

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT (CORRECTED)
LB780

Hearing Date: Monday February 08, 2010
Committee On: Business and Labor
Introducer: Lathrop
One Liner: Change Nebraska Workers' Compensation Act provisions relating to personal injuries

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Council, Lathrop, McGill, Wallman, White
Nay:	1	Senator Carlson
Absent:		
Present Not Voting:	1	Senator Schilz

Proponents:

Michael Dwyer
Chris Abboud
Greg Jurey
Bruce Beins
Richard Jurey
David Engler
Tom Hamernik
Tim Dowd
Senator Steve Lathrop

Representing:

Nebraska State Volunteer Fire Fighters Association
Omaha Police Union
self
Nebraska Emergency Medical Services Association
Palmyra Volunteer Fire Department
Nebraska Professional Fire Fighters Association
Clarkson Volunteer Fire and Rescue Department
Nebraska AFL-CIO
Introducer

Opponents:

Korby Gilbertson

Jack Cheloha
Lynn Rex
Ron Sedlacek

Representing:

Lincoln Public Schools, Casualty Insurers Association of America
City of Omaha
League of Nebraska Municipalities
Nebraska Chamber of Commerce, Omaha Chamber of Commerce, Nebraskans for Workers' Compensation Equity, National Federation of Independent Business in Nebraska, Lincoln Chamber of Commerce, Nebraska Grocers Association, Nebraska Restaurant Association, Nebraska Retail Federation
State of Nebraska Risk Manager
Risk Manager for the City of Lincoln

Laura Peterson
Bill Kostner

Neutral:

Representing:

Summary of purpose and/or changes:

LB 780 extends workers' compensation coverage to first responders who suffer mental injuries without a corresponding physical injury.

Section 1: Creates a new section adding mental injuries unaccompanied by physical injury when suffered by a first responder to the definition of personal injury. To be covered by the Workers' Compensation Act, the first responder must show by a preponderance of the evidence that the mental injury was a result of extraordinary and unusual conditions as compared to the normal conditions of the employment. The first responder must additionally establish that the conditions caused the resulting mental injury. Clarifies that mental injuries suffered as a result of events which are incidental to employee/employer relations including specified personnel actions are not compensable. Defines first responder as a firefighter, law enforcement officer, crime scene investigator, or an out-of-hospital emergency care provider.

Section 2: amends section 48-151 to comport with section 1.

Section 3: amends section 48-1,110 to comport with section 1.

Section 4: clarifies that the additional coverage provided in section 1 only applies to injuries sustained after the effective date.

Section 5: repealer.

Explanation of amendments:

The committee amendment redefines first responder as a sheriff, a deputy sheriff, a police officer, an officer of the Nebraska State Patrol, a volunteer or paid firefighter, or a volunteer or paid individual licensed under a licensure classification in subdivision (1) of section 38-1217 who provides immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

Steve Lathrop, Chairperson