

January 20, 1981

LR 6, 7
LB 490 - 529, 144, 182

SENATOR BURROWS: I move the adoption of the resolution as amended.

SPEAKER MARVEL: Any further discussion on that motion? All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 42 ayes, 1 nay on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Members of the Legislature, it is my privilege to introduce to you a young lady who with her staff has put out at least 869 separate bills and I would like to have her stand, and if it is your will to acknowledge the work that is done. The Clerk will read.

CLERK: Mr. President, new bills: (Read title to LB 490 through LB 517, pages 305 - 311, Legislative, Journal.)

Mr. President, while we are waiting, new resolution, LR 7: (Read. See pages 212 and 213, Legislative Journal.) That will be laid over.

Mr. President, hearing notice is provided by the Business and Labor Committee for February 4.

Mr. President, Senator Labedz offers explanation of vote.

Mr. President, new bills: (Read title to LB 518 through LB 526, pages 314 - 316, Legislative Journal.)

Mr. President, Senator Burrows would like unanimous consent to have his name added to LB 144 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered. One last call, does anybody have any legislation that is buried someplace that you would like to dig up? Now is your chance. Last call for any legislation.

CLERK: Mr. President. (Read title to LB 527 and 528, pages 316 and 317, Legislative Journal.)

Mr. President, Senator Kremer would like to ask unanimous consent to have his name added to LB 182 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President: (Read title to LB 529, page 317, Legislative Journal.)

April 28, 1981

LB 89, 339, 402,
LB 522, 525, 532

SENATOR V. JOHNSON: Well I guess we are not under Call any longer. I think I would ask for a Call of the House and a roll call vote.

SPEAKER MARVEL: Shall the House go under Call? All those in favor vote aye, opposed no. Record.

CLERK: 7 ayes, 3 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats, record your presence. Senator Burrows, Senator Wiitala, Senator Fowler, Senator Labedz, Senator Carsten, Chambers. Okay, Senator Johnson. Carsten, Chambers, Fowler, Labedz. Will all legislators please return to your seats so we can proceed? Senator Johnson, we have all but one, Senator Carsten. Senator Carsten and Senator Chambers.

SENATOR V. JOHNSON: Go ahead, Mr. Speaker.

SPEAKER MARVEL: Okay, call the roll. The motion....

CLERK: The motion is to advance the bill, Mr. President. (Read roll call vote as found on page 1612 of the Legislative Journal.) 22 ayes, 24 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion lost.

CLERK: Mr. President, your committee on Judiciary whose chairman is Senator Nichol to whom is referred LB 402 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; 525 General File with amendments; 189 indefinitely postponed; 339 indefinitely postponed; LB 532 indefinitely postponed, all (Signed) Senator Nichol. (See pages 1613-1614 of the Legislative Journal.) Senator Warner would like to print amendment to LB 404. (See pages 1614-1618 of the Journal.)

Mr. President, Business and Labor Committee will hold an executive session Thursday, April 30, underneath the North balcony on adjournment. That is signed by Senator Maresh.

judgment is too lenient the prosecuting attorney can say, "Look, I think this is too lenient", but he can't do it on his own. There is a safeguard built in. He has to have the approval of the Attorney General to go with it before he can do it. These prosecuting attorneys will not be bringing every case in that is dismissed or handed down with a lenient sentence to the Attorney General because the Attorney General doesn't want all kinds of cases that are minor in nature that they shouldn't be bothered with. We don't have a sentencing commission in existence. Nobody to my knowledge has even brought one forward, has even thought of it. If they have thought of it, they surely haven't brought it forward or attempted even to do it. I think we should advance this bill and pass this bill now so that if something can be worked out, as Senator Landis, Senator Vard Johnson have suggested, then let's get with it and do it. I have no objection to attempting to work out such a situation, but until such time as our Judiciary Committee or our attorneys, our Bar Association, our Judges Association, our Supreme Court judges do something, attempt to work out, let's get something so that there can be an appeal when too lenient sentences are handed down.

SPEAKER MARVEL: The motion is the advancement of LB 402. All those in favor of the bill advancing vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 4 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion is carried. The bill is advanced. The next bill is LB 525.

CLERK: Mr. President, LB 525 offered by Senator Sieck. (Read title.) The bill was read on January 20 of last year, referred to Judiciary for public hearing. The bill was advanced to General File. There are committee amendments pending by the Judiciary Committee, Mr. President.

SPEAKER MARVEL: Senator Nichol. Senator Nichol, do you wish to take up the committee amendments to 525?

SENATOR NICHOL: Mr. Chairman, members of the Legislature, excuse me, I had a little after battle there. The committee adopted amendments to this bill which were brought to us by Senator Sieck. The effect of the amendment is in part clarifying in nature and also provides standards to be followed by prosecutors when requesting an order from a court to compel testimony from a witness. I move for the adoption of the committee amendment. Mr. Chairman, Mr. President, I move for the adoption of the committee amendment.

January 15, 1982

LB 525

SPEAKER MARVEL: The motion is the adoption of the committee amendments. Is there any other discussion? All those in favor vote aye, opposed vote no. Have you all voted? This is the vote on the adoption of the committee amendments. Record.

CLERK: 25 ayes, 0 nays on the adoption of the committee amendments.

SPEAKER MARVEL: Motion carried. Committee amendments are adopted. Senator Sieck, do you wish to explain the bill?

