

May 4, 1989

LB 769

SENATOR SMITH: Well, what...I guess I would like to ask the question then, if he's going to respond,...

PRESIDENT: All right.

SENATOR SMITH: If we already have it, why don't we just use the one that is on the books?

SENATOR ASHFORD: Maybe I could....Do you want me to respond to that?

PRESIDENT: Senator Smith, who do you wish to have answer your question?

SENATOR SMITH: Senator Lindsay.

SENATOR LINDSAY: I was kind of hoping we could all answer at once.

SENATOR SMITH: Briefly, because Senator Ashford may have a different opinion.

SENATOR LINDSAY: The reason for that is that when that bill was originally passed it was...the lawsuit was filed taking that to court. The judge issued a permanent injunction enjoining enforcement of that statute. The state declined to appeal the case, so that injunction remains in effect.

SENATOR SMITH: That means then, are you saying to me, Senator Lindsay, that with the decision now made in the Eighth Circuit Court, that it still remains...an injunction still remains on this statute?

SENATOR LINDSAY: The Eighth Circuit case did not...it had nothing to do with it, it's a case that came out of Minnesota, so it had nothing to do with the Nebraska case. No, I do see that Senator Ashford is going to disagree with me, but that is my interpretation of it.

SENATOR SMITH: See, this has been my problem all along, that I have two attorneys, three, however many are on the floor, but I bet you...I'm going to let Senator Ashford tell me what he thinks now.

SENATOR ASHFORD: I think, Senator Lindsay, that it is...the