

SENATE BILL No. 44

By Committee on Ways and Means

1-19

1 AN ACT concerning regional search and rescue teams; relating to workers
2 compensation coverage for volunteers under the workers compensation
3 self-insurance fund; amending K.S.A. 2016 Supp. 44-577 and repealing
4 the existing section.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2016 Supp. 44-577 is hereby amended to read as
8 follows: 44-577. (a) All claims for compensation under the workers
9 compensation act against any state agency for claims arising on and after
10 July 1, 1974, and claims for compensation remaining from the self-
11 insurance program—~~which~~ *that* existed prior to July 1, 1974, for
12 institutional employees of the commission of community services and
13 programs of the Kansas department for aging and disability services shall
14 be made against the state workers compensation self-insurance fund. Such
15 claims shall be served upon the secretary of health and environment in the
16 secretary's capacity as administrator of the state workers compensation
17 self-insurance fund in the manner provided for claims against other
18 employers under the workers compensation act. The chief attorney for the
19 department of health and environment, or another attorney of the
20 department of health and environment designated by the chief attorney,
21 shall represent and defend the state workers compensation self-insurance
22 fund in all proceedings under the workers compensation act.

23 (b) The secretary of health and environment shall investigate, or
24 cause to be investigated, each claim for compensation against the state
25 workers compensation self-insurance fund. For the purposes of such
26 investigations, the secretary of health and environment is authorized to
27 obtain expert medical advice regarding the injuries, occupational diseases
28 and disabilities involved in such claims. If, based upon such investigation
29 and any other available information, the secretary of health and
30 environment finds that there is no material dispute as to any issue involved
31 in the claim, that the claim is valid and that the claim should be settled by
32 agreement, the secretary of health and environment may proceed to enter
33 into such an agreement with the claimant; for the state workers
34 compensation self-insurance fund. Any such agreement may provide for
35 lump-sum settlements subject to approval by the director and all such
36 agreements shall be filed in the office of the director for approval as

1 provided in K.S.A. 44-527, and amendments thereto. All other claims for
2 compensation against such fund shall be paid in accordance with the
3 workers compensation act pursuant to final awards or orders of an
4 administrative law judge or the board or pursuant to orders and findings of
5 the director under the workers compensation act.

6 (c) For purposes of the workers compensation act, a volunteer
7 member of a regional emergency medical response team as provided in
8 K.S.A. 48-928, and amendments thereto, *or a volunteer member of a*
9 *regional search and rescue team as provided in K.S.A. 2016 Supp. 75-*
10 *1518, and amendments thereto*, shall be considered a person in the service
11 of the state in connection with authorized training and upon activation for
12 emergency response, except when such duties arise in the course of
13 employment or as a volunteer for an employer other than the state.

14 Sec. 2. K.S.A. 2016 Supp. 44-577 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.