SENATOR SIECK: Yes, Mr. President. Members of the body, we are laying something out on your desk at the present time to explain the bill, so if you have any questions if I can't answer it, there will be some attorneys here that can answer it. I will briefly explain the bill. The purpose of LB 525 is to limit the immunity granted witnesses who are compelled to testify in a court of law while at the same time granting these witnesses protection guaranteed them by the Fifth Amendment to the United States Constitution and Article I, Section 12 of the Constitution of this state. Quite simply, this legislation would change the type of immunity granted by Nebraska. LB 525 would change the law to provide only for use immunity while the present law granted a transactional type of immunity and I passed out handouts that attempt to explain the difference between transactional and use immunity. I will attempt to explain the difference in the very simplest terms. Under the present statute when an offender receives immunity and is compelled to testify, this offender would receive total immunity and could not be prosecuted on any related matter regarding his testimony. The problem obviously arises here when the offender is granted immunity because it discloses only the amount of information necessary to be set free and hesitates to elaborate in his testimony any more than absolute necessary. The second problem with the present transactional immunity is that in an instance where the two people conspired in the same crime, and one of these people received immunity and testifies against the other, under present law one of these co-conspirators could get a harsh penalty while the other one could walk away with no possibility of persecution. These are the problems with the present transactional immunity offered in the statutes. The use immunity offered in LB 525 would change this because an offender could be prosecuted. Obviously the more such a person tells the better situation this offender will be in his own trial due to his or her cooperation. A letter I distributed to the Omaha Senators earlier this week contained a quote that I

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LB 525, 824, 847

feel paraphrases quite well why such a change from transactional to the proposed use immunity is necessary. "With transactional immunity, all the witness has to do is mention the transaction; he does not have to fill in the details. So his attorney can tell him to just mention it, and then say, 'I don't remember.' But with a 'use' statute, a smart attorney advises his client to tell all he knows because the more he tells the less can be later used against him. So 'use' statutes encourage fuller disclosure by witnesses, and that is what they are really all about." With this in mind, I urge the passage of LB 525 to Select File.

SPEAKER MARVEL: The motion before the House is the advancement of LB 525. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion is carried. Bill is advanced.

CLERK: Mr. President, if I may real quickly, Senator Warner would like to be excused Monday morning.

Notice of hearings from Judiciary for February 2.

A new bill, LB 847, (read title).

Mr. President, Senator Lowell Johnson would like to add his name to LB 824 as co-introducer.

SPEAKER MARVEL: Hearing no objection, so ordered. Senator Higgins, do you want to adjourn us until Monday, January 18th at 9:30 a.m.

SENATOR HIGGINS: We are going to adjourn until Monday? Mr. Speaker, I move we adjourn until Monday, January 18th, 9:00 a.m.

SPEAKER MARVEL: 1982 at 9:30 a.m.

SENATOR HIGGINS: 1982 at 9:30 a.m.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion carried and we are adjourned until Monday, January 18th, 1982, at 9:30 a.m.

Edited by:

Marilyn Zank
Marilyn Zank

January 20, 1982

LB 36, 208, 212, 263, 267, 335,
353, 370, 402, 448, 449,
450, 525

LB 448 and recommend that same be placed on Select File with amendments; LB 449 Select File with amendments; LB 450 Select File with amendments; LB 263 Select File with amendments; LB 212 Select File with amendments; LB 370 Select File with amendments; LB 335 Select File with amendments; LB 353 Select File; LB 208 Select File with amendments; LB 36 Select File; LB 402 Select File; LB 525 Select File with amendments, all signed by Senator Kilgarin. (See pages 388-391 of the Legislative Journal.)

SENATOR CLARK: We are now ready for item #5, LB 267.

CLERK: Mr. President, LB 267 introduced by Senator Richard Peterson. (Read title.) The bill was read on January 16 of last year, referred to the Public Health and Welfare Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President.

SENATOR CLARK: Senator Wesely, do you want the committee amendments?

SENATOR WESELY: Yes, Mr. President, members of the Legislature, this bill was referred to the Public Health Committee, was heard last year and there was a concern at that time about the fact that it applied only to Dental Review Committee and the feeling was that by just limiting it to the Dental Review Committee there might be some special legislation constitutionality problems and so we thought that the concept was worthy of application across the board to all peer review committees and so the committee amendment would strike the fact that this is specifically dealing with the Dental Review Committee and make it applicable to all Nebraska peer review committees and again the concept is this in LB 267 that proceedings before a peer review committee would still take place and function as they have before. The question comes when court action is taken and some action is taken before a dentist or anybody associated with a peer review committee. They cannot then go to the committee records and use the committee action against the person or for the person for that matter who is being brought to court and being contested in court. So that you could still use materials and all that that would be brought before this peer review committee but the actual work of the committee would be kept out of the court process and decided that would be separated from the court action. That is what we are trying to do and we thought if it was applicable to dentists it ought to be applicable to others. So that is what the committee amendment does, Mr. President.

days to come and I would make one other statement. And because I happen to be a perfectionist why I get in trouble periodically but we have attempted to handle a very difficult package of bills and I, for one, find it very reluctant to sit and settle on half of the bills or twenty-five percent of the bills but as far as...let me repeat what I said before. I appreciate your comments. When we come back next week we will try to at least get together with the chairmen and I consider the fact that what you had to say and what you had to suggest was done in all sincerity and, therefore, I appreciate it. Criticism doesn't bother me except for the first twenty-five minutes it happens. Mr. Clerk...The first order of business is LB 402. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 402.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. LB 525, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 525.

SPEAKER MARVEL: The motion is the adoption of the amendments to LB 525. All those in favor...okay, we're on E & R amendments now, okay. The motion is the adoption of E & R amendments to LB 525. All those in favor of that motion say aye, opposed no. The motion is carried. The amendments are adopted. The motion now is to advance the bill.

SENATOR KILGARIN: I move we advance LB 525.

SPEAKER MARVEL: All those in favor say aye, opposed no. The motion is carried. LB 255, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 255.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted.

SENATOR KILGARIN: I move we advance LB 255.

SPEAKER MARVEL: The motion is to advance 255. All those in favor of that motion say aye, opposed no. The motion is carried. Go ahead.

SENATOR KILGARIN: I move we advance LB 255A.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor of the motion say aye, opposed no. The motion is carried. The bill is advanced. Okay, there is an additional item put on 435 so it will be crossed off and

February 9, 1982

LB 237, 255, 274, 402, 525,
589, 598, 646, 649, 802,
828, 832

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Prayer by the Reverend Donald Nunnally, Pastor of Calvary United Methodist Church of Lincoln.

REVEREND NUNNALLY: Prayer offered.

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all recorded your presence? Have you all recorded your presence? The Clerk will record.

