

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR HB 2085**

**Citations Affected:** IC 22-3; IC 22-4; IC 22-4.1.

**Synopsis:** Workforce development and worker's compensation. Provides limited worker's compensation and worker's occupational disease coverage for unpaid student workers participating in school to work programs. Allows the worker's compensation board to make an annual assessment for the second injury fund if the board determines the assessment is necessary. Amends the date that employer contributions for unemployment compensation are due. Requires self-insured employers, insurance carriers, and third party administrators to report an injury to an employee to the worker's compensation board of Indiana by electronic data interchange by June 30, 2000, or with an approved implementation plan providing for the ability to report by electronic data interchange not later than December 31, 2000. Provides that an appeal of compensation due, continuance of payments, or the period for which compensation should be paid must be made to the worker's compensation board of Indiana within 30 days of the date of the award. Provides that applications to the worker's compensation board of Indiana for increased partial impairment are barred unless filed within one year from the last day for which compensation was paid. Provides for double computation for loss by separation for various body parts and for complete loss of an eye by enucleation. Allows the release of certain confidential information by the department of workforce development to the state department of revenue and law enforcement agencies for legitimate governmental purposes. Defines "legal process" for the purpose of withholding child support payments from unemployment compensation. Creates a state workforce development fund, and specifies the purposes for which funds may be disbursed from the fund. Requires the worker's compensation board to conduct an actuarial study to determine the unfunded liability of the second injury fund. (This conference committee report sets forth the extent of worker's compensation and worker's occupational disease coverage for unpaid student workers and adds language concerning the second injury fund, the worker's compensation electronic data exchange, worker's compensation claim filing, and worker's compensation for loss by separation.)

**Effective:** July 1, 1999.

# CONFERENCE COMMITTEE REPORT

**MR. PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 2085 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the technical correction made under Senate Rule 33(c)
- 2 adopted April 12, 1999.
- 3 Delete the title and insert the following:
- 4 A BILL FOR AN ACT to amend the Indiana Code concerning labor
- 5 and industrial safety and to make an appropriation.
- 6 Page 1, delete lines 1 through 11, begin a new paragraph and insert:
- 7 "SECTION 1. IC 22-3-2-2.5 IS ADDED TO THE INDIANA CODE
- 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9 1, 1999]: **Sec. 2.5. (a) As used in this section, "school to work**
- 10 **student" refers to a student participating in on-the-job training**
- 11 **under the federal School to Work Opportunities Act (20 U.S.C.**
- 12 **6101 et seq.).**
- 13 **(b) Except as provided in IC 22-3-7-2.5, a school to work student**
- 14 **is entitled to the following compensation and benefits under this**
- 15 **article:**
- 16 **(1) Medical benefits under IC 22-3-2 through IC 22-3-6.**
- 17 **(2) Permanent partial impairment compensation under**
- 18 **IC 22-3-3-10. Permanent partial impairment compensation**
- 19 **for a school to work student shall be paid in a lump sum upon**
- 20 **agreement or final award.**
- 21 **(3) In the case that death results from the injury:**
- 22 **(A) death benefits in a lump sum amount of one hundred**
- 23 **seventy-five thousand dollars (\$175,000), payable upon**
- 24 **agreement or final award to any dependents of the student**
- 25 **under IC 22-3-3-18 through IC 22-3-3-20, or, if the student**
- 26 **has no dependents, to the student's parents; and**
- 27 **(B) burial compensation under IC 22-3-3-21.**

1           (c) For the sole purpose of modifying an award under  
2 IC 22-3-3-27, a school to work student's average weekly wage is  
3 presumed to be equal to the federal minimum wage.

4           (d) A school to work student is not entitled to the following  
5 compensation under this article:

6               (1) Temporary total disability compensation under  
7 IC 22-3-3-8.

8               (2) Temporary partial disability compensation under  
9 IC 22-3-3-9.

10          (e) Except for remedies available under IC 5-2-6.1, recovery  
11 under subsection (b) is the exclusive right and remedy for:

12               (1) a school to work student; and

13               (2) the personal representatives, dependents, or next of kin, at  
14 common law or otherwise, of a school to work student;

15 **on account of personal injury or death by accident arising out of**  
16 **and in the course of school to work employment.**

17          SECTION 2. IC 22-3-3-10 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) With respect to  
19 injuries in the following schedule occurring prior to April 1, 1951, the  
20 employee shall receive in addition to temporary total disability benefits  
21 not exceeding twenty-six (26) weeks on account of the injuries, a  
22 weekly compensation of fifty-five percent (55%) of the employee's  
23 average weekly wages. With respect to injuries in the following  
24 schedule occurring on and after April 1, 1951, and prior to July 1,  
25 1971, the employee shall receive in addition to temporary total  
26 disability benefits not exceeding twenty-six (26) weeks on account of  
27 the injuries, a weekly compensation of sixty percent (60%) of the  
28 employee's average weekly wages. With respect to injuries in the  
29 following schedule occurring on and after July 1, 1971, and before July  
30 1, 1977, the employee shall receive in addition to temporary total  
31 disability benefits not exceeding twenty-six (26) weeks on account of  
32 the injuries, a weekly compensation of sixty percent (60%) of the  
33 employee's average weekly wages not to exceed one hundred dollars  
34 (\$100) average weekly wages, for the periods stated for the injuries.  
35 With respect to injuries in the following schedule occurring on and  
36 after July 1, 1977, and before July 1, 1979, the employee shall receive,  
37 in addition to temporary total disability benefits not exceeding  
38 twenty-six (26) weeks on account of the injury, a weekly compensation  
39 of sixty percent (60%) of his average weekly wages, not to exceed one  
40 hundred twenty-five dollars (\$125) average weekly wages, for the  
41 period stated for the injury. With respect to injuries in the following  
42 schedule occurring on and after July 1, 1979, and before July 1, 1988,  
43 the employee shall receive, in addition to temporary total disability  
44 benefits not to exceed fifty-two (52) weeks on account of the injury, a  
45 weekly compensation of sixty percent (60%) of the employee's average  
46 weekly wages, not to exceed one hundred twenty-five dollars (\$125)  
47 average weekly wages, for the period stated for the injury. With respect  
48 to injuries in the following schedule occurring on and after July 1,  
49 1988, and before July 1, 1989, the employee shall receive, in addition  
50 to temporary total disability benefits not exceeding seventy-eight (78)  
51 weeks on account of the injury, a weekly compensation of sixty percent

1 (60%) of the employee's average weekly wages, not to exceed one  
2 hundred sixty-six dollars (\$166) average weekly wages, for the period  
3 stated for the injury.

