixed for the hearing. The
3 ~~hearing-examiner~~ DISTRICT COURT shall consider at the
4 hearing the convenience of the witnesses and other matters
5 it deems advisable, and determine whether the case shall
6 be transferred.

7 27-14-509. Autopsy may be required; procedure. Upon
8 the filing of a claim for compensation for death for which
9 an autopsy is necessary to accurately and scientifically
10 ascertain and determine the cause of death, ~~a--hearing~~
11 ~~examiner~~ THE DISTRICT COURT may order an autopsy. The
12 ~~hearing-examiner~~ COURT may designate a licensed physician
13 who is a specialist in autopsies to perform or attend the
14 autopsy and to certify his findings. The findings shall be
15 filed with the clerk of court in which the claim is filed
16 and is a public record. The ~~hearing-examiner~~ COURT may
17 exercise the authority on his own motion or on an applica-
18 tion made to him at any time by any party in interest upon
19 the presentation of facts showing that a controversy may
20 exist in regard to the cause of death or the existence of
21 any compensable injury. All proceedings for compensation
22 shall be suspended upon refusal of a claimant or his rep-
23 resentative to permit an autopsy when ordered and no com-
24 pensation shall be payable during the continuance of the

1 refusal.

2 27-14-601. Payment or denial of claim by clerk of
3 court; notice to employer and division; filing fee.

4 (a) If an injury or death resulting from injury is
5 reported to the clerk of the district court of the county
6 in which the injury occurred in accordance with this act,
7 the clerk or his designee shall review the reports of the
8 injury. The clerk shall investigate the injury and claim
9 to ascertain if the claim for compensation or the amount
10 is disputed by the employer or the division. No claim for
11 compensation under this act shall be approved by the clerk
12 without notice to the employer and the division and a
13 hearing before ~~a-hearing-examiner~~ THE DISTRICT COURT if
14 requested by the employer or the division. If no written
15 objection to payment of each claim is filed within ten
16 (10) days from the date of notice, it is presumed the
17 employer and the division consent to the claim and that
18 claim may be approved by the clerk. If after diligent
19 effort is made the notice cannot be served upon the
20 employer, the clerk may allow or deny the claim if the
21 division does not object. The clerk shall provide notice
22 to the employer, employee and division of any claim
23 approved or denied under this act.

1 27-14-602. Contested cases generally.

2 (a) -- For the purposes of this act, the office of
3 independent hearing officers is created. The chief hear-
4 ing officer shall be a qualified member of the Wyoming
5 state bar, appointed by the governor and shall serve at
6 the pleasure of the governor. The governor may appoint
7 additional hearing officers who are qualified members of
8 the Wyoming state bar to serve as necessary throughout the
9 state. An independent hearing officer shall conduct con-
10 tested cases under this act in accordance with this sec-
11 tion. The division shall provide office space and mate-
12 rials required by the hearing examiners.

13 (b) -- If either the division or the employer object to
14 the right of the employee to receive compensation, as to
15 the amount of compensation or to amounts or procedures
16 claimed for medical and health care, or at the request of
17 the employee, the case shall be immediately referred to a
18 hearing examiner who shall set the case for hearing at the
19 earliest opportunity. The case shall be determined by a
20 hearing examiner following the contested case procedures
21 of the Wyoming Administrative Procedure Act. Appeals may
22 be taken from the decision by any party to the contested
23 case to the district court as provided by the Wyoming

1 ~~Administrative-Procedure-Act. --Hearings-may-be-held-in-any~~
2 ~~area-of-Wyoming-giving-consideration-to-the-convenience-of~~
3 ~~the-employee,-employer-and-division.~~

