

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014

COMMITTEE STATEMENT

LB961

Hearing Date: Monday February 10, 2014
Committee On: Business and Labor
Introducer: Cook
One Liner: Change exclusive remedy provisions of the Nebraska Workers' Compensation Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Ashford, Chambers, Hansen, Harr, Lathrop, McGill, Wallman
Nay:
Absent:
Present Not Voting:

Proponents:
Senator Tanya Cook
Gregory Coffey
Steve Howard

Representing:
District 13
NATA
Nebraska AFL-CIO

Opponents:
Bob Hallstrom
Korby Gilbertson
Coleen Nielson

Representing:
NWCEF, NFIB, NCCI
Property Casualty Insurers Association of America
State Farm and Nebraska Insurance Information Service
City of Omaha
American Insurance Association

Tim Himes
Tad Fraizer

Neutral:

Representing:

Summary of purpose and/or changes:

LB 961 would, at the option of the employee, make the exclusive remedy protection for the employer inapplicable in cases where the Nebraska Workers Compensation Court has made a determination that the injury is due to the willful negligence of the employer.

Explanation of amendments:

AM 2626 strikes the original provisions. Three bills would be incorporated into LB 961: LB 820, LB 895, and LB 951

LB 820, Sections 1 and 2, pages 1-5:

LB 820 Authorizes the Governor to join the Great Plains Interstate Fire Compact for the prevention and control of forest fires.

Currently, South Dakota, Colorado, and Wyoming are participating in the Great Plains Interstate Fire Compact. In 2007, Congress passed legislation which granted the consent and approval of Congress to the compact. The purpose of the

compact is to facilitate assistance in prevention, pre-suppression, and control of fires and management of prescribed fires between the member agencies of the compact.

LB 895, Section 3, page 5 line 23 through page 7, line 24:

LB 895 ensures that the wages used for the calculation for workers' compensation indemnity benefits for volunteer fire or emergency service personnel is 1.5 times the maximum state average weekly wage (currently \$747) or wages from his/her regular employer, whichever is higher. LB 895 further ensures that an individual serving in an above referenced volunteer capacity will not lose his/her volunteer status if the city or village provides a nominal fee.

LB 951, Section 4, page 7, line 25 through line 9, page 12

LB 951 is designed to address issues raised by the Nebraska Supreme Court in the case of Holdsworth v. Greenwood Farmers Co-Op. The Court found that waiting time penalties and attorney fees do not apply to lump sum settlements where court approval is not required. LB 951 clarifies that a lump sum settlement that is not required to be submitted for approval by the Compensation Court shall be final and conclusive unless procured by fraud. LB 951 also requires amounts due to an employee pursuant to a release be paid within 30 days of filing the release. A 50 percent penalty will be added if payment is not made within 30 days.

Testifiers for bills amended into LB 961

LB 820

Proponent

Senator Davis (Introducer)

Jay Templar (Gering Vol. Fire Dept. and Scotts Bluff County Mutual Aid)

Parrish Abel (Neb. State Vol. Firefighters and Gering Vol. Fire Dept)

Jessica Kolterman (Nebraska Farm Bureau)

Jerry Stilmock (Nebraska State Volunteer Firefighters and Neb. Fire Chiefs Assoc.)

Neutral

Jon Rehm (NATA)

Scott J. Josiah (Nebraska Forest Service and University of Nebraska)

LB 895

Proponent

Sen. Scheer (Introducer)

Scott Cordes (City of Norfolk Fire Department)

Bruce Beins (Nebraska EMS Association)

Jerry Stilmock (Nebraska State Volunteer Firefighters and Neb. Fire Chiefs Assoc.)

Steve Howard (Neb. AFL-CIO)

Opponent

Jon Rehm (NATA)

Neutral

Lynn Rex (League of NE Municipalities)

LB951

Proponent

Sen. Lautenbaugh (Introducer)

Dallas Jones (NWCEF)

Bob Hallstrom (NWCEF, NFIB, NCCI)

Steve Howard (Neb. AFL-CIO)

Justin Brady (Property Causality Insurers Association of America)

Opponent

Tim Himes (City of Omaha)

Neutral

James Michael Fitzgerald (Self)

Steve Lathrop, Chairperson