4 With respect to injuries in the following schedule occurring on and  
5 after July 1, 1989, and before July 1, 1990, the employee shall receive,  
6 in addition to temporary total disability benefits not exceeding  
7 seventy-eight (78) weeks on account of the injury, a weekly  
8 compensation of sixty percent (60%) of the employee's average weekly  
9 wages, not to exceed one hundred eighty-three dollars (\$183) average  
10 weekly wages, for the period stated for the injury.

11 With respect to injuries in the following schedule occurring on and  
12 after July 1, 1990, and before July 1, 1991, the employee shall receive,  
13 in addition to temporary total disability benefits not exceeding  
14 seventy-eight (78) weeks on account of the injury, a weekly  
15 compensation of sixty percent (60%) of the employee's average weekly  
16 wages, not to exceed two hundred dollars (\$200) average weekly  
17 wages, for the period stated for the injury.

18 (1) Amputation: For the loss by separation of the thumb, sixty  
19 (60) weeks, of the index finger forty (40) weeks, of the second  
20 finger thirty-five (35) weeks, of the third or ring finger thirty (30)  
21 weeks, of the fourth or little finger twenty (20) weeks, of the hand  
22 by separation below the elbow joint two hundred (200) weeks, or  
23 the arm above the elbow two hundred fifty (250) weeks, of the big  
24 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the  
25 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,  
26 of the fifth or little toe ten (10) weeks, and for loss occurring  
27 before April 1, 1959, by separation of the foot below the knee  
28 joint one hundred fifty (150) weeks and of the leg above the knee  
29 joint two hundred (200) weeks; for loss occurring on and after  
30 April 1, 1959, by separation of the foot below the knee joint, one  
31 hundred seventy-five (175) weeks and of the leg above the knee  
32 joint two hundred twenty-five (225) weeks. The loss of more than  
33 one (1) phalange of a thumb or toes shall be considered as the loss  
34 of the entire thumb or toe. The loss of more than two (2)  
35 phalanges of a finger shall be considered as the loss of the entire  
36 finger. The loss of not more than one (1) phalange of a thumb or  
37 toe shall be considered as the loss of one-half (1/2) of the thumb  
38 or toe and compensation shall be paid for one-half (1/2) of the  
39 period for the loss of the entire thumb or toe. The loss of not more  
40 than one (1) phalange of a finger shall be considered as the loss  
41 of one-third (1/3) of the finger and compensation shall be paid for  
42 one-third (1/3) the period for the loss of the entire finger. The loss  
43 of more than one (1) phalange of the finger but not more than two  
44 (2) phalanges of the finger, shall be considered as the loss of  
45 one-half (1/2) of the finger and compensation shall be paid for  
46 one-half (1/2) of the period for the loss of the entire finger.

47 (2) For the loss by separation of both hands or both feet or the  
48 total sight of both eyes, or any two (2) such losses in the same  
49 accident, five hundred (500) weeks.

50 (3) For the permanent and complete loss of vision by enucleation  
51 or its reduction to one-tenth (1/10) of normal vision with glasses,

1 one hundred seventy-five (175) weeks.

2 (4) For the permanent and complete loss of hearing in one (1) ear,  
3 seventy-five (75) weeks, and in both ears, two hundred (200)  
4 weeks.

5 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of  
6 both testicles, one hundred fifty (150) weeks.

7 (b) With respect to injuries in the following schedule occurring prior  
8 to April 1, 1951, the employee shall receive in lieu of all other  
9 compensation on account of the injuries, a weekly compensation of  
10 fifty-five percent (55%) of the employee's average weekly wages. With  
11 respect to injuries in the following schedule occurring on and after  
12 April 1, 1951, and prior to April 1, 1955, the employee shall receive in  
13 lieu of all other compensation on account of the injuries a weekly  
14 compensation of sixty percent (60%) of the employee's average weekly  
15 wages. With respect to injuries in the following schedule occurring on  
16 and after April 1, 1955, and prior to July 1, 1971, the employee shall  
17 receive in addition to temporary total disability benefits not exceeding  
18 twenty-six (26) weeks on account of the injuries, a weekly  
19 compensation of sixty percent (60%) of the employee's average weekly  
20 wages. With respect to injuries in the following schedule occurring on  
21 and after July 1, 1971, and before July 1, 1977, the employee shall  
22 receive in addition to temporary total disability benefits not exceeding  
23 twenty-six (26) weeks on account of the injuries, a weekly  
24 compensation of sixty percent (60%) of the employee's average weekly  
25 wages, not to exceed one hundred dollars (\$100) average weekly  
26 wages, for the period stated for such injuries respectively. With respect  
27 to injuries in the following schedule occurring on and after July 1,  
28 1977, and before July 1, 1979, the employee shall receive, in addition  
29 to temporary total disability benefits not exceeding twenty-six (26)  
30 weeks on account of the injury, a weekly compensation of sixty percent  
31 (60%) of the employee's average weekly wages not to exceed one  
32 hundred twenty-five dollars (\$125) average weekly wages, for the  
33 period stated for the injury. With respect to injuries in the following  
34 schedule occurring on and after July 1, 1979, and before July 1, 1988,  
35 the employee shall receive, in addition to temporary total disability  
36 benefits not exceeding fifty-two (52) weeks on account of the injury, a  
37 weekly compensation of sixty percent (60%) of the employee's average  
38 weekly wages not to exceed one hundred twenty-five dollars (\$125)  
39 average weekly wages for the period stated for the injury. With respect  
40 to injuries in the following schedule occurring on and after July 1,  
41 1988, and before July 1, 1989, the employee shall receive, in addition  
42 to temporary total disability benefits not exceeding seventy-eight (78)  
43 weeks on account of the injury, a weekly compensation of sixty percent  
44 (60%) of the employee's average weekly wages, not to exceed one  
45 hundred sixty-six dollars (\$166) average weekly wages, for the period  
46 stated for the injury.

47 With respect to injuries in the following schedule occurring on and  
48 after July 1, 1989, and before July 1, 1990, the employee shall receive,  
49 in addition to temporary total disability benefits not exceeding  
50 seventy-eight (78) weeks on account of the injury, a weekly  
51 compensation of sixty percent (60%) of the employee's average weekly

1 wages, not to exceed one hundred eighty-three dollars (\$183) average  
2 weekly wages, for the period stated for the injury.

