

E AND R AMENDMENTS TO LB 151

Introduced by Larson, 40, Chairperson Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 48-125, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           48-125 (1) (a) Except as hereinafter provided, all amounts  
6 of compensation payable under the Nebraska Workers' Compensation  
7 Act shall be payable periodically in accordance with the methods  
8 of payment of wages of the employee at the time of the injury or  
9 death. Such payments shall be sent directly to the person entitled  
10 to compensation or his or her designated representative except as  
11 otherwise provided in section 48-149.

12           (b) Fifty percent shall be added for waiting time for all  
13 delinquent payments after thirty days' notice has been given of  
14 disability or after thirty days from the entry of a final order,  
15 award, or judgment of the ~~compensation court,~~ Nebraska Workers'  
16 Compensation Court, except that for any award or judgment against  
17 the state in excess of one hundred thousand dollars which must be  
18 reviewed by the Legislature as provided in section 48-1,102, fifty  
19 percent shall be added for waiting time for delinquent payments  
20 thirty days after the effective date of the legislative bill  
21 appropriating any funds necessary to pay the portion of the award  
22 or judgment in excess of one hundred thousand dollars.

23           (2) (a) Whenever the employer refuses payment of

1 compensation or medical payments subject to section 48-120, or  
2 when the employer neglects to pay compensation for thirty days  
3 after injury or neglects to pay medical payments subject to such  
4 section after thirty days' notice has been given of the obligation  
5 for medical payments, and proceedings are held before the ~~Nebraska~~  
6 ~~Workers' Compensation Court,~~ compensation court, a reasonable  
7 attorney's fee shall be allowed the employee by the compensation  
8 court in all cases when the employee receives an award. Attorney's  
9 fees allowed shall not be deducted from the amounts ordered to be  
10 paid for medical services nor shall attorney's fees be charged to  
11 the medical providers.

12 (b) If the employer files an application for review  
13 before the compensation court appeal from an award of a judge of  
14 the compensation court and fails to obtain any reduction in the  
15 amount of such award, the ~~compensation court~~ Court of Appeals or  
16 Supreme Court shall allow the employee a reasonable attorney's fee  
17 to be taxed as costs against the employer for such ~~review,~~ and the  
18 ~~Court of Appeals or Supreme Court~~ shall in like manner allow the  
19 employee a reasonable sum as attorney's fees for the proceedings in  
20 the ~~Court of Appeals or Supreme Court.~~ appeal.

21 (c) If the employee files an application for a review  
22 before the compensation court appeal from an order of a judge  
23 of the compensation court denying an award and obtains an award  
24 or if the employee files an ~~application for a review before~~  
25 ~~the compensation court~~ appeal from an award of a judge of  
26 the compensation court when the amount of compensation due is  
27 disputed and obtains an increase in the amount of such award, the

1 ~~compensation court~~ Court of Appeals or Supreme Court may allow the  
2 employee a reasonable attorney's fee to be taxed as costs against  
3 the employer for such ~~review,~~ and the Court of Appeals or Supreme  
4 Court may in like manner allow the employee a reasonable sum as  
5 attorney's fees for the proceedings in the Court of Appeals or  
6 Supreme Court. appeal.

7         (d) A reasonable attorney's fee allowed pursuant to this  
8 ~~section~~ subsection shall not affect or diminish the amount of the  
9 award.

10         (3) When an attorney's fee is allowed pursuant to this  
11 section, there shall further be assessed against the employer an  
12 amount of interest on the final award obtained, computed from the  
13 date compensation was payable, as provided in section 48-119, until  
14 the date payment is made by the employer, at a rate equal to the  
15 rate of interest allowed per annum under section 45-104.01, as such  
16 rate may from time to time be adjusted by the Legislature. Interest  
17 shall apply only to those weekly compensation benefits awarded  
18 which have accrued as of the date payment is made by the employer.  
19 If the employer pays or tenders payment of compensation, the amount  
20 of compensation due is disputed, and the award obtained is greater  
21 than the amount paid or tendered by the employer, the assessment of  
22 interest shall be determined solely upon the difference between the  
23 amount awarded and the amount tendered or paid.