CLERK: There is a quorum present, Mr. President.

SENATOR CLARK: Are there any messages, reports or announcements?

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator DeCamp regarding a proposed rule and regulation by the Political Accountability and Disclosure Commission. That will be inserted in the Journal. (See pages 597-600 of the Journal).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 255 and find the same correctly engrossed; 274, 402, 525, 589, 598, 646 and 649 all correctly engrossed. That is signed by Senator Kilgarin as Chairman. (See pages 600 and 601 of the Journal).

Mr. President, I have a request from Senator Lamb to print resolutions from Chadron State College in the Legislative Journal for ultimate legislative approval. (See pages 601 and 602 of the Journal).

Mr. President, your committee on Public Health and Welfare whose Chairman is Senator Cullan instructs me to report LB 832 advanced to General File with committee amendments attached; 802 indefinitely postponed; and 828 advanced to General File. All signed by Senator Cullan as Chair. (See page 603 of the Legislative Journal).

SENATOR CLARK: We are ready for #4, motions, LB 237 by Senator Wesely to withdraw a bill. Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, the question before the House is the life and death of LB 237, a bill which has served the state well in its brief life. This bill attempts to deal with a very

February 19, 1982

LB 525

SPEAKER MARVEL: We now read on Final Reading LB 525.

CLERK: (Read LB 525 on Final Reading.)

SPEAKER MARVEL: All provisions of law...

CLERK: Mr. President, I have a motion on 525 from Senator Chambers. Senator Chambers would move to return the bill for a specific amendment, that amendment being to strike the enacting clause.

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I regret that the bill was read before I offered the motion but I was trying to clear up a point on the bill with Senator Beutler, then I looked up and saw that it had been completed, but I would like to ask Senator Sieck a question before I proceed with my comments.

SPEAKER MARVEL: Senator Sieck, do you yield?

SENATOR SIECK: Yes.

SENATOR CHAMBERS: Now, Senator Sieck, I know you are not an expert in this area but you are the carrier of the bill and I am going to see if I can refresh your memory on a point, and there is no trickery in this. Do you remember that it was stated by the ones who asked you to bring this bill that if immunity were granted in a state prosecution and a person compelled to testify that although nothing testified to in the state prosecution could be used against that person, the federal courts could use that testimony against the person, do you remember that?

SENATOR SIECK: That the federal court could use that testimony...I don't recall, no. I don't recall.

SENATOR CHAMBERS: Thank you. Is there anybody here on the Judiciary Committee who remembers that discussion? All right, well, I will tell you...thank you, Senator Sieck...that the two jurisdictions, federal and state, are different, and if testimony is compelled from a person in the state courts...well, let me tell what the bill does so that you will know what I am talking about. This bill says that a person who would refuse to testify because the testimony might lead to self-incrimination can be compelled to testify if granted immunity. The immunity would be based on the notion that nothing the person said could be used against him or her in any transaction growing out of that testimony or the subject matter of it. However, the

state cannot give immunity in a federal prosecution. So if you believe in the principle of protecting a person against self-incrimination, on the one hand you are saying that the state can compel this testimony by granting immunity from prosecution but you aren't able to stop the federal courts from using this testimony or anything growing from it against a person in a prosecution. Now the reason for the Fifth Amendment privilege is to prevent the state from coercing or in any way using its power to compel a person to participate in his or her own conviction. The bill as offered is designed to grant the protection that the Fifth Amendment envisioned. If you take away the possibility of prosecution, then there is no longer any basis for the person failing to testify. There can be no self-incrimination because there will not be a prosecution, but because the federal jurisdiction is not bound by what the state does, the person still now has been compelled by the state to give testimony that can be used at a different level against the person. So if you believe in the principle of nontestimony to avoid self-incrimination, then you can't support this bill. But I have another question I would like to ask. Senator Sieck, what is the punishment that this bill allows for failure to testify even after being compelled? Is there any punishment mentioned in this bill itself? Mr. Chairman, could Senator Sieck be turned on? He has agreed to yield to a question.

SPEAKER MARVEL: Senator Sieck.

SENATOR SIECK: Yes, as I recall, there is no punishment involved in it. It is just a matter of two transactions, one transaction transacts immunity and immunity by words.

SENATOR CHAMBERS: Well, if there is no punishment, where is the state's coercive force that can compel a person to testify?

SENATOR SIECK: I can't answer that.

SENATOR CHAMBERS: Senator Johnson, would you like...I see you going through the statute, would you like to assist in this or is this not the matter that you are looking up? Senator Johnson, we are talking about a situation where a court is compelling testimony and being given the authority to compel the testimony. Now the bill itself does not provide for punishment for failure to testify so what would be called into play to enforce the court's order that a person testify once having been granted immunity, in your opinion?

SENATOR V. JOHNSON: Generally speaking, Senator Chambers,

an individual who has been granted immunity so that individual may testify effectively with impunity and when that individual refuses to testify that individual may be arrested and tried for criminal contempt.

SENATOR CHAMBERS: And what is the punishment if the person continues to refuse to testify?

SENATOR V. JOHNSON: Imprisonment.

SENATOR CHAMBERS: And for how long will the person be imprisoned?

SENATOR V. JOHNSON: I don't recall whether we have a specific statutory length or whether that is totally up to the discretion of the court. My recollection is that generally speaking it is totally up to the discretion of the court.

SENATOR CHAMBERS: And generally the court will say until you purge yourself of your contempt which means to do what the court has ordered you to do?

SENATOR V. JOHNSON: That is correct.

SENATOR CHAMBERS: Suppose a person is in a situation, say for example like bid rigging where there can be a federal and a state prosecution. In the present situation although the federal government has granted immunity, the Attorney General for the state said he will not grant immunity. So suppose a person were not certain that what he or she had done would be the basis for a prosecution at the federal level but is unsure, and because of that possibility refuse to testify even though granted state immunity because of the possibility of a federal charge which may carry a substantial penalty, how long would that person have to stay arrested?

SENATOR V. JOHNSON: That person could well remain in jail for many months.

