

March 29, 1979

LB 510, 328

litigant just never prosecutes it. He never does anything with it and so time passes and finally the statute of limitation period passes and then the litigant wants to recommence the action. Well Senator Hoagland's bill, LB 510, says that if a person has negligently failed to prosecute an action, then that second filing shall not be deemed to toll the statute of limitations. That litigant will be out of luck because he failed to prosecute. This is a very significant change in the way we treat limiting periods in our law. It is an important change, a good change and I certainly recommend its adoption.

PRESIDENT: Any further discussion on the motion to advance LB 510? If not, the question before the house is to advance LB 510 to E & R initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 25 ayes, 0 nays on the motion to advance, Mr. President.

PRESIDENT: Motion carries and LB 510 is advanced to E & R initial. The next bill we will pass over, LB 576, at the orders of the Speaker and will move on to LB 328.

CLERK: (Read title to LB 328.) The bill was first read on January 16. It was referred to the Business and Labor Committee. The bill was advanced to General File. There are committee amendments by Senator Maresh's Business and Labor Committee.

PRESIDENT: The Chair recognizes Senator Maresh.

SENATOR MARESH: Mr. President, members, the committee amended the bill, LB 328, to make the time for appeals uniform. Presently if the notice of disqualification for unemployment compensation is delivered by mail, the person disqualified has ten days to appeal this to the appeal tribunal and if it is hand delivered they have seven days. The committee saw fit to amend this to twenty days, a uniform twenty day period to appeal in. This also includes a good cause after the twenty days if the tribunal sees fit to extend the time for good cause. This is included in the committee amendment and the Department of Labor told the committee it would like to see the appeal to be in writing and to be received. This is included in the committee amendments. I move that the committee amendment be adopted, Mr. President.