4 (a) IF THERE IS A DISPUTE AS TO THE RIGHT OF THE
5 EMPLOYEE OR HIS DEPENDENTS TO RECEIVE COMPENSATION OR AS
6 TO THE AMOUNT OF COMPENSATION, THE DISTRICT COURT SHALL
7 SET THE CASE FOR HEARING AT THE EARLIEST POSSIBLE DATE AND
8 DIRECT NOTICE OF THE HEARING TO BE ISSUED BY THE CLERK FOR
9 SERVICE UPON THE EMPLOYER, THE EMPLOYEE AND THE DIRECTOR
10 AT LEAST SEVEN (7) DAYS BEFORE THE DATE OF THE HEARING.
11 NOTICE SHALL BE SERVED BY THE SHERIFF OF THE COUNTY WITH-
12 OUT EXPENSE TO EITHER PARTY EXCEPT ACTUAL TRAVELING
13 EXPENSES WHICH SHALL BE ALLOWED AND TAXED AS COSTS. THE
14 HEARING SHALL BE CONDUCTED UPON THE STATEMENT AND REPORT
15 FILED BY THE EMPLOYER AND THE FORMAL CLAIMS PRESENTED AND
16 FILED WITH THE CLERK OF COURT BY OR ON BEHALF OF THE
17 EMPLOYEE.

18 ~~(e)~~(b) All written reports, claims and other docu-
19 ments filed with the clerk of court and the division shall
20 be considered as pleadings in the case WHETHER OR NOT FOR-
21 MALLY INTRODUCED INTO THE COURT IN A CONTESTED PROCEEDING.

22 (c) IF THE EMPLOYER IN HIS REPORT OF ACCIDENT
23 OBJECTS TO THE CLAIM FOR COMPENSATION ON THE BASIS THAT

1 THE CLAIM DOES NOT COME UNDER THE PROVISIONS OF THIS ACT,
2 THEN A JURY MAY BE DEMANDED BY EITHER PARTY AND THE CASE
3 TRIED AS A COURT PROCEEDING. IF A JURY IS DEMANDED, IT
4 SHALL BE SELECTED FROM NAMES DRAWN AS IN CIVIL CASES.

5 (d) IN CONTESTED CASES, THE CONTESTANT SHALL FILE A
6 PETITION WITHIN TEN (10) DAYS FOLLOWING NOTICE TO THE
7 EMPLOYEE THAT THE EMPLOYER'S REPORT HAS BEEN FILED, STAT-
8 ING THE REASONS FOR PROTESTING THE AWARD AND FACTS UPON
9 WHICH THE CONTESTANT RELIES AND SETTING FORTH OR ATTACHING
10 AS EXHIBITS ALL OF THE ORIGINAL PAPERS IN THE CAUSE WHICH
11 RELATE TO THE ISSUES OF THE CONTEST. THE OTHER PARTY
12 SHALL FILE AN ANSWER WITHIN TEN (10) DAYS AFTER FILING OF
13 THE PETITION. IF THE CONTESTANT'S STATEMENT IS NOT FILED
14 WITHIN TEN (10) DAYS THE COURT MAY DISMISS THIS OBJECTION
15 AND IF THE ANSWER IS NOT FILED WITHIN TEN (10) DAYS, THE
16 COURT MAY DISMISS THE CLAIM.

17 (e) TAKING EVIDENCE SHALL BE SUMMARY AND SHALL GIVE
18 ALL PARTIES FULL OPPORTUNITY TO DEVELOP THE FACTS. THE
19 COURT REPORTER SHALL ATTEND THE HEARING AND MAKE A STENO-
20 GRAPHIC REPORT OF THE EVIDENCE WITHOUT COST TO EITHER
21 PARTY.

22 (f) The attorney general's office shall represent
23 the division in all contested cases. ~~The-hearing-examiner~~