24         Sec. 2. Section 48-145.01, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26         48-145.01 (1) Any employer required to secure the payment  
27 of compensation under the Nebraska Workers' Compensation Act who

1 willfully fails to secure the payment of such compensation shall be  
2 guilty of a Class I misdemeanor. If the employer is a corporation,  
3 limited liability company, or limited liability partnership, any  
4 officer, member, manager, partner, or employee who had authority  
5 to secure payment of compensation on behalf of the employer and  
6 willfully failed to do so shall be individually guilty of a Class  
7 I misdemeanor and shall be personally liable jointly and severally  
8 with such employer for any compensation which may accrue under  
9 the act in respect to any injury which may occur to any employee  
10 of such employer while it so fails to secure the payment of  
11 compensation as required by section 48-145.

12 (2) If an employer subject to the Nebraska Workers'  
13 Compensation Act fails to secure the payment of compensation as  
14 required by section 48-145, the employer may be enjoined from doing  
15 business in this state until the employer complies with subdivision  
16 (1) of section 48-145. If a temporary injunction is granted at the  
17 request of the State of Nebraska, no bond shall be required to  
18 make the injunction effective. The Nebraska Workers' Compensation  
19 Court or the district court may order an employer who willfully  
20 fails to secure the payment of compensation to pay a monetary  
21 penalty of not more than one thousand dollars for each violation.  
22 For purposes of this subsection, each day of continued failure to  
23 secure the payment of compensation as required by section 48-145  
24 constitutes a separate violation. If the employer is a corporation,  
25 limited liability company, or limited liability partnership, any  
26 officer, member, manager, partner, or employee who had authority  
27 to secure payment of compensation on behalf of the employer and

1 willfully failed to do so shall be personally liable jointly  
2 and severally with the employer for such monetary penalty. All  
3 penalties collected pursuant to this subsection shall be remitted  
4 to the State Treasurer for distribution in accordance with Article  
5 VII, section 5, of the Constitution of Nebraska.

6 (3) It shall be the duty of the Attorney General to  
7 act as attorney for the State of Nebraska for purposes of this  
8 section. The Attorney General may file a motion pursuant to section  
9 48-162.03 for an order directing an employer to appear before a  
10 judge of the compensation court and show cause as to why a monetary  
11 penalty should not be assessed against the employer pursuant to  
12 subsection (2) of this section. The Attorney General shall be  
13 considered a party for purposes of such motion. The Attorney  
14 General may appear before the compensation court and present  
15 evidence of a violation or violations pursuant to subsection (2)  
16 of this section and the identity of the person who had authority  
17 to secure the payment of compensation. Appeal from an order of a  
18 judge of the compensation court pursuant to subsection (2) of this  
19 section shall be in accordance with ~~section 48-179.~~ sections 48-182  
20 and 48-185.

21 Sec. 3. Section 48-153, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 48-153 The Nebraska Workers' Compensation Court shall  
24 consist of seven judges. Judges holding office on August 30, 1981,  
25 shall continue in office until expiration of their respective  
26 terms of office and thereafter for an additional term which shall  
27 expire on the first Thursday after the first Tuesday in January

