



**Ninety-Seventh Legislature - First Session - 2001
Committee Statement
LB 354**

Hearing Date: 2/08/2001
Committee On: Judiciary

Introducers: (Brashear)
Title: Change and eliminate civil procedure provisions relating to security for costs

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senators Baker, Bourne, Brashear, Connealy, Pedersen, Robak, Tyson
	No	
	Present, not voting	
1	Absent	Senator Chambers

Proponents:

Senator Kermit Brashear
Roger Kirst
Bill Mueller

Representing:

Introducer
Nebraska Supreme Court Committee on Practice and Procedure
Nebraska State Bar Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Under current law, a plaintiff who is a nonresident of a county is required to furnish a surety or bond for costs that are likely to accrue in such action. If a plaintiff fails to furnish such surety or bond, the defendant may move to dismiss the plaintiff's case.

LB 354 would amend the law to allow a party to request that a court require a cost bond only when the claim is asserted by a nonresident of Nebraska. The bill broadens the cost bond requirement for any nonresident party who asserts a claim.

Explanation of amendments, if any:

The Committee Amendment makes several minor changes to the bill, all of which further its original intent.

The word “action” is replaced with “claim” in section 25-1702. Such a change is to clarify that if a party fails to provide security, the *claim* may be dismissed. In a multi-claim lawsuit, dismissal of a single claim would not necessarily result in dismissal of an *action*.

Language referring to “plaintiff” and “defendant” is also deleted from the bill in several sections. Such changes are done to reflect LB 354’s intent that any nonresident party—not merely the plaintiff—may be required to post a bond to cover costs arising pursuant to his or her claim.

Senator Kermit A. Brashear, Chairperson