

AM7222  
LB 876  
MHF-04-08

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E & R AMENDMENTS TO LB 876

1           1. In the Standing Committee amendments, AM2941:

2           a. Insert the following new sections:

3           "Sec. 39. Section 25-2151, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           25-2151. If, in the case mentioned in section 25-2150,  
6 there shall be any default subsequent to such decree in the payment  
7 of any portion or installment of the principal, or any interest due  
8 upon such mortgage, the court may, upon the ~~petition~~ complaint of  
9 the complainant, by a further order, founded upon such first  
10 decree, direct a sale of so much of the mortgaged premises to be  
11 made, under such decree, as will be sufficient to satisfy the  
12 amount so due, with the costs of such ~~petition~~ complaint and  
13 subsequent proceedings thereon, and the same proceedings may be had  
14 as often as a default shall happen.

15           Sec. 54. Section 25-2211, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           25-2211. The trial docket shall be made out by the clerk  
18 of the court at least twelve days before the first day of each term  
19 of the court; and the actions shall be set for particular days in  
20 the order in which the issues were made up, whether of law or of  
21 fact, and so arranged that the cases set for each day shall be  
22 tried as nearly as may be on that day. For the purpose of  
23 arranging the docket, an issue shall be considered as made up when  
24 either party is in default of a pleading. If the defendant fails

1 to answer, ~~or demur,~~ the cause for the purpose of this section  
2 shall be deemed to be at issue upon questions of fact, but in every  
3 such case the plaintiff may move for and take such judgment as he  
4 or she is entitled to, on the defendant's default, on or after the  
5 day on which ~~said the~~ the action ~~shall be~~ is set for trial. No  
6 witnesses shall be subpoenaed in any case while the cause stands  
7 upon issue of law. ~~† and whenever~~ Whenever the court ~~shall regard~~  
8 regards the ~~demurrer~~ answer in any case as frivolous, and put in  
9 for delay only, no leave to answer or reply shall be given, unless  
10 upon payment of all costs then accrued in the action. ~~† PROVIDED,~~  
11 ~~when~~ When the number of actions to be docketed ~~shall exceed~~ exceeds  
12 three hundred, the judge or judges of the district court for the  
13 county may, by rule or order, classify them in such manner as they  
14 may deem expedient, and cause them to be placed according to such  
15 classifications upon different dockets; and the respective dockets  
16 may be proceeded with and causes thereon tried, heard, or otherwise  
17 disposed of, concurrently by one or more of the judges. ~~† and~~  
18 ~~provision~~ Provision may be made by rule of court that issues of  
19 fact shall not be for trial at any term when the number of pending  
20 actions ~~shall exceed~~ exceeds three hundred, except upon such  
21 previous notice of trial as may be prescribed thereby.

22           Sec. 88. Sections 1, 4, 55, 59 to 63, 72, 73, 78, 80,  
23 and 89 of this act become operative three calendar months after  
24 adjournment of this legislative session. Sections 3, 64 to 71, 86,  
25 88, 91, and 93 of this act become operative on their effective  
26 date. The other sections of this act become operative on January  
27 1, 2003.";

- 1                   b.     On page 23, line 2, after "awarded" insert an  
2     underscored comma;
- 3                   c.     On page 33, line 26, strike the first "or" and insert  
4     an underscored comma;
- 5                   d.     On page 45, line 8, strike "71-1442" and insert  
6     "76-1442";
- 7                   e.     On page 48, line 19, after the fourth comma insert  
8     "25-2151, "; and in line 21 after "25-2210," insert "25-2211, "; and
- 9                   f.     Re-number remaining sections and correct internal  
10    references accordingly.
- 11                  2.     In the Kristensen amendment, AM3183:
- 12                   a.     Strike section 86;
- 13                   b.     On page 9, line 16, strike "a term", show as  
14     stricken, and insert "terms"; and
- 15                   c.     On page 10, line 27, after "amounts" insert an  
16     underscored comma.
- 17                  3.     On page 1, strike beginning with "civil" in line 1  
18     through line 17 and insert "law; to amend sections 24-209, 25-217,  
19     25-318, 25-321, 25-323, 25-328, 25-330, 25-331, 25-501, 25-503.01,  
20     25-504.01, 25-516.01, 25-531, 25-1002, 25-1063, 25-1064.01,  
21     25-1075, 25-1085, 25-1102, 25-1321, 25-1715, 25-2005, 25-2124,  
22     25-2125, 25-2137 to 25-2140, 25-2142, 25-2143, 25-2148, 25-2151,  
23     25-2162, 25-2170, 25-2171, 25-2178, 25-21,108, 25-21,113,  
24     25-21,115, 25-21,124, 25-21,134, 25-21,156, 25-21,202, 25-21,206,  
25     25-21,223, 25-2210, 25-2211, 25-2221, 25-2226, 29-3920, 33-107.01,  
26     42-351, 44-2833, 44-2840, 44-2841, 44-2842, 76-1441, 76-1442,  
27     77-1904, and 77-1906, Reissue Revised Statutes of Nebraska,

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1 sections 25-519, 25-525, 25-1506, 25-2002, 25-2704, 25-2805,  
2 45-103, 60-4,105, 76-1002, 77-1917, and 81-1316, Revised Statutes  
3 Supplement, 2000, and sections 13-518, 25-2924, 25-2925, 25-2928,  
4 29-2709, 29-3921, 29-3927, 29-3931, 29-3932, 29-3933, 29-4121, and  
5 29-4122, Revised Statutes Supplement, 2001; to change and eliminate  
6 general civil procedure pleading provisions; to rename the County  
7 Revenue Assistance Fund; to change provisions relating to the  
8 Commission on Public Advocacy, reimbursement to counties, court  
9 holidays, distribution of court reports, a legal services fee,  
10 court jurisdiction in dissolution of marriage proceedings, interest  
11 on decrees and judgments, and trust deeds; to change and terminate  
12 provisions relating to settlement escrow; to harmonize provisions;  
13 to provide duties for the Revisor of Statutes; to provide operative  
14 dates; to repeal the original sections; to outright repeal sections  
15 25-801 to 25-823, 25-832 to 25-838, 25-841 to 25-856, 25-2175,  
16 77-1905, and 77-1907, Reissue Revised Statutes of Nebraska; and to  
17 declare an emergency.".

18 4. On page 2, strike lines 1 through 3.