

HB 162 -- WORKERS' COMPENSATION

SPONSOR: Fisher

COMMITTEE ACTION: Voted "do pass" by the Committee on Workforce Development and Workplace Safety by a vote of 8 to 4.

This bill specifies that every employer who is subject to the workers' compensation provisions of Chapter 287, RSMo, must be liable to furnish compensation for the personal injury or death of an employee by occupational disease arising out of and in the course of the employee's employment.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill is needed to correct an interpretation by the courts to exclude occupational disease from workers' compensation coverage. The intent of the legislature has always been to include occupational disease under workers' compensation. Excluding this from workers' compensation remedies exposes employers to civil liability and inhibits business growth.

Testifying for the bill were Representative Fisher; National Federation of Independent Business; St. Louis Regional Chamber and Growth Association; Kent Plotner, Heyl, Royster, Voelker and Allen, P.C.; Certainteed Corporation; Associated Industries of Missouri; Missouri Chamber of Commerce and Industry; Missouri Retailers Association; Missouri Grocers' Association; Missouri Self Insurers Association; Associated Builders and Contractors; and Missouri Restaurant Association.

OPPONENTS: Those who oppose the bill say that it removes the ability of a worker or his or her family to pursue civil litigation in cases where workers' compensation does not adequately compensate the worker.

Testifying against the bill were Andrew O'Brien, O'Brien Law Firm; and Missouri AFL-CIO.