

CLERK: 25 ayes, 1 nay on adoption of the committee amendments, Mr. President.

SPEAKER NICHOL: Senator Elroy Hefner.

SENATOR HEFNER: Mr. President and members of the body, Senator Hoagland pretty well explained this bill to you. This bill was...or this proposal was brought to me by a constituent and he says that he spends a lot of time on the road running from one county to another to file these. So what this would do, this would allow him to use the small claim court or it would allow any citizen in Nebraska to use the small claim court to file these claims. A lot of these people are busy people. They don't have time to spend on the road. They don't have time to travel from county to county and so this would allow them to use the mails...the mail to file these. And we do use the mail to do a lot of these transactions and so I said, well, why can't we use the mail to do this? And we certainly can. If we pass this bill, they will be allowed to mail these small claims to another county. But if we don't do this, well, then they have the loss of time in travel. They have the expense of traveling and so I certainly think this would be an improvement. I also passed around a page from the Creighton Law Review and this contains an article, The Nebraska Small Claims Court Experiences, a comprehensive examination of attitudes, practices and suggestions for improvement. This article was written by Professor Frank Forbes who is the Chairman of Law in Society at the University of Nebraska at Omaha. I just want to read you part of this. If you want to follow me, it is in footnote number 3. "One improvement not discussed in this article but one which would likely be a wise decision is the placement of LB 125 on General File. It is expected to pass either in the present session or the next session. In summary, it will allow a plaintiff to prepare and file a small claims complaint without having to appear personally before the clerk. This would allow the nonresident to sue by signing before a notary public and mailing in the complaint. This procedure would be supported by the basic principles or policies discussed in this article." Mr. President, I move for the advancement of LB 125.

SPEAKER NICHOL: Senator Hoagland, please.