3 With respect to injuries in the following schedule occurring on and  
4 after July 1, 1990, and before July 1, 1991, the employee shall receive,  
5 in addition to temporary total disability benefits not exceeding  
6 seventy-eight (78) weeks on account of the injury, a weekly  
7 compensation of sixty percent (60%) of the employee's average weekly  
8 wages, not to exceed two hundred dollars (\$200) average weekly  
9 wages, for the period stated for the injury.

10 (1) Loss of use: The total permanent loss of the use of an arm,  
11 hand, thumb, finger, leg, foot, toe, or phalange shall be considered  
12 as the equivalent of the loss by separation of the arm, hand,  
13 thumb, finger, leg, foot, toe, or phalange, and compensation shall  
14 be paid for the same period as for the loss thereof by separation.

15 (2) Partial loss of use: For the permanent partial loss of the use of  
16 an arm, hand, thumb, finger, leg, foot, toe, or phalange,  
17 compensation shall be paid for the proportionate loss of the use of  
18 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

19 (3) For injuries resulting in total permanent disability, five  
20 hundred (500) weeks.

21 (4) For any permanent reduction of the sight of an eye less than a  
22 total loss as specified in subsection (a)(3), compensation shall be  
23 paid for a period proportionate to the degree of such permanent  
24 reduction without correction or glasses. However, when such  
25 permanent reduction without correction or glasses would result in  
26 one hundred percent (100%) loss of vision, but correction or  
27 glasses would result in restoration of vision, then in such event  
28 compensation shall be paid for fifty percent (50%) of such total  
29 loss of vision without glasses, plus an additional amount equal to  
30 the proportionate amount of such reduction with glasses, not to  
31 exceed an additional fifty percent (50%).

32 (5) For any permanent reduction of the hearing of one (1) or both  
33 ears, less than the total loss as specified in subsection (a)(4),  
34 compensation shall be paid for a period proportional to the degree  
35 of such permanent reduction.

36 (6) In all other cases of permanent partial impairment,  
37 compensation proportionate to the degree of such permanent  
38 partial impairment, in the discretion of the worker's compensation  
39 board, not exceeding five hundred (500) weeks.

40 (7) In all cases of permanent disfigurement which may impair the  
41 future usefulness or opportunities of the employee, compensation,  
42 in the discretion of the worker's compensation board, not  
43 exceeding two hundred (200) weeks, except that no compensation  
44 shall be payable under this subdivision where compensation is  
45 payable elsewhere in this section.

46 (c) With respect to injuries in the following schedule occurring on  
47 and after July 1, 1991, the employee shall receive in addition to  
48 temporary total disability benefits, not exceeding one hundred  
49 twenty-five (125) weeks on account of the injury, compensation in an  
50 amount determined under the following schedule to be paid weekly at  
51 a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's

1 average weekly wages during the fifty-two (52) weeks immediately  
2 preceding the week in which the injury occurred.

3 (1) Amputation: For the loss by separation of the thumb, twelve  
4 (12) degrees of permanent impairment; of the index finger, eight  
5 (8) degrees of permanent impairment; of the second finger, seven  
6 (7) degrees of permanent impairment; of the third or ring finger,  
7 six (6) degrees of permanent impairment; of the fourth or little  
8 finger, four (4) degrees of permanent impairment; of the hand by  
9 separation below the elbow joint, forty (40) degrees of permanent  
10 impairment; of the arm above the elbow, fifty (50) degrees of  
11 permanent impairment; of the big toe, twelve (12) degrees of  
12 permanent impairment; of the second toe, six (6) degrees of  
13 permanent impairment; of the third toe, four (4) degrees of  
14 permanent impairment; of the fourth toe, three (3) degrees of  
15 permanent impairment; of the fifth or little toe, two (2) degrees of  
16 permanent impairment; by separation of the foot below the knee  
17 joint, thirty-five (35) degrees of permanent impairment; and of the  
18 leg above the knee joint, forty-five (45) degrees of permanent  
19 impairment.

20 (2) Amputations: ~~occurring on or after July 1, 1997~~: For the loss  
21 by separation of any of the body parts described in subdivision (1)  
22 on or after July 1, 1997, **and for the loss by separation of any of**  
23 **the body parts described in subdivision (3), (5), or (8), on or**  
24 **after July 1, 1999**, the dollar values per degree applying on the  
25 date of the injury as described in subsection (d) shall be  
26 multiplied by two (2). However, the doubling provision of this  
27 subdivision does not apply to a loss of use that is not a loss by  
28 separation.

29 (3) The loss of more than one (1) phalange of a thumb or toe shall  
30 be considered as the loss of the entire thumb or toe. The loss of  
31 more than two (2) phalanges of a finger shall be considered as the  
32 loss of the entire finger. The loss of not more than one (1)  
33 phalange of a thumb or toe shall be considered as the loss of  
34 one-half (1/2) of the degrees of permanent impairment for the loss  
35 of the entire thumb or toe. The loss of not more than one (1)  
36 phalange of a finger shall be considered as the loss of one-third  
37 (1/3) of the finger and compensation shall be paid for one-third  
38 (1/3) of the degrees payable for the loss of the entire finger. The  
39 loss of more than one (1) phalange of the finger but not more than  
40 two (2) phalanges of the finger shall be considered as the loss of  
41 one-half (1/2) of the finger and compensation shall be paid for  
42 one-half (1/2) of the degrees payable for the loss of the entire  
43 finger.

44 (4) For the loss by separation of both hands or both feet or the  
45 total sight of both eyes or any two (2) such losses in the same  
46 accident, one hundred (100) degrees of permanent impairment.

47 (5) For the permanent and complete loss of vision by enucleation,  
48 **or its thirty-five (35) degrees of permanent impairment.**

49 (6) **For the reduction of vision** to one-tenth (1/10) of normal  
50 vision with glasses, thirty-five (35) degrees of permanent  
51 impairment.

