

Nebraska's check laws and we came up with such new programs as higher limits, but also another separate program which you don't see in the bill here, which is that an individual who receives a bad check, such as a merchant or whoever, then goes to the county attorney, pays the county attorney a certain amount of money, I believe that we settled on two dollars, and the county attorney once he has received that money then has the obligation to attempt to collect the insufficient fund check within five days and then if he can't do that, then to prosecute. I was warned at that time by a lot of businessmen and by some county attorney's, including some of the best county attorney's in the state that that law was unconstitutional because you were compelling a county attorney, in effect, not to do any action until you paid him, it would be for instance like a person, let's use an example, a person being raped had to go and pay the police or the county attorney a fee before the police investigated or prosecuted for the offense, but because we thought that it would cut down the number of people being incarcerated for bad checks and would get the whole check program on a much better level, we went ahead and we passed a bill, we increased the limit to \$75, we set up this entire program and it has worked, and it has also caused some of the problems that they said. It has worked in that it has cut the population of people in the penitentiary from about 33% down to what he said 12½%, but what he didn't know possibly, was that the 12½% who are there on check related charges are no longer the kind that are still there on the two dollar, or ten dollar insufficient fund check or something like that. They are people on very serious charges and in most cases, and I will have the complete information here Monday as to exactly what they all are there for, but usually very serious no-account or forgery, which doesn't really actually relate to this bill. We are not going to cut the prison population much if any below that 12½% by changing the check law, but what we are going to do if we change it at this time, is to do exactly, many times the damage that has occurred to businesses. Now, you can go down to Dividend Gasoline or almost any small business, gas station, restaurants, lounges, these kinds of places and they can pull out drawers of insufficient fund checks that they have. It cost them more to collect these checks, by having to pay their two dollars to the county attorney, than it is really worth. And so what has happened is that the business community, in many cases, has refused or taken a stand that they don't want to take checks at all unless they personally know the individual. If we increase that limit to 500 dollars, we are telling the individual who has a compulsion to write bad checks, that you no longer have to limit yourself to 75, you can go to 500, and once he is up to 500 he is going to be in too deep, in most cases, to make restitution or to do anything other than end up going to prison probably. So I would recommend that we leave our check laws exactly as they are now, they have achieved the goals that we sought for them, which is a tremendous reduction in the prison population, and a more effective collection of insufficient fund checks questionable though the policy might be, and if we increase it as either the committee bill has suggested or even Senator Richendifer's amendment, we are going to be on new ground and we are going to be encouraging a lot of insufficient fund checks and no fund checks, and we are going to get people in a position where they can't get back out of, and we are going to make the business community damaged considerably more than they are now, so I would recommend rejecting both the amendment and the bill.

PRESIDENT: The Chair next recognizes Senator Kime, but before Senator Kime speaks, the Chair would like to call attention to the fact that we have 30 students this morning from Belmont School here in Lincoln, Nebraska, they are in the south balcony, their instructors with them are Laurene Gillispie and Mrs. Brockoven

(end belt #4)

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