SENATOR CHAMBERS: Thank you. Members of the Legislature, the reason I wanted to get some of this into the record in this fashion is so you won't think that I am trying to slip you a fast one. There is a serious constitutional issue involved here, a protection for the citizen. Now if you feel that a person should be compelled to testify against himself or herself, then what I am saying will have no relevancy as far as you are concerned anyway and you would vote for the bill regardless of whether immunity

were granted. But if you see the real likelihood of a person being placed between a rock and a hard place where testimony can be forced in a state proceeding whose ultimate intent is to be used in a federal proceeding against the person, then you are allowing two jurisdictions to work together to take away a constitutional privilege that an individual has been granted. And don't consider it to be outside the realm of possibility of the state and the federal government cooperating because Lancaster County not long ago appointed a federal U. S. Attorney as a special prosecutor to deal in a state issue that had to do with a guy falsifying a title of an automobile so the two jurisdictions do work together. I am troubled by the bill. I was opposed to it in committee and, therefore, I made the motion. I make it in all seriousness and I ask that you return this bill and strike the enacting clause. One other point. I think it was the Attorney General who brought this, a U. S....may I ask Senator Sieck a question for the record.

SPEAKER MARVEL: You have two minutes, Senator Chambers.

SENATOR CHAMBERS: All right, Senator Sieck, who asked you to bring this bill?

SENATOR SIECK: The County Attorneys Association.

SENATOR CHAMBERS: Oh, thank you. The County Attorneys Association was not able to show us any cases that would show a compelling need for this bill anyway. What happens with this kind of legislation is the same thing that happens with uniform legislation that legislators become aware of. If county attorneys have meetings, if attorneys general have meetings and conferences, and in one location they see a particular idea as having merit, other attorneys general might take it to their state, other county attorneys will take it to their state and offer it for legislation when there has been no need shown in that state for the particular type of bill. So because there has been no need shown for this in Nebraska, because it does impinge on a constitutional privilege which I personally feel is very important, I am opposed to the bill and I think there is no need for it. So I am asking that you return this bill and strike the enacting clause.

SPEAKER MARVEL: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, a question of Senator Chambers please.

SENATOR CHAMBERS: Yes, Senator Haberman.

SENATOR HABERMAN: Senator Chambers, I am inclined to agree with you. However, there are a couple of questions I would like to ask. Number one, the U. S. Attorneys Office from Omaha testified in favor of the bill.

SENATOR CHAMBERS: Yes.

SENATOR HABERMAN: And did they know at that time and were they aware at that time that this immunity would be just to the state courts and that they could still go ahead and get them on a federal rap?

SENATOR CHAMBERS: Oh, sure they know because neither jurisdiction can bind the other when they are talking about these matters.

SENATOR HABERMAN: Second question, Senator Chambers, is why have you waited until Final Reading to bring this up?

SENATOR CHAMBERS: Senator Haberman, this is one of those bills, a lot of things come out of the Judiciary Committee that I am opposed to. This is one that slipped across without me catching it and that is why I was delayed even in offering my motion.

SENATOR HABERMAN: Thank you, Senator Chambers. Fellow members of the Legislature, I believe that Senator Chambers has a very valid point. I would like to go on record and thank him for being aware and alerting us to this problem as I don't think it would be right to tell a person in the State of Nebraska if you testify you have immunity, and then you testify and walk outside and fifteen minutes later here comes a United States Federal Marshal and slaps the cuffs on you and hauls you off. So if what he is saying, and I have no reason to doubt his word, is true, then it is a bad bill and I would ask you to support Senator Chambers in his motion to return the bill to indefinitely postpone it. Thank you, Mr. President.

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Would Senator Chambers yield to a question please?

SENATOR CHAMBERS: Yes.

SENATOR HIGGINS: Senator Chambers, I am not an attorney. What about the Fifth Amendment, refusing to testify on the grounds that you may be incriminating yourself? How does

that play into this bill?

SENATOR CHAMBERS: Well, Senator Higgins, this would be a state prosecution and the purpose of the protection is so that you cannot be made to testify against yourself for the purpose of prosecution. If the state says they will not prosecute you, then they have satisfied the requirement or the purpose of the amendment because nothing you say can be used against you because you won't be prosecuted. However, what happens in the state court does not bind the federal jurisdiction and they are not prohibited from using what you say in a state prosecution against you. So you, in effect, have been compelled at the state level to use testimony that could be used for another purpose by another jurisdiction.

SENATOR HIGGINS: And you couldn't take the Fifth?

SENATOR CHAMBERS: Well, even if you took the Fifth, what you have said is under oath. It can be documented and established, and if you say something different, then they can say, well, you either perjured yourself in the state courts or you are perjuring yourself here, but in any case what you say under oath can be introduced as an admission against you in any other prosecution.

SENATOR HIGGINS: Thank you for the clarification, Senator.

SENATOR CHAMBERS: Okay.

SPEAKER MARVEL: There are three others to be recognized and then I want to make another announcement because this is the deadline for your priority bills and there are 23 Senators and 7 Standing Committee members who have not responded. Senator Vickers.

SENATOR VICKERS: Mr. President, and members, I rise to support Senator Chambers in his motion and to commend him for bringing this motion to this body, for bringing the attention of this body to this bill. I think it also points out the situation that we get into with our attempts out here to move things along rapidly and do things in a hurry. I, personally, read this bill last night for the first time even though it is on Final Reading. I will admit that I didn't get an opportunity or chance nor had the time to read it until it got over to Final Reading and I really did have some real problems with it as I read it and I think Senator Chambers has indicated to this body from his legal perspective the real problems with it, but how we can ignore Article V of the Constitution of the

United States in the fashion that we seem to be attempting to ignore it with this bill is beyond me, and how a bill of this nature can get out of the Judiciary Committee with six votes is also beyond me. I certainly understand how it got clear over to Final Reading with the way we operate in this body, however, where speeding expediency seems to be the method that we try to use. So I certainly would urge the members of this body to support Senator Chambers motion and do away with this piece of legislation.

SPEAKER MARVEL: Senator Fowler. Senator Sieck.

