

LEGISLATIVE BILL 410

Approved by the Governor April 10, 1989

Introduced by Business and Labor Committee, Coordsen,
32, Chairperson; Hefner, 19; Pirsch, 10;
Morrissey, 1; Korshoj, 16; Lindsay, 9

AN ACT relating to workers' compensation; to amend sections 48-140 and 48-141, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to modification of agreements or awards; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 48-140, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-140. All settlements by agreement of the parties with the approval of the Nebraska Workers' Compensation Court and all awards of compensation made by the compensation court, except those amounts payable periodically, ~~for six months or more~~, shall be final and not subject to readjustment; PROVIDED, no settlement shall be final unless it ~~be is~~ in conformity with the Nebraska Workers' Compensation Act and there is approval by and a finding by the compensation court and the district court or any appellate court.

Sec. 2. That section 48-141, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-141. All amounts paid by an employer or by an insurance company carrying such risk, as the case may be, and received by the employee or his or her dependents, by lump-sum payments, shall be final, but the amount of any agreement or award payable periodically ~~for six months or more~~ may be modified as follows: (1) At any time by agreement of the parties with the approval of the Nebraska Workers' Compensation Court; or (2) if the parties cannot agree, then at any time after six months from the date of the agreement or award, an application may be made by either party on the ground of increase or decrease of incapacity due solely to the injury or that the condition of a dependent has changed as to age or marriage, or by reason of the death of the dependent. In such case, the same procedure shall be followed as in sections 48-173 to 48-185 in

case of disputed claim for compensation.

Sec. 3. That original sections 48-140 and 48-141, Reissue Revised Statutes of Nebraska, 1943, are repealed.