

SESSION OF 2006

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2753**

As Amended by House Committee on  
Commerce and Labor

**Brief\***

HB 2753 would amend the Workers Compensation Act dealing with closure of claims by providing that any claim that has not proceeded to final hearing, a settlement hearing, or an agreed award under the Workers Compensation Act within five years from the date of filing an application for hearing would be dismissed by the administrative law judge for lack of prosecution. The administrative law judge would be allowed to grant an extension for good cause shown, which would be conclusively presumed in the event that the claimant has not reached maximum medical improvement, provided such motion to extend is filed prior to the five-year limitation. This provision would not affect any future benefits which have been left open upon proper application by an award or settlement.

**Background**

Ron Lashowski, attorney, appeared in support of the original bill. Jeff Glendenning, Kansas Chamber and Tina Williams of the Kansas Self Insurers Association and the Kansas Restaurant and Hospitality Association also expressed support for the bill, as drafted.

Jeff Cooper, an attorney with the Kansas Coalition for Workplace Safety appeared in opposition to the original bill.

The House Committee amendment deleted the original amendatory language and inserted the current amendatory language.

The fiscal note states the Department of Labor indicates it does not know how many motions would be filed to extend the five-year period; however, the costs of additional hearings to decide these motions would be negligible and could be absorbed within existing resources.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>