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March 23, 2004 LB 1097, 1207

great deal of compromise that went into some of the issues. Thank you very much and I ask for your support.

SENATOR VRTISKA: Thank you, Senator Stuhr. The issue is the vote on LB 1097. All those who care to vote, vote aye, those against vote nay. Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays on the advancement of LB 1097, Mr. President.

SENATOR VRTISKA: LB 1097 advances. Next issue is LB 1207. Senator Brashear.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. LB 1207 would make three technical changes to our civil procedure statutes. First, LB 1207 clarifies the language in our statutes with regard to the filing of posttrial motions. Current statutory language specifies that the time for the filing of the posttrial motion shall be no later than ten days after the entry of judgment. During the 1999-2000 Session, your Judiciary Committee worked to better define when the time to appeal actually commences to run. Prior to the enactment of LB 43 in 1999 and its companion, LB 921 in 2000, statutory language defined the time for appeal from a judgment as running from the "rendition" of the judgment. This rule led to some confusion as to at what point in time rendition has actually occurred. LB 43 clarified that point by defining rendition as occurring by requiring that rendition of a judgment be done in writing and defined entry of a judgment as the time at which the clerk places the file stamp and date upon the written judgment decree or order. In LB 921, the Legislature adopted language defining the time for filing a new trial motion, or motion for new trial, as no later than ten days after entry of judgment, and mirrored that language in sections regarding judgment notwithstanding the verdict and motions to alter or amend a judgment. That language mirrors language which is found in the federal rules of civil procedure. However, the interpretation applied by the Nebraska Supreme Court to that language differs from that which has consistently been applied under the federal rule. In Macke v. Pierce, the Supreme Court interpreted Nebraska Revised Statute 25-1144.01 as only allowing the filing