

## LEGISLATIVE BILL 141

Approved by the Governor May 7, 2013

Introduced by Lathrop, 12.

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

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

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

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

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

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

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

48-182 In case either party at interest refuses to accept any final order of the Nebraska Workers' Compensation Court, such party may, within thirty days thereafter, file with the compensation court a notice of appeal and within thirty days after the date of such final order at the same time the notice of appeal is filed, file with the compensation court a praecipe for a bill of exceptions. ~~Within two months~~ seven weeks from the date of the ~~filing of the praecipe,~~ the notice of appeal is filed, the court reporter or transcriber shall deliver to the clerk of the Nebraska Workers' Compensation Court a bill of exceptions which shall include a transcribed copy of the testimony and the evidence taken before the compensation court at the hearing, which transcribed copy when certified to by the person who made or transcribed the record shall constitute the bill of exceptions. The transcript and bill of exceptions shall be paid for by the party ordering the same, except that upon the affidavit of any claimant for workers' compensation, filed with or before the praecipe, that he or she is without means with which to pay and unable to secure such means, payment may, in the discretion of the compensation court, be waived as to such claimant and the bill of exceptions shall be paid for by the compensation court in the same manner as other compensation court expenses.

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

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

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