SENATOR SIECK: I do need some more information but I do feel that I was trying to follow the federal jurisdiction, Mr. President, and was trying to define the transactional immunity with the actual testimony or verbal immunity and I feel it was following the federal guidelines. But for this reason in order for me to get more information I am going to ask for this to be passed over at this time.

SPEAKER MARVEL: I am sorry. I didn't get your request.

SENATOR SIECK: For it to be passed over until I get more information on this particular issue, if we can do it. I don't know whether we can do it.

SPEAKER MARVEL: Technically we are operating on a motion to return unless Senator Chambers wants to agree otherwise.

SENATOR CHAMBERS: Mr. Chairman, I am not opposed to giving Senator Sieck time to get more information. So the issue has been raised and I think people are alerted so I won't object to his holding it over if that is what he desires to do.

SPEAKER MARVEL: Is the request to lay over the bill? Then it goes to the bottom of the lay over file. Is that your...okay. What is the next item? Senator Vard Johnson. We are still on Final Reading and the bill now is LB 589 and the Clerk will read.

CLERK: (Read LB 589 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 777, Legislative Journal.) 47 ayes, 0 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

March 1, 1982

LB 152, 222, 304, 335, 348,
353, 358, 431, 440, 508,
525, 527, 578, 594, 624,
771, 772, 795, 799, 844,
871, 872, 877, 898, 921, 955

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Have you all recorded your presence? Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, Mr. Clerk, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand published as is. Any messages, reports or announcements?

CLERK: Mr. President, a series of things. Your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp instructs me to report LB 358 advanced to General File with committee amendments attached. (See pages 881-884 of the Legislative Journal.)

Your committee on Education reports LB 578 advanced to General File with committee amendments attached. That is signed by Senator Koch. (See page 885 of the Legislative Journal.)

Your committee on Government reports 921 advanced to General File; 594 indefinitely postponed; 624 indefinitely postponed; 795 indefinitely postponed; 844 indefinitely postponed; 871 indefinitely postponed; 872 indefinitely postponed. That is all signed by Senator Kahle as Chair, Mr. President.

Your committee on Banking whose chairman is Senator DeCamp reports 799 advanced to General File with committee amendments attached. 877 is advanced to General File from the Public Works Committee. 152 indefinitely postponed; 222 indefinitely postponed; 348 indefinitely postponed; 508 indefinitely postponed; 527 indefinitely postponed; 771 indefinitely postponed; 772 indefinitely postponed; 955 indefinitely postponed, all signed by Senator Kremer as Chair. (See pages 885-886 of the Legislative Journal.)

Mr. President, your Enrolling Clerk reports that she presented to the Governor LB 353, 304 and 431. The Governor has received engrossed LB 440 and signed that bill on February 25, Mr. President. (See page 886 of the Legislative Journal.)

Rules gives notice of a hearing for Tuesday, March 16.

I have a series of Attorney General's opinions, the first addressed to Senator DeCamp regarding LB 898; one to Senator Culllan regarding LB 525; one to Senator Wagner regarding interpretation of Statutory Section 2-1504; one to Senator DeCamp regarding 335. (See pages 887-895 of the Legislative Journal.)

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LB 525, 903

cameral. LB 525 is the next motion.

CLERK: Mr. President, before that if I may, an Attorney General's opinion addressed to Senator Wesely and your committee on Revenue reports that LB 903 advance to General File with committee amendments attached. That is signed by Senator Carsten as Chair. (See pages 1008-1014 of the Legislative Journal.

Mr. President, I have a motion on LB 525. Senator Chambers would move to return LB 525 to Select File for a specific amendment, that amendment being to strike the enacting clause.

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I've handed around to you a copy of the statement of intent prepared by Senator Sieck on this bill and you can read the entire statement but the last few sentences are significant. "There are two basic reasons for the introduction of LB 525. First, the current law, Section 29-2011.01 provides broader immunity to witnesses and criminal prosecutions then is necessary. Secondly, a witness granted immunity under the current statute may not be prosecuted for any criminal transaction about which he testifies. If it is discovered that the immunized witness participated in a criminal act to a greater degree than originally known, the prosecutor is foreclosed from prosecuting that immunized witness even though he may be able to prove guilt independent of the immunized witness' testimony. The proposed statute would permit later prosecution of a witness under the same circumstances." The key to this whole discussion is that a person has the right under the Constitution to avoid incriminating himself or herself in a criminal prosecution. This statute would enable the state to offer a grant of immunity and compel that person to give testimony which could be incriminating. The testimony would be given against another person. Based on this statute and the statement of intent, this proposed change, the person could later be prosecuted in that same situation. Now we all know that should a second prosecution occur or should a prosecution occur, a denial would be made that it was based on what this person had said. But had there been enough evidence to convict that person anyway, then a plea bargain would have been struck rather than a grant of immunity. The person would have been told that in exchange for your testimony, then we'll reduce the charges on you, but not if you testify, then you cannot be prosecuted. Immunity is granted when not enough evidence would exist to convict the person who is being asked to testify in most cases. Now there was some testimony during the hearing on that bill and I am going to read you this pro-

