

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED SECOND LEGISLATURE  
 FIRST SESSION  
**LEGISLATIVE BILL 151**

Final Reading

Introduced by Lathrop, 12.

Read first time January 07, 2011

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Nebraska Workers' Compensation Act; to  
 2 amend sections 48-125, 48-145.01, 48-153, 48-155, 48-156,  
 3 48-167, 48-170, 48-175.01, 48-177, 48-178, 48-180,  
 4 48-182, 48-185, 48-191, and 48-1,110, Reissue Revised  
 5 Statutes of Nebraska; to provide, change, and eliminate  
 6 powers and duties of the Nebraska Workers' Compensation  
 7 Court and judges of the compensation court; to change  
 8 provisions relating to hearings and appeals; to eliminate  
 9 review by a three-judge panel; to authorize modification  
 10 of awards and orders; to provide for applicability of  
 11 changes; to harmonize provisions; to provide operative  
 12 dates; to repeal the original sections; to outright  
 13 repeal section 48-179, Reissue Revised Statutes of  
 14 Nebraska; and to declare an emergency.

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

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

3           48-125 (1)(a) Except as hereinafter provided, all amounts  
4 of compensation payable under the Nebraska Workers' Compensation Act  
5 shall be payable periodically in accordance with the methods of  
6 payment of wages of the employee at the time of the injury or death.  
7 Such payments shall be sent directly to the person entitled to  
8 compensation or his or her designated representative except as  
9 otherwise provided in section 48-149.

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

21           (2)(a) Whenever the employer refuses payment of  
22 compensation or medical payments subject to section 48-120, or when  
23 the employer neglects to pay compensation for thirty days after  
24 injury or neglects to pay medical payments subject to such section  
25 after thirty days' notice has been given of the obligation for

1 medical payments, and proceedings are held before the ~~Nebraska~~  
2 ~~Workers' Compensation Court,~~ compensation court, a reasonable  
3 attorney's fee shall be allowed the employee by the compensation  
4 court in all cases when the employee receives an award. Attorney's  
5 fees allowed shall not be deducted from the amounts ordered to be  
6 paid for medical services nor shall attorney's fees be charged to the  
7 medical providers.

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

17           **(c)** ~~If the employee files an application for a review~~  
18 ~~before the compensation court appeal~~ from an order of a judge of the  
19 compensation court denying an award and obtains an award or if the  
20 employee files an ~~application for a review before the compensation~~  
21 ~~court appeal~~ from an award of a judge of the compensation court when  
22 the amount of compensation due is disputed and obtains an increase in  
23 the amount of such award, the ~~compensation court~~ Court of Appeals or  
24 Supreme Court may allow the employee a reasonable attorney's fee to  
25 be taxed as costs against the employer for such review, ~~and the Court~~

1 ~~of Appeals or Supreme Court may in like manner allow the employee a~~  
2 ~~reasonable sum as attorney's fees for the proceedings in the Court of~~  
3 ~~Appeals or Supreme Court. appeal.~~

4 (d) A reasonable attorney's fee allowed pursuant to this  
5 ~~section-subsection~~ shall not affect or diminish the amount of the  
6 award.

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

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

23 48-145.01 (1) Any employer required to secure the payment  
24 of compensation under the Nebraska Workers' Compensation Act who  
25 willfully fails to secure the payment of such compensation shall be

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

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

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

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

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

1 her duties as such judge, or serve on or under any committee of any  
2 political party. ~~The judges of the compensation court shall reside in~~  
3 ~~Lancaster County, Nebraska, unless, for the convenience of the~~  
4 ~~compensation court, they are permitted to reside elsewhere by a~~  
5 ~~majority vote of the compensation court, but no such judge shall be~~  
6 ~~deemed thereby to have lost his or her residence at the place from~~  
7 ~~which he or she was selected unless he or she so chooses.~~

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

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



1 judge shall exercise all of the powers of the presiding judge.

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

4           48-156 A majority of the judges of the Nebraska Workers'  
5 Compensation Court shall constitute a quorum to adopt rules and  
6 regulations, as provided in sections 48-163 and 48-164, to transact  
7 business, except when the statute or a rule adopted by the  
8 compensation court permits one judge thereof to act. ~~\_\_, and three~~  
9 ~~judges shall constitute a quorum for the review of any disputed claim~~  
10 ~~for compensation.~~ The act or decision of a majority of the judges  
11 constituting such quorum shall in all such cases be deemed the act or  
12 decision of the compensation court, except that a majority vote of  
13 all the judges shall be required to adopt rules and regulations.

