

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 558

Introduced by Beutler, 28

Read first time January 21, 2003

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to workers' compensation; to amend section
2 48-1,110, Reissue Revised Statutes of Nebraska; to
3 provide for coordination of claims and benefits under
4 laws of different jurisdictions; to harmonize provisions;
5 and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) An employee, or an employee's dependents,
2 shall not be entitled to compensation or medical benefits under the
3 Nebraska Workers' Compensation Act if the employee or the
4 employee's dependents have initiated a judicial proceeding,
5 lawsuit, or other similar proceeding for the same injury, accident,
6 disability, or death pursuant to the laws of another state or
7 country concerning workers' compensation and the employee or the
8 employee's dependents receive benefits following resolution of the
9 judicial proceeding pursuant to a settlement, judgment, or award.

10 (2) If an employee, or an employee's dependents, initiate
11 a judicial proceeding, lawsuit, or other similar proceeding for
12 benefits pursuant to the laws of another state or country
13 concerning workers' compensation and if the employee's or the
14 employee's dependents' petition or complaint is dismissed after a
15 trial on the merits of the case, then the employee or the
16 employee's dependents shall not be eligible for benefits under the
17 Nebraska Workers' Compensation Act for compensation or medical
18 benefits for the same accident, injury, or death.

19 (3) If an employee, or an employee's dependents, initiate
20 a judicial proceeding, lawsuit, or other similar proceeding for
21 benefits pursuant to the laws of another state or country
22 concerning workers' compensation, any lawsuit or judicial
23 proceeding initiated by an employee, or an employee's dependents,
24 for workers' compensation benefits under the Nebraska Workers'
25 Compensation Act for the same injury, accident, disability, or
26 death shall be stayed, without prejudice, pending resolution of the
27 out-of-state claim for benefits.

28 (4) If compensation benefits are paid under the Nebraska

1 Workers' Compensation Act and were payable, at any time, for the
2 same injury, accident, disability, or death pursuant to the laws of
3 another state or country concerning workers' compensation, the
4 employer shall have a credit toward the benefits payable pursuant
5 to the Nebraska Workers' Compensation Act for any benefits paid in
6 another state or country or for benefits paid pursuant to another
7 state or country's laws.

8 Sec. 2. Section 48-1,110, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 48-1,110. (1) Sections 48-101 to 48-1,117 and section 1
11 of this act shall be known and may be cited as the Nebraska
12 Workers' Compensation Act.

13 (2) It is the intent of the Legislature that the changes
14 made in Laws 1986, LB 811, shall not affect or alter any rights,
15 privileges, or obligations existing immediately prior to July 17,
16 1986.

17 Sec. 3. Original section 48-1,110, Reissue Revised
18 Statutes of Nebraska, is repealed.