

CS for EHCR 1046

1 THE STATE SENATE
2 Thursday, April 1, 2004

3 Committee Substitute for
4 ENGROSSED
5 House Concurrent
6 Resolution No. 1046

7 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE CONCURRENT RESOLUTION NO.
8 1046 - By: HASTINGS of the House and SMITH of the Senate.

9 A Concurrent Resolution relating to workers' compensation;
10 expressing legislative intent of Enrolled Senate Bill No.
11 1414 of the 2nd Session of the 47th Oklahoma Legislature;
12 and directing distribution.

13 WHEREAS, the Oklahoma Legislature in 1999 addressed the
14 continuing problem of inadequate funding for the Multiple Injury
15 Trust Fund, formerly the Special Indemnity Fund, by eliminating all
16 future claims by workers' compensation claimants for an increase in
17 disability resulting from a combination of injuries by amending
18 Section 172 of Title 85 of the Oklahoma Statutes in Enrolled Senate
19 Bill No. 680 of the 1st Session of the 47th Oklahoma Legislature;
20 and

21 WHEREAS, recognizing the need for permanently and totally
22 disabled claimants to be able to recover for an increase in
23 disability resulting from a combination of injuries, the Legislature
24 in 2000 again amended Section 172 of Title 85 of the Oklahoma
25 Statutes in Enrolled Senate Bill No. 1414 of the 2nd Session of the

1 47th Oklahoma Legislature, making the last employer liable for such
2 an increase in disability resulting from a combination of injuries
3 only if the combined injuries rendered the claimant permanently and
4 totally disabled; and

5 WHEREAS, benefits for an increase in disability resulting from a
6 combination of injuries when the claimant is not permanently and
7 totally disabled are being awarded by the Workers' Compensation
8 Court.

9 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
10 OF THE 2ND SESSION OF THE 49TH OKLAHOMA LEGISLATURE, THE SENATE
11 CONCURRING THEREIN:

12 THAT it is the intent of the Oklahoma Legislature beginning with
13 the passage of Enrolled Senate Bill No. 1414 of the 2nd Session of
14 the 47th Oklahoma Legislature that no benefits shall be awarded for
15 disability resulting from a combination of injuries when the
16 claimant is rendered only permanently and partially disabled from
17 the combined injuries;

18 THAT it is the intent of the Oklahoma Legislature beginning with
19 the passage of Enrolled Senate Bill No. 1414 of the 2nd Session of
20 the 47th Oklahoma Legislature that benefits shall be awarded for
21 disability resulting from a combination of injuries only if the
22 claimant is rendered permanently and totally disabled from the
23 combination of injuries; and

1 THAT copies of this resolution be distributed to the judges of
2 the Workers' Compensation Court and the Administrator of the
3 Workers' Compensation Court.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-30-04 - DO
5 PASS, As Amended.