

PRESIDENT: The Chair recognizes Senator Fellman, then Kelly, then Nore. We are still speaking on the motion to indefinitely postpone LB568.

SENATOR FELLMAN: Mr. President, I would like to yield to Senator Skarda.

PRESIDENT: Senator Skarda?

SENATOR SKARDA: Mr. President, I would like to be excused for the balance of the day and I would like to thank the good senator for offering me the opportunity.

PRESIDENT: Are there objections to Senator Skarda's absence for the rest of the day? Hearing none, so ordered you are excused senator. Go ahead Senator Fellman.

SENATOR FELLMAN: Mr. President and members of the Legislature, I can't help pointing out to the members of this body the comment that Senator Luedtke made that this bill was originally sponsored or endorsed and recommended by Governor Exon, who among other things probably has a reputation in this body at least as being a great liberal, and it is supported from among Senator Chambers and Senator Luedtke, who certainly would be counted among the normal spokesmen for the Governor's office. It seems to me that this by itself would show that different minds of different persuasions can on occasion agree with an idea whose time has appeared to have come. I think that we have gotten carried away. The way that this debate is going it would seem as if the bad check writer could go absolutely free and there would be no punishment. Nobody is saying that this is no longer a crime, all that this bill does is say that the man or the woman, the bad check writer should be punished locally, at the county jail, and the district county judge has full authority to put the bad check writer behind bars as long as almost any judge in this state normally does for an offense of this type. The only thing that I think might bring true would be that the tale of horrors proposed by Senator DeCamp, where you get a check writing group that comes in and sets up a conspiracy to fraud, obtains money by false pretenses, and goes about the state committing a whole series of felonies. Anyone of which could be a chargeable offense which could result in extradition by any county attorney that wants to be ambitious as a prosecuting officer of the state. It seems to me very clear that in the very serious crime, which on the one hand that we are talking about, there are adequate remedies, in the less serious crime, which is the smaller check, all we are talking about is to putting this back down on the local level, and possibly one of the real problems is a lack of courage on the part of local, judicial officers to adequately punish somebody right at home, thinking that it is easier to send them down to the penitentiary in Lincoln. The one thing that is important to remember when we vote on this bill, and I would urge an opposition to the kill motion and passage of this bill, the one thing that I think everybody must remember is that this is still a crime and nobody is trying to decriminalize this. All we are talking about is setting the punishment to the crime, and to get it out of kilter is to not read the bill. The issue is whether the punishment fits the crime and there is a strange group of bedfellows that seem to feel that the right punishment is to reduce the total penalty so that it properly fits the crime and will be utilized. Therefore, this motion to kill should be defeated and the bill, now that it is in proper proportion with a five hundred dollar limit should be passed and we should see how it works.

PRESIDENT: Senator Kelly, we are still speaking on the motion to indefinitely postpone, and then Senator Nore.

SENATOR KELLY: Mr. President, I call the question.

PRESIDENT: Previous question has been called. Does the chair see five hands. Question is shall the debate now close. All those