

down here every now and then, and I would like then to introduce our former great leader, ex-Chairman of the Exec Board, Frank Lewis, from Bellevue, talking to Mr. Fenger back there.

SPEAKER MARVEL: Thank you. LB 42.

CLERK: Mr. President, LB 42 was offered by the Judiciary Committee and signed by its members. (Read title.) The bill was first read on January 8 of this year. It was referred to the Judiciary Committee for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Speaker, members of the Legislature, LB 42 amends several sections of the law of civil procedure to make more uniform appeals from municipal and county courts to district court. The committee adopted three amendments to LB 42. The first amendment modifies current procedures for transferring cases out of small claims court to the regular docket. As you may recall, last year the bill was amended on the floor which did away with such transfer of proceedings. The district court judges are not happy with this procedure, this new procedure, that we adopted last year which they feel actually works to the detriment of small claimants. The first amendment is actually a compromise between those who wish to restrict such transfers and those who wish unlimited transfer proceedings. The amendment provides that a case may be transferred but that no further pleadings or discovery is to be allowed after such transfer except by permission of the court. This amendment was brought to us by the Supreme Court Committee on Practice and Procedure. The second amendment was presented to us by Senator Hoagland at a public hearing. This particular provision harmonizes the time limit provided regarding the filing of a supersedeas and the filing of notice of appeal to the Supreme Court by making both such time limits thirty days rather than twenty days and thirty days as is now the case. This was not addressed in the original bill simply because the original bill dealt with the appeals from municipal and county courts to district courts and not from district courts to the Supreme Court. This provision is, however, found in the same chapter and sections of the civil procedure code and is in harmony with the bill from a subject matter standpoint. The third amendment merely reinstates uniform language which was mistakenly changed (sic) in the original bill. I move for the adoption of the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee