

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 341

Introduced by Smith, 14.

Read first time January 12, 2011

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to workers' compensation benefits; to amend
2 sections 43-1709, 48-149, and 48-161, Reissue Revised
3 Statutes of Nebraska; to include workers' compensation
4 benefits as income for support payments; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1709, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-1709 Employer or other payor shall mean any person,
4 partnership, limited liability company, firm, corporation,
5 association, political subdivision, or department or agency of the
6 state or federal government in possession of income; ~~and shall~~
7 ~~include~~ an obligor if he or she is self-employed; or a compensation
8 insurer, risk management pool, or self-insurer in possession of
9 workers' compensation benefits.

10 Sec. 2. Section 48-149, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 48-149 No proceeds or interest thereon from payments or
13 lump-sum settlements under the Nebraska Workers' Compensation Act or
14 law of another state which provides compensation and benefits for
15 employees sustaining job-related injuries shall be assignable,
16 subject to attachment or garnishment, or held liable in any way for
17 any debts, except (1) as provided in section 48-108 and (2) payments
18 under the act or any law of another state which provides compensation
19 and benefits for employees sustaining job-related injuries shall be
20 subject to income withholding under the Income Withholding for Child
21 Support Act, Uniform Interstate Family Support Act, administrative
22 attachment and bank matching pursuant to sections 43-3328 to 43-3339,
23 and garnishment by a county attorney or authorized attorney pursuant
24 to section 43-512.03 or garnishment for child support as defined in
25 section 43-1705 by an obligee as defined in section 43-1713.

1 Sec. 3. Section 48-161, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-161 All disputed claims for workers' compensation
4 shall be submitted to the Nebraska Workers' Compensation Court for a
5 finding, award, order, or judgment. Such compensation court shall
6 have jurisdiction to decide any issue ancillary to the resolution of
7 an employee's right to workers' compensation benefits, except that
8 jurisdiction with respect to income withholding pursuant to the
9 Income Withholding for Child Support Act or the Uniform Interstate
10 Family Support Act shall be as provided in such ~~act,~~ acts,
11 jurisdiction with respect to garnishment for support shall be as
12 provided in sections 25-1009 to 25-1056 and 43-512.09, and
13 jurisdiction with respect to administrative attachment and bank
14 matching shall be as provided in sections 43-3328 to 43-3339.

15 Sec. 4. Original sections 43-1709, 48-149, and 48-161,
16 Reissue Revised Statutes of Nebraska, are repealed.