1 immediately following the first general election at which they are  
2 retained in office after August 30, 1981. Judge of the Nebraska  
3 Workers' Compensation Court shall include any person appointed to  
4 the office of judge of the Nebraska Workmen's Compensation Court  
5 prior to July 17, 1986, pursuant to Article V, section 21, of  
6 the Nebraska Constitution. Any person serving as a judge of the  
7 Nebraska Workmen's Compensation Court immediately prior to July  
8 17, 1986, shall be a judge of the Nebraska Workers' Compensation  
9 Court. The right of judges of the compensation court to continue  
10 in office shall be determined in the manner provided in sections  
11 24-813 to 24-818, and the terms of office thereafter shall be  
12 for six years beginning on the first Thursday after the first  
13 Tuesday in January immediately following their retention at such  
14 election. In case of a vacancy occurring in the Nebraska Workers'  
15 Compensation Court, the same shall be filled in accordance with the  
16 provisions of Article V, section 21, of the Nebraska Constitution  
17 and the right of any judge so appointed to continue in office  
18 shall be determined in the manner provided in sections 24-813 to  
19 24-818. All such judges shall hold office until their successors  
20 are appointed and qualified, or until death, voluntary resignation,  
21 or removal for cause. No judge of the compensation court shall,  
22 during his or her tenure in office as judge, hold any other office  
23 or position of profit, pursue any other business or avocation  
24 inconsistent or which interferes with his or her duties as such  
25 judge, or serve on or under any committee of any political party.  
26 ~~The judges of the compensation court shall reside in Lancaster~~  
27 ~~County, Nebraska, unless, for the convenience of the compensation~~

1 ~~court, they are permitted to reside elsewhere by a majority vote of~~  
2 ~~the compensation court, but no such judge shall be deemed thereby~~  
3 ~~to have lost his or her residence at the place from which he or she~~  
4 ~~was selected unless he or she so chooses.~~

5           Sec. 4. Section 48-155, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           48-155 The judges of the Nebraska Workers' Compensation  
8 Court shall, on July 1 of every odd-numbered year by a majority  
9 vote, select one of their number as presiding judge for the  
10 next two years, subject to approval of the Supreme Court. The  
11 presiding judge may designate one of the other judges to act as  
12 presiding judge in his or her stead whenever necessary during  
13 the disqualification, disability, or absence of the presiding  
14 judge. The presiding judge shall rule on all matters submitted  
15 to the compensation court except those arising in the course  
16 of ~~original or review~~ hearings or as otherwise provided by law,  
17 assign or direct the assignment of the work of the compensation  
18 court to the several judges, clerk, and employees who support  
19 the judicial proceedings of the compensation court, preside at  
20 such meetings of the judges of the compensation court as may be  
21 necessary, and perform such other supervisory duties as the needs  
22 of the compensation court may require. During the disqualification,  
23 disability, or absence of the presiding judge, the acting presiding  
24 judge shall exercise all of the powers of the presiding judge.

25           Sec. 5. Section 48-156, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27           48-156 A majority of the judges of the Nebraska Workers'

1 Compensation Court shall constitute a quorum to adopt rules and  
2 regulations, as provided in sections 48-163 and 48-164, to transact  
3 business, except when the statute or a rule adopted by the  
4 compensation court permits one judge thereof to act. ~~and three~~  
5 ~~judges shall constitute a quorum for the review of any disputed~~  
6 ~~claim for compensation.~~ The act or decision of a majority of the  
7 judges constituting such quorum shall in all such cases be deemed  
8 the act or decision of the compensation court, except that a  
9 majority vote of all the judges shall be required to adopt rules  
10 and regulations.

11           Sec. 6. Section 48-162, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           48-162 (1) The Nebraska Workers' Compensation Court,  
14 or any judge thereof, is authorized and empowered to examine  
15 under oath or otherwise any person, employee, employer, agent,  
16 superintendent, supervisor, or officer of any partnership, limited  
17 liability company, or corporation, any officer of any domestic  
18 insurance company, any agent of any foreign insurance company, or  
19 any medical practitioner, to issue subpoenas for the appearance  
20 of witnesses and the production of books and papers, to solemnize  
21 marriages, and to administer oaths with like effect as is done  
22 in other courts of law in this state. In the examination of any  
23 witness and in requiring the production of books, papers, and other  
24 evidence, the compensation court shall have and exercise all of the  
25 powers of a judge, magistrate, or other officer in the taking of  
26 depositions or the examination of witnesses. ~~including the power~~  
27 ~~to enforce his or her orders by commitment for refusal to answer or~~



1 ~~for the disobedience of any such order.~~

2 (2) The compensation court or any judge thereof may, upon  
3 the motion of either party or upon its or his or her own motion,  
4 require the production of any books, documents, payrolls, medical  
5 reports, X-rays, photographs, or plates or any facts or matters  
6 which may be necessary to assist in a determination of the rights  
7 of either party in any matter pending before the compensation court  
8 or any judge thereof.

