

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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January 24, 2000 LB 55, 509

PRESIDENT MAURSTAD: There's a request for a recorded vote. Those in favor vote aye, those opposed nay. Have you voted? Mr. Clerk, please record.

CLERK: 3 ayes, 21 nays on the motion to adjourn, Mr. President.

PRESIDENT MAURSTAD: The motion to adjourn is not agreed to. The question is the advancement of LB 509 to E & R Initial. Those in favor vote aye, those opposed nay. Record vote has been requested. Mr. Clerk, please record.

CLERK: (Record vote read, Legislative Journal pages 410-411.) 6 ayes, 37 nays, Mr. President, on the motion to advance the bill.

PRESIDENT MAURSTAD: The question is not agreed to. Mr. Clerk.

CLERK: Mr. President, next item, LB 55, introduced by Senator Brashear. (Read title.) Bill was introduced on January 7 of last year, at that time was referred to the Judiciary Committee. Bill was advanced to General File. I do have committee amendments, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Brashear, you're recognized to open on LB 55.

SENATOR BRASHEAR: Mr. President and members of the body, LB 55 would enact a new section to Nebraska's civil procedure statutes to allow what's called a savings clause for civil actions that are dismissed on grounds other than the merits of the case. LB 55 would allow a civil action that was commenced within the time prescribed by the applicable statute of limitations but then fails for reasons other than the merits of the case, it would allow that action to be revived within six months of the failure of the action, even if the statute of limitations would otherwise prevent the plaintiff from commencing a new action. This bill is offered to you as a means of protecting litigants, not lawyers but litigants, as against a miscarriage of justice where their action in court has not been heard and fails, not because of its merits, but because of some procedural issue. And I would urge the advancement of LB 55. Thank you.