1 ~~has-exclusive-jurisdiction-to-make-the-final-administra-~~
2 ~~tive-determination-of-the-validity-and-amount-of-compensa-~~
3 ~~tion-payable-under-this-act.~~ THE EMPLOYER MAY APPEAR IN
4 PERSON OR BY COUNSEL AND INTRODUCE EVIDENCE AT THE
5 HEARING. NO COSTS SHALL BE CHARGED BY THE CLERK EXCEPT
6 FEES FOR WITNESSES WHO MAY BE SUBPOENAED, JURY COSTS AND
7 THE COSTS OF DEPOSITIONS INTRODUCED AS EVIDENCE. SUBPOE-
8 NAED WITNESSES SHALL BE REIMBURSED FOR ATTENDANCE AND
9 MILEAGE IN THE AMOUNT AND MANNER PROVIDED BY LAW FOR CIVIL
10 ACTIONS. IF CHARGED AS COURT COSTS, DEPOSITIONS TAKEN
11 OUTSIDE THE STATE SHALL HAVE PRIOR APPROVAL OF THE DIVI-
12 SION UNLESS THE DIVISION IS A PARTY TO THE CASE. All
13 court costs shall be paid from the worker's compensation
14 account if the judgment is in favor of the employer or the
15 division. If judgment is against the employer and the
16 employer contested the claim without being joined in the
17 contest by the division, the court costs shall be paid by
18 the employer. When the employer or division prevails, the
19 court costs shall not affect the employer's experience
20 rating.

21 ~~(d)~~(g) The ~~hearing-examiner~~ DISTRICT COURT may
22 appoint an attorney to represent the employee or claimants
23 and may allow him a reasonable fee for his services at the
24 conclusion of the proceeding. The attorney shall be paid

1 according to the order of the hearing-examiner COURT
2 either from the worker's compensation account, from
3 amounts awarded to the employee or claimants or from the
4 employer. If the employer or division prevails, the
5 attorney's fees allowed shall not affect the employer's
6 experience rating.

7 (h) AT THE CONCLUSION OF THE HEARING, THE COURT
8 SHALL ENTER AN ORDER PURSUANT TO THE VERDICT OF THE JURY.
9 IF NO JURY WAS CALLED, THE COURT SHALL RENDER A DECISION
10 UPON THE FACTS AND LAW OF THE CASE PURSUANT TO THE PROVI-
11 SIONS OF THIS ACT AND MAKE AN ORDER ALLOWING OR DISALLOW-
12 ING COMPENSATION AS THE LAW AND EVIDENCE MAY WARRANT.

13 27-14-604. Appointment of impartial health care pro-
14 vider; presence of other health care provider; costs;
15 stipulation as to nonresident provider's report.

16 (a) In any contested proceeding, the hearing
17 examiner DISTRICT COURT may appoint a duly qualified
18 impartial health care provider to examine the employee and
19 give testimony. The fee for the service shall be as
20 ordered by the hearing-examiner COURT, with mileage allow-
21 ance as is allowed to other witnesses to be assessed as
22 costs and paid as other witness fees are paid. The
23 employer or employee may, at his own expense, also desig-

1 nate a qualified health care provider who may be present
2 at the examination of the employee and give testimony at
3 later hearings.

4 (b) If the employer and employee stipulate to an
5 examination of the employee by a nonresident, qualified
6 health care provider designated by the ~~hearing--examiner~~
7 DISTRICT COURT, and that the report of the health care
8 provider as to his examination shall be admitted in evi-
9 dence, the ~~hearing-examiner~~ COURT may order payment of the
10 reasonable cost and expense of the employee's attendance
11 upon the health care provider, the provider's fee for
12 examination of the employee and his report thereon. The
13 fees and costs shall be charged in the same manner as
14 other costs and witness fees. The nonresident health care
15 provider shall report in writing to the ~~hearing--examiner~~
16 COURT and include answers to questions asked by the ~~hear-~~
17 ~~ing-examiner~~ COURT relative to the employee's condition.

18 27-14-606. Awards are final determination as to all
19 parties; civil procedure rules apply; notice to employer
20 and division; hearing. Every award within the meaning of
21 this act is ~~an-administrative~~ A FINAL determination of the
22 rights of the employer, the employee and the disposition
23 of money within the worker's compensation account as to

1 all matters involved. EXCEPT AS OTHERWISE PROVIDED, THE
2 WYOMING RULES OF CIVIL PROCEDURE SHALL GOVERN IN MATTERS
3 BEFORE THE COURT IN REFERENCE TO THIS ACT. No award of
4 compensation or allowance of any expense claim chargeable
5 against the experience of any employer contributing under
6 this act shall be made without notice to the employer and
7 the division and opportunity for hearing. If no written
8 objection to each award is filed within ten (10) days from
9 the date of verified receipt of the notice to the employer
10 or his qualified agent or the division, it is presumed
11 that the employer and the division consent to the claim
12 and that claim may be approved or denied by the clerk of
13 district court. If after a diligent effort is made the
14 notice cannot be served upon an employer, the clerk may
15 allow or disallow the award if the division does not
16 object.