vision or I'll tell you about it that took place between Ron Brown who was the lobbyist for the County Attorney's group and myself. I had raised the issue in addition to the one I've talked about, about the individual who does become a snitch or an informer or whatever you want to call a person like that. At the federal level if a person becomes a snitch he or she is given a new identity, relocated and kept safe from the persons against whom he or she would testify but Ron Brown stated and we all know it, that at the state level the patrol does not have the means to do this kind of thing. The county sheriff does not have this kind of means nor would the local police. So this is where we wound up. Senator Chambers: "So what you are saying is that whoever would testify would be left to the tender mercies of whoever was testified against and his or her cohorts." Ron Brown: "That very well may be the result." Chambers: "Now based on your experience and what you have read, would you say that 'may very well be the result' or is it likely that would be the result?" Ron Brown: "That is the probable result I would say." So in addition to putting yourself in danger of an additional prosecution you have the situation of testifying against people and not being protected from them later. If you refuse to testify, fearing that should you testify these people or friends of these people will get you, that is not a basis for refusing to testify either. Now there is some additional discussion between myself and Mr. Thalken who was the U.S. attorney at the hearing. I had asked if they intended to prosecute a person from whom they are going to compel testimony, would they have to tell that person that they intend to prosecute him or her anyway? He said, no, they don't have to and he doesn't think anything is wrong with that. So here was my comment. I was trying to give an example. "I'm going to be compelled to testify against Senator Nichol. You're sitting on some information that will provide the basis of a prosecution against me, but I don't know it. So you tell me, we'll give you immunity if you testify against Senator Nichol. So I testify against him and then I'm prosecuted. Now had I known that you had enough evidence and had intended to prosecute me anyway, I wouldn't put myself in jeopardy with Bill and his friends by testifying against him. The only reason I'd do that is to avoid prosecution. In effect, you make me think that I'm immunizing myself from prosecution when in reality I'm not and you're getting from me information that I wouldn't have given. There's no quid pro quo in other words." Mr. Thalken: "That person is informed and it is in the grant itself or in our letter of instruction that he can be prosecuted for offenses." Chambers: "But do you tell him that you've got evidence right now that you're using to consider a prosecution against him?" Thalken: "Not necessarily and I don't think that's necessarily evil to do that." Then we

come to the end of the hearing and I think Mr. Thalken was responding to Senator Kilgarin. She had asked him some questions about the difference between use immunity and transactional immunity and this is one of the statements that he made. "In other words, if a person were granted transactional immunity for murder he could testify before whatever judicial body about a fellow conspirator or fellow accomplice in the murder and he couldn't be prosecuted for that murder. Whereas in use immunity," which is what the bill is interested in offering, "he could be compelled to testify about his accomplice but he still could be prosecuted for his part in the case. As the present statute under Nebraska law at the present time, if he were compelled to testify he couldn't be prosecuted for it." So it seems that what is being stated is that under the present law, once testimony is compelled, the person could not be prosecuted again or on the basis of having participated in that act about which the testimony was compelled but with the changes being offered by 525, the testimony could be compelled and a prosecution, nevertheless, could occur. So I have offered the motion to return this bill and strike the enacting clause. If you want to get a copy of the entire transcript of the entire hearing, you can do that but I wasn't able to get that out to all of you and I wasn't sure that you would want to read the whole thing anyway. But if you look at the statement of intent you will see that the aim is to allow a later prosecution growing out of the same circumstances about which the person has been compelled to testify and I will state what my belief on this matter is. The idea of crimes and punishments is a very serious matter. There have been safeguards presented in the U.S. and the state constitutions so that any person accused of a crime by the state must be convicted of that crime beyond a reasonable doubt and the state must prove beyond a reasonable doubt every element of the charged offense. The state failing to do that, the individual charged must be acquitted. If you take away the constitutional guarantee against self-incrimination, there should be no means by which the prosecution could then come back and prosecute you about any aspect of the transaction that you were required to testify on. Remember, if you refuse to testify once the grant of immunity has been issued, then you are cited for contempt and can be jailed until you purge yourself and this one final item on immunity. It is different from a plea bargain. A plea bargain is just what it says. Two people get together or two sides and try to arrive at a meeting of the minds or an agreement whereby each one gets something that he or she is seeking in exchange for something from the other, or giving up something to the other. Where immunity is concerned, once the prosecutor gets the court to agree to grant the immunity, you as the person being compelled to testify have no choice.

You don't bargain about whether you're going to testify. The immunity is granted and all it really means...

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: ...thank you, Mr. Chairman, all it really means is that the court has put you in a position where you must testify and if you don't you will go to jail for contempt. So remember, a plea bargain is where you try to arrive at a meeting of the minds on what you are going to do, the prosecution and the defense. With the immunity, once the immunity is granted by the court, it is really a statement or an order compelling you to testify even though you may incriminate yourself or go to jail. So I am asking that this bill be returned to strike the enacting clause. And if you have any more questions, if the bill is returned, then I'd be willing to....of course Senator Sieck had the time that he said he needed so maybe he's got the answers to the questions.

SPEAKER MARVEL: The Chair recognizes Senator Sieck.

SENATOR SIECK: Yes, Mr. President and members of the body, some of the statements that Senator Chambers has made is true but it is true only to its context. Actually this is a change of immunity from transaction to use immunity and if he gives the use immunity he is immune and I think Chambers was saying that he could not be immune but he is immune. The only difference is that it is a transaction immunity, then that means that transaction, whatever it may be, if it is murder and he is involved with that murder and he is offered immunity because of that murder, he is given immunity for the total amount. But in use immunity that means that everything that he says he is granted immunity but if there is something found later that would be against him and he would be involved with the murder, then that could be used against him but whatever he said as far as the immunity, he is granted immunity. So I feel Chambers is just a little bit off. He is still granted immunity but the only difference is he is granted full immunity to the transaction and all this law does is change it from transaction to use and that means everything that he says, he will be immune to that particular situation. Under the present statute when an offender receives immunity and is compelled to testify, this offender would receive total immunity and could not be prosecuted on any related matter regarding that testimony. A problem obviously arises here when the offender is granted immunity because he discloses only the amount of information necessary to be set free and hesitates to elaborate in his testimony any more than is absolutely necessary. And what this would do, it would encourage that individual to

