

AMENDMENTS TO LB 622

Introduced by Business and Labor.

1 1. Strike section 1 and insert the following section:
2 Section 1. Section 48-125, Revised Statutes Cumulative
3 Supplement, 2008, is amended to read:
4 48-125 (1) Except as hereinafter provided, all amounts
5 of compensation payable under the Nebraska Workers' Compensation
6 Act shall be payable periodically in accordance with the methods
7 of payment of wages of the employee at the time of the injury
8 or death. Fifty percent shall be added for waiting time for all
9 delinquent payments: (a) After ~~after~~ thirty days' notice has been
10 given of disability; (b) after thirty days from the entry of a
11 final order, award, or judgment of the compensation court which is
12 being reviewed or is on appeal for those portions of such order,
13 award, or judgment for which there is no reasonable controversy;
14 or (c) after thirty days from the entry of a final order, award,
15 or judgment of the compensation court, except that for any award
16 or judgment against the state in excess of one hundred thousand
17 dollars which must be reviewed by the Legislature as provided in
18 section 48-1,102, fifty percent shall be added for waiting time
19 for delinquent payments thirty days after the effective date of
20 the legislative bill appropriating any funds necessary to pay the
21 portion of the award or judgment in excess of one hundred thousand
22 dollars. Such payments shall be sent directly to the person
23 entitled to compensation or his or her designated representative

1 except as otherwise provided in section 48-149.

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

1 fee to be taxed as costs against the employer for such review, and
2 the Court of Appeals or Supreme Court may in like manner allow the
3 employee a reasonable sum as attorney's fees for the proceedings in
4 the Court of Appeals or Supreme Court. A reasonable attorney's fee
5 allowed pursuant to this section shall not affect or diminish the
6 amount of the award.

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