

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB1028**

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**Hearing Date:** Wednesday February 05, 2020  
**Committee On:** Judiciary  
**Introducer:** Lathrop  
**One Liner:** Change filing procedure for actions in Small Claims Court

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Slama, Morfeld, Brandt, Chambers, DeBoer, Lathrop, Pansing Brooks
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Wayne
<b>Present Not Voting:</b>		

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**Oral Testimony:**

**Proponents:**

Zach Pluhacek  
Amy Prenda  
Tim Hruza

**Representing:**

Introducing for Senator Lathrop  
Administrative Office of the Courts & Probation  
Nebraska State Bar Association

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 1028 provides for the Supreme Court to add a process for filing a small claims court action. The proposal would allow the Court to establish an electronic filing process. The bill removes a requirement that the claim form be completed in front of a judge, clerk, or notary which would be an impediment to electronic filing.

Section by section

Section 1 Amends 28-2804 regarding small claims court, by allowing the Supreme Court to provide for a filing process in addition to the current by mail or in person process. The measure also removes language the claim form and requirements that it be executed in the presence of a judge, clerk, or notary.

Section 2 Repeals original section.

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**Explanation of amendments:**

The committee vote to adopt Committee Amendment 2525

7 Yes - Senators Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks & Slama

0 No

1 Absent - Senator Wayne

AM2525 adds LB's 1029, 1032, and 1032 to LB 1028. The details on these additional bills are provided below.

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## LB 1029 (Sections 1 and 2 of AM 2525)

### Overview

LB 1029 changes current statute that provides for microfilming of court records to a "preservation duplicate" as provided in the Records Management Act. This would allow for digital copies of court records.

### Section by section (Section numbers refer to AM2525)

Section 1 Amends 24-1004 regarding Court rules for maintaining records to refer to the Records Management Act.

Section 2 Amends 24-1005 regarding maintaining court records, by removing references to microfilm and allow retention methods as provided in the Records Management Act.

LB 1029 Testifiers heard on February 5, 2020

### Proponents:

Zach Pluhacek, Introducing for Sen. Steve Lathrop

Amy Prenda, Administrative Office of the Courts & Probation

Tim Hruza, Nebraska State Bar Association

Opponents: None

## LB 1032 (Sections 3 and 4 of AM 2525)

### Overview

LB 1032 amends the definition of a judgement so that it does not conflict with the definition of an order found in 25-914 that specifically excludes judgements.

### Section by section (Section numbers refer to AM2525)

Section 3 Amends 25-1301, providing the definition of a judgement, by striking the description as an order and defining a judgement as a single written document encompassing all relief granted.

Section 4 Amends 25-1301.01 to include civil judgements in the time frames for delivering judgements or final orders to the parties.

LB 1032 Testifiers heard on February 5, 2020

### Proponents:

Zach Pluhacek, Introducing for Sen. Steve Lathrop

Amy Prenda, Administrative Office of the Courts & Probation

Opponents: None

## LB 1028 (Section 5 of AM 2525)

### Overview

LB 1028 provides for the Supreme Court to add a process for filing a small claims court action. The proposal would allow the Court to establish an electronic filing process. The bill removes a requirement that the claim form be completed in front of a judge, clerk, or notary which would be an impediment to electronic filing.

### Section by section (Section numbers refer to AM2525)

Section 5 Amends 28-2804 regarding small claims court, by allowing he Supreme Court to provide for a filing process in addition to the current by mail or in person process. The measure also removes language the claim form and requirements that it be executed in the presence of a judge, clerk, or notary.

## LB 1030 (Section 6 of AM2525)

### Overview

LB 1030 increases the time frame for the court to transmit funds due to the county from forfeited recognizances, fines and costs, to within 30 days instead of the current 10 days.

### Section by section

Section 6 Amends 29-2702, to increase the time for the court to transfer the funds from fines, costs, and forfeited recognizances to the county from 10 to 30 days.

LB 1030 Testifiers heard on February 5, 2020

Proponents:

Zach Pluhacek, Introducing for Sen. Steve Lathrop

Amy Prenda, Administrative Office of the Courts & Probation

Opponents: None

Section 7 of AM 2525 repeals original sections.

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Steve Lathrop, Chairperson