talk, to give all the information that he has so that he would be granted full immunity and if he would not and later testimony could be found that would convict him of the same offense, then he would be convicted or would go to court. The second problem with the present transactional immunity is that in an instance where two people conspired in the same crime and one of those people receives immunity and testifies against the other, under present law one of these conspirers could get a harsh penalty while the other one just could walk off without any possible prosecution. To me that is wrong. And if there is evidence that is found that could prosecute him, he should be prosecuted. These are problems with the present transactional immunity offered in the statute. The use immunity offered in LB 525 would change this because an offender could be prosecuted. Obviously, the more such a person tells the better situation this offender will be in his own trial due to his or her cooperation. In other words, if he gives all the information he will be granted immunity. He talked about Robert Blakey. He is the National Association of Attorney Generals Association and this is what he says. With transactional immunity all the witness has to do is mention the transaction. He does not have to fill in the details. So his attorney can tell him to just mention it and then say, "I don't remember." But with the use statute a smart attorney advises his client to tell all he knows because the more he tells, the less can be later used against him. So use statute encourage fuller disclosure by witnesses and that is what they are really all about. I'd like to give you an example. You will remember the prosecution of Ronald Abboud, a murder case in Omaha, four years ago. In that case two defendants were charged with the first degree murder of Ronald Abboud. As a result of the immunized testimony of the third conspirator in the case under the present law the third conspirator could not be prosecuted even if the county attorney could have established guilt beyond a reasonable doubt independently of the conspirator's own testimony. The proposed amendment would permit prosecution of immunized witness if the county attorney could develop sufficient evidence independent of the witness' own testimony or leads developed from the witness' testimony. With transaction immunity all the witness has to do is mention the transaction. He does not have to fill in the details. So his attorney can tell him just to mention it and then say, "I don't remember, but with a use immunity or a use statute, a smart attorney advises his client to tell all he knows because the more he tells, the less can be later used against him. So use statutes encourages fuller disclosure by witness and that is what this is really all about. So you can't say that he is not getting immunity. He is still getting immunity but not on the transaction but on what he says and I feel this is a proper bill and a proper law. And as far as

the statutes with the federal statutes, this agrees with the federal statute. This is the federal statute at the present time and the Nebraska state statutes now will be equal with the federal statutes. I resolved not to take this off of Final Reading. Thank you.

SPEAKER MARVEL: The motion is to return the bill for a specific amendment. The Chair recognizes Senator Chambers to close.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this bill also has a provision that deals with material that may not be just in a criminal matter. It allows the compelling of testimony or other information from such individual which may be necessary to the public good or the public interest. When I asked Mr. Thalken because I was concerned that a person might decide, a prosecutor might decide to harass some public officials and bring these people before some body that was investigating and compel them to testify about various activities and since it says, whatever information might be in the public interest, it does not necessarily mean there is a criminal prosecution. So I was asking Mr. Thalken how broadly this kind of statute could be used, not only where criminal actions were concerned, but perhaps where a public official was to be exposed for one thing or another and could be compelled to give testimony about something not necessarily criminal in nature. So I asked Mr. Thalken from the U.S. Attorney's office what all could be encompassed in "the public interest", because that language is in the bill. Mr. Thalken: "I guess what it comes down to is that justice is done. Its a field that is open to interpretation by the person seeking immunity and by the person who is granting immunity. That is the court to determine whether it is in the public interest." So you see that provision is to be left to interpretation. Mr. Thalken didn't know what it meant and I frankly don't know what it means and I don't think Senator Sieck knows but it is a very broad grant of authority for compelling testimony. Now, I had gone on with Mr. Thalken and said, "In compelling this testimony it doesn't have to be a part of a prosecution but just whatever the public interest could be defined as being." He said, "I'll leave that to your interpretation." Then I asked, "So then you couldn't use this statute for any civil matter and only criminal, that is all that we are dealing with in Section 1." Mr. Thalken: "That would be a matter of interpretation of that particular section." Chambers: "Now when you say a criminal proceeding before a Grand Jury, can Grand Juries consider civil matters too?" Thalken: "No, not in federal court." Chambers: "In state court do you know?" Thalken: "In state court I don't think so, but that is a matter I'll leave to the state."

When you get to the shaky parts of the bill, Mr. Thalken did not want to state what some of this broad language meant, nor whether it could be used for the purpose of harassing public officials or people who are not public officials into discussing things that have nothing to do with the prosecution. And all you would have to do apparently under this bill is say that you will not be prosecuted yourself although you might, even under what Senator Sleck told you. Whatever is in the public interest can lead to a compelling of testimony. I think the language is too loose. I think the issue is too serious and if something has to be done in this area or if something should be done and one of my colleagues suggested that maybe the present statute needs to be looked at, then an interim study could be conducted over the summer and during the hearing none of the people testifying for this bill were able to list any significant number of cases where such a bill like this is warranted. So since there is no compelling need for this thing to be done at all, and certainly not in the fashion that it's being done now I would suggest that we wipe this bill out for this year. Then if the County Attorneys Association, in fact, has enough concern and think that this is an important issue, see if they can show a justification for an interim hearing or study and based on that that I've said already, I think the bill ought to be returned and enacting clause stricken.

SPEAKER MARVEL: Okay, the motion is that the bill be returned for a specific purpose or a specific amendment and that amendment is to strike the enacting clause. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted? Have you all voted? Record the vote.

CLERK: Mr. President, Senator Chambers requests a record vote. (Read record vote as found on page 1014 of the Legislative Journal.) 17 ayes, 28 nays, Mr. President, on the motion to return the bill.

SPEAKER MARVEL: The motion lost. Okay, read the bill.

CLERK: (Read LB 525 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with the question is, shall the bill pass on Final Reading. Those in favor vote aye, opposed no. Have you all voted?

CLERK: (Read record vote found on pages 1015-1016 of the Legislative Journal.) 29 ayes, 16 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is passed on Final Reading. The next bill, 375, the Clerk will read.

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LB 807, 126, 525, 375

diverse subjects as fluoride, NRDs and a wide variety of others. There is one provision for school districts and that has to do with the question of district elections or at large elections that appears in Chapter 5, Section 108, but generally speaking, I do not know of a school's power to place on the ballot educational questions for the decisions of the voting public. I do not know that there is an initiative/referendum form for schools generally other than for their form of governance.

SENATOR BEUTLER: Okay, thank you, Senator Landis. Again, I would encourage you to support the bill.

SPEAKER MARVEL: Senator Landis, are you ready to close?

SENATOR LANDIS: I will only make this offer to the body. In the event you have questions about 807, I hope that you will pass this bill along and bring them to me before Select File. I have indicated to all parties that on Select File whatever amendments are appropriate I will attach and in the event you have questions about it, I will make every effort to see that they are answered clearly by the time this comes up for Select File discussion. Thank you, and I move the bill.

