

March 4, 1982

LB 719, 724

announce there are 15 ladies and 1 gentleman from Northwestern College at Roseville, St. Paul, Minnesota. They are merely on a tour. They are in the North balcony visiting the Unicameral. Welcome to the Unicameral. We will go to 719.

CLERK: I have nothing on the bill, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 719.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 724.

CLERK: I have E & R amendments, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 724.

SENATOR CLARK: The motion is to accept the amendments of E & R. All those in favor say aye, opposed. The amendments are adopted.

CLERK: Mr. President, Senator Vard Johnson would move to amend the bill. The amendment is found on page 606 of the Legislative Journal.

SENATOR CLARK: Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, this is a very simple amendment. As you may recall, LB 724 allows the Nebraska Supreme Court to decide whether or not it will receive from another court a question of law and will then decide the question of law. When I read the bill over, the only...I only had two misgivings with the bill and the first misgiving dealt with some kind of time limitations because as a lawyer I know how tough it can be to have a case in the federal district court and the opposing counsel says to the judge in the federal district court that this case involves a state law question and what I would like to do, Mr. Judge or Your Honor, what I would like to do is to have this case certified in the Nebraska Supreme Court so the state law question can be resolved, and as the lawyer for my client, I go to the judge and I say, Judge, you don't have to do this, you shouldn't do this, it is a bad thing to do, and it is going to take a lot of time to get it done. The judge disagrees with me and he certifies the case down to the Nebraska Supreme Court for resolution of the state law question.