

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 689

by statute, eliminating that requirement for a hearing in one specific instance. That instance would be when the court on its own motion determined that a proceeding was frivolous or malicious. However, we impose in this amendment which I would ask you to adopt, we impose the requirement that the court acting on its own motion without a hearing must set forth the written reasons why it is denying the ability to proceed in forma pauperis in order that a litigant could take an appeal from that. At the present time, we also, and this is something that concerns some of the lawyer members and the Governor's office, we were requiring that an objection be filed within ten days. We've now extended that to 30 days, but as a matter of parity and equality, we've extended the period in which the litigant can appeal the denial of the application to proceed in forma pauperis. We've also extended that period to 30 days. I believe that this accommodates the interest of all, makes it an even better bill. I would urge the adoption of the amendment, the return of the bill, the adoption of the amendment, and the readvancement of LB 689. Thank you.

SPEAKER KRISTENSEN: Debate on the motion to return? Seeing none, Senator Brashear waives closing. The question before the body is the return of LB 689 to Select File for a specific amendment. All those in favor vote aye; all those opposed vote nay. Please record.

CLERK: 42 ayes, 0 nays, Mr. President, on the motion to return LB 689.

SPEAKER KRISTENSEN: The motion is successful. Senator Brashear, you are now recognized to open on your amendment. (AM1873, Legislative Journal page 2260.)

SENATOR BRASHEAR: Mr. Speaker, thank you. Members of the body, I would urge the adoption of the amendment for the reasons previously stated. Thank you.

SPEAKER KRISTENSEN: Debate on the specific amendment? Seeing none, Senator Brashear, you're recognized to close. He waives closing. The question before the body is the adoption of AM1873. All those in favor vote aye; all those opposed vote nay. Have you all voted? Please record.