

LEGISLATIVE BILL 263

Approved by the Governor May 4, 1983

Introduced by Goodrich, 20

AN ACT to amend sections 48-157, 48-162, and 48-165, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Workmen's Compensation Court; to authorize the establishment of fees for certain services as prescribed; to create the Nebraska Workmen's Compensation Court Cash Fund; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 48-157, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-157. The presiding judge of the Nebraska Workmen's Compensation Court shall appoint a clerk of such court, who shall hold office at the pleasure of the court. The judge shall in like manner appoint such other assistants and employees as he or she may deem necessary to carry out the provisions of sections 48-101 to 48-191, including rehabilitation specialists. The clerk shall, under the direction of the presiding judge, keep a full and true record of the proceedings of the court, record all pleadings and other papers filed with the court, and no other action shall be taken thereon until the same have been recorded. The clerk shall in like manner issue all necessary notices and writs, superintend the clerical business of the court, and perform such other duties as the judge may direct. All other assistants and employees of the court shall perform such duties, pertaining to the affairs thereof, as the court may prescribe. The clerk may, under the direction of the presiding judge, microfilm any court record. The original record and other papers may be destroyed, but only with the approval of the State Records Administrator pursuant to sections 84-1201 to 84-1220. The reproduction of the microfilm shall be admissible as evidence in any court of record in the State of Nebraska and, when duly certified, shall be evidence of equal credibility with the original record.

Notices of hearings, notices of continuances, and summonses may be destroyed without microfilming after a record of their issuance has been made in the docket book. A reproduction of the page of the docket book or of the microfilm of the page of the docket book showing such record and, in the case of summonses, showing issuance or return of the summons, when duly certified, shall be evidence of equal credibility with the original notice or summons. Correspondence, exhibits, and other papers which the court deems to be irrelevant, unimportant, or superfluous may be destroyed without microfilming. The court may charge a fee for the reproduction of documents from microfilm sufficient to pay the costs incurred by the court in providing the service.

Sec. 2. That section 48-162, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-162. The Nebraska Workmen's Compensation Court, or any judge thereof, is authorized and empowered to examine under oath or otherwise any person, employee, employer, agent, superintendent, foreman, or officer of any copartnership or corporation, any officer of any domestic insurance company, any agent of any foreign insurance company, or any medical practitioner; to issue subpoenas for the appearance of witnesses and the production of books and papers; and administer oaths with like effect as is done in other courts of law in this state. In the examination of any witness and in requiring the production of books, papers, and other evidence, the compensation court shall have and exercise all of the powers of a judge, magistrate, or other officer in the taking of depositions or the examination of witnesses, including the power to enforce his or her orders by commitment for refusal to answer or for the disobedience of any such order. The court may establish a schedule of fees for services including, but not limited to, copying, preparation of forms and other material, responding to inquiries for information, and publications prepared by the court. In establishing fees the court shall consider costs for time, material, and delivery.

There is hereby created the Nebraska Workmen's Compensation Court Cash Fund. All sums of money received from fees pursuant to this section and sections 48-157 and 48-165 shall be paid to the State Treasurer and deposited in the Nebraska Workmen's Compensation Court Cash Fund. Money in such fund shall be used to fund the services described in this section and sections 48-157 and 48-165. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 3. That section 48-165, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-165. The Nebraska Workmen's Compensation Court shall prepare and furnish free of cost to employees, employers, and to insurance companies, licensed to write compensation insurance in this state, blank forms of application for benefits or compensation, elections to operate under sections 48-109 to 48-115, reports of injury or death, and such other blanks as may be deemed proper and advisable. The court shall provide rules for the distribution of the blanks so prepared. It shall be the duty of the employers to constantly keep on hand a sufficient supply of such blanks. The court may charge a fee for such forms sufficient to pay the costs incurred by the court in the preparation and delivery of the forms.

Sec. 4. That original sections 48-157, 48-162, and 48-165, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.