

amendment would do is to allow attorneys' fees to be awarded when medical payments are delinquent or medical payments are not made at the time that they should have been made. The reason for doing this, and let me back up. What we have taken out of the amendment, as I originally offered it earlier at Select File, was taking out the penalty provisions for delinquent medical payments. What this does now is it deals with attorneys' fees which would be awarded, the amount of course would be determined by the court and it would be awarded in those cases where the compensation was, in fact, or where the medical payments, excuse me, was, in fact, payable. This does not alter or affect compensation in any manner. There is still...we're not touching the compensation which right now in current statute compensation is subject to attorneys' fees, is subject to the penalty provision or I should say the added amount for waiting time. It is subject to that and it will remain subject to that. We are not affecting that. What we are affecting is simply medical payments and, in that case, if a proceeding is held, the court would then award attorneys' fees based on that delinquency. The idea is, as we discussed earlier at Select File, simply to allow some leverage to have medical payments paid on a timely basis and that is the thrust of it. What the provision also allows is that the attorneys' fees are intended to be awarded over and above the medical payments. We are not, make this clear, that we are not taking any portion of that medical provider's payment. Those payments would continue to go to the medical provider. Again, we are not taking that from the medical provider. With that, I would, if Senator Coordsen would like, I would yield the balance of my opening to him.

SPEAKER BAACK: Senator Coordsen.

SENATOR COORDSEN: Thank you, Senator Lindsay. Again, I'll try to avoid being repetitive of Senator Lindsay's explanation. Several weeks ago Senator Lindsay expressed what I believed to be a legitimate concern with regard to how the medical payments were being handled, in some instances, in the State of Nebraska where they were being sent to the plaintiff or the claimant. People were being harassed by care providers when, in fact, the insurance company or the employer were liable for those payments, they shouldn't have been, should not have even been of any great knowledge to the injured party. The gap in our law that existed was one that did not provide for any penalty for the person who was found to be liable for the payments, the