

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 426

Introduced by Riepe, 12.

Read first time January 13, 2023

Committee:

1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
2 amend sections 48-152 and 48-153, Reissue Revised Statutes of
3 Nebraska; to change the number of judges on the Nebraska Workers'
4 Compensation Court; to eliminate obsolete provisions; to provide an
5 operative date; to repeal the original sections; and to declare an
6 emergency.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-152, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-152 Recognizing that (1) industrial relations between employers
4 and employees within the State of Nebraska are affected with a vital
5 public interest, (2) an impartial and efficient administration of the
6 Nebraska Workers' Compensation Act is essential to the prosperity and
7 well-being of the state, and (3) suitable laws should be enacted for the
8 establishing and for the preservation of such an administration of the
9 Nebraska Workers' Compensation Act, there is hereby created, pursuant to
10 the provisions of Article V, section 1, of the Nebraska Constitution, a
11 court, consisting of ~~seven~~ judges, to be selected or retained in office
12 in accordance with the provisions of Article V, section 21, of the
13 Nebraska Constitution and to be known as the Nebraska Workers'
14 Compensation Court, which court shall have authority to administer and
15 enforce all of the provisions of the Nebraska Workers' Compensation Act,
16 and any amendments thereof, except such as are committed to the courts of
17 appellate jurisdiction or as otherwise provided by law.

18 Sec. 2. Section 48-153, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 48-153 (1) The Nebraska Workers' Compensation Court shall consist
21 of six ~~seven~~ judges. ~~Judges holding office on August 30, 1981, shall~~
22 ~~continue in office until expiration of their respective terms of office~~
23 ~~and thereafter for an additional term which shall expire on the first~~
24 ~~Thursday after the first Tuesday in January immediately following the~~
25 ~~first general election at which they are retained in office after August~~
26 ~~30, 1981. Judge of the Nebraska Workers' Compensation Court shall include~~
27 ~~any person appointed to the office of judge of the Nebraska Workmen's~~
28 ~~Compensation Court prior to July 17, 1986, pursuant to Article V, section~~
29 ~~21, of the Nebraska Constitution. Any person serving as a judge of the~~
30 ~~Nebraska Workmen's Compensation Court immediately prior to July 17, 1986,~~
31 ~~shall be a judge of the Nebraska Workers' Compensation Court.~~

1 (2) The right of judges of the compensation court to continue in
2 office shall be determined in the manner provided in sections 24-813 to
3 24-818, and the terms of office thereafter shall be for six years
4 beginning on the first Thursday after the first Tuesday in January
5 immediately following their retention at such election.

6 (3) In case of a vacancy occurring in the Nebraska Workers'
7 Compensation Court, the same shall be filled in accordance with the
8 provisions of Article V, section 21, of the Nebraska Constitution and the
9 right of any judge so appointed to continue in office shall be determined
10 in the manner provided in sections 24-813 to 24-818. All such judges
11 shall hold office until their successors are appointed and qualified, or
12 until death, voluntary resignation, or removal for cause.

13 (4) No judge of the compensation court shall, during his or her
14 tenure in office as judge, hold any other office or position of profit,
15 pursue any other business or avocation inconsistent or which interferes
16 with his or her duties as such judge, or serve on or under any committee
17 of any political party.

18 Sec. 3. This act becomes operative on June 1, 2023.

19 Sec. 4. Original sections 48-152 and 48-153, Reissue Revised
20 Statutes of Nebraska, are repealed.

21 Sec. 5. Since an emergency exists, this act takes effect when
22 passed and approved according to law.