

March 5, 1991

LB 311

CLERK: 25 ayes, 0 nays, Madam President, on adoption of the committee amendments.

PRESIDENT MOUL: The committee amendments are adopted. Senator Lindsay, would you like to proceed with opening?

SENATOR LINDSAY: Thank you, Madam President, members of the body, LB 311 is a bill that would make two changes to the Wage Payment and Collection Act. The first change was touched upon by Senator Coordsen and that change arises out of a lawsuit entitled Seuss v. Lee Sapp Leasing, and I don't believe it's Dr. Seuss but it is spelled the same. That case defined...or found that we did not have a definition or a good definition of fringe benefits within the meaning of the Wage Payment and Collection Act and it defined that fringe benefits to include several items. Those items included in the definition of fringe benefits are now found in LB 311 and it would take that...the bill would take that definition from the Supreme Court case and put it into statute. The committee amendments added in health and accident benefit plans because the fringe benefit section there did not make that specifically clear. The section is not...the listing is not intended to be all inclusive but the committee felt that it would clear it up a little bit if we actually included health and accident benefit plans into the definition. The second thing that the bill does, deals with the attorney's fee provision of the Wage Payment and Collection Act. Currently, if an employee sues to recover wages that are due to him or her, he is required to pay the attorney's fees of the employer in the event he loses. What this bill would do is say that if there is a reasonable dispute as to the wages...whether the wages are owed and the amount of those wages or the amount of those wages, that the attorney's fees would then be discretionary with the court or, excuse me, the fees would not be awarded. In the event, however, that a frivolous case was brought by an employee, the court then may continue to order those attorney's fees to be paid. With that, I would urge that LB 311, as amended, be advanced to E & R.

PRESIDENT MOUL: Thank you, Senator Lindsay. Senator Coordsen.

SENATOR COORDSEN: Thank you, Madam President, and members of the body, I rise also to encourage the advancement of 311. Several years ago there was a bill similar to this with regard to the definition of fringe benefits and there was some disagreement between the employers and employees as to what to