- 1           ~~(6)~~ **(7)** For the permanent and complete loss of hearing in one (1)  
2 ear, fifteen (15) degrees of permanent impairment, and in both  
3 ears, forty (40) degrees of permanent impairment.
- 4           ~~(7)~~ **(8)** For the loss of one (1) testicle, ten (10) degrees of  
5 permanent impairment; for the loss of both testicles, thirty (30)  
6 degrees of permanent impairment.
- 7           ~~(8)~~ **(9)** Loss of use: The total permanent loss of the use of an arm,  
8 a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall  
9 be considered as the equivalent of the loss by separation of the  
10 arm, hand, thumb, finger, leg, foot, toe, or phalange, and  
11 compensation shall be paid in the same amount as for the loss by  
12 separation. However, the doubling provision of subdivision (2)  
13 does not apply to a loss of use that is not a loss by separation.
- 14           ~~(9)~~ **(10)** Partial loss of use: For the permanent partial loss of the  
15 use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a  
16 phalange, compensation shall be paid for the proportionate loss of  
17 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 18           ~~(10)~~ **(11)** For injuries resulting in total permanent disability, the  
19 amount payable for impairment or five hundred (500) weeks of  
20 compensation, whichever is greater.
- 21           ~~(11)~~ **(12)** For any permanent reduction of the sight of an eye less  
22 than a total loss as specified in subsection (a)(3), the  
23 compensation shall be paid in an amount proportionate to the  
24 degree of a permanent reduction without correction or glasses.  
25 However, when a permanent reduction without correction or  
26 glasses would result in one hundred percent (100%) loss of  
27 vision, then compensation shall be paid for fifty percent (50%) of  
28 the total loss of vision without glasses, plus an additional amount  
29 equal to the proportionate amount of the reduction with glasses,  
30 not to exceed an additional fifty percent (50%).
- 31           ~~(12)~~ **(13)** For any permanent reduction of the hearing of one (1)  
32 or both ears, less than the total loss as specified in subsection  
33 (a)(4), compensation shall be paid in an amount proportionate to  
34 the degree of a permanent reduction.
- 35           ~~(13)~~ **(14)** In all other cases of permanent partial impairment,  
36 compensation proportionate to the degree of a permanent partial  
37 impairment, in the discretion of the worker's compensation board,  
38 not exceeding one hundred (100) degrees of permanent  
39 impairment.
- 40           ~~(14)~~ **(15)** In all cases of permanent disfigurement which may  
41 impair the future usefulness or opportunities of the employee,  
42 compensation, in the discretion of the worker's compensation  
43 board, not exceeding forty (40) degrees of permanent impairment  
44 except that no compensation shall be payable under this  
45 subdivision where compensation is payable elsewhere in this  
46 section.
- 47           (d) Compensation for permanent partial impairment shall be paid  
48 according to the degree of permanent impairment for the injury  
49 determined under subsection (c) and the following:
- 50           (1) With respect to injuries occurring on and after July 1, 1991,  
51 and before July 1, 1992, for each degree of permanent impairment

1 from one (1) to thirty-five (35), five hundred dollars (\$500) per  
2 degree; for each degree of permanent impairment from thirty-six  
3 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each  
4 degree of permanent impairment above fifty (50), one thousand  
5 five hundred dollars (\$1,500) per degree.

6 (2) With respect to injuries occurring on and after July 1, 1992,  
7 and before July 1, 1993, for each degree of permanent impairment  
8 from one (1) to twenty (20), five hundred dollars (\$500) per  
9 degree; for each degree of permanent impairment from  
10 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)  
11 per degree; for each degree of permanent impairment from  
12 thirty-six (36) to fifty (50), one thousand three hundred dollars  
13 (\$1,300) per degree; for each degree of permanent impairment  
14 above fifty (50), one thousand seven hundred dollars (\$1,700) per  
15 degree.

16 (3) With respect to injuries occurring on and after July 1, 1993,  
17 and before July 1, 1997, for each degree of permanent impairment  
18 from one (1) to ten (10), five hundred dollars (\$500) per degree;  
19 for each degree of permanent impairment from eleven (11) to  
20 twenty (20), seven hundred dollars (\$700) per degree; for each  
21 degree of permanent impairment from twenty-one (21) to  
22 thirty-five (35), one thousand dollars (\$1,000) per degree; for  
23 each degree of permanent impairment from thirty-six (36) to fifty  
24 (50), one thousand four hundred dollars (\$1,400) per degree; for  
25 each degree of permanent impairment above fifty (50), one  
26 thousand seven hundred dollars (\$1,700) per degree.

27 (4) With respect to injuries occurring on and after July 1, 1997,  
28 and before July 1, 1998, for each degree of permanent impairment  
29 from one (1) to ten (10), seven hundred fifty dollars (\$750) per  
30 degree; for each degree of permanent impairment from eleven  
31 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
32 for each degree of permanent impairment from thirty-six (36) to  
33 fifty (50), one thousand four hundred dollars (\$1,400) per degree;  
34 for each degree of permanent impairment above fifty (50), one  
35 thousand seven hundred dollars (\$1,700) per degree.

36 (5) With respect to injuries occurring on and after July 1, 1998,  
37 and before July 1, 1999, for each degree of permanent impairment  
38 from one (1) to ten (10), seven hundred fifty dollars (\$750) per  
39 degree; for each degree of permanent impairment from eleven  
40 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
41 for each degree of permanent impairment from thirty-six (36) to  
42 fifty (50), one thousand four hundred dollars (\$1,400) per degree;  
43 for each degree of permanent impairment above fifty (50), one  
44 thousand seven hundred dollars (\$1,700) per degree.

45 (6) With respect to injuries occurring on and after July 1, 1999,  
46 for each degree of permanent impairment from one (1) to ten (10),  
47 nine hundred dollars (\$900) per degree; for each degree of  
48 permanent impairment from eleven (11) to thirty-five (35), one  
49 thousand one hundred dollars (\$1,100) per degree; for each  
50 degree of permanent impairment from thirty-six (36) to fifty (50),  
51 one thousand six hundred dollars (\$1,600) per degree; for each

1 degree of permanent impairment above fifty (50), two thousand  
2 dollars (\$2,000) per degree.

3 (e) The average weekly wages used in the determination of  
4 compensation for permanent partial impairment under subsections (c)  
5 and (d) shall not exceed the following:

6 (1) With respect to injuries occurring on or after July 1, 1991, and  
7 before July 1, 1992, four hundred ninety-two dollars (\$492).

8 (2) With respect to injuries occurring on or after July 1, 1992, and  
9 before July 1, 1993, five hundred forty dollars (\$540).

10 (3) With respect to injuries occurring on or after July 1, 1993, and  
11 before July 1, 1994, five hundred ninety-one dollars (\$591).

12 (4) With respect to injuries occurring on or after July 1, 1994, and  
13 before July 1, 1997, six hundred forty-two dollars (\$642).

