

into LB 458 the...LB 463, as amended by the committee, by the Judiciary Committee. It came out of committee without dissent. And let me tell you the reason it's imperative that this pass this year and that's why I'm bring it onto this bill. There is pending in our federal court, here in Nebraska, a challenge to our system of execution and attachment, dealing with the enforcement and collection of judgments. Right now if...if a plaintiff has a judgment against a defendant, the plaintiff can seek to execute on the property of the defendant, and in doing so would...would simply file a writ with the court. The writ would issue to the sheriff, the sheriff would then serve that writ and would sell, whether it be a car or stock certificates or whatever it might be. There are in statute certain exemptions that debtors have from execution. There's a certain amount of property that cannot be levied on. What this seeks...but the problem we have in our statute is that there's no notice given to the debtor of the right to challenge...to exercise those exemptions and the method of doing so. Because of that, the Legal Aid Society, I believe in Grand Island, filed suit on behalf of a debtor, a class action suit on behalf of all debtors, judgment debtors in the state challenging our statutes as being unconstitutional as violative of the federal constitution and not allowing due process. Most parties, those defending the lawsuit and those pursuing the lawsuit, basically agree that if it goes to trial, it's a good likelihood that our statute will be struck down as being unconstitutional. The parties agreed, and the federal court went along with it, to delay pursuing the matter and implementing a decision striking down the statute until the Legislature has had an opportunity, this session, to consider amending our statutes. That's what this is. These amendments are...actually there are a couple of changes from the way the committee amended the bill, or amended the...LB 463. And the reason for those changes is the two...the parties involved, the Collectors Association and the Legal Aid Society went through and made some technical changes to that after it was changed. This includes...incorporates those technical changes. It also backed off of one issue that the collectors had that Legal Aid objected to, and that has also been resolved. So, at this point, all parties have agreed that this is in the shape to go ahead. We have addressed those concerns of all parties. There were...the case that's pending now is similar to a lawsuit that was filed seven or eight years ago dealing with our garnishment statutes, for the same reason, a lack of notice, a lack of due process, which again the Legislature quickly responded to by passing new garnishment