

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT (UPDATED)
LB455

Hearing Date: Monday March 10, 2025
Committee On: Business and Labor
Introducer: Hallstrom
One Liner: Provide for confidentiality of and access to certain injury reports under the Nebraska Workers' Compensation Act

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

Vote Results:

Aye:	5	Senators Kauth, Hansen, Ibach, McKeon, Sorrentino
Nay:	1	Senator McKinney
Absent:		
Present Not Voting:	1	Senator Raybould

Testimony:

Proponents:

Senator Bob Hallstrom
Ryan McIntosh

Dallas Jones

Opponents:

Aaron Brown
Jill Schroeder
Holly Morris

Ronald Brown
John Corrigan
Jennifer Meyer
LeAnn Tinsley

Neutral:

* ADA Accommodation Written Testimony

Representing:

Opening Presenter
Nebraskans for Worker's Compensation Equity and Fairness, National Federation of Independent Business, Nebraska Chamber of Commerce and Industry, Lincoln Chamber of Commerce, Nebraska Grocery Industry Association
Nebraskans for Worker's Compensation Equity and Fairness (NWCEF)

Representing:

Nebraska Association of Trial Attorneys
Nebraska Workers' Compensation Court
Self and Shasteen, Morris and Ockander, P.C., L.L.O.
Self
Nebraska AFL-CIO
Nebraska Association of Trial Attorneys
Self

Representing:

Summary of purpose and/or changes:



LB 455 would amend Neb. Rev. Stat. § 48-144.01 of the Nebraska Workers' Compensation Act ("NWCA").

If their employee is injured on the job, employers are required to file a report of first injury with the Nebraska Workers' Compensation Court ("Court") within ten days. This report details the injury, when and where it occurred, treatment used to deal with it, any time away from work, and a great deal of other information regarding the injured employee.

LB 455 would make that report confidential and not open to public inspection. It would limit who can get copies of the report to the employee, the employer, insurance companies of both the employer and the employee, third-party administrators for those insurance plans, and all the previous listed categories' attorneys and agents. There are additional exceptions for federal and state agencies compiling statistical information or doing investigations as well as nonprofit organizations who provide services to the families of deceased employees who died in workplace incidents. Finally, other courts can order the release of the reports and attorneys can waive confidentiality when they use the report in pleadings or exhibits for pleadings.

Explanation of amendments:

AM 678 amends LB 455 and incorporates LB 313 as amended into the amendment.

AM 678 AM allows the Workers Compensation Court ("Court") to meet its data reporting requirements as well as comply with laws regarding public documents and other disclosures. It also contains clarifying language regarding who may access the report and the means of which they can do so.

LB 313 - Sections 1, 2, and 4 of AM 678

LB 313, as amended, amends Neb. Rev. Stat. § 48-118 and 48-118.04 of the Nebraska Workers' Compensation Act.

Currently, employers may be subrogated to the right of employees or their representatives against third persons who are liable for the injury of an employee. The Bill would allow workers' compensation insurers to step in for the employer in lawsuits and in recovery of money.

The Bill also changes the requirements for a settlement of a third-party claim under the NWCA to be valid. If an employee or their representative or the employer or their insurer do not agree to a distribution of the proceeds of a judgement or settlement, the court will distribute the proceeds in a determined order.

Previously the court would make the distribution in any manner it deemed fair and equitable. Now, there is a prescribed order. One, after deducting the costs of making the recovery, one third shall go to the employee or their representative. Two, the employer or workers' compensation insurer shall be paid for all compensation payments they have made or may be obligated to make in the future. Third, any remaining money will go to the employee or their representative.

Finally, the Court would determine whether or not advance payments have been exhausted if an agreement between the parties cannot be reached.

Testifiers on LB313:

Proponents:

Senator Teresa Ibach , Opening Presenter

Dallas Jones, Nebraskans for Worker's Compensation Equity and Fairness



Ryan McIntosh, Nebraskans for Worker's Compensation Equity and Fairness, National Federation of Independent Business (NFIB), Nebraska Chamber of Commerce & Industry, Lincoln Chamber of Commerce, Greater Omaha Chamber of Commerce, Nebraska Grocery Industry Association

Opponents:

Todd Bennett, Nebraska Association of Trial Attorneys
Jennifer Meyer, Nebraska Association of Trial Attorneys
John Corrigan, Nebraska AFL-CIO

Neutral: None

Committee vote to attach LB313:

Yes: 5 Kauth, Hansen, Ibach, McKeon, Sorrentino;

No: 1 McKinney;

Absent: 0;

Present Not Voting: 1 Raybould;

Section by Section Summary:

Section 1: Amends § 48-118 to allow worker's compensation insurers to be subrogated to the right of an employee or their dependents against a third person who is liable for the injury or death of the employee. Any money recovered in excess of the amount paid by the worker's compensation insurer, plus expenses of recovering the money, shall be paid to the employee or their dependents. A worker's compensation insurer has a right to be made a party to any suit involving an employee they have paid benefits to.

Section 2: Amends § 48-118.04 to make a settlement of a third-party claim under the NWCA void unless certain additional requirements are met. If an employee or their representative or the employer or their insurer do not agree to a distribution of the proceeds of a judgement or settlement, the court will distribute the proceeds in a determined order. One, after deducting the costs of making the recovery, one third shall go to the employee or their representative. Two, the employer or workers' compensation insurer shall be paid for all compensation payments they have made or may be obligated to make in the future. Third, any remaining money will go to the employee or their representative. Finally, the Court would decide, if necessary, whether all advance payments have been exhausted.

Section 3: Amends § 48-144.01 to make the required first report of injury confidential except to be used by the Court to administer and enforce the NWCA. Employees may waive confidentiality in a form to be determined by the Court. The Court shall not let anyone inspect the report aside from the listed exceptions as well as the Court to administer its lawful duties. The section lists a number of exceptions to the confidentiality and the ways they can obtain the report.

Section 4: Repeals the original sections being amended.

Kathleen Kauth, Chairperson

