

March 20, 1973

certainly eliminate the formula and impose a dollar amount on 193 and it seems to me that the other features of 193 are much more legitimate than under the present, present law and you, no one has addressed himself specifically to what the other defects are in 193.

SENATOR CLARK: But would you go along with participating?

SENATOR CAVANAUGH: I don't think that I would go along with the participating at this time because the whole concept of Workmen's Compensation is, benefits flow both from the employer and to the employee under Workmen's Compensation. For example, the employer, under Workmen's Compensation, is totally relieved from liability which is a very monumental benefit to him. He avoids \$5,000,000 suits in lieu of a monthly payment for whatever the assessed amount of the disability was which is a quite substantial benefit to the employer and I think that it is his primary responsibility to provide some level of income to an employee who has been injured in the course of his employment.

SENATOR CLARK: Well, in the first place, I think we're a far cry from Workmen's Comp to start with. If someone is hurt on the job and someone is always talking about that, certainly I'll go along with such a thing, but when they walk across a parking lot or two employees are using broomsticks to have a fight with swords and one of them pokes the other in the face as happened in my place, I am still responsible, they don't have to prove negligence. All they have to be is hurt on your premises--

SENATOR CAVANAUGH: I'm not sure the broomstick situation would be under Workmen's Comp. Workmen's Comp requires that the injury arise out of and in the course of employment. If two guys are fighting with broomsticks, I don't care where they're fighting with it, I'm not sure that that would be--

SENATOR CLARK: I had one in just the other day wanting to know if he could get increase if my bill went through because he was walking across the parking lot from his work to his car, he slipped on the ice and now he is under Workmen's Comp.

SENATOR CAVANAUGH: On the premises of his employer?

SENATOR CLARK: Of his employer.

SENATOR CAVANAUGH: Well, his employer would be liable in that situation if he didn't have Workmen's Comp.

SENATOR CLARK: Well, they're liable under any condition, you don't have to prove any negligence to get hurt on the job.

SENATOR CAVANAUGH: That's, that's correct. That is correct.

SENATOR CLARK: That's the thing I don't like about it.

SENATOR CAVANAUGH: Well, your bill would require the same thing.

SENATOR CLARK: That's right. I don't like my bill either but you have to--you have to come up with something.

SENATOR CAVANAUGH: Well, I would suggest that you withdraw your bill, Senator.

SENATOR CLARK: Well, if you withdraw 193, I'll withdraw 342.

SENATOR CAVANAUGH: It's not my bill, Senator.