

AMENDMENTS TO LB 21

Introduced by Lautenbaugh

1 1. Strike original section 1 and insert the following
2 sections:

3 Section 1. Section 48-125, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 48-125 (1) (a) Except as hereinafter provided, all amounts
6 of compensation payable under the Nebraska Workers' Compensation
7 Act shall be payable periodically in accordance with the methods
8 of payment of wages of the employee at the time of the injury or
9 death. Such payments shall be sent directly to the person entitled
10 to compensation or his or her designated representative except as
11 otherwise provided in section 48-149.

12 (b) Fifty percent shall be added for waiting time for all
13 delinquent payments after thirty days' notice has been given of
14 disability or after thirty days from the entry of a final order,
15 award, or judgment of the Nebraska Workers' Compensation Court,
16 except that for any award or judgment against the state in excess
17 of one hundred thousand dollars which must be reviewed by the
18 Legislature as provided in section 48-1,102, fifty percent shall be
19 added for waiting time for delinquent payments thirty days after
20 the effective date of the legislative bill appropriating any funds
21 necessary to pay the portion of the award or judgment in excess of
22 one hundred thousand dollars.

23 (2) (a) Whenever the employer refuses payment of

1 compensation or medical payments subject to section 48-120, or when
2 the employer neglects to pay compensation for thirty days after
3 injury or neglects to pay medical payments subject to such section
4 after thirty days' notice has been given of the obligation for
5 medical payments, and proceedings are held before the compensation
6 court, a reasonable attorney's fee shall be allowed the employee
7 by the compensation court in all cases when the employee receives
8 an award. Attorney's fees allowed shall not be deducted from
9 the amounts ordered to be paid for medical services nor shall
10 attorney's fees be charged to the medical providers.

11 (b) If the employer files an appeal from an award of a
12 judge of the compensation court and fails to obtain any reduction
13 in the amount of such award, the Court of Appeals or Supreme Court
14 shall allow the employee a reasonable attorney's fee to be taxed as
15 costs against the employer for such appeal.

16 (c) If the employee files an appeal from an order of
17 a judge of the compensation court denying an award and obtains
18 an award or if the employee files an appeal from an award of a
19 judge of the compensation court when the amount of compensation due
20 is disputed and obtains an increase in the amount of such award,
21 the Court of Appeals or Supreme Court may allow the employee a
22 reasonable attorney's fee to be taxed as costs against the employer
23 for such appeal.

24 (d) A reasonable attorney's fee allowed pursuant to this
25 subsection shall not affect or diminish the amount of the award.

26 (3) When an attorney's fee is allowed pursuant to this
27 section, there shall further be assessed against the employer an

1 amount of interest on the final award obtained, computed from the
2 date compensation was payable, as provided in section 48-119, until
3 the date payment is made by the employer, at a rate equal to the
4 rate of interest allowed ~~per annum under section 45-104.01,~~ as
5 provided in section 45-103, as such rate may from time to time be
6 adjusted by the Legislature. Interest shall apply only to those
7 weekly compensation benefits awarded which have accrued as of the
8 date payment is made by the employer. If the employer pays or
9 tenders payment of compensation, the amount of compensation due is
10 disputed, and the award obtained is greater than the amount paid
11 or tendered by the employer, the assessment of interest shall be
12 determined solely upon the difference between the amount awarded
13 and the amount tendered or paid.

14 Sec. 2. Section 4 of this act becomes operative on June
15 30, 2014. The other sections of this act become operative on their
16 effective date.

17 Sec. 3. Original section 48-125, Revised Statutes
18 Cumulative Supplement, 2012, is repealed.

19 2. Renumber the remaining section accordingly.