

March 29, 1979

LB 510

CLERK: (Read title to LB 510.) The bill was read on January 17. It was referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments by Senator Nichol's Judiciary Committee.

PRESIDENT: The Chair recognizes Senator Nichol, speaking to the committee amendments.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 510 redefines the date upon which the court action is commenced. The bill will make this date the date that the petition is filed with the court. The first committee amendment requires that the defendant in the case receives summons, receives service by summons, within six months after the petition is filed. Thus, if the defendant is not served within the six months period the suit will not be deemed to have commenced. It was felt by the committee that some time limit must be placed for the service of summons in such action. Otherwise cases would continue on the court docket with a petition and no summons for an indefinite period of time. The second committee amendment strikes section 3 of LB 510. Section 3 would provide an additional six months for the plaintiff to file a second action if the first action fails for any reason other than failure to prosecute. This would, in effect, provide an additional six months to the statute of limitations bar on suits if first action fails. The committee felt that this six months extension of the statute of limitations was unnecessary. This section would, in effect, allow a hastily conceived action be commenced even though it is destined to fail unless allowed two six months additional to put together a more successful legal action. I move for the adoption of the committee amendments.

PRESIDENT: Any further discussion on the committee amendments to LB 510? If not, all those in favor of adopting the committee amendments vote aye, opposed nay. Have you all voted on the committee amendments on LB 510? Record the vote.

CLERK: 25 ayes, 0 nays on adoption of the committee amendments.

PRESIDENT: Motion carries. The committee amendments are adopted. Senator Nichol, I think Senator Johnson will have... The Chair recognizes Senator Vard Johnson.

SENATOR JOHNSON: Mr. President, members of the body, the