

May 21, 1979

LB 363A, 597

a specific limited area. Now as he correctly...as Senator Johnson correctly stated, the unconstitutional provision things that Judge Denney found are very...in a very limited and small area and basically there are remedies at stake. However, this would correct that limited area. We have used this procedure before of using a bill to address a particular problem. I guess the question gets down to whether you in weighing things want to kind of take it on faith from the Judiciary Committee, or just how you want to go. The Fuentes decision, a major Supreme Court decision on replevin years ago, as he correctly stated, we did pass legislation, in fact, I think I sponsored it four or five years ago, that corrected that area of replevin and it has been upheld as constitutional and workable. This does correct the limited area that Judge Denney threw out. I think it's a good proposal. I certainly do recognize and understand the reservations raised by Senator Johnson. Maybe if he wanted to take five minutes and read that he would feel satisfied too. Apparently he's not going to feel satisfied. Ten minutes.

PRESIDENT: Any further discussion? Senator Nichol, do you wish to close then?

SENATOR NICHOL: Well I think you've heard the discussion on it. I do think that we should go ahead and pass this at this time. Advance the bill over to what, Final Reading, Mr. Clerk, and is that where we advance the bill to? Well, 363A is where? It's on Select File.

CLERK: Yes, sir.

SENATOR NICHOL: And insert the contents of...

PRESIDENT: 597

SENATOR NICHOL: 597 into 363A.

PRESIDENT: And that's the question before the House, the adoption of that amendment which would put 597 into 363A and proceed from there. The motion then is the adoption of the Nichol amendment to 363A. All those in favor vote aye, opposed nay. May I remind you the House is still under Call. All members are to be at their desks. We're still under Call, Martin, yes. The motion before the House is the adoption of the Nichol amendment. Senator Nichol, do you want to have a roll call vote?

SENATOR NICHOL: Well, I'd like to have the senators here