

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 967

Introduced by Lathrop, 12.

Read first time January 11, 2022

Committee: Business and Labor

1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
2 amend sections 48-163, 48-174, and 48-177, Reissue Revised Statutes
3 of Nebraska; to change provisions relating to rules and regulations
4 and service; to allow hearings and trials under the act to be
5 conducted telephonically or by videoconferencing; and to repeal the
6 original sections.

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

1 Section 1. Section 48-163, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-163 (1) The Nebraska Workers' Compensation Court, by a majority
4 vote of the judges thereof, may adopt and promulgate all reasonable rules
5 and regulations necessary for carrying out the intent and purpose of the
6 Nebraska Workers' Compensation Act, except that rules and regulations
7 relating to the compensation court's adjudicatory function shall become
8 effective only upon approval of the Supreme Court.

9 (2) No rule or regulation to carry out the act shall be adopted and
10 promulgated except after public hearing conducted by a quorum of the
11 compensation court on the question of adopting and promulgating such rule
12 or regulation. Notice of such hearing shall be given at least fourteen
13 ~~thirty~~ days prior thereto by publication on the official website of the
14 Nebraska Workers' Compensation Court and the Public Meeting Calendar on
15 the state's website. Working in a newspaper having general circulation in
16 ~~the state.~~ Draft copies of all such rules and regulations shall be
17 available to the public at the compensation court at the time of giving
18 notice.

19 (3) The administrator of the compensation court shall establish and
20 maintain a list of subscribers who wish to receive notice of public
21 hearing on the question of adopting and promulgating any rule or
22 regulation and shall provide notice to such subscribers. The
23 administrator shall distribute a current copy of existing rules and
24 regulations and any updates to those rules and regulations once adopted
25 to the State Library and to each county law library or the largest public
26 library in each county.

27 Sec. 2. Section 48-174, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 48-174 Upon the filing of such petition a summons shall issue and be
30 served upon the adverse party, as in civil causes, together with a copy
31 of the petition. Return of service shall be made within fourteen seven

1 days after the date of issue. An acknowledgment on the summons or the
2 voluntary appearance of a defendant is equivalent to service.

3 Sec. 3. Section 48-177, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 48-177 (1) At the time a petition or motion is filed, one of the
6 judges of the Nebraska Workers' Compensation Court shall be assigned to
7 hear the cause. It shall be heard in the county in which the accident
8 occurred, except as otherwise provided in section 25-412.02 and except
9 that, upon the written stipulation of the parties, filed with the
10 compensation court at least fourteen days before the date of hearing, the
11 cause may be heard in any other county in the state.

12 (2) Any such cause may be dismissed without prejudice to a future
13 action (a) by the plaintiff, if represented by legal counsel, before the
14 final submission of the case to the compensation court or (b) by the
15 compensation court upon a stipulation of the parties that a dispute
16 between the parties no longer exists.

17 (3) Notwithstanding subsection (1) of this section, any hearing or
18 trial before the compensation court ~~all nonevidentiary hearings, and any~~
19 ~~evidentiary hearings approved by the compensation court and by~~
20 ~~stipulation of the parties,~~ may be conducted ~~heard by the court~~
21 telephonically or by videoconferencing or similar equipment at any
22 location within the state as ordered by the trial court and in a manner
23 that ensures the preservation of an accurate record. Hearings and trials
24 conducted in this manner shall be consistent with the public's access to
25 the courts.

26 Sec. 4. Original sections 48-163, 48-174, and 48-177, Reissue
27 Revised Statutes of Nebraska, are repealed.