

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 952**

Introduced by Albrecht, 17.

Read first time January 10, 2018

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
- 2 amend section 48-177, Revised Statutes Cumulative Supplement, 2016;
- 3 to change provisions relating to dismissals; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-177, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3 48-177 (1) At the time a petition or motion is filed, one of the  
4 judges of the Nebraska Workers' Compensation Court shall be assigned to  
5 hear the cause. It shall be heard in the county in which the accident  
6 occurred, except as otherwise provided in section 25-412.02 and except  
7 that, upon the written stipulation of the parties, filed with the  
8 compensation court at least fourteen days before the date of hearing, the  
9 cause may be heard in any other county in the state.

10 (2) Any such cause may be dismissed ~~without prejudice to a future~~  
11 ~~action~~ (a) by the plaintiff, if represented by legal counsel, before the  
12 final submission of the case to the compensation court or (b) by the  
13 compensation court upon a stipulation of the parties that a dispute  
14 between the parties no longer exists. A dismissal under this subsection  
15 shall be without prejudice to a future action unless otherwise stated,  
16 except that if the dismissal is by a plaintiff who has previously  
17 dismissed an action against the same defendant in the compensation court  
18 that includes or is based on the same cause, such dismissal shall be with  
19 prejudice to a future action, unless otherwise ordered by the  
20 compensation court in the interests of justice.

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

28 Sec. 2. Original section 48-177, Revised Statutes Cumulative  
29 Supplement, 2016, is repealed.