

PRESIDENT: Senator George.

SENATOR GEORGE: Mr. President, I have a question of Senator Bereuter. Senator Bereuter, the way I understand your amendment you want to really define it in such a way that the lay person must then be a retired member of the Bar or a judge. That means there is no lay person really left. Is that correct?

SENATOR BEREUTER: Yes, that is correct. I don't feel we're putting a responsibility on lay persons is appropriate. I feel we should be trying to find people with expertise at this stage. Since Senator Cullan wants to remove people from active judges..from the category of active judges from the advisory committee, I at least want to ensure that they've had vast experience as judges. So if you're for the Cullan amendment I hope at least you'll support my amendment to it.

SENATOR GEORGE: Thank you Senator Bereuter. Could I maybe ask a question of Senator Barnett? Senator Barnett, could I? Could you tell me at present what does the Commission consist of? Are there laymen on the Commission?

SENATOR BARNETT: On the original Commission?

SENATOR GEORGE: Yes.

SENATOR BARNETT: Yes, there is lay.... Wait a minute. Are you talking about the original Commission, Senator George, that started out to rewrite the Code?

SENATOR GEORGE: No, the one that is meant to look over the Code between this and....

SENATOR BARNETT: You're talking about Senator Bereuter's.

SENATOR GEORGE: I'm talking about the Commission...the Committee which is supposed to review LB 38, between now and next session.

SENATOR BARNETT: I don't believe there was any lay people in it.

SENATOR GEORGE: No lay people in it at all?

SENATOR BARNETT: No. Seven members, a district judge, a county judge, county attorney, a public defender, a lawyer that has been a member of the Bar for five years, a designee of the Attorney General who could be a lay person, and the Revisor of Statutes. So there would not be any so designated.

SENATOR GEORGE: Is Senator Cullan on the floor? Senator Cullan, could you further explain how you really intend to change that Commission? I don't think it's clear.

SENATOR CULLAN: Yes, Senator George. The Commission originally called for an active district judge and an active county judge to be on the Commission. My amendment substituted two lay persons, because it was felt, by a number of judges who I talked to, that it would be improper for an active judge to participate in review.

SENATOR GEORGE: So you're adding, to the Commission, two lay persons. Is that correct?