

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 291

Introduced by Nelson, 6; Carlson, 38; Schilz, 47.

Read first time January 12, 2011

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
2 amend section 48-141, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to periodic
4 payment modification; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-141, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-141 (1) All amounts paid by an employer or by ~~an~~
4 ~~insurance company~~ a compensation insurer, risk management pool, or
5 self-insurer carrying such risk, as the case may be, and received by
6 the employee or his or her dependents by lump-sum payments pursuant
7 to section 48-139 shall be final and not subject to readjustment if
8 the lump-sum settlement is in conformity with the Nebraska Workers'
9 Compensation Act, unless the settlement is procured by fraud, but the
10 amount of any agreement or award payable periodically may be modified
11 as follows: ~~(1)-(a)~~ At any time by agreement of the parties with the
12 approval of the Nebraska Workers' Compensation Court; or ~~(2)-(b)~~ if
13 the parties cannot agree, then at any time after six months from the
14 date of the agreement or award, an application may be made by either
15 party on the ground of increase or decrease of ~~incapacity~~ disability
16 due solely to the injury or that the condition of a dependent has
17 changed as to age or marriage or by reason of the death of the
18 dependent. In such case, the same procedure shall be followed as in
19 sections 48-173 to 48-185 in case of disputed claim for compensation.

20 (2) A modification of an award under this section in a
21 case in which the parties cannot agree on the ground of increase or
22 decrease of disability shall be effective as of the date that the
23 increase or decrease actually occurred. If the compensation court
24 determines that an overpayment of income benefits has been made and
25 no further income benefits are due, the compensation court in its

1 discretion may order the employee or beneficiary to repay to the
2 employer or the compensation insurer, risk management pool, or self-
3 insurer the sum of the overpayment. If the compensation court
4 determines that an overpayment of income benefits has been made and
5 further income benefits are due, the compensation court shall order
6 the overpayment to be recovered by shortening the period of future
7 weekly income benefits or by reducing the weekly income benefit, or
8 both. If the compensation court determines that an underpayment of
9 income benefits has been made, whether or not further income benefits
10 are due, the compensation court shall order the employer or
11 compensation insurer, risk management pool, or self-insurer to repay
12 to the employee or beneficiary the sum of the underpayment. If future
13 income benefits are due, the compensation court shall order the
14 underpayment to be recovered by lengthening the period of future
15 weekly income benefits or by increasing the weekly income benefit or
16 both.

17 Sec. 2. Original section 48-141, Reissue Revised Statutes
18 of Nebraska, is repealed.