

January 24, 1995 LB 52, 127

a jury trial, to do this, and many times it is done just for delay and to be dilatory, and not as a matter of convenience, and that works both ways. That can be the landlord or that can be the tenant, depending on which side thinks they may have an advantage. Mr. Speaker, I'd be happy to answer any questions, would urge the body to advance LB 52.

SPEAKER WITHEM: Thank you, Senator Kristensen. Any discussion on the advancement of LB 52? Senator Kristensen, you are not going to get your wish. There will be no questions. You are recognized to close?

SENATOR KRISTENSEN: Mr. Speaker, I think that it is probably good judgement to waive closing. I think closing should be in response to some adverse comments. So I would waive closing.

SPEAKER WITHEM: Okay. You have heard the closing. The question is, shall LB 52 be advanced? All in favor vote aye, opposed vote nay. Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 52.

SPEAKER WITHEM: LB 52 is advanced. Mr. Clerk, LB 127.

CLERK: LB 127, Mr. President, is by Senator Hudkins. (Read title.) The bill was introduced on January 6, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER WITHEM: Senator Hudkins, to open on your bill.

SENATOR HUDKINS: Thank you, Mr. Speaker and members of the body. LB 27 (sic) is really quite simple. It repeals Section 29-2308.01. In 1994, the Nebraska Supreme Court held this statute to be unconstitutional because it violated the separation of powers doctrine of the Nebraska Constitution. This section, which was originally enacted in 1986, allowed courts to resentence criminal offenders. The Supreme Court, in its decision, restricted this power to modify a sentence to the State Supreme Court and to the State Pardons Board, and, therefore, I am asking that the statute be repealed. Thank you.

SPEAKER WITHEM: Thank you, Senator Hudkins. You've heard Senator Hudkins' explanation. Is there any debate or