

April 16, 1982

LB 115

individual at the time of the injury if they are above a certain figure or to the earning capacity of that individual. Now we have not increased...we have not increased the maximum weekly benefit allowance for several years. We are operating in an inflationary era notwithstanding the federal efforts to reduce the level of inflation. It seems to me that one class of people that you and I truly do want to protect are persons who sustain on the job injuries and really are just not capable of doing a piece of work for a period of time. Now it could well be that the injury becomes sufficiently disabling that the individual ultimately can plug into the Social Security system, but if the individual does, he has to wait at least six months before he can plug into the Social Security system and in any event his Social Security benefits are reduced dollar for dollar for every dime of workmen's compensation he does receive. Because the individual has an injury and is not employed or probably employable during the recuperative period, he is not eligible for unemployment compensation and therefore there is no income from that level. Because the individual has an injury and is receiving some workmen's compensation benefits which provide that individual some income, given the very low income ceilings in our state welfare programs, that family is probably not eligible for any welfare payments. So really all that individual and his family members have to rely on are the workmen's compensation benefits. Now it seems to me as Senator Wiitala has so ably pointed out that inasmuch as we by law have deprived that individual of any ability...of any ability to go after a coworker for harm caused to him by a coworker, to go after the employer for the employer's failure to provide a safe work place, we have taken away that legal right, that the least we can do is to ensure that individual that the level of workmen's compensation payments will be somewhat adequate to help that individual during the recuperative period. I don't think LB 115 was an unreasonable bill when it was introduced a year ago, but it becomes increasingly unreasonable in an inflationary time. It strikes me that one of the very small things this Legislature can do in its final day of the second session is to vote yes to allow the reconsideration and to then advance this bill to the Governor.

SENATOR CLARK: Senator Beutler. The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate will vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: We are voting on ceasing debate. Record the vote.

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