

LEGISLATIVE BILL 882

Approved by the Governor March 21, 1974

Introduced by Labor Committee, R. Maresh, 32, Chan.; Kelly, 35; Kime, 43; Cavanaugh, 9; Lickinson, 31; Kennedy, 21; F. Carstens, 30

AN ACT to amend section 48-122.03, Revised Statutes Supplement, 1973, relating to workmen's compensation; to provide for apportionment of compensation as prescribed; and to repeal the original section.

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

Section 1. That section 48-122.03, Revised Statutes Supplement, 1973, be amended to read as follows:

48-122.03. The maximum weekly income benefits payable for all beneficiaries in case of death shall not exceed seventy-five per cent of the average weekly wage of the deceased, subject to the maximum limits in section 48-122. The maximum aggregate limitation shall not operate in case of payment of two years' income benefits to the widow or widower upon remarriage, as provided under subdivision (3) of section 48-122.01, to prevent the immediate recalculation and payments of benefits to the remaining beneficiaries as provided under section 48-122.02. The classes of beneficiaries specified in subdivisions (1), (2), and (4) of section 48-122.01 shall have priority over all other beneficiaries in the apportionment of income benefits. If there is a widow or widower and a child or children and the maximums specified in section 48-122 and this section prevent full payment under either maximum, the compensation shall be apportioned between the widow or widower and the child or children on a pro rata basis. If there is more than one child living with the widow or widower and no child or children living separately, the apportionment shall be on the pro rata basis of sixty per cent to the widow or widower and fifteen per cent divided among the children. If there is more than one child not living with the widow or widower and no child or children living with her or him, the apportionment shall be on the pro rata basis of fifty-five per cent to the widow or widower and twenty per cent divided among the children. If one or more children are living with and one or more children are not living with her or him, the apportionment shall be on the pro rata basis of fifty-five per cent to the widow or widower and twenty per cent divided among the children. If the provisions of this section should prevent payment to other beneficiaries of the income benefits to the full

extent otherwise provided for, the gross remaining amount of income benefits payable to such other beneficiaries shall be apportioned by class, proportionate to the interest of each class in the remaining amount. Parents shall be considered to be in one class and those specified in subdivision (7) of section 48-122.01 in another class.

Sec. 2. That original section 48-122.03, Revised Statutes Supplement, 1973, is repealed.