

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 297

Introduced by Bolz, 29; Hansen, 42; Wallman, 30.

Read first time January 16, 2013

Committee:

A BILL

1 FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
2 amend section 48-101.01, Revised Statutes Cumulative
3 Supplement, 2012; to change provisions relating to mental
4 injuries and mental illness compensation; and to repeal
5 the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-101.01, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 48-101.01 (1) Personal injury includes mental injuries
4 and mental illness unaccompanied by physical injury for an employee
5 who is a first responder or coroner if such first responder or
6 coroner:

7 (a) Establishes, by a preponderance of the evidence, that
8 the employee's employment conditions causing the mental injury or
9 mental illness were extraordinary and unusual in comparison to the
10 normal conditions of the particular employment; and

11 (b) Establishes, by a preponderance of the evidence, the
12 medical causation between the mental injury or mental illness and the
13 employment conditions by medical evidence.

14 (2) For purposes of this section, mental injuries and
15 mental illness arising out of and in the course of employment
16 unaccompanied by physical injury are not considered compensable if
17 they result from any event or series of events which are incidental
18 to normal employer and employee relations, including, but not limited
19 to, personnel actions by the employer such as disciplinary actions,
20 work evaluations, transfers, promotions, demotions, salary reviews,
21 or terminations.

22 (3) For purposes of this section, first responder means a
23 sheriff, a deputy sheriff, a police officer, an officer of the
24 Nebraska State Patrol, a volunteer or paid firefighter, or a
25 volunteer or paid individual licensed under a licensure

1 classification in subdivision (1) of section 38-1217 who provides
2 medical care in order to prevent loss of life or aggravation of
3 physiological or psychological illness or injury.

4 Sec. 2. Original section 48-101.01, Revised Statutes
5 Cumulative Supplement, 2012, is repealed.