

HB 2302 -- Second Injury Fund

Sponsor: Hunter

Currently, the State Treasurer, with the advice and consent of the Attorney General, must defend against any claim in which recovery against the Second Injury Fund is sought for permanent partial disability, permanent total disability, or death. The Attorney General instructs the Assistant Attorney General to provide legal services required in all claims made for recovery from the fund. This bill specifies that for all pending and new claims filed against the fund after August 28, 2008, the Director of the Division of Workers' Compensation within the Department of Labor and Industrial Relations will assign staff attorneys employed by the division to appear on behalf of the State Treasurer to defend the claims. In circumstances where an actual or potential conflict of interest exists, the division director can assign cases to staff attorneys employed by the department or, with the consent of the State Treasurer, hire outside counsel. All legal expenses, medical examination fees, vocational testing fees, vocational rehabilitation assessment fees, and other associated costs will be paid from the fund.

Beginning September 1, 2009, and each year thereafter, the division director is required to report to the Governor, State Treasurer, and General Assembly on all expenses and deposits regarding the fund.