

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 12, 2003 LB 332

insurance companies were denying workers' compensation claims of injured emergency workers insisting that the volunteers had not traveled far enough in responding to a call to be covered. When presented with the Attorney General's opinion and other information, the insurance company's response was, well, that's just one guy's opinion. What was to be done? On the one hand, we had both the sponsoring senator of the legislation and the Attorney General saying that the legislative intent was to provide coverage from point A to point B. The insurance companies maintained that coverage exists only when the emergency worker has actually reached point B, or at the very least is well on the way there. Interestingly enough, the Attorney General's opinion did say that one of the terms of the current language, namely, the word "travel" is ambiguous enough to require reference to the history of the enacting legislation in order to understand the original intent of the act. At the same time, though, the opinion also concluded with this observation and, again, I quote: "In sum, while adding additional language to the statute to clarify it's meaning certainly would be a viable option, it is probably unnecessary in this case where a simple inquiry into the legislative history of the act reveals the intended meaning." Had the insurance companies involved been reasonable and consented to this "attestment" all would have been well. But because that was not the case, last year I felt it necessary to introduce LB 1194, which said pretty much what our current bill now proposes. That hearing last year proved very interesting. In opposing the bill, an insurance representative testified that the proposed language was not clear enough. One committee member cut right to the heart of the matter by asking him if English was his native language, and then challenged him to provide alternative language that would be acceptable to insurers. Well, of course, there was no response. But with an additional clarifying amendment to the bill, it was advanced to General File. However, due to circumstances unrelated to the merits of the bill, the bill didn't become law. So I'm back again this year with LB 332 which contains the same language as last year with one addition. This time around there is also language to cover volunteers...by...while returning from an emergency as well. The new language says that volunteers will be covered until their return to the location from which they were initially