

cumulative trauma. There's not a tremendous amount of information, but there is some. Obviously that the themes for this is that there are more and smaller claims, and thus there's more of the settlements. But also we have higher rates because of this. You're going to find that the cost of doing the cumulative trauma is, for litigation expenses, are going to be, at least in the California experience, about 33 cents for every dollar of benefit. Where if you have a specific injury, in other words, I dropped something on my foot, I get my finger cut off, those costs are about 15 cents for every dollar of benefit. And their, at least the California limited experience, it's much more expensive. The other problem that we have here is that we're not only widening these definitions, but we're allowing this state, which just two and a half short years ago we did a major overhaul of our workers' compensation laws. We're just now beginning to see the benefits of those. And before we're allowing that whole system to begin to work, we're going to open it up even further now for a definition that I'm not really sure what it does. And so why it seems so attractive, and it seems like the right thing to do, but for other traumas that you accumulate, whether because of age, because of the job on the side, or who knows what, if you can't identify when that began and that it was proven to be in the scope of the work, under Nebraska law you're not going to recover. And I think that's probably correct. But to add cumulative trauma, adds a whole new basis to the ball game, and it's one that I don't think we should (interruption)...

SPEAKER WITHEM: One minute.

SENATOR KRISTENSEN: ...on. I think that it likely will increase those expenses for litigation. It'll add up to more attorney's fees. We'll have less benefits being paid out. And our work comp rates are going to go up. And why all those, and you may say, well, there's some of these that were denying people benefits, I urge you and tell you that I don't think in this state that we have a large group of people who are going uncompensated because our Supreme Court has made that niche for repetitive trauma and we've carved out what the rules of the game are. Those rules seem to work pretty well. I think it's poor policy at this point in time to expand that definition, particularly when I don't know what it is. And I think the only way we'll find out is through a series of court cases. Not good policy. I'd urge the body to defeat the Will amendment at this