

## LEGISLATIVE BILL 234

Approved by the Governor May 30, 1981

Introduced by Business and Labor Committee, R. Maresh, 32, Chpn.; Goll, 16; Barrett, 39; Labedz, 5; Vickers, 38; Wiitala, 31; Fitzgerald, 14

AN ACT to amend section 48-122, Revised Statutes Supplement, 1980, relating to workmen's compensation; to increase certain payments; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 48-122, Revised Statutes Supplement, 1980, be amended to read as follows:

48-122. (1) If death results from injuries and the deceased employee leaves one or more dependents dependent upon his or her earnings for support at the time of the accident causing the injury, the compensation, subject to the provisions of section 48-123, shall be not more than one hundred eighty dollars per week nor less than forty-nine dollars per week; Provided, that if at the time of injury the employee receives wages of less than forty-nine dollars per week, then the compensation shall be the full amount of such wages per week, payable in the amount and to the persons enumerated in section 48-122.01 subject to the maximum limits specified in this section and section 48-122.03.

(2) When death results from injuries suffered in employment, if immediately prior to the accident the rate of wages was fixed by the day or hour, or by the output of the employee the weekly wages shall be taken to be computed upon the basis of a work week of a minimum of five days, if the wages are paid by the day, or upon the basis of a work week of a minimum of forty hours, if the wages are paid by the hour, or upon the basis of a work week of a minimum of five days or forty hours, whichever results in the higher weekly wage, if the wages are based on the output of the employee.

(3) Upon the death of an employee, resulting through personal injuries as herein defined, whether or not there be dependents entitled to compensation, the reasonable expenses of burial, not exceeding one two thousand dollars, without deduction of any amount previously paid or to be paid for compensation or for medical expenses, shall be paid to his or her dependents, or if there be no dependents, then to his or her personal

representative.

(4) Compensation under this act to alien dependents who are not residents of the United States, shall be the same in amount as is provided in each case for residents, except that at any time within one year after the death of the injured employee the employer may at his or her option commute all future installments of compensation to be paid to such alien dependents. The amount of the commuted payment shall be determined as provided in section 48-138.

(5) The consul-general, consul, vice-consul-general, or vice-consul of the nation of which the employee, whose injury results in death, is a citizen, or the representative of such consul-general, consul, vice-consul-general, or vice-consul residing within the State of Nebraska shall be regarded as the sole legal representative of any alien dependents of the employee residing outside of the United States and representing the nationality of the employee. Such consular officer, or his or her representative, residing in the State of Nebraska, shall have in behalf of such nonresident dependents, the exclusive right to adjust and settle all claims for compensation provided by this act, and to receive the distribution to such nonresident alien dependents of all compensation arising thereunder.

Sec. 2. That original section 48-122, Revised Statutes Supplement, 1980, is repealed.