

February 8, 1995 LB 411

We're voting on the adoption of the committee amendments to LB 411. Have you all voted? Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SENATOR HALL: The committee amendments are adopted. Senator Janssen, to open on the bill.

SENATOR JANSSEN: Thank you, Senator Hall, members of the body, it's my pleasure to introduce this bill into the body. LB 411 was introduced to clean up a procedural problem associated with the comparative negligence laws. The bill is strictly procedural in nature, intending only to bring third party pleading up to the date by addressing references of Section 25-323. In comparative negligence cases, the goal is to allocate negligence among all the responsible parties. In many incidents, all responsible parties are not included in the negligent actions when the action begins. This may be for a variety of reasons. What this bill would do is allow either party in the negligent action to bring any potentially negligent party not initially named in the suit. The bill keeps the existing procedural safeguards of requiring a hearing so that the moving party will have to satisfy the court that there is a reasonable basis for bringing in an additional party. The bill would have the practical effect of avoiding lengthy and expensive motions which would not otherwise be necessary if Section 25-323 were amended. This also deals with saving time and lengthy legal fees which are unnecessary, in my opinion anyway. I strongly urge the advancement of LB 411, and I might add that the Nebraska State Bar Association Legislative Committee voted to support LB 411 at its meeting on January 20, 1995. Thank you.

SENATOR HALL: Thank you, Senator Janssen. You've heard the opening on the bill. Is there any discussion? Seeing none, Senator Janssen, to close on the advancement to E & R. He waives closing. The question is the advancement to E & R Initial of LB 411. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 411.