

SPEAKER NICHOL: Senator Hoagland.,

SENATOR HOAGLAND: That...I would like to withdraw that amendment. That amendment incorporated Senator Lamb's amendment which we decided not to advance because of the \$400,000 fiscal note.

SPEAKER NICHOL: It is withdrawn. Anything else, Mr. Clerk?

CLERK: The last amendment I have is Senator Hoagland's. It is AM2295, Senator. That is found on page 1087 of the Journal.

SPEAKER NICHOL: Senator Hoagland.

SENATOR HOAGLAND: We have one final amendment to offer the body on LB 529 and that is printed in the Journal on page 1087. Now, what that amendment does is that amendment incorporates a concept that was advanced by the Judiciary Committee on a unanimous vote to place some restrictions on district judges and county judges in issuing what are called temporary restraining orders. Current Nebraska law puts no restrictions whatsoever by way of a judge attempting to give notice to the other party before issuing a temporary restraining order. All this amendment says is that before a judge can issue what is called a temporary restraining order, and those can be in some cases very important orders that will preserve the status quo that will enjoin the operation of a statute for up to 10 days, a judge has to make reasonable efforts to let the other side know that he is about to enter that kind of an order. It is a restriction that is sorely lacking in Nebraska law allowing judges to willy-nilly issue restraining orders on some occasions, puts into Nebraska statutes the kind of provisions that are commonly found in other states and are found in the federal rules of civil procedure. I would ask the adoption of the amendment.

SPEAKER NICHOL: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members of the Legislature, I rise in opposition to the adoption of the amendment. I will speak briefly relative to that and then I will have one further suggestion or one further admonition. I would suggest that this is not an amendment to LB 529. It is, in fact, LB 1109 introduced by the Judiciary Committee,