14 (5) With respect to injuries occurring on or after July 1, 1997, and  
15 before July 1, 1998, six hundred seventy-two dollars (\$672).

16 (6) With respect to injuries occurring on or after July 1, 1998, and  
17 before July 1, 1999, seven hundred two dollars (\$702).

18 (7) With respect to injuries occurring on or after July 1, 1999, and  
19 before July 1, 2000, seven hundred thirty-two dollars (\$732).

20 (8) With respect to injuries occurring on or after July 1, 2000,  
21 seven hundred sixty-two dollars (\$762).

22 SECTION 4. IC 22-3-3-13 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) **As used in this  
24 section, "board" refers to the worker's compensation board  
25 created under IC 22-3-1-1.**

26 (b) If an employee who from any cause, had lost, or lost the use of,  
27 one (1) hand, one (1) arm, one (1) foot, one (1) leg, or one (1) eye, and  
28 in a subsequent industrial accident becomes permanently and totally  
29 impaired by reason of the loss, or loss of use of, another such member  
30 or eye, the employer shall be liable only for the compensation payable  
31 for such second injury. However, in addition to such compensation and  
32 after the completion of the payment therefor, the employee shall be  
33 paid the remainder of the compensation that would be due for such  
34 total permanent impairment out of a special fund known as the second  
35 injury fund, and created in the manner described in subsection ~~(b)~~: (c).

36 ~~(b)~~ (c) **Whenever the board determines under the procedures set  
37 forth in subsection (d) that an assessment is necessary to ensure  
38 that fund beneficiaries, including applicants under section 4(e) of  
39 this chapter, continue to receive compensation in a timely manner  
40 for a reasonable prospective period, the board shall send notice not  
41 later than October 1 in any year to:**

42 (1) **all insurance carriers and other entities insuring or  
43 providing coverage to employers who are or may be liable  
44 under this article to pay compensation for personal injuries to  
45 or the death of their employees under this article; and**

46 (2) **each employer carrying the employer's own risk;  
47 stating that an assessment is necessary. After June 30, 1999, the  
48 board may conduct an assessment under this subsection not more  
49 than one (1) time annually. Every insurance carrier and other entity  
50 insuring or providing coverage to employers who are or may be liable  
51 under this article to pay compensation for personal injuries to or death**

1 of their employees under this article and every employer carrying the  
 2 employer's own risk, shall, ~~on or before April 10~~ of each year, **within**  
 3 **thirty (30) days of the board sending notice under this subsection,**  
 4 pay to the worker's compensation board for the benefit of ~~said the~~ fund,  
 5 a sum equal to ~~one percent (1%)~~ **an assessed amount that may not**  
 6 **exceed one and one-half percent (1.5%)** of the total amount of all  
 7 worker's compensation paid to injured employees or their beneficiaries  
 8 under IC 22-3-2 through IC 22-3-6 for the calendar year next preceding  
 9 the due date of such payment. **For the purposes of calculating the**  
 10 **assessment under this subsection, the board may consider**  
 11 **payments for temporary total disability, temporary partial**  
 12 **disability, permanent total impairment, permanent partial**  
 13 **impairment, or death of an employee. The board may not consider**  
 14 **payments for medical benefits in calculating an assessment under**  
 15 **this subsection.** If the amount to the credit of the second injury fund as  
 16 of ~~April 1~~ **on or before October 1** of any year exceeds ~~five hundred~~  
 17 ~~thousand dollars (\$500,000);~~ the payments of ~~one percent (1%)~~ **one**  
 18 **million dollars (\$1,000,000), the assessment allowed under this**  
 19 **subsection** shall not be assessed or collected during the ensuing year.  
 20 But when on ~~April 1~~ **on or before October 1** of any year the amount to  
 21 the credit of the fund is less than ~~five hundred thousand dollars~~  
 22 ~~(\$500,000);~~ **one million dollars (\$1,000,000),** the payments of ~~one~~  
 23 ~~percent (1%)~~ **not more than one and one-half percent (1.5%)** of the  
 24 total amount of all worker's compensation paid to injured employees or  
 25 their beneficiaries under IC 22-3-2 through IC 22-3-6 for the calendar  
 26 year next preceding that date shall be resumed and paid into ~~such the~~  
 27 fund.

28 (d) The board shall enter into a contract with an actuary or  
 29 another qualified firm that has experience in calculating worker's  
 30 compensation liabilities. Not later than September 1 of each year,  
 31 the actuary or other qualified firm shall calculate the  
 32 recommended funding level of the fund based on the previous  
 33 year's claims and inform the board of the results of the  
 34 calculation. If the amount to the credit of the fund is less than the  
 35 amount required under subsection (c), the board may conduct an  
 36 assessment under subsection (c). The board shall pay the costs of  
 37 the contract under this subsection with money in the fund.

38 (e) An assessment collected under subsection (c) on an employer  
 39 who is not self-insured must be assessed through a surcharge based  
 40 on the employer's premium. An assessment collected under  
 41 subsection (c) does not constitute an element of loss, but for the  
 42 purpose of collection shall be treated as a separate cost imposed  
 43 upon insured employers. A premium surcharge under this  
 44 subsection must be collected at the same time and in the same  
 45 manner in which the premium for coverage is collected, and must  
 46 be shown as a separate amount on a premium statement. A  
 47 premium surcharge under this subsection must be excluded from  
 48 the definition of premium for all purposes, including the  
 49 computation of agent commissions or premium taxes. However, an  
 50 insurer may cancel a worker's compensation policy for  
 51 nonpayment of the premium surcharge. A cancellation under this

1 **subsection must be carried out under the statutes applicable to the**  
 2 **nonpayment of premiums.**

3 ~~(e)~~ (f) The sums shall be paid by the ~~worker's compensation~~ board  
 4 to the treasurer of state, to be deposited in a special account known as  
 5 the second injury fund. The funds are not a part of the general fund of  
 6 the state. Any balance remaining in the account at the end of any fiscal  
 7 year shall not revert to the general fund. The funds shall be used only  
 8 for the payment of awards of compensation and expense of medical  
 9 examinations or treatment made and ordered by the board and  
 10 chargeable against the fund pursuant to this section, and shall be paid  
 11 for that purpose by the treasurer of state upon award or order of the  
 12 board.

