

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB51**

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**Hearing Date:** Monday February 09, 2009  
**Committee On:** Business and Labor  
**Introducer:** Fulton  
**One Liner:** Provide for confidentiality of Nebraska Workers' Compensation Court documents and information

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**

<b>Aye:</b>	5	Senators Council, Lathrop, McGill, Wallman, White
<b>Nay:</b>		
<b>Absent:</b>		
<b>Present Not Voting:</b>	2	Senators Carlson, Schilz

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**Proponents:**

Sen. Tony Fulton  
Rob Hallstrom

Korby Gilbertson

Daniel Fridrich

**Opponents:**

Michael Dowd  
Rob Rehm  
Shawn Renner  
Gregory Coffey

**Neutral:**

**Representing:**

Introducer  
Nebraska Federation of Independent Businesses,  
Nebraskans for Workers' Compensation Equity and  
Fairness  
Tyson Foods, Property Casualty Insurers Association of  
America  
Werner Enterprises, Inc., Nebraskans for Workers'  
Compensation Equity and Fairness

**Representing:**

AFL-CIO  
National Association of Trial Attorneys  
Media of Nebraska, Inc.  
Self

**Representing:**

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**Summary of purpose and/or changes:**

LB 51 provides confidentiality to employees that file a workers' compensation claim. Any court document or information that is available by electronic means that reveals specific information about the employee is deemed to be confidential and not open to public inspection or copying unless otherwise provided for under one of five exceptions.

Section 1 provides that Workers Compensation Court documents and information available by electronic means are confidential and are not open to public inspection or copying. The documents and information which are to be held confidential are those which reveal:

(a) the identity of an employee; (b) the nature of the employee's alleged injury; (c) the employee's past or present medical condition; (d) the extent of an employee's disability; (e) the amount, type, or duration of benefits paid to an employee; or (f) the application information for self insurance.

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The court is to deny any request to inspect or copy a record deemed to be confidential unless: (1) the requestor is the employee who

is the subject of the record or an attorney or authorized agent of the employee; (2) the requestor is the employer of the injured employee, or the employer's insurance carrier or third-party administrator; (3) the information is used for the purpose of state or federal investigations or examinations or for the state or federal government to compile statistical information; (4) the document is a pleading, final order or exhibit associated with workers' compensation case; or (5) the information reveals statistical information but does not reveal any information proscribed in section 1.

Section 2 incorporates the language into the Nebraska Workers' Compensation Act and repeals Neb. Rev. Stat. 48-1,110.

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Steve Lathrop, Chairperson