

April 1, 1980

LB 761

appropriate. I don't think Senator Burrows either gains or loses whether the wording is in there or not, but I think it does permit in the event that they can appropriately move some people and it is economically the right decision, they ought to have that flexibility. So I would oppose the change in the wording.

SENATOR NICHOL: Senator Hefner, did you wish to speak on this?

SENATOR HEFNER: Mr. President and members, I rise to oppose this amendment because I believe it would be going against the court order. I think we would find ourselves with some problems that we wouldn't want to address if we passed this amendment. I think that the way the bill stands now that it does give DPI some flexibility and I think this is the way it should be. So, therefore, I would oppose the amendment.

SENATOR NICHOL: Senator Burrows, would you like to close, please.

SENATOR BURROWS: Well, I think the real issue at stake is to whether...is whether the Legislature wants to crawl to a court order that it's not obligated to follow, and I think we are an independent body and I think we ought to exert our independence and strike this language. It is not life or death whether it is in there or not and I think it is the more intelligent direction if we remove the language. Thank you.

SENATOR NICHOL: The question is the adoption of the Burrows amendment. All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting no.

SENATOR NICHOL: Please vote. Record the vote.

CLERK: 8 ayes, 16 nays, Mr. President, on adoption of Senator Burrows' amendment.

SENATOR NICHOL: Senator Warner, would you like to talk to the bill?

SENATOR WARNER: Mr. President and members of the Legislature, I had some amendments to cut which I would like to pull and am pulling, have pulled. I would like to move to advance the bill and I want to explain so everyone will know exactly why I am doing it. I know some of you... well, I think we are about 6.7 million above at the moment