

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 141

Introduced by Lathrop, 12.

Read first time January 11, 2013

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
2 amend section 48-162.03, Reissue Revised Statutes of
3 Nebraska, and section 48-182, Revised Statutes Cumulative
4 Supplement, 2012; to change provisions relating to bill
5 of exceptions and motions; and to repeal the original
6 sections.

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

1 Section 1. Section 48-162.03, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-162.03 (1) The Nebraska Workers' Compensation Court or
4 any judge thereof may rule upon any motion addressed to the court by
5 any party to a suit or proceeding, including, but not limited to,
6 motions for summary judgment or other motions for judgment on the
7 pleadings but not including motions for new trial, ~~or motions for~~
8 ~~reconsideration.~~ Several objects may be included in the same motion,
9 if they all grow out of or are connected with the action or
10 proceeding in which it is made.

11 (2) Parties to a dispute which might be the subject of an
12 action under the Nebraska Workers' Compensation Act may file a motion
13 for an order regarding the dispute without first filing a petition.

14 (3) If notice of a motion is required, the notice shall
15 be in writing and shall state: (a) The names of the parties to the
16 action, proceeding, or dispute in which it is to be made; (b) the
17 name of the judge before whom it is to be made; (c) the time and
18 place of hearing; and (d) the nature and terms of the order or orders
19 to be applied for. Notice shall be served a reasonable time before
20 the hearing as provided in the rules of the compensation court.

21 Sec. 2. Section 48-182, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 48-182 In case either party at interest refuses to accept
24 any final order of the Nebraska Workers' Compensation Court, such
25 party may, within thirty days thereafter, file with the compensation

1 court a notice of appeal and ~~within thirty days after the date of~~
2 ~~such final order~~ at the same time the notice of appeal is filed, file
3 with the compensation court a praecipe for a bill of exceptions.
4 Within ~~two months~~ seven weeks from the date ~~of the filing of the~~
5 ~~praecipe,~~ the notice of appeal is filed, the court reporter or
6 transcriber shall deliver to the clerk of the Nebraska Workers'
7 Compensation Court a bill of exceptions which shall include a
8 transcribed copy of the testimony and the evidence taken before the
9 compensation court at the hearing, which transcribed copy when
10 certified to by the person who made or transcribed the record shall
11 constitute the bill of exceptions. The transcript and bill of
12 exceptions shall be paid for by the party ordering the same, except
13 that upon the affidavit of any claimant for workers' compensation,
14 filed with or before the praecipe, that he or she is without means
15 with which to pay and unable to secure such means, payment may, in
16 the discretion of the compensation court, be waived as to such
17 claimant and the bill of exceptions shall be paid for by the
18 compensation court in the same manner as other compensation court
19 expenses.

20 The procedure for preparation, settlement, signature,
21 allowance, certification, filing, and amendment of a bill of
22 exceptions shall be regulated and governed by rules of practice
23 prescribed by the Supreme Court except as otherwise provided in this
24 section.

25 When a bill of exceptions has been ordered according to

1 law and the court reporter or transcriber fails to prepare and file
2 the bill of exceptions with the clerk of the Nebraska Workers'
3 Compensation Court within ~~two months~~ seven weeks from the date of ~~the~~
4 ~~filing of the praecipe, the notice of appeal is filed,~~ the Supreme
5 Court may, on the motion of any party accompanied by a proper
6 showing, grant additional time for the preparation and filing of the
7 bill of exceptions under such conditions as the court may require.
8 Applications for such an extension of time shall be regulated and
9 governed by rules of practice prescribed by the Supreme Court. A copy
10 of such order granting an extension of time shall be filed with the
11 Nebraska Workers' Compensation Court by the party requesting such
12 extension within five days after the date of such order.

13 Sec. 3. Original section 48-162.03, Reissue Revised
14 Statutes of Nebraska, and section 48-182, Revised Statutes Cumulative
15 Supplement, 2012, are repealed.