14           Sec. 6. Section 48-167, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           48-167 The Nebraska Workers' Compensation Court shall  
17 keep and maintain, ~~in its office at the State Capitol,~~ a full and  
18 true record of all proceedings, documents, or papers ordered filed,  
19 rules and regulations, and decisions or orders.

20           Sec. 7. Section 48-170, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           48-170 Every order and award ~~of a single judge~~ of the  
23 Nebraska Workers' Compensation Court shall be binding upon each party  
24 at interest unless an ~~application for review~~ appeal has been filed  
25 with the compensation court within ~~fourteen~~ thirty days after the

1 date of entry of the order or award.

2           Sec. 8. Section 48-175.01, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

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

25           (2) Service of such process, as referred to in subsection

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

22 (3) The Nebraska Workers' Compensation Court shall, on  
23 its own motion, order such continuance of answer day and trial date,  
24 as may to the compensation court seem necessary to afford the  
25 defendant reasonable opportunity to plead and to defend. No such

1 continuance shall be for more than ninety days except for good cause  
2 shown.

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

9 Sec. 9. Section 48-177, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

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

24 (2) Any such cause may be dismissed without prejudice to  
25 a future action (a) by the plaintiff, if represented by legal

1 counsel, before the final submission of the case to the compensation  
2 court or (b) by the compensation court upon a stipulation of the  
3 parties that a dispute between the parties no longer exists.

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

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

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

1 report or, by adequate mechanical means, to record and, if necessary,  
2 transcribe proceedings of any hearing. The charges for attendance  
3 shall be paid initially to the reporter by the employer or, if  
4 insured, by the employer's workers' compensation insurer. The charges  
5 shall be taxed as costs and the party initially paying the expense  
6 shall be reimbursed by the party or parties taxed with the costs. The  
7 compensation court or judge thereof may award and tax such costs and  
8 apportion the same between the parties or may order the compensation  
9 court to pay such costs as in its discretion it may think right and  
10 equitable. If the expense is unpaid, the expense shall be paid by the  
11 party or parties taxed with the costs or may be paid by the  
12 compensation court. The reporter shall faithfully and accurately  
13 report or record the proceedings.

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

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

24           Sec. 12. Section 48-182, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1                   48-182 In case either party at interest refuses to accept  
2 any final order of the Nebraska Workers' Compensation Court, ~~on~~  
3 ~~original hearing,~~ such party may, within ~~fourteen~~ thirty days  
4 thereafter, file with the compensation court ~~an application for~~  
5 ~~review~~ a notice of appeal and within ~~fourteen~~ thirty days ~~from~~ after  
6 the date of such final order file with the compensation court a  
7 praecipe for a bill of exceptions. Within two months from the date of  
8 the filing of the praecipe, the court reporter or transcriber shall  
9 deliver to the clerk of the Nebraska Workers' Compensation Court a  
10 bill of exceptions which shall include a transcribed copy of the  
11 testimony and the evidence taken before the compensation court ~~on~~  
12 ~~original~~ at the hearing, which transcribed copy when certified to by  
13 the person who made or transcribed the record shall constitute the  
14 bill of exceptions. The transcript and bill of exceptions shall be  
15 paid for by the party ordering the same, except that upon the  
16 affidavit of any claimant for workers' compensation, filed with or  
17 before the praecipe, that he or she is without means with which to  
18 pay and unable to secure such means, payment may, in the discretion  
19 of the compensation court, be waived as to such claimant and the bill  
20 of exceptions shall be paid for by the compensation court in the same  
21 manner as other compensation court expenses.

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

1 section.

