

AMENDMENTS TO LB 622

Introduced by Lautenbaugh, 18.

1           1. Strike section 1 and all amendments thereto and insert  
2 the following section:

3           Section 1. Section 48-125, Revised Statutes Cumulative  
4 Supplement, 2008, is amended to read:

5           48-125 (1) Except as hereinafter provided, all amounts  
6 of compensation payable under the Nebraska Workers' Compensation  
7 Act shall be payable periodically in accordance with the methods  
8 of payment of wages of the employee at the time of the injury  
9 or death. Fifty percent shall be added for waiting time for all  
10 ~~delinquent payments after thirty days' notice has been given of~~  
11 ~~disability or after thirty days~~ compensation payments which are  
12 not made within thirty days: (a) After notice has been given of  
13 disability for which there is no reasonable controversy; (b) after  
14 the deadline for filing a cross appeal of an order, award, or  
15 judgment of the compensation court which is on review or appeal  
16 with regard to those portions of such order, award, or judgment for  
17 which no appeal or cross appeal is taken; or (c) from the entry  
18 of a final order, award, or judgment of the compensation court,  
19 from which no further review or further appeal is or may be taken;  
20 except that for any award or judgment against the state in excess  
21 of one hundred thousand dollars which must be reviewed by the  
22 Legislature as provided in section 48-1,102, fifty percent shall be  
23 added for waiting time for delinquent payments thirty days after

1 the effective date of the legislative bill appropriating any funds  
2 necessary to pay the portion of the award or judgment in excess of  
3 one hundred thousand dollars. Such payments shall be sent directly  
4 to the person entitled to compensation or his or her designated  
5 representative except as otherwise provided in section 48-149.

6 (2) Whenever the employer refuses payment of compensation  
7 or medical payments subject to section 48-120, or when the employer  
8 neglects to pay compensation for thirty days after injury or  
9 neglects to pay medical payments subject to such section after  
10 thirty days' notice has been given of the obligation for medical  
11 payments, and proceedings are held before the Nebraska Workers'  
12 Compensation Court, a reasonable attorney's fee shall be allowed  
13 the employee by the compensation court in all cases when the  
14 employee receives an award. Attorney's fees allowed shall not  
15 be deducted from the amounts ordered to be paid for medical  
16 services nor shall attorney's fees be charged to the medical  
17 providers. If the employer files an application for review before  
18 the compensation court from an award of a judge of the compensation  
19 court and fails to obtain any reduction in the amount of such  
20 award, the compensation court shall allow the employee a reasonable  
21 attorney's fee to be taxed as costs against the employer for such  
22 review, and the Court of Appeals or Supreme Court shall in like  
23 manner allow the employee a reasonable sum as attorney's fees for  
24 the proceedings in the Court of Appeals or Supreme Court. If the  
25 employee files an application for a review before the compensation  
26 court from an order of a judge of the compensation court denying an  
27 award and obtains an award or if the employee files an application

1 for a review before the compensation court from an award of a judge  
2 of the compensation court when the amount of compensation due is  
3 disputed and obtains an increase in the amount of such award, the  
4 compensation court may allow the employee a reasonable attorney's  
5 fee to be taxed as costs against the employer for such review, and  
6 the Court of Appeals or Supreme Court may in like manner allow the  
7 employee a reasonable sum as attorney's fees for the proceedings in  
8 the Court of Appeals or Supreme Court. A reasonable attorney's fee  
9 allowed pursuant to this section shall not affect or diminish the  
10 amount of the award.

11 (3) When an attorney's fee is allowed pursuant to this  
12 section, there shall further be assessed against the employer an  
13 amount of interest on the final award obtained, computed from the  
14 date compensation was payable, as provided in section 48-119, until  
15 the date payment is made by the employer, at a rate equal to the  
16 rate of interest allowed per annum under section 45-104.01, as such  
17 rate may from time to time be adjusted by the Legislature. Interest  
18 shall apply only to those weekly compensation benefits awarded  
19 which have accrued as of the date payment is made by the employer.  
20 If the employer pays or tenders payment of compensation, the amount  
21 of compensation due is disputed, and the award obtained is greater  
22 than the amount paid or tendered by the employer, the assessment of  
23 interest shall be determined solely upon the difference between the  
24 amount awarded and the amount tendered or paid.