SPEAKER MARVEL: The motion before the House is the advancement of LB 807 to E & R initial. All those in favor of that motion vote aye, those opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: 34 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced.

CLERK: Mr. President, if I may, I have a report of registered lobbyists for week of February 25 through March 4. (See page 1018 of the Legislative Journal.)

I have a study resolution offered by Senators Cullan and Koch. It would call for the Education Committee to conduct an interim study on the intellectual and mental capabilities and capacities of our youth. That will be referred to the Exec Board for reference. (Re: LR 241. See pages 1018-1019 of the Journal.)

Mr. President, Senator Cope asks unanimous consent to print a communication from the White House in the Legislative Journal. (See pages 1019-1020 of the Legislative Journal.)

Mr. President, LB 126, 375 and 525 are ready for your signature.

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LB 126, 375, 525, 877, 941

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign engrossed LB 126, engrossed LB 525 and engrossed LB 375. The next bill is 941.

CLERK: Mr. President, LB 941 offered by Senator Clark. (Read title.) The bill was read on January 19 of this year, referred to the Banking Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SPEAKER MARVEL: The Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President, members, I can talk as long or as short as you'd like on this bill. What it probably should have been in the first place is a revisor of statutes bill. All this does, LB 87 of the '79 session was clearly amendatory. This section is 45-114 to 45-158 but instead they were placed in part (E) labeled "Collection Procedures." We have contacted the revisor of statutes on this and the revisor says the only thing that is needed is this particular bill for her authority to put in the statutes the way it should be in the first place. I would move for the advancement of 941 to E & R.

SPEAKER MARVEL: The motion is to advance the bill to E & R for engrossment. All those in favor vote aye, opposed no. Have you all voted? Clerk, record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next item of business, LB 877.

CLERK: Mr. President, LB 877 by Senator Rumery. (Read title.) The bill was first read on January 18 of this year. It was referred to the Public Works Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SPEAKER MARVEL: Senator Rumery.

SENATOR RUMERY: Mr. President, members of the Legislature, this is a rather simple bill. It simply provides an opportunity for people who have drivers' licenses in Nebraska who are working outside the state or outside of the country, have an opportunity to renew that license without coming back to their home county to do so. The provisions are made that they can...and they can also do this ninety days ahead if they are here and they know they are going to be gone while their license

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LB 126, 375, 525, 686, 809, 869

SPEAKER MARVEL: Underneath the south balcony as guests of Senator Richard Peterson from Pierce, Nebraska, Mr. and Mrs. Bill Stanacek and daughter, Shannon, and Sue Wickman and Elisa Sorano who is an exchange student from Mexico. If you are in the room, will you please hold up your hands so we can see where you are. Yes.

CLERK: Mr. President, the Government Committee would like to hold an Executive Session underneath the north balcony upon adjournment today. That is the Government Committee. Senator Beyer would like to print amendments to LB 686 in the Legislative Journal. (See pages 1024 and 1025 of the Legislative Journal.) Mr. President, Senator DeCamp offers explanation of vote. And your Enrolling Clerk has presented to the Governor for his approval LBs 375, 525 and 126.

SPEAKER MARVEL: The next item is 869.

CLERK: Mr. President, LB 869 offered by Senator Stoney. (Read title.) The bill was read on January 18, referred to Miscellaneous Subjects, advanced to General File. I have no amendments on the bill, Mr. President.

SENATOR STONEY: Mr. President and members of the Legislature, I can spare you my speech if Senator Chambers would agree to spare you his, and maybe we could do something with this bill. He says, oh, no. Well, that doesn't surprise me. Ladies and gentlemen, what LB 869 attempts to do where LB 809 attempted to deal with the youth that would use altered identification in purchasing alcoholic beverages, in the case of LB 869 it addresses that person that provides through manufacture or production of this identification this illegitimate identification to youth. Now it is my understanding even here at the Nebraska State Fair there are youth who can through paying a certain fee purchase an identification that would verify that they are of legal age. What this bill would do as the other one would is to establish a minimum. There is no minimum at the present time. It is a Class III misdemeanor as it was in the instance referred to in LB 809. This would establish for a first offense a person that would be charged and convicted of this offense a 24 hours in jail, a \$100 fine. A subsequent offense and conviction would result in 48 hours or a \$500 fine. Ladies and gentlemen, this...well, I will leave it at that. I move that the bill be advanced.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature,

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LB 672, 126, 375, 525

favor vote aye, opposed nay. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Beutler's amendment.

PRESIDENT: Motion carries. The Beutler amendment is adopted. Any further amendments?

CLERK: Nothing further, Mr. President.

PRESIDENT: Senator Goodrich.

SENATOR GOODRICH: I move the bill be advanced.

PRESIDENT: Motion to advance LB 672 to E & R for Engrossment. Any discussion? Who requests a machine vote? Senator Vickers, all right, machine vote has been requested. All those in favor of advancing LB 672 vote aye, opposed nay. Go to the board. Motion is on the advancing to E & R for Engrossment of 672. Have you all voted? Well, Senator Goodrich, do you want to close the afternoon out with a Call of the House to make sure everybody is here to say goodbye for the weekend, or.....?

SENATOR GOODRICH: Wait a minute, just a second, I think I have got a green one coming here. I need one more after this one too. Okay.

PRESIDENT: Record the vote.

CLERK: Senator Wesely, do you want....you do? Senator Wesely requests record vote, Mr. President.

PRESIDENT: Record vote has been requested, Mr. Clerk.

CLERK: (Read the record vote as found on pages 1145 and 1146 of the Legislative Journal.) 25 ayes, 13 nays, Mr. President.

PRESIDENT: The motion carries, LB 672 is advanced to E & R for Engrossment. Anything further to read in at this time?

CLERK: Mr. President, Public Works is going to hold an Executive Session underneath the north balcony upon adjournment. That is Public Works underneath the north balcony. Governor Thone has communicated to us that LBs 126, 375 and 525 were signed by me on March 10th, 1982.

Mr. President, Special Order scheduling by the Speaker.
(Re: LB 726.)