

injury on the job or if they suffer from an occupational disease, meaning a disease that results primarily from their occupation. And what has happened in Nebraska is our Supreme Court has come down and said that in cases of cumulative trauma they've come to a unique point of view, and that is that carpal tunnel syndrome, there's been a case that says, carpal tunnel syndrome is an injury that is a result of a job. If an individual engages in an activity such as sewing or keyboard activities, whereas repetitive lifting and repetitive motion injuries other than carpal tunnel are not interpreted that way, which simply doesn't make any sense to me. If both are job related, both should be compensable. The sticking point, apparently, with the court has been that to be an injury, something must have occurred at an identifiable moment. And for reasons that elude me, given all the times that I've read the decisions, they've determined that for some reason carpal tunnel does have an identifiable moment whereas injuries resulting from repetitive lifting do not, at least in the cases decided to this date. For that reason, what LB 504 would do is define cumulative trauma, which would include both of those, under the definition of occupational disease, and therefore make both injuries compensable if they were suffered as a result of an individual's occupation. I think that only makes sense that if the individual could go in, prove to the court that their injury occurred as a result of their occupation, or whether or not it's one type of cumulative trauma or another, it should be compensable. That's the essence of this amendment. And in the interest of time, Senator Vrtiska, if you'd like to address this amendment with the remainder of my opening, you are welcome to.

**SPEAKER WITHEM:** Senator Vrtiska.

**SENATOR VRTISKA:** Thank you, Senator Will. Obviously I, I don't want this bill to drag out. I would like to get this, my bill advanced. And if...I guess I'm going to have to oppose the bill based on the fact that if it takes very much time I'm going to run out and I'm going to lose my bill. And I think probably Senator Will's bill should be brought up on its order. And if you can't get it this year, I guess he'll just have to take his chances on another time. And certainly I don't want to, I don't want to...and I know he doesn't want to either, destroy my bill because if this, in fact, gets into a long debate, then that's what'll happen. So with that, I'm not going to support it if it's going to take any length of time. Thank you.