

PRESIDENT: LB 82 advances. LB 200, please.

CLERK: Mr. President, LB 200 was a bill that was introduced by Senator Chizek. (Read title.) It was introduced on January 9, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Chizek, please.

SENATOR CHIZEK: Mr. President and colleagues, it was brought to our attention that the Supreme Court, in 1984, decided that the Legislature had failed to provide any penalty for theft of mislaid property when the value of that property was less than \$100. In all other types of theft less than \$100, such as theft by taking, misrepresentation, and so on, a penalty is provided. The court did say there was a penalty if the value was over \$100. So what we have is a small loophole to close with LB 200. And it simply makes that conduct a misdemeanor. One example would be if a woman had bought some books and was reading them in a coffee shop mall cafe, laid the books down to walk back and get a napkin but forgets about the books. Joe takes the books. If the book is valued at less than \$100, no crime. If the book is valued at more than \$100, it's a misdemeanor. I have been asked the question...Senator Chambers had asked me the question if someone had ordered seven or eight magazine subscriptions in his name and sent them to his house, would this apply in that instance? No it would not apply in that instance because contract law, et-cetera, and those who accept those magazine subscriptions have the responsibility to see that they have the right person contract and so this would not have any bearing, Senator Chambers. I would ask for the adoption of the bill...or the advancement of the bill.

PRESIDENT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Chizek did deal with the issue that concerns me about the bill. That having been resolved, I have no problem with it. But what has happened to me and will probably happen to some of you all, if you become what is considered controversial, magazines are subscribed to, various items and products are written...I mean, are sent to me through companies supposedly because I have made a request through the mail or by phone for those items. The only thing, I mean, you cannot be put in a position of having to return things that are sent to you through