9 (3) The compensation court or any judge thereof may  
10 issue contempt orders in accordance with section 25-2121. Any such  
11 contempt order of the compensation court shall be enforced in  
12 accordance with section 48-188.

13 ~~(3)~~ (4) The compensation court or any judge thereof may  
14 expedite the hearing of a disputed case when there is an emergency.

15 Sec. 7. Section 48-167, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 48-167 The Nebraska Workers' Compensation Court shall  
18 keep and maintain, in its office at the State Capitol, full and  
19 true record of all proceedings, documents, or papers ordered filed,  
20 rules and regulations, and decisions or orders.

21 Sec. 8. Section 48-170, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 48-170 Every order and award of a single judge of the  
24 Nebraska Workers' Compensation Court shall be binding upon each  
25 party at interest unless an application for review appeal has been  
26 filed with the compensation court within ~~fourteen~~ thirty days after  
27 the date of entry of the order or award.

1           Sec. 9. Section 48-175.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           48-175.01 (1)(a) The performance of work in the State  
4 of Nebraska ~~(a)~~ (i) by an employer, who is a nonresident of the  
5 State of Nebraska, ~~(b)~~ (ii) by any resident employer who becomes  
6 a nonresident of this state after the occurrence of an injury  
7 to an employee, or ~~(c)~~ (iii) by any agent of such an employer  
8 shall be deemed an appointment by such employer of the clerk of  
9 the Nebraska Workers' Compensation Court as a true and lawful  
10 attorney and agent upon whom may be served all legal processes  
11 in any action or proceeding against him or her, arising out of  
12 or under the provisions of the Nebraska Workers' Compensation Act,  
13 and such performance of work shall be a signification of the  
14 employer's agreement that any such process, which is so served in  
15 any action against him or her, shall be of the same legal force  
16 and validity as if served upon him or her personally within this  
17 state. The appointment of agent, thus made, shall not be revocable  
18 by death but shall continue and be binding upon the executor or  
19 administrator of such employer.

20           (b) For purposes of this section, performance of work  
21 shall include, but not be limited to, situations in which (i) the  
22 injury or injury resulting in death occurred within this state,  
23 (ii) the employment was principally localized within this state, or  
24 (iii) the contract of hire was made within this state.

25           (2) Service of such process, as referred to in subsection  
26 (1) of this section, shall be made by serving a copy thereof upon  
27 the clerk of the Nebraska Workers' Compensation Court, personally

1 in his or her office ~~in the State Capitol~~ or upon someone who,  
2 previous to such service, has been designated in writing by the  
3 clerk of the Nebraska Workers' Compensation Court as the person  
4 or one of the persons with whom such copy may be left for such  
5 service upon the clerk of the Nebraska Workers' Compensation Court,  
6 and such service shall be sufficient service upon the employer.  
7 In making such service, a copy of the petition and a copy of  
8 the process shall, within ten days after the date of service, be  
9 sent by the clerk of the Nebraska Workers' Compensation Court,  
10 or such person acting for him or her in his or her office, to  
11 the defendant by registered or certified mail addressed to the  
12 defendant's last-known address, and the defendant's return receipt  
13 and affidavit of the clerk of the Nebraska Workers' Compensation  
14 Court, or such person in his or her office acting for him or  
15 her, of compliance therewith shall be appended to such petition  
16 and filed in the office of the clerk of the Nebraska Workers'  
17 Compensation Court. The date of the mailing and the date of the  
18 receipt of the return card aforesaid shall be properly endorsed  
19 on such petition and filed by the clerk of the Nebraska Workers'  
20 Compensation Court, or someone acting for him or her.

