

One Hundred Fifth Legislature - Second Session - 2018

Introducer's Statement of Intent

LB953

Chairperson: Senator Joni Albrecht

Committee: Business and Labor

Date of Hearing: February 05, 2018

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 953 requires the Workers' Compensation Court to approve a lump-sum settlement in cases in which (a) the employee at the time of settlement is eligible for Medicare, is a Medicare beneficiary, or has a reasonable expectation of becoming eligible for Medicare within 30 months; or (b) if medical, surgical, or hospital expenses incurred for treatment of the injury will not be fully paid as part of the settlement, if the employee's attorney affirms that the settlement is in conformity with the compensation schedule and for the best interests of the employee or his or her dependents, under all the circumstances.

LB 953 also addresses a recent Workers' Compensation Court's decision regarding the enforceability of late payment penalties. Currently, Neb. Rev. Stat. § 48-139(4) permits a fifty percent penalty for late payments to the employee, but the Workers' Compensation Court has found that the employee has already waived his or her rights to enforce this. LB 953 corrects this issue by making the entry of an order of dismissal a prerequisite to the discharge of a defendant from liability.

Principal Introducer: _____

Senator Joni Albrecht