13 ~~(d)~~ (g) If an employee who is entitled to compensation under  
 14 IC 22-3-2 through IC 22-3-6 either:

15 (1) exhausts the maximum benefits under section 22 of this  
 16 chapter without having received the full amount of award granted  
 17 to the employee under section 10 of this chapter; or

18 (2) exhausts the employee's benefits under section 10 of this  
 19 chapter;

20 then such employee may apply to the ~~worker's compensation~~ board,  
 21 who may award the employee compensation from the second injury  
 22 fund established by this section, as follows under subsection ~~(e)~~: (h).

23 ~~(e)~~ (h) An employee who has exhausted the employee's maximum  
 24 benefits under section 10 of this chapter may be awarded additional  
 25 compensation equal to sixty-six and two-thirds percent (66 2/3%) of the  
 26 employee's average weekly wage at the time of the employee's injury,  
 27 not to exceed the maximum then applicable under section 22 of this  
 28 chapter, for a period of not to exceed one hundred fifty (150) weeks  
 29 upon competent evidence sufficient to establish:

30 (1) that the employee is totally and permanently disabled from  
 31 causes and conditions of which there are or have been objective  
 32 conditions and symptoms proven that are not within the physical  
 33 or mental control of the employee; and

34 (2) that the employee is unable to support the employee in any  
 35 gainful employment, not associated with rehabilitative or  
 36 vocational therapy.

37 ~~(f)~~ (i) The additional award may be renewed during the employee's  
 38 total and permanent disability after appropriate hearings by the  
 39 ~~worker's compensation~~ board for successive periods not to exceed one  
 40 hundred fifty (150) weeks each. The provisions of this section apply  
 41 only to injuries occurring subsequent to April 1, 1950, for which  
 42 awards have been or are in the future made by the ~~worker's~~  
 43 ~~compensation~~ board under section 10 of this chapter. Section 16 of this  
 44 chapter does not apply to compensation awarded from the second  
 45 injury fund under this section.

46 SECTION 3. IC 22-3-4-13 IS AMENDED TO READ AS  
 47 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) Every employer  
 48 shall keep a record of all injuries, fatal or otherwise, received by or  
 49 claimed to have been received by his employees in the course of their  
 50 employment. Within seven (7) days after the occurrence and  
 51 knowledge thereof, as provided in IC 22-3-3-1, of any injury to an

1 employee causing his death or his absence from work for more than  
 2 one (1) day, a report thereof shall be made in writing and mailed to the  
 3 employer's insurance carrier or, if the employer is self insured,  
 4 **delivered** to the worker's compensation board ~~on blanks to be procured~~  
 5 ~~from the board for that purpose in the manner provided in~~  
 6 **subsections (b) and (c)**. The insurance carrier shall ~~mail~~ **deliver** the  
 7 report to the worker's compensation board **in the manner provided in**  
 8 **subsections (b) and (c)** not later than seven (7) days after receipt of the  
 9 report or fourteen (14) days after the employer's knowledge of the  
 10 injury, whichever is later. An employer or insurance carrier that fails  
 11 to comply with this subsection is subject to a civil penalty of fifty  
 12 dollars (\$50), to be assessed and collected by the board. Civil penalties  
 13 collected under this section shall be deposited in the state general fund.

14 **(b) All insurance carriers, companies who carry risk without**  
 15 **insurance, and third party administrators reporting accident**  
 16 **information to the board in compliance with subsection (a) shall:**

17 **(1) report the information using electronic data interchange**  
 18 **standards prescribed by the board no later than June 30,**  
 19 **1999; or**

20 **(2) in the alternative, the reporting entity shall have an**  
 21 **implementation plan approved by the board no later than**  
 22 **June 30, 2000, that provides for the ability to report the**  
 23 **information using electronic data interchange standards**  
 24 **prescribed by the board no later than December 31, 2000.**

25 **Prior to the June 30, 2000, and December 31, 2000, deadlines, the**  
 26 **reporting entity may continue to report accidents to the board by**  
 27 **mail in compliance with subsection (a).**

28 **(c)** The report shall contain the name, nature, and location of the  
 29 business of the employer, the name, age, sex, wages, occupation of the  
 30 injured employee, the date and hour of the accident causing the alleged  
 31 injury, the nature and cause of the injury, and such other information  
 32 as may be required by the board.

33 ~~(e)~~ **(d)** A person who violates any provision of this article, except  
 34 IC 22-3-5-1 or IC 22-3-7-34(a) or IC 22-3-7-34(b), commits a Class C  
 35 infraction. A person who violates IC 22-3-5-1 or IC 22-3-7-34(a) or  
 36 IC 22-3-7-34(b) commits a Class A infraction. The worker's  
 37 compensation board in the name of the state may seek relief from any  
 38 court of competent jurisdiction to enjoin any violation of this article.

39 ~~(d)~~ **(e)** The venue of all criminal actions under this section lies in the  
 40 county in which the employee was injured. The prosecuting attorney of  
 41 the county shall prosecute all such violations upon written request of  
 42 the worker's compensation board. Such violations shall be prosecuted  
 43 in the name of the state.

44 ~~(e)~~ **(f)** In an action before the board against an employer who at the  
 45 time of the injury to or occupational disease of an employee had failed  
 46 to comply with IC 22-3-5-1 or IC 22-3-7-34(a) or IC 22-3-7-34(b), the  
 47 board may award to the employee or the dependents of a deceased  
 48 employee:

49 (1) compensation not to exceed double the compensation  
 50 provided by this article;