21 (3) The Nebraska Workers' Compensation Court shall, on  
22 its own motion, order such continuance of answer day and trial  
23 date, as may to the compensation court seem necessary to afford  
24 the defendant reasonable opportunity to plead and to defend. No  
25 such continuance shall be for more than ninety days except for good  
26 cause shown.

27 (4) It shall be the duty of the clerk of the Nebraska

1 Workers' Compensation Court to keep a record of all processes so  
2 served, in accordance with subsections (1) and (2) of this section,  
3 which record shall show the date of such service, and to so arrange  
4 and index such record as to make the same readily accessible and  
5 convenient for inspection.

6 Sec. 10. Section 48-177, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 48-177 (1) At the time a petition or motion is filed,  
9 one of the judges of the Nebraska Workers' Compensation Court shall  
10 be assigned to hear the cause. It shall be heard in the county  
11 in which the accident occurred, except as otherwise provided in  
12 section 25-412.02 and except that, upon the written stipulation of  
13 the parties, filed with the compensation court at least fourteen  
14 days before the date of hearing, the cause may be heard in any  
15 other county in the state. ~~An action may be dismissed by the~~  
16 ~~plaintiff, if represented by legal counsel, without prejudice to~~  
17 ~~a future action, before the final submission of the case to the~~  
18 ~~compensation court. Upon a motion for dismissal duly filed by the~~  
19 ~~plaintiff, showing that a dispute between the parties no longer~~  
20 ~~exists, the compensation court may dismiss any such cause without a~~  
21 ~~hearing thereon.~~

22 (2) Any such cause may be dismissed without prejudice  
23 to a future action (a) by the plaintiff, if represented by  
24 legal counsel, before the final submission of the case to the  
25 compensation court or (b) by the compensation court upon a  
26 stipulation of the parties that a dispute between the parties  
27 no longer exists.

1           (3) Notwithstanding subsection (1) of this section, all  
2 nonevidentiary hearings, and any evidentiary hearings approved by  
3 the compensation court and by stipulation of the parties, may  
4 be heard by the court telephonically or by videoconferencing or  
5 similar equipment at any location within the state as ordered  
6 by the court and in a manner that ensures the preservation of  
7 an accurate record. Such hearings shall include motion hearings,  
8 original hearings, and review hearings. Hearings conducted in this  
9 manner shall be consistent with the public's access to the courts.

10           Sec. 11. Section 48-178, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           48-178 The judge shall make such findings and orders,  
13 awards, or judgments as the Nebraska Workers' Compensation Court  
14 or judge is authorized by law to make. Such findings, orders,  
15 awards, and judgments shall be signed by the judge before whom  
16 such proceedings were had. When proceedings are had before a judge  
17 of the compensation court, his or her findings, orders, awards,  
18 and judgments shall be conclusive upon all parties at interest  
19 unless reversed or modified upon ~~review~~ ~~or~~ appeal as hereinafter  
20 provided. A shorthand record or tape recording shall be made of  
21 all testimony and evidence submitted in such proceedings. The  
22 compensation court or judge thereof, at the party's expense, may  
23 appoint a court reporter or may direct a party to furnish a  
24 court reporter to be present and report or, by adequate mechanical  
25 means, to record and, if necessary, transcribe proceedings of any  
26 hearing. The charges for attendance shall be paid initially to  
27 the reporter by the employer or, if insured, by the employer's

1 workers' compensation insurer. The charges shall be taxed as costs  
2 and the party initially paying the expense shall be reimbursed  
3 by the party or parties taxed with the costs. The compensation  
4 court or judge thereof may award and tax such costs and apportion  
5 the same between the parties or may order the compensation court  
6 to pay such costs as in its discretion it may think right and  
7 equitable. If the expense is unpaid, the expense shall be paid by  
8 the party or parties taxed with the costs or may be paid by the  
9 compensation court. The reporter shall faithfully and accurately  
10 report or record the proceedings.

