

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

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LB 921

Robak. Did you wish to proceed, Senator Brashear? Senator Landis, Senator Jones, Senator Vrtiska, please check in. Senator Wehrbein. Members, if you're in your offices, please return. House is under call. Senator, are you saying that we can go ahead?

SENATOR BRASHEAR: Yes, please.

SENATOR CUDABACK: Okay. The question is, shall the committee amendments be adopted to LB 921? All in favor vote aye, opposed nay. Have you all voted who care to? Record, please, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on the advance...I'm sorry, on the adoption of the committee amendments.

SENATOR CUDABACK: The committee amendments are adopted to LB 921. I raise the call.

CLERK: Mr. President, Senator Brashear would move to amend with AM2612. (AM2612, Legislative Journal page 873.)

SENATOR CUDABACK: You're recognized to open on your amendment.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. This is, to be candid, another bill. This was heard by your Judiciary Committee. It was advanced unanimously by those present who were hearing it. I would describe it as technical in nature. It deals with two procedural concerns. Section 1 addresses the method of service for plaintiffs in small claims court. Currently, one method in which a plaintiff may serve notice upon a defendant that an action has been filed against them is by certified mail. If a plaintiff chooses this method of service, the clerk of the court is to carry out the service. This amendment would change the requirement by putting the burden on the plaintiff to serve notice, as is required with other methods of service and is necessary to make the service of small claims petitions consistent with how service is accomplished in civil cases filed in the county court. The second portion of AM2612 would deal with appeals of motions to suppress. The bill from which this is taken, which was heard by your committee, changes the language to require appellants to