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FLOOR DEBATE

April 4, 2002            LB 874, 876

on appeal; two, when perishable property, such as unharvested crops, are a part of the estate in dispute, and any value in such property will be lost while the case is on appeal; three, when a party is awarded some property, such as an automobile, uses it while the case is on appeal, and is then precluded from disputing the award of such because the opposing...

SENATOR COORDSEN: Time.

SENATOR BRASHEAR: ...party argues that such is an acceptance of the lower court's ruling.

SENATOR COORDSEN: Thank you, Senator Brashear. You do have another 10 minutes to open on committee amendments, if you have more to say.

SENATOR BRASHEAR: Thank you very much, Mr. Chairman, I do. I'm trying to be as brief in summary as possible. The second bill incorporated...oh, I do want to add that as to Senator Connealy's bill, all members of the Judiciary Committee were present in the Executive Session, voted to advance it. LB 874, at Section 52, pages 28 through 29 of the committee amendment, is also incorporated. LB 874, as we've amended it, which I happened to introduce, would expand the current holiday schedule for courts to include all days declared by law or proclamation of the Governor to be holidays. Such change is to conform the holiday schedule of the courts with that of the other branches of state government. LB 874 is not an attempt to give court employes a day off. It was introduced for two very legitimate reasons. Many courts share facilities with state offices or county offices that have holiday schedules that conform to that of the state. As such, it is a practical problem to keep a court open when a state or county building is shut or closed. Secondly, eliminate...we're trying to eliminate a potential trap for the unwary. There are many time lines involved in litigation as a matter of statute and procedure. For instance, a party has 30 days in which to file an appeal from a trial court. Court holidays do not count as days. A party, particularly a party not represented by counsel, might assume that since the state Capitol is closed for a state holiday, the Supreme Court will be closed as well, and that they have...he or