

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LB388

Hearing Date: Monday March 02, 2015
Committee On: Business and Labor
Introducer: Hansen
One Liner: Provide annual adjustments for total disability income benefits under the Nebraska Workers' Compensation Act

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye:	6	Senators Bloomfield, Crawford, Ebke, Harr, Johnson, Howard
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Verbal Testimony:

Proponents:

Senator Matt Hansen
Todd Bennett
Mike Tomek
Elizabeth Govaerts
Steve Howard

Representing:

Introducer
Nebraska Association of Trial Attorneys
Self
Nebraska Association of Trial Attorneys
Nebraska State AFL-CIO

Opponents:

Ron Sedlacek

Representing:

Nebraska Chamber of Commerce, NFIB/NE, NWCEF

Neutral:

Representing:

Summary of purpose and/or changes:

LB 388 would apply a COLA to workers' compensation total disability benefits. Benefits amount to two-thirds of the average weekly wage. There is a statutory formula which determines the maximum amount a worker may receive. This amount is adjusted annually. However, the total disability benefit amount will never change for the worker. LB 388 would apply the same adjustment formula to the actual total disability benefit award.

Similar legislation has been previously introduced. Concern was raised about the cost of increasing benefits and how the policy would change the compromise that workers' compensation was intended to address (that employees did not have to prove causation and employers paid a fixed amount in benefits). Proponents argue that providing for an annual COLA keeps the burden of the injury on the employer instead of shifting the burden to the employee and taxpayers by way of public subsidies.
