

May 9, 1995

LB 544

CLERK: Senator Wickersham would move to amend the bill. (FA205 appears on page 2038 of the Legislative Journal.)

PRESIDENT ROBAK: The Chair recognizes Senator Wickersham to open on his amendment.

SENATOR WICKERSHAM: Thank you, Madam President, the amendment has not been distributed to you nor is it printed in the Journal, but if you would all please turn to page 2 of LB 544, the green copy, as it is in your bill books, the amendment is very simple. It is simply the reinstatement of the stricken language on page 12 and 13, or on lines 12 and 13, I'm sorry, lines 12 and 13, page 2, reinsert the stricken language. Now, the reason that I'm asking that the language be reinstated is that there is some concern that unless that language is reinstated that you could not appeal a dissolution order. The rule is that you have to have a final order for purposes of appeal. Well Sections 1 and 2 as they are now constituted, that is without my amendment, may be circular so you would never have a final order for purposes of appeal. Reinstating the stricken language simply says that for purposes of appeal you do indeed have a final order on the date it's entered. Now it isn't going to be final for purposes other than appeal except within the time frames that are set out in Senator Beutler's bill and I agree with the framework that he has set out in the bill. It isn't a disagreement with the bill or its purposes. The question is whether or not Sections 1 and 2 are circular and you would not have a final order that you could appeal from. We believe that by simply reinstating the stricken language we have solved that problem. It doesn't make any other substantive change and I would simply ask your indulgence in adopting the amendment. Senator Beutler has previously had this bill removed from the agenda once to examine this specific issue. I do have to tell you that Senator Beutler has not seen this amendment, he was unavailable this morning. I would hope that if he were here he would concur in the amendment. I can't tell you that he does. He would obviously have another opportunity to affect the bill as it sets on Final Reading if he came back and did not concur with this amendment. But at any rate, I believe it's correct. I hope that Senator Beutler when he is available will concur that it is correct. I would simply ask your indulgence this morning in adopting the amendment.

PRESIDENT ROBAK: Thank you, Senator Wickersham. Is there any discussion on the Wickersham amendment? Seeing none, Senator