

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 2, 2004 LB 1091

word "In, and in case of " That's in line 15. In their place I'm putting the word "When", W-h-e-n, capitalized. Then in line 16, I would strike the word "being" and insert the word "is." This is the way the current statute would read without my amendment: In such...oh, In case of such stay being claimed or taken. I would get rid of all that and just say: When such stay is claimed or taken. We don't need the word "being." We don't need the words "In case of." The word "When" takes care of it. So this is what would be left if you adopt my amendment starting in line 15: When such stay, going to line 16, is claimed or taken. It does not alter the meaning or the substance of this sentence. It just improves it. So that is what this amendment would do and I would answer any questions Senator Bromm or anybody else may have relative to what I'm suggesting that we do.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on the Chambers amendment to the Bromm amendment. Senator Chambers, your light was on. Did you mean for that to be on? Okay, thank you. The next light would be on by Senator Bromm.

SPEAKER BROMM: Thank you, Mr. President. I support the Chambers amendment. I think it clarifies and improves the language of this antiquated statute, makes it more readable, understandable. I support it. Let me partially respond to Senator Brashear. This is not special legislation. It...I hope that I made it clear that I think there are potential claims that any state, and especially in the times we're in this state faces, including education, including water, including the environment, and this is simply a statute that I think makes no sense. It isn't fair. It isn't consistent with interest rates that should be paid or that are prevailing or anything else. So it ought to be changed. And I don't know why we wouldn't change it. We got the right to change our statutes no matter where we're at. Yes, hindsight is great, and if this would have been changed ten years ago, that would be better for everything. But that doesn't mean we don't have the right to change it. Now I'm going to tell you it's a good policy to change it. If there is litigation, the courts will decide what the interest rate is and when it applies and all of that, and that's up to the courts. I