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LB 19, 313

requirement that mandates that those lists, once combined, be periodically refreshed. The report found that there is reason to believe that such lists are not updated at reasonable increments and can remain unchanged for years. Therefore, some jury lists may not be representative of the changing demographic composition of the community that they reflect. To ensure that the jury lists are refreshed regularly in the pursuit of justice and due process, the amendment requires that such jury lists be refreshed annually. The final bill contained in the amendment, committee amendment, is what was LB 313, which can be found at Section 7 of the amendment. Under current law, a nonresident of Nebraska, that is a plaintiff in a case who is not a resident of Nebraska, may be ordered upon motion by the defendant to furnish security or cash bond for the costs that may be assessed against the plaintiff. The filing of such a bond is not mandatory and is not a jurisdictional prerequisite, but if a court orders that security for costs be posted and the plaintiff fails so to do, the court may then dismiss the case, regardless of the merits of the plaintiff's claim. Nebraska first adopted the bond requirement in 1867, 1867, when it first adopted its code of civil procedure. The original code in 1867 allowed for a cost bond to be ordered against both a nonresident of a county and a nonresident of the state. In 2001, we eliminated the provision that allowed the court to order a nonresident of a county to post a cost bond, but the provision that affected non residents of the state remained. LB 313, which is Section 7 of the committee amendment, would repeal Sections 25-1701 and 25-1702 in order to eliminate the requirement that a bond be posted for nonresidents of a state. There are other statutes and procedures which have been adopted since 1867 that provide much protection for parties in order that they can recover their costs against nonresidents, and this particular cost bond is not necessary. Every state has adopted in some form the Uniform Enforcement of Foreign Judgments Act. That act allows a party to register a Nebraska order or judgment for costs in another state and enforce that order in a foreign state. Additionally, more than a majority of the states, in fact 31 states, do not require nonresident parties to post bonds in civil matters, and your committee believed that Nebraska ought not either. All three bills were advanced unanimously by your Judiciary Committee. I urge the adoption of the committee amendment and