

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Commerce and Economic Development** recommends **HB 2558** be amended on page 4, following line 37, by inserting:

"(5) A determination by the director as to the legal sufficiency of the affidavit for recusal submitted above shall be appealable to the courts of appeal under the provisions of K.S.A. 44-556, and amendments thereto.";

On page 5, following line 24, by inserting:

"Sec. 4. K.S.A. 2011 Supp. 44-532a is hereby amended to read as follows: 44-532a. (a) If an employer has no insurance to secure the payment of compensation or has insufficiently funded a self-insurance bond, or has insufficiently funded a letter of credit as provided in subsection (b)(1) and (2) of K.S.A. 44-532, and amendments thereto, and such employer is financially unable to pay compensation to an injured worker as required by the workers compensation act, or such employer cannot be located and required to pay such compensation, the injured worker may apply to the director for an award of the compensation benefits, including medical compensation, to which such injured worker is entitled, to be paid from the workers compensation fund. Whenever a worker files an application under this section, the matter shall be assigned to an administrative law judge for hearing. If the administrative law judge is satisfied as to the existence of the conditions prescribed by this section, the administrative law judge may make an award, or modify an existing award, and prescribe the payments to be made from the workers compensation fund as provided in K.S.A. 44-569, and amendments thereto. The award shall be certified to the commissioner of insurance, and upon

receipt thereof, the commissioner of insurance shall cause payment to be made to the worker in accordance therewith.

(b) The commissioner of insurance, acting as administrator of the workers compensation fund, shall have a cause of action against the employer for recovery of any amounts paid from the workers compensation fund pursuant to this section. Such action shall be filed in the district court of the county in which the accident occurred or where the contract of employment was entered into.";

And by renumbering sections accordingly;

Also on page 5, by striking all in line 43;

On page 6, by striking all in lines 1 through 3;

And by redesignating subsections accordingly;

On page 10, in line 8, after "44-523," by inserting "44-532a,";

On page 1, in the title, in line 6, after "44-523," by inserting "44-532a,"; and the bill be passed as amended.

_____Chairperson