11           Sec. 12. Section 48-180, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           48-180 The Nebraska Workers' Compensation Court may, on  
14 its own motion or on the motion of any party, modify or change  
15 its findings, order, award, or judgment at any time before appeal  
16 and within ~~ten~~ fourteen days ~~from~~ after the date of such findings,  
17 order, award, or judgment. ~~for the purpose of correcting any~~  
18 ~~ambiguity, clerical error, or patent or obvious error.~~ The time  
19 for appeal shall not be lengthened because of the ~~correction~~  
20 modification or change unless the correction substantially changes  
21 the result of the award.

22           Sec. 13. Section 48-182, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           48-182 In case either party at interest refuses to accept  
25 any final order of the Nebraska Workers' Compensation Court, ~~on~~  
26 ~~original hearing,~~ such party may, within ~~fourteen~~ thirty days  
27 thereafter, file with the compensation court ~~an application for~~

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

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

24           When a bill of exceptions has been ordered according  
25 to law and the court reporter or transcriber fails to prepare  
26 and file the bill of exceptions with the clerk of the Nebraska  
27 Workers' Compensation Court within two months from the date of

1 the filing of the praecipe, the ~~compensation court~~ Supreme Court  
2 may, on the motion of any party accompanied by a proper showing,  
3 grant additional time for the preparation and filing of the bill  
4 of exceptions under such conditions as the court may require.  
5 Applications for such an extension of time shall be regulated and  
6 governed by rules of practice prescribed by the ~~compensation court~~.  
7 Supreme Court. A copy of such order granting an extension of time  
8 shall be filed with the Nebraska Workers' Compensation Court by the  
9 party requesting such extension within five days after the date of  
10 such order.

11           Sec. 14. Section 48-185, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           48-185 Any appeal from the judgment of the Nebraska  
14 Workers' Compensation Court ~~after review~~ shall be prosecuted and  
15 the procedure, including the designation of parties, handling of  
16 costs and the amounts thereof, filing of briefs, certifying the  
17 opinion of the Supreme Court or decision of the Court of Appeals  
18 to the compensation court, handling of the bill of exceptions,  
19 and issuance of the mandate, shall be in accordance with the  
20 general laws of the state and procedures regulating appeals in  
21 actions at law from the district courts except as otherwise  
22 provided in section 48-182 and this section. The proceedings to  
23 obtain a reversal, vacation, or modification of judgments, awards,  
24 or final orders made by the compensation court ~~after a review~~  
25 shall be by filing in the office of the clerk of the Nebraska  
26 Workers' Compensation Court, within thirty days after the entry  
27 of such judgment, decree, or final order, a notice of ~~intention~~



1 ~~to prosecute such~~ appeal signed by the appellant or his or her  
2 attorney of record. No motion for a new trial shall be filed. An  
3 appeal shall be deemed perfected and the appellate court shall have  
4 jurisdiction of the cause when such notice of appeal shall have  
5 been filed in the office of the clerk of the Nebraska Workers'  
6 Compensation Court, and after being so perfected no appeal shall  
7 be dismissed without notice, and no step other than the filing of  
8 such notice of appeal shall be deemed jurisdictional. The clerk of  
9 the Nebraska Workers' Compensation Court shall forthwith forward a  
10 certified copy of such notice of appeal to the Clerk of the Supreme  
11 Court, whereupon the Clerk of the Supreme Court shall forthwith  
12 docket such appeal. Within thirty days after the date of filing of  
13 notice of appeal, the clerk of the Nebraska Workers' Compensation  
14 Court shall prepare and file with the Clerk of the Supreme Court  
15 a transcript certified as a true copy of the proceedings contained  
16 therein. The transcript shall contain the judgment, decree, or  
17 final order sought to be reversed, vacated, or modified and all  
18 pleadings filed with such clerk. Neither the form nor the substance  
19 of such transcript shall affect the jurisdiction of the appellate  
20 court. Such appeal shall be perfected within thirty days after the  
21 entry of judgment by the compensation court, the cause shall be  
22 advanced for argument before the appellate court, and the appellate  
23 court shall render its judgment and write an opinion, if any,  
24 in such cases as speedily as possible. The judgment made by the  
25 compensation court ~~after review~~ shall have the same force and  
26 effect as a jury verdict in a civil case. A judgment, order,  
27 or award of the compensation court may be modified, reversed,

