

February 24, 1984

LB 1045, 1059

criminal code was revised, we put into effect some general laws that were applicable to all areas of life and then we eliminated those same laws where they were written throughout the statutes to apply to specific areas and this was one that applied to a specific area that was not repealed and should have been repealed because it's covered by our general law. All right, speaking specifically 12-519 which is being repealed has to do with willfully destroying, mutilating, etcetera any tomb, monument, gravestone. In other words, it deals with the cemetery situation. However, we have a criminal mischief statute in place. Senator Nichol, I think, when he was Chairman or maybe it was even before that we did the criminal code and we enacted the criminal mischiefs statute which covers intentionally or recklessly tampering with property of another; that includes cemetery property and there's no question about that. So that's, so that's the reason that this statute has been, is being repealed. We have notified the Cemetery Association and they have no objection and that is what's being done. Would ask the advancement of the bill.

PRESIDENT: Is there discussion on LB 1045? If not, the motion is to advance LB 1045. All those in favor vote aye, opposed vote no. The motion is to advance LB 1045 on consent calendar. Please record your vote. Motion is to advance LB 1045 on consent calendar. Please record your vote. Clerk will record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: LB 1045 is advanced. Next, LB 1059.

CLERK: Mr. President, 1059 introduced by Senators Hefner, Carsten, Remmers, Von Minden, Goll, Kilgarin, Higgins, and Newell. (Read title.) The bill was read on January 17, referred to the Ag and Environment Committee for hearing, advanced to General File. I have no amendments to the bill.

PRESIDENT: Chair recognizes Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I'll