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February 25, 1998 LB 234, 970, 1224, 1225

amend three additional legislative bills, which have been unanimously advanced by those present in Judiciary Committee, which all relate to civil procedure. I stand before this morning, the amendment is 3315. You have before you on the floor 3307, and I represent to you there are only two words difference, on page 2 at line 19 we would insert, in the inserted language it would be, after the word "service", it would be "service of summons" or "of process", "of process". With that change what we are doing here are the good objectives of three bills. First of all, LB 970, which simply makes civil procedure in county court the same as civil procedure in district court as it relates to deadlines, time lines, answer days and the like. The county court would also have the same power to set aside default judgments, as does the district court. Those are the only changes and we are not granting to county courts more than district courts, we're granting to county courts the identical powers of the district courts. The second bill we would be incorporating by the amendment is LB 1224, which provides that with regard to actions for declaratory judgment, when calling into question the constitutionality of an ordinance or a franchise, we need not engage in the present cumbersome procedure of serving process upon the Attorney General. Senator Hartnett brought this bill, the Attorney General supports this change in order to eliminate this procedural technicality, which is often times a pitfall and is of no real advantage. And the third bill is LB 1225, which would allow a party seeking summary judgment, just like under the federal Rules of Civil Procedure, a party seeking summary judgment to file that summary judgment 30 days after service of process upon the defendant rather than 30 days after the service of an answer by the defendant, which has inordinately delayed the administration of justice in cases where a summary judgment is appropriate. Of course, it's of no consequence where it's not, because the motion for summary judgment will fail. All three of these were provisions or bills that were well supported in Judiciary, were brought to us, were not opposed. And if there was any neutral testimony or minimum negative testimony, we have adjusted the language for it, and the bills were all unanimously advanced by the committee. This is the only bill we will have this session in which we can make this amendment and we can affect these civil procedures in our courts. And I rise for the purpose of returning to Select File for the adoption of