51 (2) medical expenses; and

- 1 (3) reasonable attorney fees in addition to the compensation and  
 2 medical expenses.
- 3 ~~(f)~~ **(g)** In an action under subsection (c) the court may:
- 4 (1) order the employer to cease doing business in Indiana until the  
 5 employer furnishes proof of insurance as required by IC 22-3-5-1  
 6 and IC 22-3-7-34(a) or IC 22-3-7-34(b);
- 7 (2) require satisfactory proof of the employer's financial ability to  
 8 pay any compensation or medical expenses in the amount and  
 9 manner and when due as provided for in IC 22-3, for any injuries  
 10 which occurred during any period of noncompliance; and
- 11 (3) require the employer to deposit with the worker's  
 12 compensation board an acceptable security, indemnity, or bond to  
 13 secure the payment of such compensation and medical expense  
 14 liabilities.
- 15 ~~(g)~~ **(h)** The penalty provisions of subsection (e) shall apply only to  
 16 the employer and shall not apply for a failure to exact a certificate of  
 17 insurance under IC 22-3-2-14 or IC 22-3-7-34(i) or IC 22-3-7-34(j).
- 18 Page 2, line 9, delete "." and insert "**to the extent set forth in**  
 19 **IC 22-3-2-2.5**".
- 20 Page 4, line 8, delete "." and insert "**to the extent set forth in**  
 21 **IC 22-3-2-2.5**".
- 22 Page 6, delete lines 34 through 42, begin a new paragraph and  
 23 insert:
- 24 "SECTION 7. IC 22-3-7-2.5 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 26 1, 1999]: **Sec. 2.5. (a) As used in this section, "school to work  
 27 student" refers to a student participating in on-the-job training  
 28 under the federal School to Work Opportunities Act (20 U.S.C.  
 29 6101 et seq.).**
- 30 **(b) A school to work student is entitled to the following  
 31 compensation and benefits under this chapter:**
- 32 **(1) Medical benefits.**
- 33 **(2) Permanent partial impairment compensation under  
 34 section 16 of this chapter. Permanent partial impairment  
 35 compensation for a school to work student shall be paid in a  
 36 lump sum upon agreement or final award.**
- 37 **(3) In the case that death results from the injury:**
- 38 **(A) death benefits in a lump sum amount of one hundred  
 39 seventy-five thousand dollars (\$175,000), payable upon  
 40 agreement or final award to any dependents of the student  
 41 under sections 11 through 14 of this chapter, or, if the  
 42 student has no dependents, to the student's parents; and**
- 43 **(B) burial compensation under section 15 of this chapter.**
- 44 **(c) For the sole purpose of modifying an award under section 27  
 45 of this chapter, a school to work student's average weekly wage is  
 46 presumed to be equal to the federal minimum wage.**
- 47 **(d) A school to work student is not entitled to the following  
 48 compensation under this chapter:**
- 49 **(1) Temporary total disability compensation under section 16  
 50 of this chapter.**
- 51 **(2) Temporary partial disability compensation under section**

1           **19 of this chapter.**

2           **(e) Except for remedies available under IC 5-2-6.1, recovery**  
 3 **under subsection (b) is the exclusive right and remedy for:**

4           **(1) a school to work student; and**

5           **(2) the personal representatives, dependents, or next of kin, at**  
 6 **common law or otherwise, of a school to work student;**

7 **on account of disablement or death by occupational disease arising**  
 8 **out of and in the course of school to work employment."**

9           Page 7, delete lines 1 through 3.

10          Page 7, line 12, delete "." and insert "**to the extent set forth under**  
 11 **section 2.5 of this chapter."**

12          Page 8, line 30, delete "." and insert "**to the extent set forth under**  
 13 **section 2.5 of this chapter."**

14          Page 11, between lines 1 and 2, begin a new paragraph and insert:

15          "SECTION 7. IC 22-3-7-27 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. (a) If the employer  
 17 and the employee or the employee's dependents disagree in regard to  
 18 the compensation payable under this chapter, or, if they have reached  
 19 such an agreement, which has been signed by them, filed with and  
 20 approved by the worker's compensation board, and afterward disagree  
 21 as to the continuance of payments under such agreement, or as to the  
 22 period for which payments shall be made, or as to the amount to be  
 23 paid, because of a change in conditions since the making of such  
 24 agreement, either party may then make an application to the board for  
 25 the determination of the matters in dispute. When compensation which  
 26 is payable in accordance with an award or by agreement approved by  
 27 the board is ordered paid in a lump sum by the board, no review shall  
 28 be had as in this subsection mentioned.

29          (b) The application making claim for compensation filed with the  
 30 worker's compensation board shall state the following:

31           (1) The approximate date of the last day of the last exposure and  
 32 the approximate date of the disablement.

33           (2) The general nature and character of the illness or disease  
 34 claimed.

35           (3) The name and address of the employer by whom employed on  
 36 the last day of the last exposure, and if employed by any other  
 37 employer after such last exposure and before disablement, the  
 38 name and address of such other employer or employers.

39           (4) In case of death, the date and place of death.

40           (5) Amendments to applications making claim for compensation  
 41 which relate to the same disablement or disablement resulting in  
 42 death originally claimed upon may be allowed by the board in its  
 43 discretion, and, in the exercise of such discretion, it may, in  
 44 proper cases, order a trial de novo. Such amendment shall relate  
 45 back to the date of the filing of the original application so  
 46 amended.

47          (c) Upon the filing of such application, the board shall set the date  
 48 of hearing, which shall be as early as practicable, and shall notify the  
 49 parties, in the manner prescribed by the board, of the time and place of  
 50 hearing. The hearing of all claims for compensation on account of  
 51 occupational disease shall be held in the county in which the last

1 exposure occurred or in any adjoining county, except when the parties  
2 consent to a hearing elsewhere. Claims assigned to an individual board  
3 member that are considered to be of an emergency nature by that board  
4 member, may be heard in any county within the board member's  
5 jurisdiction.

6 (d) The board by any or all of its members shall hear the parties at  
7 issue, their representatives, and witnesses, and shall determine the  
8 dispute in a summary manner. The award shall be filed with the record  
9 of proceedings, and a copy thereof shall immediately be sent by  
10 registered mail to each of the parties in dispute.

11 (e) If an application for review is made to the board within ~~twenty~~  
12 ~~(20) days after receiving a copy of an~~ **thirty (30) days from the date**  
13 **of the** award made by less than all the members, the full board, if the  
14 first hearing was not held before the full board, shall review the  
15 evidence, or, if deemed advisable, hear the parties at issue, their  
16 representatives, and witnesses as soon as practicable, and shall make  
17 an award and file the same with the finding of the facts on which it is  
18 based and send a copy thereof to each of the parties in dispute, in like  
19 manner as specified in subsection (d).

20 (f) An award of the board by less than all of the members as  
21 provided in this section, if not reviewed as provided in this section,  
22 shall be final and conclusive. An award by the full board shall be  
23 conclusive and binding unless either party to the dispute, within thirty  
24 (30) days after receiving a copy of such award, appeals to the court of  
25 appeals under the same terms and conditions as govern appeals in  
26 ordinary civil actions. The court of appeals shall have jurisdiction to  
27 review all questions of law and of fact. The board, of its own motion,  
28 may certify questions of law to the court of appeals for its decision and  
29 determination. An assignment of errors that the award of the full board  
30 is contrary to law shall be sufficient to present both the sufficiency of  
31 the facts found to sustain the award and the sufficiency of the evidence  
32 to sustain the finding of facts. All such appeals and certified questions  
33 of law shall be submitted upon the date filed in the court of appeals,  
34 shall be advanced upon the docket of the court, and shall be determined  
35 at the earliest practicable date, without any extensions of time for filing  
36 briefs. An award of the full board affirmed on appeal, by the employer,  
37 shall be increased thereby five percent (5%), and by order of the court  
38 may be increased ten percent (10%).

