

January 25, 1979

LB 49, 459

SENATOR CULLAN: I was told that that is the case, Senator, but I will get the specific statute and get it back to you if I can.

SENATOR KEYES: We probably will have to implement that statute sometime today.

SENATOR CULLAN: Okay, thank you.

PRESIDENT LUEDTKE: All right, Senator Lamb, you may close on your motion to indefinitely postpone.

SENATOR LAMB: Mr. President, members of the Legislature, I think the arguments against this bill have been presented quite well. I think that the penalty section is sufficiently severe but in this Legislature we have had a number of cases where severe penalty sections do not do the job. It gets to the situation where the penalty is so severe that no judge will impose the penalty and so as a practical matter it just doesn't work to have a severe penalty that is not enforced. So I urge the members of this body to indefinitely postpone this bill.

PRESIDENT LUEDTKE: The motion before the house is to indefinitely postpone LB 49. All those in favor vote aye, opposed nay. This will require a simple majority of those voting. Have you all voted? Have you all voted? Record the vote.

CLERK: 23 ayes, 15 nays on the motion to indefinitely postpone, Mr. President.

PRESIDENT LUEDTKE: Motion carries. The bill is indefinitely postponed. The Clerk will read some matters into the record. It is agreeable with the Speaker to alter the order to take up agenda item #8, Senator Simon's motion to withdraw, at this time. Is that right, Speaker Marvel? Is there any objection? We will take up then agenda item #8, motion to withdraw LB 459. Clerk, that is the motion, is it not?

CLERK: Yes, sir.

PRESIDENT LUEDTKE: The Chair recognizes Senator Simon.

SENATOR SIMON: LB 459 was one of the bills that was introduced by the 161 committee. It had to do with advertising restrictions on private power. The Attorney General's opinion #8, well it did not specifically say unequivocally that this would be unconstitutional. It