

SPEAKER BAACK: Thank you, Senator Will. Senator Hefner.

SENATOR HEFNER: Mr. Speaker and members of the body, I rise to oppose this amendment. This is Senator Will's amendment. It's the same as LB 936. This is a major change. It's a major change in our workmen's comp policy. And if you notice, Senator Will didn't name 936 as his priority bill, so I don't believe that this amendment is that important to him. But this amendment includes cumulative trauma under the definition of an occupational disease. And so you can see when we add that to the statutes that we're going to create a lot more problems. In fact, if this amendment is adopted, I'm sure, well, at least...I'm positive that it's going to increase a number of cases that will go before the Workmen's Comp Court. And in this bill we're trying to relieve the load of the workmen's comp. So I want to call that to your attention. We'll probably have to add an additional judge and more staff members to take care of this. Also, it will cause workmen's comp rates to go up. The workmen's comp insurance premiums are going to cost more, and I want you to be aware of that. And we know that workmen's comp insurance rates now have been going up by leaps and bounds over the years. As medical costs go up, so do the rates. So I would just urge you to vote against this amendment. And if I have any time left, I would like to give my time to Senator Coordsen. Mr. Speaker.

SPEAKER BAACK: Senator Coordsen.

SENATOR COORDSEN: Thank you, Senator Hefner. Again, to continue a little bit of the history that Senator Will has brought to us this morning with his amendment, and he addressed certainly the Maxson v. Todd and the Vencil v. Valmont court cases which, in fact, created quite a stir in the workers' compensation defense area last year because they seemed to indicate a departure from what had been established court practice going back to 1963. However, in both of these cases, there was not an identifiable point in time when...or a situation of work-related circumstances that would indicate that that particular injury or discomfort that was experienced by either of these parties was, in fact, job related. The court noted that the onset of symptoms which required an employee to stop work and seek medical attention distinguishes compensable cases from noncompensable cases. Noncompensable cases, like Maxson and Vencil involve chronic conditions that develop over a period of years and cannot be traced to a particular activity.