39 (g) Upon order of the worker's compensation board made after five  
40 (5) days notice is given to the opposite party, any party in interest may  
41 file in the circuit or superior court of the county in which the  
42 disablement occurred a certified copy of the memorandum of  
43 agreement, approved by the board, or of an order or decision of the  
44 board, or of an award of the full board unappealed from, or of an award  
45 of the full board affirmed upon an appeal, whereupon the court shall  
46 render judgment in accordance therewith and notify the parties. Such  
47 judgment shall have the same effect and all proceedings in relation  
48 thereto shall thereafter be the same as though such judgment has been  
49 rendered in a suit duly heard and determined by the court. Any such  
50 judgment of such circuit or superior court, unappealed from or affirmed  
51 on appeal or modified in obedience to the mandate of the court of

1 appeals, shall be modified to conform to any decision of the industrial  
2 board ending, diminishing, or increasing any weekly payment under the  
3 provisions of subsection (i) upon the presentation to it of a certified  
4 copy of such decision.

5 (h) In all proceedings before the worker's compensation board or in  
6 a court under the compensation provisions of this chapter, the costs  
7 shall be awarded and taxed as provided by law in ordinary civil actions  
8 in the circuit court.

9 (i) The power and jurisdiction of the worker's compensation board  
10 over each case shall be continuing, and, from time to time, it may, upon  
11 its own motion or upon the application of either party on account of a  
12 change in conditions, make such modification or change in the award  
13 ending, lessening, continuing, or extending the payments previously  
14 awarded, either by agreement or upon hearing, as it may deem just,  
15 subject to the maximum and minimum provided for in this chapter.  
16 When compensation which is payable in accordance with an award or  
17 settlement contract approved by the board is ordered paid in a lump  
18 sum by the board, no review shall be had as in this subsection  
19 mentioned. Upon making any such change, the board shall immediately  
20 send to each of the parties a copy of the modified award. No such  
21 modification shall affect the previous award as to any money paid  
22 thereunder. The board shall not make any such modification upon its  
23 own motion, nor shall any application therefor be filed by either party  
24 after the expiration of two (2) years from the last day for which  
25 compensation was paid under the original award made either by  
26 agreement or upon hearing, except that applications for increased  
27 permanent partial impairment are barred unless filed within one (1)  
28 year from the **first last** day for which compensation was paid. The  
29 board may at any time correct any clerical error in any finding or  
30 award.

31 (j) The board or any member thereof may, upon the application of  
32 either party or upon its own motion, appoint a disinterested and duly  
33 qualified physician or surgeon to make any necessary medical  
34 examination of the employee and to testify in respect thereto. Such  
35 physician or surgeon shall be allowed traveling expenses and a  
36 reasonable fee, to be fixed by the board. The fees and expenses of such  
37 physician or surgeon shall be paid by the state only on special order of  
38 the board or a member thereof.

39 (k) The board or any member thereof may, upon the application of  
40 either party or upon its own motion, appoint a disinterested and duly  
41 qualified industrial hygienist, industrial engineer, industrial physician,  
42 or chemist to make any necessary investigation of the occupation in  
43 which the employee alleges that he was last exposed to the hazards of  
44 the occupational disease claimed upon, and testify with respect to the  
45 occupational disease health hazards found by such person or persons  
46 to exist in such occupation. Such person or persons shall be allowed  
47 traveling expenses and a reasonable fee, to be fixed by the board. The  
48 fees and expenses of such persons shall be paid by the state, only on  
49 special order of the board or a member thereof.

50 (l) Whenever any claimant misconceives the claimant's remedy and  
51 files an application for adjustment of a claim under IC 22-3-2 through

1 IC 22-3-6 and it is subsequently discovered, at any time before the final  
 2 disposition of such cause, that the claim for injury or death which was  
 3 the basis for such application should properly have been made under  
 4 the provisions of this chapter, then the application so filed under  
 5 IC 22-3-2 through IC 22-3-6 may be amended in form or substance or  
 6 both to assert a claim for such disability or death under the provisions  
 7 of this chapter, and it shall be deemed to have been so filed as amended  
 8 on the date of the original filing thereof, and such compensation may  
 9 be awarded as is warranted by the whole evidence pursuant to the  
 10 provisions of this chapter. When such amendment is submitted, further  
 11 or additional evidence may be heard by the worker's compensation  
 12 board when deemed necessary. Nothing in this section contained shall  
 13 be construed to be or permit a waiver of any of the provisions of this  
 14 chapter with reference to notice or time for filing a claim, but notice of  
 15 filing of a claim, if given or done, shall be deemed to be a notice or  
 16 filing of a claim under the provisions of this chapter if given or done  
 17 within the time required in this chapter."

18 Page 22, line 13, delete "leverage" and insert "**attract**".

19 Page 22, after line 14, begin a new paragraph and insert:

20 "**SECTION 17. [EFFECTIVE JULY 1, 1999] (a) As used in this**  
 21 **SECTION, "board" refers to the worker's compensation board**  
 22 **created under IC 22-3-1-1.**

23 **(b) As used in this SECTION, "fund" refers to the second injury**  
 24 **fund created under IC 22-3-3-13.**

25 **(c) The board shall conduct an actuarial study in consultation**  
 26 **with the department of insurance to determine the fund's total**  
 27 **unfunded liability.**

28 **(d) The board shall be reimbursed the cost of the study under**  
 29 **subsection (c) from the state general fund.**

30 **(e) The board shall report the results of the study to the**  
 31 **legislative council before January 1, 2000.**

32 **(f) This SECTION expires January 1, 2000."**

33 Renumber all SECTIONS consecutively.

(Reference is to EHB 2085 as reprinted April 9, 1999 and as corrected under Senate Rule 33(c) adopted April 12, 1999.)

**Conference Committee Report**  
**on**  
**House Bill 2085**

**S**igned by:

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Senator Zakas

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Representative Dvorak

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Senator Craycraft

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Representative Thompson

**Senate Conferees**

**House Conferees**