

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

April 1, 1997

LB 125, 273, 280, 309, 335, 422

CLERK: (Roll call vote taken. See page 1296 of the Legislative Journal.) ayes, 9 nays on the amendment.

SENATOR WILL: The amendment fails. Mr. Clerk, anything for the record?

CLERK: Yes, Mr. President, I do. I have a confirmation report from Business and Labor. Business and Labor reports (LB) 125 to General File. I have a series of amendments to be printed to (LB) 280 by Senators Chambers and Landis. Senator Dwite Pedersen to (LB) 309. Senator Landis to (LB) 273 and to (LB) 335. (See pages 1296-1300 of the Legislative Journal.)

SENATOR WILL: Thank you, Mr. Clerk. Next item on LB 422. The call is raised.

CLERK: Senator Chambers offers Floor Amendment 82. (FA82 appears on page 1068 of the Legislative Journal.)

SENATOR WILL: Senator Chambers, you are recognized to open on your amendment.

SENATOR CHAMBERS: Mr. President and members of the Legislature. In losing the last amendment, as Senator Matzke pointed out, nothing really was lost in terms of the law and how it will apply because the court is going to do that anyway...will make the application. But I just wanted us to put into the law the kind of language that I thought ought to be there, and that's why I had offered that amendment. So even though it was defeated, I don't think that the law in any way is narrowed. What I do expect might happen is that a judge at the trial level, who may not have the benefit of a large law library or a capable person arguing on behalf of the condemned person or a prosecutor who is learned in the law, or even cares about the law, and might make the mistake of thinking that mitigating circumstances are limited to those set out specifically in the statute. If the judge makes that mistake, then an appeal is automatically available and the appeal probably would be successful. So, I want it clear in the record that the failure to adopt the other amendment is the very thing that could lead to appeals, because there are some who will read the law as it's