

MINUTES OF THE SENATE COMMITTEE ON LABOR, INDUSTRY AND SMALL BUSINESS

The meeting was called to order by Senator Dan Thiessen at  
Chairperson

1:30 ~~xxx~~/p.m. on Monday, January 28, 1985 in room 529-S of the Capitol.

All members were present except:

Senator Jack Steineger (excused)  
Senator Bill Morris (excused)

Committee staff present:

Jerry Ann Donaldson, Research Department  
Gordon Self, Revisor  
Marion Anzek, Secretary

Conferees appearing before the committee:

The Chairman called the meeting to order.

A motion was made by Senator Daniels and seconded by Senator Feleciano to approve the Minutes of January 22. Motion carried.

Jerry Ann Donaldson reviewed the proposal, and stated S.B. 9 accompanies this report.

Specific recommendations of the Interim Committee are as follows:

1. Repetitive Use Conditions.
2. Review.
3. Dependent Children of Majority.
4. Evaluation.
5. Failure to Pay.
6. Awards.
7. Healing Period.
8. Permanent Partial Disability Test.

Jerry Ann Donaldson stated all the above recommendations are incorporated in S.B. 9, and the Ad Hoc Committee, is to meet and make recommendations back, regarding rehabilitation, and her last check with that committee will soon be ready to make their recommendations.

Senator Gordon asked, what increase in premiums might be due to awards?

Jerry Ann Donaldson: I don't believe there is a specific increase in premiums.

Senator Daniels: Would you please explain to me what independent, supporting and corroborating, on page 401 of the report mean?

Jerry Ann Donaldson: I believe, that it is aimed at getting away from the award based merely upon the injured worker, saying "I hurt". That the injured worker, must have some sort of corroborating evidence, other than what they say, and how they feel.

Senator Daniels: So, all three of those, then mean the same thing, or do they have a definite legal definition?

John Rathmel, Director, Workers' Compensation, Topeka: Corroborating, means all three in regards to the injured worker meeting the burden of proof.

Gordon Self: In the bill draft it states "Self-serving and hearsay evidence, while admissible, is not sufficient to meet the employee's burden of proof, but must be supported by independent, corroborated evidence.

Senator Feleciano: Is self serving evidence admissible, on the existing policy?

John Rathmel: Yes, because anytime you have a claimant testifying, or a representative of the Company testifying, and their testimony taken in the abstract, would be self serving, because they are testifying primarily to their self interest. Corroborating is the key word. Under present law, we can allow any evidence in, that we think is pertinent to the facts.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LABOR, INDUSTRY AND SMALL BUSINESS,  
room 529-S, Statehouse, at 1:30 a.m./p.m. on Tuesday, January 28, 1985

Gordon Self: Reviewed S.B. 9, and pointed out where the changes have been made, to the committee, and the interim committee recommendations.

Senator Gordon: I'm concerned about the worker's changing of jobs. Is there anything in the application, if they go to work for another Company, that puts a rider on these injuries, when they go into another occupation, like Insurance Companies do?

Gordon Self: There is a second injury fund.

Chairman Thiessen: This gives you a little briefing on what is in the legislation, and the recommendations of the interim committee.

Senator Daniels: Are we going to be hearing from the Ad Hoc Committee?

Chairman Thiessen: Asked Mr. Hodges with KCCI, if we could have a member from the committee, next week?

Mr. Hodges: Yes.

Senator Daniels: In regard to the first recommendation, of committee for further study, tax credit issues for employers who modify equipment. Where is that going, Mr. Chairman? For further study, what does that mean, and when does it mean?

Chairman Thiessen: That is something that we will have to decide, and try to do something on that. There is some consideration, at the present time, but it is just recommended for further study, and in limbo.

Senator Daniels: I would like to look at it a little bit further, if we can. I think if we are going to do anything with the bill, that we do look and see what the issues are, and see what way, there could be for incentives for employers to do this, because this is a whole new ball game for encouraging rehabilitation.

Chairman Thiessen: That was the thrust of the Interim Committee, was to try to see that we would have the rehabilitation efforts and some incentives to do it. That is a major part of the bill.

Meeting was adjourned at 2:23 p.m. by the Chairman.

# Senate Labor & Industry

Guest Sheet 1-28-85

<u>Name:</u>	<u>Corporation</u>
Merlin Bennett	Am. Ins. Assoc. - Topeka -
A. L. Kottick	DHR - Topeka
M. Beshears	Topeka IBP, inc.
Laura Billington	Clinton Sen. Wertz
John Rathmel	Director, Workers Compensation - Topeka
Rob Hagen	KCCI
Jim Ward	KTLA