

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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January 28, 1999 LB 48, 228

a good idea. And there were...there was support. So, I'll be glad to try to answer any questions and ask for your support to advance the bill.

SENATOR CROSBY: Thank you, Senator Bromm. Any discussion on LB 228? Seeing none, Senator Bromm. Senator Bromm waives closing. The question is the advancement of LB 228 to E & R. All in favor vote aye, opposed no. Record, please.

CLERK: 25 ayes, 0 nays, Madam President, on the advancement of 228.

SENATOR CROSBY: LB 228 advances. LB 48.

CLERK: (LB) 48, by Senator Brashear. (Read title.) The bill was introduced on January 7, referred to the Judiciary Committee, advanced to General File. There are committee amendments pending.

SENATOR CROSBY: Senator Brashear, to open on LB 48.

SENATOR BRASHEAR: Madam Chair, members of the body, LB 48, which we refer to as the real party in interest bill, is procedural in its purpose and substance. Section 25-301 of our statute provides that every action must be prosecuted in the name of the real party in interest. The purpose of the statute is to ensure that a defendant is not subject to what might be called double liability, by being sued both by a nominal party and by a "real party", as defined in law, a real party in interest. The statute insures that the plaintiff bringing the action is the party that actually incurred the damages...incurred the damages being sued for. LB 48's purpose is to prevent a lawsuit from being dismissed on the grounds that it is not prosecuted in the name of the real party in interest until a reasonable period of time has been allowed for substitution of that party. So we avoid anybody having to do a double filing, we avoid someone having to do a second filing and pay a second fee for no substantive reason at all. That's the purpose of the bill, and I would urge its advancement.

SPEAKER KRISTENSEN PRESIDING