

## LEGISLATIVE BILL 252

Approved by the Governor March 4, 1971

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend section 48-182, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to revise the procedure for appeal from a workmen's compensation court decision; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. That section 48-182, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-182. In case either party at interest refuses to accept any final order of the Nebraska Workmen's Compensation Court, such party may, within fourteen days thereafter, file with the Nebraska Workmen's Compensation Court a notice of intention to appeal and within twenty-one days from the date of such final order file with the district court in the county in which such cause arose, or upon the written stipulation of the parties, with the district court in any other county in the state, a verified petition setting forth the contention upon which such party relies for reversal or modification, together with a transcript of the pleadings before the compensation court and the orders of such court certified to by the clerk thereof. Within thirty forty-five days from the date of final order the appellant shall file in the district court a transcribed copy of the testimony and the evidence taken before the compensation court, which transcript when certified to by the stenographer who made the record and settled by the compensation court as such shall constitute the bill of exceptions. Such transcript and bill of exceptions shall be paid for by the party ordering the same; ~~in the same manner as is done in the district court;~~ Provided, that upon the affidavit of any claimant for workmen's compensation that he is without means wherewith to pay, and unable to secure such means, payment may, in the discretion of the Nebraska Workmen's Compensation Court, 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 fails to prepare and file the bill of exceptions with the clerk of the Nebraska Workmen's Compensation Court within forty days from the date of final order, the district 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 made within one month after the expiration of the time allowed by this section or within one month after the expiration of a previous extension of time, or within such additional time as the district court in its discretion upon proper showing may allow. A copy of such order granting an extension of time shall be filed with the Nebraska Workmen's Compensation Court by the party requesting such extension within five days after the date of such order.

Sec. 2. That original section 48-182, Reissue Revised Statutes of Nebraska, 1943, is repealed.