

hearing. While I have disagreed with Senator Bromm on this issue for probably the last two days, I am not going to object too strenuously to his amendment and, in fact, for the purposes of expediting this matter, I would consent to this amendment and ask its adoption.

SPEAKER WITHEM: Senator Chambers, on the Bromm amendment.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I want to ask Senator Bromm a question because his amendment touches on Section 17 also, so I would like to ask him a question about Section 17 which is above. Senator Bromm, if you look starting in line 2, I'm going to read the language. It would be on page 10 of the bill, I meant the committee amendments. Subject to the disposition of an appeal, upon the expiration of three months after an order is issued under this section, the order shall not be questioned by any person in any manner or upon any ground including fraud, misrepresentation, failure to provide notice under Sections 5 to 7 of this act, and this following is the language I want to ask you about, or lack of jurisdiction of the parties or of the subject matter. Are we talking about a court entering an order?

SENATOR BROMM: I believe we are, Senator Chambers.

SENATOR CHAMBERS: Now you are trained in the law and you were a practicing county attorney and you're a practicing lawyer now. Can a court which lacks jurisdiction over the subject matter enter a valid order and if a court lacks jurisdiction over the parties, can it issue a valid order and before you answer I want to state to you something that the Nebraska Supreme Court and other top courts have said repeatedly. The parties to a dispute cannot grant jurisdiction to a court when the court does not have jurisdiction. Jurisdiction is that collection of concerns that empower a court to hear the issue, render a decision. If there is no jurisdiction over the parties no order can bind those parties. If the court has no jurisdiction over the subject matter it cannot enter a valid order with reference to that subject. So what does this mean? If there's a lack of jurisdiction of the parties or of the subject matter, the order is supposed to be considered valid nevertheless? Is that your understanding?

SENATOR BROMM: That's what a literal reading of it would say, Senator Chambers.