

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 29, 1999 LB 689

have no resources. The bill refers to any county or state court except Workers' Compensation Court. LB 689 allows the litigant ten days after he or she has been told his application to proceed to trial in forma pauperis has no merit. During the ten days, the person may obtain the needed funds, or make arrangements with his or her attorney to appeal the ruling. The ten days shall be honored regardless of any other statutes of limitation. AM1141 was brought to my attention by Joe Steele of the Court Administrator's Office. The constituent attorney, who asked me to sponsor the bill, also agrees with the need to harmonize provisions. AM1141 simply adds reference to the changes made by LB 689 to additional sections of law. Those sections also deal with filing and proceeding as a pauper. The amendment also clarifies that frivolous or malicious positions cannot be a reason to deny an application to proceed without payment if doing so it would deny a constitutional right to appeal in a felony case. For these reasons, I ask you to approve the motion to return LB 689 to Select File. Thank you, Mr. Speaker.

PRESIDENT MAURSTAD: Thank you, Senator Robak. Discussion on the motion to return LB 689 to Select File? Senator Robak, you're recognized to close.

SENATOR ROBAK: You've heard my explanation. I just ask that it be adopted and LB 689 be advanced to E & R final. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Robak. The motion is to return LB 689 to Select File for AM1141. Those in favor vote aye, those opposed nay. Please record.

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to return the bill.

PRESIDENT MAURSTAD: The bill is returned to Select File. Senator Robak, you're recognized to open on AM1141.

SENATOR ROBAK: Thank you, Mr. President. You already heard my amendment. I just, again, ask that you...that it be adopted and LB 689 be...AM1141 be adopted. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Robak. Is there