

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

March 23, 2004 LB 1035, 1207

a party to proceed without prepayment of fees, costs, or security. In such cases, fees, costs and security are paid with county funds. Permission to proceed in forma pauperis will be granted absent an objection that the party filing the application does in fact have sufficient monies in order to pay the fees, costs, and security or is asserting legal claims that are frivolous or malicious. Under current statutory law, an objection to an application to proceed in forma pauperis must be made within 30 days after the filing of the application. LB 1035 provides an exception to the 30-day time limit, allowing an objection to proceeding in forma pauperis to be made at any time if the grounds for the objection...ground or grounds is that the initial application was fraudulent. All five bills incorporated into the committee amendment to LB 1207 were advanced by your Judiciary Committee, and LB 1207 was advanced unanimously by the committee. I urge the adoption of the committee amendment and the advancement of the bill. Thank you.

SENATOR VRTISKA: Thank you, Senator Brashear. Mr. Clerk, amendment to the...

CLERK: Mr. President, Senator Brashear would move to amend the committee amendments, AM3343. (Legislative Journal page 1215.)

SENATOR VRTISKA: Senator Brashear.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. This amendment makes one change to Section 6 of the committee amendment which amends the supersedeas bond statute. There has been a great deal of input to your Judiciary Committee concerning the supersedeas bond amount and the parameters which were established. The committee amendment currently states that a supersedeas bond amount shall not exceed 50 percent of the applicant's net worth. The amendment would change the supersedeas bond limit stating that the bond amount shall not exceed the lesser of 50 percent of the appellant's net worth or \$50 million. It would seem that in most instances \$50 million would, in fact, ensure the security of the prevailing party. This amendment balances the appellant's ability to post a supersedeas bond in a large judgment case, such as a class action or otherwise, with the right of the appellee to the