17 27-14-607. Rights of director to defend against
18 claim; no waiver. The director or his designee may for any
19 reason appear before ~~the-hearing-examiner-or-in~~ the dis-
20 trict court and defend against any claim and shall in all
21 respects have the same rights of defense as the employer.
22 Failure to contest a claim does not constitute waiver by
23 the director of his right to participate in further pro-
24 ceedings concerning the award where he does not appear and

1 defend at the original hearing or trial.

2 27-14-608. Attorney fees; penalty for violation.

3 (a) If ~~the hearing examiner under W.S. 27-14-602(d)~~
4 ~~er~~ the district court or THE supreme court under W.S.
5 27-14-615 set a fee for any person for representing a
6 claimant under this act, the person shall not receive any
7 additional fee from the claimant.

8 27-14-609. Periodic review of temporary total award;
9 physical examination after temporary total award; purpose;
10 report to district court.

11 (b) The results of the examination shall be reported
12 to the clerk of court. The clerk of court shall, without
13 delay, forward copies to the employer, division and ~~hear-~~
14 ~~ing--examiner,--if-any~~ THE DISTRICT COURT. After consider-
15 ation of all medical reports in the case, if the ~~clerk--of~~
16 court determines that the employee has recovered to the
17 extent that temporary total disability no longer applies
18 and his earning ability is substantially restored, compen-
19 sation shall be adjusted or discontinued in accordance
20 with W.S. 27-14-404 unless written objection is received
21 from the employer or the division within ten (10) days.

22 27-14-610. Health care providers required to tes-

1 tify; refusal; privilege inapplicable. If directed under
2 this act, any health care provider providing professional
3 attention to an employee may be required to testify before
4 ~~the-hearing-examiner--or--any~~ A court, provide written
5 reports and attend depositions in a professional capacity.
6 Any health care provider refusing to comply with this sec-
7 tion shall forfeit any remuneration or award under this
8 act for services rendered or facilities provided the
9 injured employee. The law of privileged communication
10 between health care provider and patient shall not apply.

11 Section 3. W.S. 27-14-612 through 27-14-615 are
12 amended and renumbered as 27-14-613 through 27-14-616 to
13 read:

14 ~~27-14-612.~~ 27-14-613. Appeal by employee; costs. If
15 an appeal to the ~~district~~ SUPREME court is prosecuted on
16 behalf of the employee, the employee or attorney repre-
17 senting the employee shall order a transcript of the
18 record of the proceeding to be prepared by the reporter of
19 the ~~hearing--examiner~~ DISTRICT COURT and duly certified
20 without cost to the employee. The employee or attorney
21 shall also order the papers on file in the clerk of
22 court's office to be prepared, transcribed, certified and
23 forwarded to the ~~district~~ SUPREME court without cost to

1 the employee. Docket fees in the ~~district~~ SUPREME court
2 shall be paid for directly out of the worker's compensa-
3 tion account.

4 ~~27-14-613-27-14-614.~~ 27-14-614. Appeal by employer; stay of
5 award. If an appeal is prosecuted on behalf of the
6 employer, the record of the proceedings at the original
7 hearing shall be supplied without cost to the employer.
8 The employer may employ counsel to conduct the appeal on
9 his behalf. The ~~hearing--examiner--en~~ COURT GRANTING AN
10 appeal by TO an employer from an order of award shall stay
11 the payment of the award or that portion appealed from
12 upon any terms as the ~~hearing-examiner~~ COURT deems proper.