1 or set aside only upon the grounds that (1) the compensation  
2 court acted without or in excess of its powers, (2) the judgment,  
3 order, or award was procured by fraud, (3) there is not sufficient  
4 competent evidence in the record to warrant the making of the  
5 order, judgment, or award, or (4) the findings of fact by the  
6 compensation court do not support the order or award.

7           Sec. 15. Section 48-191, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           48-191 Notwithstanding any more general or special law  
10 respecting the subject matter hereof, whenever the last day of  
11 the period within which a party to an action may file any ~~paper~~  
12 document or pleading with the Nebraska Workers' Compensation Court,  
13 or take any other action with respect to a claim for compensation,  
14 falls on a Saturday, a Sunday, any day on which the compensation  
15 court is closed by order of the Chief Justice of the Supreme Court,  
16 or any day declared by statutory enactment or proclamation of the  
17 Governor to be a holiday, the next following day, which is not  
18 a Saturday, a Sunday, a day on which the compensation court is  
19 closed by order of the Chief Justice of the Supreme Court, or a day  
20 declared by such enactment or proclamation to be a holiday, shall  
21 be deemed to be the last day for filing any such ~~paper~~ document or  
22 pleading or taking any such other action with respect to a claim  
23 for compensation.

24           Sec. 16. Cases pending before the Nebraska Workers'  
25 Compensation Court on the operative date of this section in which  
26 a hearing has been held prior to such date shall not be affected  
27 by the changes made in sections 48-125, 48-145.01, 48-155, 48-156,

1 48-170, 48-178, 48-180, 48-182, and 48-185 by this legislative  
2 bill. Any cause of action not in suit on the operative date of this  
3 section and any cause of action in suit in which a hearing has not  
4 been held prior to such date shall follow the procedures in such  
5 sections as amended by this legislative bill.

6           Sec. 17. Section 48-1,110, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           48-1,110 Sections 48-101 to 48-1,117 and section 16 of  
9 this act shall be known and may be cited as the Nebraska Workers'  
10 Compensation Act.

11           Sec. 18. Sections 1, 2, 4, 5, 6, 8, 11, 12, 13, 14,  
12 16, 17, 19, and 21 of this act become operative three calendar  
13 months after the adjournment of this legislative session. The other  
14 sections of this act become operative on their effective date.

15           Sec. 19. Original sections 48-125, 48-145.01, 48-155,  
16 48-156, 48-162, 48-170, 48-178, 48-180, 48-182, 48-185, and  
17 48-1,110, Reissue Revised Statutes of Nebraska, are repealed.

18           Sec. 20. Original sections 48-153, 48-167, 48-175.01,  
19 48-177, and 48-191, Reissue Revised Statutes of Nebraska, are  
20 repealed.

21           Sec. 21. The following section is outright repealed:  
22 Section 48-179, Reissue Revised Statutes of Nebraska.

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

25           2. On page 1, strike lines 2 through 6 and insert "amend  
26 sections 48-125, 48-145.01, 48-153, 48-155, 48-156, 48-162, 48-167,  
27 48-170, 48-175.01, 48-177, 48-178, 48-180, 48-182, 48-185, 48-191,

1 and 48-1,110, Reissue Revised Statutes of Nebraska; to provide,  
2 change, and eliminate powers and duties of the Nebraska Workers'  
3 Compensation Court and judges of the compensation court; to change  
4 provisions relating to hearings and appeals; to eliminate review  
5 by a three-judge panel; to authorize modification of awards and  
6 orders; to provide for applicability of changes; to harmonize  
7 provisions; to provide operative dates; to repeal the original  
8 sections; to outright repeal section 48-179, Reissue Revised  
9 Statutes of Nebraska; and to declare an emergency."