

May 4, 1989

LB 769

what year, '81 or '82, and it's been on the books since then, but there was an injunction against that section. So it's going to be repealed and replaced by LB 769.

SENATOR NELSON: Thank you.

PRESIDENT: Thank you. Senator Labeledz, please, you're up next. Senator Labeledz, it's your speaking order next.

SENATOR LABEDZ: I'll call the question.

PRESIDENT: Okay. Question has been called. Do I see five hands? Now I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Debate has ceased. Senator Ashford, would you like to close. (Gavel.)

SENATOR ASHFORD: Yeah, this is the best part, so everybody probably wants to listen.

PRESIDENT: Senator Ashford, just a moment, please. Please, let's pay attention and hold the conversation down so that those who wish to listen may hear. Thank you.

SENATOR ASHFORD: Thank you, Mr. President, and members. Senator Chambers, believe it or not, I did think of this amendment all by myself but, you know, just to comment a little bit on 28-347, I think that for all of us it is confusing, including Senator Labeledz, the sponsor of this bill. What really is the effect of 28-347? I don't think that it is very easy for a nonlawyer to know what the effect of the 1983 Urbom decision was on 28-347. I think it is fairly clear to me and, therefore, I understand why Senator Labeledz brought a separate piece of legislation because if you look at the Urbom decision in and of itself, it appears fairly clear that 28-347 was held unconstitutional and the defendants were permanently enjoined from enforcing that particular statute. However, since, in my opinion, and I think Senator Lindsay basically concurs with me, that since the Eighth Circuit decision in Hodgson that 28-347 would be essentially constitutional today. But whether or not we, as a body, decide to amend 28-347 or bring in a separate