13 ~~27-14-614-27-14-615.~~ 27-14-615. Direct appeal by director from
14 any order; stay of execution; costs. The director may
15 appeal to the ~~district~~ SUPREME court from any order or
16 judgment ~~of-the-hearing-examiner~~ IN ANY DISTRICT COURT
17 awarding compensation or declining to award compensation
18 although he was not a party to the proceedings ~~before~~ IN
19 the ~~hearing-examiner~~ DISTRICT COURT, without the necessity
20 of presenting any petition for reopening of a case to the
21 ~~hearing-examiner~~ DISTRICT COURT. After the appeal is per-
22 fected, the ~~hearing-examiner~~ DISTRICT COURT shall stay the
23 execution of the order or judgment appealed from without

1 requiring any bond. The attorney general or his assistant
2 shall represent the director in all cases. All the costs
3 of the new hearings granted upon petition of the director
4 and all costs of appeals conducted by the director shall
5 be paid by the worker's compensation account except such
6 costs as the court in its discretion shall assess against
7 any of the other parties to the cause.

8 27-14-615-27-14-616. Appointment of attorneys for
9 court proceedings; fees. The district court may appoint an
10 attorney to represent the employee during proceedings ~~in~~
11 ~~the-district-court-and~~ ON appeal to the supreme court.
12 ~~The-district-court-may-allow-the-attorney-a-reasonable-fee~~
13 ~~for--his--services-at-the-conclusion-of-the-proceedings-in~~
14 ~~district-court-and~~ The supreme court may allow for reason-
15 able fees for HIS services at the conclusion of the pro-
16 ceedings in the supreme court. If the employer or division
17 prevails in the ~~district-court-or~~ supreme court, ~~as-the~~
18 ~~case-may--be;~~ the fees allowed shall not affect the
19 employer's experience rating.

20 Section 4.

21 (a) Notwithstanding W.S. 27-14-602 as amended by
22 this act, any objection to a claim for worker's compensa-
23 tion filed prior to July 1, 1989 in accordance with the

1 provisions of the Wyoming Worker's Compensation Act in
2 effect prior to the effective date of this act shall
3 remain under the jurisdiction of the hearing examiner and
4 the provisions of the Wyoming Worker's Compensation Act in
5 effect prior to the effective date of this act shall apply
6 to the claim until a final decision is rendered by the
7 hearing examiner or until January 1, 1990, whichever first
8 occurs. Any such claim not resolved by the hearing exam-
9 iner before January 1, 1990 shall be transferred to the
10 district court of jurisdiction for disposition in accor-
11 dance with W.S. 27-14-602 as amended by this act.

12 (b) Any objection to a claim for worker's compensa-
13 tion filed on or after July 1, 1989 shall be referred to
14 the district court of jurisdiction in accordance with W.S.
15 27-14-602 as amended by this act and the provisions of
16 this act shall apply to the claim in all respects.

17 Section 5.

18 (a) Effective January 1, 1990, the office of inde-
19 pendent hearing officers is abolished.

20 (b) All funds appropriated to the office and unex-
21 pended or not otherwise obligated as of January 1, 1990
22 shall be transferred to the worker's compensation account

1 established under W.S. 27-14-701(a). All other assets,
2 equipment and other property shall revert to the depart-
3 ment of administration and fiscal control for disposition
4 in accordance with law.

5 (c) All official files and records within the office
6 shall be transferred to the worker's compensation division
7 for disposition in accordance with the directive of the
8 district courts.

9 Section 6. This act is effective July 1, 1989.

10

(END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>FY 1990</u>	<u>FY 1991</u>	<u>FY 1992</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED REVENUE	_____	_____	_____

<u>Anticipated COST to:</u>	<u>FY 1990</u>	<u>FY 1991</u>	<u>FY 1992</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED COST	_____	_____	_____

According to a spokesman for the Workers' Compensation Division, it is estimated that passage of the bill would result in the following savings to the Worker's Compensation Fund:

FY 1990	\$141,193
FY 1991	282,387
FY 1992	<u>282,387</u>

\$705,967 Total estimated savings

The spokesman said elimination of the Office of Administrative Hearings will not reduce General Fund spending. The spokesman added that savings which accrue from deletion of the Office will likely be offset by increased costs of private attorneys.

According to a spokesman for the Supreme Court, district courts would experience a modest increase in their caseloads. Additional costs of administration would be borne by the counties, not the state, under the terms of this bill.