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LB 1018

I'm striking. If it is left in the bill, it can create ambiguity, it could raise questions as to the validity of what it is that we're doing. I think there are questions as to the validity based on the philosophy behind a bill like this. But all I'm dealing with at this point is the language. I don't see any other parts of this bill that I'm going to try to tinker with, because it's probably going to pass. But I'm still going to give my arguments against this bill based on the notion that it is not wise and it is not good public policy. But the only thing my amendment attempts to do is to strike some language which is not necessary and which Senator Bromm has agreed to having stricken. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. We're discussing the Chambers amendment to LB 1018. Senator Bromm.

SENATOR BROMM: Thank you, Senator Cudaback. And I do support the amendment to strike this language. And for the record, I was going to clarify one other thing. When we started talking about this language previously and Senator Chambers had some questions, one thing I did not know the answer to was whether or not, if a manufacturer felt that they were wronged by the decision of the dealer licensing board, what is the recourse. The statutes clearly state that that decision can be appealed in accordance with the Administrative Procedures Act, it goes directly into district court. The hearing in district court would be what we call de nova, so that the person that felt they were wronged by the licensing board would have an opportunity to present evidence or witnesses to show that the decision had been arbitrary or capricious, or not in accordance with the law, and so that is the recourse. But I just wanted to clarify that for the record, because we hadn't really stated that since we started discussing this bill. I think the language, without the words that Senator Chambers is striking, still serves its purpose, and that is that a manufacturer can own an interest in a franchise that they take over, where there's a bankruptcy or something, for up to 12 months. And the franchise must be for sale during that period of time, but we still have that 12-month limitation in there, so I think this language coming out is fine, it's probably...it would be language that would be argued strenuously if it ever was looked at as to what reasonable meant. And so I support the amendment.