

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 895

Introduced by Scheer, 19.

Read first time January 14, 2014

Committee:

A BILL

1 FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
2 amend section 48-126.01, Reissue Revised Statutes of
3 Nebraska; to change compensation rate for certain
4 volunteers; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-126.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-126.01 (1)(a) In determining the compensation to be
4 paid any member of the military forces of this state, any member of a
5 law enforcement reserve force, ~~any member of a volunteer fire~~
6 ~~department in any rural or suburban fire protection district, city,~~
7 ~~village, or nonprofit corporation,~~ any member of the Nebraska
8 Emergency Management Agency, any city, village, county, or
9 interjurisdictional emergency management organization, or any state
10 emergency response team, ~~or any member of a volunteer emergency~~
11 ~~medical service,~~ which military forces, law enforcement reserve
12 force, ~~fire department,~~ or emergency management agency, organization,
13 or team, ~~or volunteer emergency medical service~~ is organized under
14 the laws of the State of Nebraska, or any person fulfilling
15 conditions of probation, or community service as defined in section
16 29-2277, pursuant to any order of any court of this state who shall
17 be working for a governmental body, or agency as defined in section
18 29-2277, pursuant to any condition of probation, or community service
19 as defined in section 29-2277, for injuries resulting in disability
20 or death received in the performance of his or her duties as a member
21 of such military forces, reserve force, ~~department,~~ agency,
22 organization, or team, ~~or service,~~ or pursuant to an order of any
23 court, the wages of such a member or person shall be taken to be
24 those received by him or her from his or her regular employer, and he
25 or she shall receive such proportion thereof as he or she is entitled

1 to under the provisions of section 48-121.

2 (b) If such a member or person under subdivision (1)(a)
3 of this section is not regularly employed by some other person, for
4 the purpose of such determination, it shall be deemed and assumed
5 that he or she is receiving income from his or her business or from
6 other employment equivalent to wages in an amount one and one-half
7 times the maximum compensation rate for total disability.

8 (c) If the wages received for the performance of duties
9 as a member of such military forces, reserve force, ~~department,~~
10 agency, organization, or team, ~~or service~~ exceed the wages received
11 from a regular employer, such member shall be entitled to a rate of
12 compensation based upon wages received as a member of such military
13 forces, reserve force, ~~department,~~ agency, organization, or team. ,
14 ~~or service.~~

15 (2) In determining the compensation rate to be paid any
16 member of a volunteer fire department in any rural or suburban fire
17 protection district, city, village, or nonprofit corporation or any
18 member of a volunteer emergency medical service, which fire
19 department or emergency medical service is organized under the laws
20 of the State of Nebraska, for injuries resulting in disability or
21 death received in the performance of his or her duties as a member of
22 such fire department or emergency medical service it shall be deemed
23 and assumed that his or her wages are in an amount one and one-half
24 times the maximum compensation rate for total disability. Any member
25 of such volunteer fire department or volunteer emergency medical

1 service shall not lose their volunteer status under the Nebraska
2 Workers' Compensation Act if such volunteer receives reimbursement
3 for expenses, reasonable benefits, or a nominal fee, a nominal per
4 call fee, a nominal per shift fee, or combination thereof.

5 Sec. 2. Original section 48-126.01, Reissue Revised
6 Statutes of Nebraska, is repealed.