

HCS SS#2 SCS SB 8 -- WORKERS' COMPENSATION

SPONSOR: Goodman (Fisher)

COMMITTEE ACTION: Voted "do pass" by the Committee on Workforce Development and Workplace Safety by a vote of 7 to 4.

This substitute specifies that an employee will not be liable for any injury or death for which compensation is recoverable under the provisions of the Workers' Compensation Law, except that an employee remains liable for any injury or death if the employee engaged in an act that intentionally caused or increased the risk of injury, and specifies that injuries or death by occupational diseases will be covered under workers' compensation laws.

When a third person is liable to the employee or the employee's dependents in a case where there is a finding that an occupational disease was caused by toxic exposure and the employee or his or her dependents receive workers' compensation, the employer cannot be subrogated to the rights of an employee or to his or her dependents against the third person when the employer intentionally caused the occupational disease. Toxic exposure includes exposure to chemicals, dusts, particulates, fumes, mists, fibers, solvents, vapors, radiation, or other substances or other materials that, when ingested, consumed, inhaled, or absorbed are sufficient to cause disease, death, mutations, cancer, deformities, or reproductive abnormalities in humans.

FISCAL NOTE: No impact on General Revenue Fund in FY 2012, FY 2013, and FY 2014. Estimated Net Income on Other State Funds of Unknown in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill assures employers and employees that all occupational diseases will be covered under workers' compensation laws with certain exceptions.

Testifying for the bill were Senator Goodman; Associated Industries of Missouri; United Steelworkers District 11; Missouri AFL-CIO; Missouri Chamber of Commerce and Industry; Certaintee Corporation; American Insurance Association; Associated Builders and Contractors; National Federation of Independent Business; Missouri Restaurant Association; Greater Kansas City Chamber of Commerce; Missouri Insurance Coalition; Missouri Retailers Association; Missouri Grocers' Association; Sunny Solid Waste Service, Incorporated; and Waste Cooperation.

OPPOSERS: There was no opposition voiced to the committee.