

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

March 31, 1999 LB 215, 216

Mr. President. (See amendment on page 1148 of the Legislative Journal.)

SPEAKER KRISTENSEN: Senator Vrtiska, you're recognized to open on your amendment to 216.

SENATOR VRTISKA: Thank you, Mr. Speaker. AMO721 was actually LB 215, originally. It's an amendment that I wanted to put into this bill simply because it also is a piece of cleanup legislation that went along at the same time we were talking about the other bill. It has a couple of sections that were somewhat controversial, that we have since removed, so that hopefully this bill could go along as a part of LB 216. And I think that, from the discussion that we've had, this amendment should be acceptable to anybody that's interested in this particular legislation. I'll give you a brief run down on what the amendment does. First, there is ambiguity in our workmen's comp law as to whether the date of an injury is counted against the seven day waiting period, or if the day that the injury occurs is in fact a part of that waiting period. This clarifies that the date of the injury is included in the waiting period, and also for the purpose of the waiting period this amendment makes it clear that a partial day of disability is counted as a full calendar day. That's one part of the thing that there seemed to be some ambiguity, and we were trying to clear up. Again, this is legislation that was considered and brought to us by the Workmen's Comp Court. The amendment also provides for a singular definition of the term "physician" in our workers' comp statute. Currently, there are two definitions, and there really doesn't appear to be any difference, but this change will harmonize the law without making any substantive changes. Section 48-121 of the statute is amended to make clear that an employee is entitled to compensation while undergoing physical or mental rehabilitation, as well as vocational rehabilitation. The Workers' Comp Court has apparently run across several instances where an employee (sic) is refusing to pay temporary wages lost when an employer (sic) seeks medical or physical rehabilitation. This amendment makes it clear that employee benefit checks, also another part of the...that the checks are sent directly to the employee or to his or her representative. We found...they have found that there are currently instances where the checks are being sent to the employees, and for a