

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 133

Introduced by Ebke, 32.

Read first time January 09, 2015

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
- 2 amend section 48-125, Revised Statutes Cumulative Supplement, 2014;
- 3 to change interest rate provisions on certain compensation court
- 4 awards; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-125, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 48-125 (1)(a) Except as hereinafter provided, all amounts of
4 compensation payable under the Nebraska Workers' Compensation Act shall
5 be payable periodically in accordance with the methods of payment of
6 wages of the employee at the time of the injury or death. Such payments
7 shall be sent directly to the person entitled to compensation or his or
8 her designated representative except as otherwise provided in section
9 48-149.

10 (b) Fifty percent shall be added for waiting time for all delinquent
11 payments after thirty days' notice has been given of disability or after
12 thirty days from the entry of a final order, award, or judgment of the
13 Nebraska Workers' Compensation Court, except that for any award or
14 judgment against the state in excess of one hundred thousand dollars
15 which must be reviewed by the Legislature as provided in section
16 48-1,102, fifty percent shall be added for waiting time for delinquent
17 payments thirty days after the effective date of the legislative bill
18 appropriating any funds necessary to pay the portion of the award or
19 judgment in excess of one hundred thousand dollars.

20 (2)(a) Whenever the employer refuses payment of compensation or
21 medical payments subject to section 48-120, or when the employer neglects
22 to pay compensation for thirty days after injury or neglects to pay
23 medical payments subject to such section after thirty days' notice has
24 been given of the obligation for medical payments, and proceedings are
25 held before the compensation court, a reasonable attorney's fee shall be
26 allowed the employee by the compensation court in all cases when the
27 employee receives an award. Attorney's fees allowed shall not be deducted
28 from the amounts ordered to be paid for medical services nor shall
29 attorney's fees be charged to the medical providers.

30 (b) If the employer files an appeal from an award of a judge of the
31 compensation court and fails to obtain any reduction in the amount of

1 such award, the Court of Appeals or Supreme Court shall allow the
2 employee a reasonable attorney's fee to be taxed as costs against the
3 employer for such appeal.

4 (c) If the employee files an appeal from an order of a judge of the
5 compensation court denying an award and obtains an award or if the
6 employee files an appeal from an award of a judge of the compensation
7 court when the amount of compensation due is disputed and obtains an
8 increase in the amount of such award, the Court of Appeals or Supreme
9 Court may allow the employee a reasonable attorney's fee to be taxed as
10 costs against the employer for such appeal.

11 (d) A reasonable attorney's fee allowed pursuant to this subsection
12 shall not affect or diminish the amount of the award.

13 (3) When an attorney's fee is allowed pursuant to this section,
14 there shall further be assessed against the employer an amount of
15 interest on the final award obtained, computed from the date compensation
16 was payable, as provided in section 48-119, until the date payment is
17 made by the employer, at a rate equal to the rate of interest as provided
18 in section 45-103 ~~allowed per annum under section 45-104.01, as such rate~~
19 ~~may from time to time be adjusted by the Legislature.~~ Interest shall
20 apply only to those weekly compensation benefits awarded which have
21 accrued as of the date payment is made by the employer. If the employer
22 pays or tenders payment of compensation, the amount of compensation due
23 is disputed, and the award obtained is greater than the amount paid or
24 tendered by the employer, the assessment of interest shall be determined
25 solely upon the difference between the amount awarded and the amount
26 tendered or paid.

27 Sec. 2. Original section 48-125, Revised Statutes Cumulative
28 Supplement, 2014, is repealed.