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

15           Sec. 13. Section 48-185, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           48-185 Any appeal from the judgment of the Nebraska  
18 Workers' Compensation Court ~~after review~~ shall be prosecuted and the  
19 procedure, including the designation of parties, handling of costs  
20 and the amounts thereof, filing of briefs, certifying the opinion of  
21 the Supreme Court or decision of the Court of Appeals to the  
22 compensation court, handling of the bill of exceptions, and issuance  
23 of the mandate, shall be in accordance with the general laws of the  
24 state and procedures regulating appeals in actions at law from the  
25 district courts except as otherwise provided in section 48-182 and



1 this section. The proceedings to obtain a reversal, vacation, or  
2 modification of judgments, awards, or final orders made by the  
3 compensation court ~~after a review~~ shall be by filing in the office of  
4 the clerk of the Nebraska Workers' Compensation Court, within thirty  
5 days after the entry of such judgment, decree, or final order, a  
6 notice of ~~intention to prosecute such~~ appeal signed by the appellant  
7 or his or her attorney of record. No motion for a new trial shall be  
8 filed. An appeal shall be deemed perfected and the appellate court  
9 shall have jurisdiction of the cause when such notice of appeal shall  
10 have been filed in the office of the clerk of the Nebraska Workers'  
11 Compensation Court, and after being so perfected no appeal shall be  
12 dismissed without notice, and no step other than the filing of such  
13 notice of appeal shall be deemed jurisdictional. The clerk of the  
14 Nebraska Workers' Compensation Court shall forthwith forward a  
15 certified copy of such notice of appeal to the Clerk of the Supreme  
16 Court, whereupon the Clerk of the Supreme Court shall forthwith  
17 docket such appeal. Within thirty days after the date of filing of  
18 notice of appeal, the clerk of the Nebraska Workers' Compensation  
19 Court shall prepare and file with the Clerk of the Supreme Court a  
20 transcript certified as a true copy of the proceedings contained  
21 therein. The transcript shall contain the judgment, decree, or final  
22 order sought to be reversed, vacated, or modified and all pleadings  
23 filed with such clerk. Neither the form nor the substance of such  
24 transcript shall affect the jurisdiction of the appellate court. Such  
25 appeal shall be perfected within thirty days after the entry of

1 judgment by the compensation court, the cause shall be advanced for  
2 argument before the appellate court, and the appellate court shall  
3 render its judgment and write an opinion, if any, in such cases as  
4 speedily as possible. The judgment made by the compensation court  
5 ~~after review~~ shall have the same force and effect as a jury verdict  
6 in a civil case. A judgment, order, or award of the compensation  
7 court may be modified, reversed, or set aside only upon the grounds  
8 that (1) the compensation court acted without or in excess of its  
9 powers, (2) the judgment, order, or award was procured by fraud, (3)  
10 there is not sufficient competent evidence in the record to warrant  
11 the making of the order, judgment, or award, or (4) the findings of  
12 fact by the compensation court do not support the order or award.

13 Sec. 14. Section 48-191, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

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

1 proclamation to be a holiday, shall be deemed to be the last day for  
2 filing any such ~~paper~~ document or pleading or taking any such other  
3 action with respect to a claim for compensation.

4           Sec. 15. Cases pending before the Nebraska Workers'  
5 Compensation Court on the operative date of this section in which a  
6 hearing on the merits has been held prior to such date shall not be  
7 affected by the changes made in sections 48-125, 48-145.01, 48-155,  
8 48-156, 48-170, 48-178, 48-180, 48-182, and 48-185 by this  
9 legislative bill. Any cause of action not in suit on the operative  
10 date of this section and any cause of action in suit in which a  
11 hearing on the merits has not been held prior to such date shall  
12 follow the procedures in such sections as amended by this legislative  
13 bill.

14           Sec. 16. Section 48-1,110, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           48-1,110 Sections 48-101 to 48-1,117 and section 15 of  
17 this act shall be known and may be cited as the Nebraska Workers'  
18 Compensation Act.

19           Sec. 17. Sections 6, 8, 17, 18, and 21 of this act become  
20 operative on their effective date. The other sections of this act  
21 become operative three calendar months after the adjournment of this  
22 legislative session.

23           Sec. 18. Original sections 48-167 and 48-175.01, Reissue  
24 Revised Statutes of Nebraska, are repealed.

25           Sec. 19. Original sections 48-125, 48-145.01, 48-153,

1 48-155, 48-156, 48-170, 48-177, 48-178, 48-180, 48-182, 48-185,  
2 48-191, and 48-1,110, Reissue Revised Statutes of Nebraska, are  
3 repealed.

4           Sec. 20. The following section is outright repealed:  
5 Section 48-179, Reissue Revised Statutes of Nebraska.

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