

WORKING DRAFT

SENATE JOINT RESOLUTION NO. _____

Workers' compensation immunity.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution; relating to worker's compensation; specifying
3 conditions for immunity of employees injuring fellow
4 employees covered by worker's compensation.

5

6 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
7 *two-thirds of all the members of the two houses, voting*
8 *separately, concurring therein:*

9

10 **Section 1.** The following proposal to amend Wyoming
11 Constitution, Article 10, Section 4(c) is proposed for
12 submission to the electors of the State of Wyoming at the
13 next general election for approval or rejection to become
14 valid as a part of the Constitution if ratified by a
15 majority of the electors at the election:

1

2 **Article 10, Section 4. Damages for personal injuries**
3 **or death; worker's compensation.**

4

5 (c) Any contract or agreement with any employee
6 waiving any right to recover damages for causing the death
7 or injury of any employee shall be void. As to all
8 extrahazardous employments the legislature shall provide by
9 law for the accumulation and maintenance of a fund or funds
10 out of which shall be paid compensation as may be fixed by
11 law according to proper classifications to each person
12 injured in such employment or to the dependent families of
13 such as die as the result of such injuries, except in case
14 of injuries due solely to the culpable negligence of the
15 injured employee. The fund or funds shall be accumulated,
16 paid into the state treasury and maintained in such manner
17 as may be provided by law. Monies in the fund shall be
18 expended only for compensation authorized by this section,
19 for administration and management of the Worker's
20 Compensation Act, debt service related to the fund and for
21 workplace safety programs conducted by the state as
22 authorized by law. The right of each employee to
23 compensation from the fund shall be in lieu of and shall
24 take the place of any and all rights of action against any

1 employer contributing as required by law to the fund in
2 favor of any person or persons by reason of the injuries or
3 death. The right of each employee to compensation from the
4 fund shall also be in lieu of and shall take the place of
5 any and all rights of action against a fellow employee of
6 an injured worker's employer in favor of any person or
7 persons by reason of the injuries or death, provided the
8 employer was contributing as required by law to the fund
9 and the fellow employee did not intend to cause physical
10 harm or injury to the injured employee. Subject to
11 conditions specified by law, the legislature may allow
12 employments not designated extrahazardous to be covered by
13 the state fund at the option of the employer. To the
14 extent an employer elects to be covered by the state fund
15 and contributes to the fund as required by law, the
16 employer shall enjoy the same immunity as provided for
17 extrahazardous employments.

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19 **Section 2.** That the Secretary of State shall endorse
20 the following statement on the proposed amendment:

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22 The adoption of this amendment would specify that a
23 fellow employee is immune from civil liability to an
24 injured employee for the workplace injury if their employer

1 is covered by worker's compensation and the fellow employee
2 did not intend to physically harm or injure the injured
3 employee.

4 (END)