



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 558

Hearing Date: February 24, 2003
Committee On: Business and Labor

Introducer(s): (Beutler)

Title: Provide coordination of workers' compensation claims and benefits under laws of different jurisdictions

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

4	Yes	Senator Vrtiska, Burling, Kremer, Combs
1	No	Senator Preister
1	Present, not voting	Senator Hartnett
1	Absent	Senator Chambers

Proponents:

Senator Beutler
Dan Fridrich
Ron Sedlacek
Bob Hallstrom
Rich Oehlerking

Representing:

Introducer
Werner Enterprises
Nebraska Chamber of Commerce
Nebraskans for Workers Comp. Equity
Independent Insurance Agents of Nebraska

Opponents:

Roger Rehm
Ken Mass

Representing:

Nebraska Association of Trial Attorneys
AFL-CIO

Neutral:

Representing:

Summary of purpose and/or changes:

LB 558 would add a new section to Nebraska's workers' compensation law that would limit an employee's, or employee's dependents', ability to pursue workers' compensation benefits if that person has initiated a judicial proceeding or lawsuit on the same incident under the laws of another state or country.

Section 1 creates a new section, (1) stating that an employee or his or her dependents are not entitled to workers' compensation benefits if they have initiated a judicial proceeding or lawsuit for the same injury,

accident, disability or death under the workers' compensation laws of another state or country and they receive benefits as a result of such proceeding or lawsuit.

(2) Stating that if an employee or his or her dependents initiate a judicial proceeding or lawsuit under the workers' compensation laws of another state, and such petition or complaint is dismissed after a trial on the merits, then the employee or his or her dependents are not eligible for Nebraska workers' compensation benefits for the same accident, injury or death.

(3) Stating that an action initiated by an employee or his or her dependents for workers' compensation benefits in Nebraska shall be stayed, without prejudice, pending the outcome of an out-of-state judicial proceeding or lawsuit also initiated by such employee or dependent.

(4) Stating that if benefits are paid in Nebraska, and were payable in another state or country for the same injury, accident, disability or death, then the Nebraska employer is to have a credit toward the benefits payable in this state for benefits paid out-of-state or benefits paid under out-of-state laws.

Section 2 amends §48-1,110, relating to the citation of the Nebraska Workers' Compensation Act, by adding a reference to the new section.

Section 3 repeals the original section.

Explanation of amendments, if any:

AM0633 strikes the first section of the bill. That section would have restricted an employee from entitlement to benefits in Nebraska if such employee has initiated suit for the same injury in another state and received benefits.

Senator Floyd P. Vrtiska, Chairperson