

May 21, 1979

LB 363A, 597

Nichol and the Judiciary Committee battling time, but so too am I, and so too with this body, and it seems to me that in a bill of this consequence, which simply is to alter the attachment laws in this state, that we need to provide this process more time than obviously is being allocated to it. I personally have not read 597, and I've always had an interest in the prejudgment attachment process. I know Senator DeCamp has had an interest in the prejudgment attachment process inasmuch as he introduced legislation several years ago that dealt in a related field. This is a very troublesome and tricky area, and...that's right, we need time to be able to carefully digest what the Judiciary Committee is suggesting and approve it if it's meritorious, or correct it if it's not so meritorious, or kill it. It seems to me that it is inappropriate...inappropriate to amend 363A with 597, a bill that's not been subjected to General File debate nor Select File debate and that advances because it is needed now. I, for that reason, would oppose the Nichol amendment.

PRESIDENT: The Chair recognizes Senator Marvel.

SPEAKER MARVEL: I'd like to ask Senator Nichol once more... he may have said this, but I'd like to know what is the rush on this, and what actually in a sentence or two does this do, and why does the court come in now and say that it has to be done immediately?

SENATOR NICHOL: Senator Marvel, the Judicial counsel has been working on this for a long time, and this is the bill that they have come up with. Now our garnishment laws right now are out the window, unconstitutional as a result of Judge Denney's decision some three months ago or so. The Judiciary legal counsel in coordination with this Committee has been working on this bill. This bill had a hearing some two or three weeks ago and it's nothing new, but the reason for it going into existence now is that with Judge Denney's opinion we do not have any garnishment law on the books at this time that is constitutional. This will be constitutional, I understand, and that is why we need it now. I, personally, can do without it, but it would be a little difficult for attorneys and courts to operate without it.

SPEAKER MARVEL: Well, I guess the only comment I would make is that it appears strange to me that...and I'm not finding fault with the Judiciary Committee, I'm finding fault with the judicial process that all of a sudden we