

May 15, 1979

LB 262

to agree with Senator Newell. The battle lines have been drawn but I again think it is important that I at just at least take a couple of minutes to explain what I have found to be something that I don't think should be a part of state statute and that is this. Currently state statute says that one who is arrested and arraigned and in the process of being convicted for first degree murder, the state of course, gets involved and how does the state get involved? Well they get involved by merely proving the sanity or the insanity of the defendant. We, the taxpayers have to prove that this man or woman is insane or not insane. Now why should that proof be on the taxpayers of the state? I think that the proof should be on the defendant. There are several states right now that have laws that say just that. Yes, I have been told that this may not be germane. I have been told that perhaps it may be unconstitutional relative to this particular piece of legislation but I will be back and I will attempt to change the statute next year, ladies and gentlemen, and hopefully alleviate some of the expenses that are incurred by the taxpayers in those who are arraigned for such crimes. With that, Mr. Speaker, I ask unanimous consent to withdraw that particular amendment.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: If there is no objection, so ordered.

ASSISTANT CLERK: Mr. President, Senator Venditte moves to indefinitely postpone LB 262.

SPEAKER MARVEL: Read the motion.

CLERK: Mr. President, Senator DeCamp moves to suspend Rule 7, Section 3a so as to take up the motion to indefinitely postpone today.

SPEAKER MARVEL: Senator DeCamp.

SENATOR De CAMP: Mr. President, whether you are for or against a particular proposal, we kind of had an understanding that particularly in these last days you don't use this as a device to keep matters from being handled. Otherwise what any number of bills there could be abused this way. So the purpose of that particular rule was for the specific purpose of giving the sponsor of a bill, as everybody knows, the opportunity to get prepared for a kill motion so it wouldn't take them by surprise. It