

January 31, 1979

LB 84

If you reject this first part of the amendment, then you will leave the bill at 11%. If you approve the first amendment, you will leave it at 9%. Thank you, Mr. President.

PRESIDENT: The question is on the divided question of yesterday the adoption of the first part of the amendment which we just read to you. Does anyone want to hear it read one more time? All those in favor then of adopting the first part of the amendment, #1 part of the amendment, vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 17 ayes, 22 nays, Mr. President.

PRESIDENT: Motion fails. Now we are to the bill itself. An amendment on the desk, read the amendment.

CLERK: Mr. President. (Read Johnson amendment found on page 377, Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Johnson.

SENATOR JOHNSON: Yes, I have provided a very simple amendment. When the committee itself prepared its amendments to LB 84, it included in item #1 some sections which went beyond the interest rate provision alone. Section 3 and section 4, which the committee amendment says should be struck, and which has just been defeated by this vote, do not deal with interest at all. Thus LB 84 as it presently stands contains two sections, to wit, three and four, which do not deal with the rate of interest. Section 3 is a section that would if passed by this body shorten the redemption time, in effect, on a tax deed sale from two years to one year. That section may well be unconstitutional because our Constitution specifically provides that every taxpayer shall have a two year right to redeem its property when subject to a tax sale and so that section may be unconstitutional and that section itself ought to be amended out of the bill. And section 4, which likewise is now still in the bill by virtue of this last vote, likewise doesn't deal with the rate of interest and that section is one that would make some changes to the wording in a tax foreclosure petition and those changes in wordings to a tax foreclosure petition cause a great deal of difficulty to attorneys that have to deal with tax foreclosure cases and it is better in the end if we leave the law as it stands. Thus my amendment would delete from LB 84 sections 3, I'm deleting that on constitutional reasons, and section 4, and I am deleting that simply because it has an adverse effect on the practice in tax foreclosure