

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

May 22, 1997

LB 854

SENATOR ABOUD: Yes, I would.

SENATOR HILGERT: ...there was some opponents to the bill, or some people that did have some concerns related to the elimination of this fund, and for the record because part of our debate here is to make sure that there is a record, will there anyone that will be hurt by this bill, and can you elaborate that and I will yield the rest of my time for the use of Senator Abboud to respond, and then...

SENATOR ABOUD: Right. Well, I would like to say, first off, that I believe the Second Injury Fund has been a good fund and it has provided the necessary benefits for people that were injured prior to their current employment, but because of the changes at the federal level where they enacted the '88, and then the state, subsequently, enacted that, Senator Rasmussen enacted it soon thereafter, we were faced with a situation where the employee not disclosing the information as far as that prior injury. Now the problem, which is...which is kind of a side...side issue to the philosophy behind the bill, but what we've had in other states is that the Second Injury Funds have gone into default for a number of different reasons. Bad management was the primary reason, though they just got hit with big lawsuits and there wasn't enough money in there, and we have not had that problem in this state, but it's, essentially, a way to avoid it. I don't believe any employees will not receive benefits by the elimination of this Second Injury Fund because under the current workers' compensation laws, those individuals would continue to receive benefits, even if they were injured on a prior job. So an individual that was injured prior to their employment would still be...receive the current workers' compensation benefits under their current employer, even if their injury had occurred from a prior employment experience, if that answers your question. So I don't believe that in any way that any of these individuals will fall through the cracks because I believe it's crucial that if a person gets hurt on the job, even if as a result of a preexisting condition or preexisting job, they still should be employed under their...they still should receive the benefits from that current employer as prescribed by our Nebraska law. I'll relinquish the remainder of my time back to Senator Hilgert.