

SPEAKER BAACK: Thank you, Senator Elmer. We'll now proceed to Senator Will.

SENATOR WILL: Thank you, Mr. Speaker. I'd like to ask one of the lawyer members of the body a question, which I know is sometimes dangerous. But I see Senator Lindsay sitting here. Oh, I'm sorry, my mistake. (Laughter.)

SENATOR LINDSAY: (inaudible) my hourly rate.

SENATOR WILL: Senator Lindsay, we have a number of inmates on death row that file appeal after appeal and rack up what I would conclude are probably substantial legal fees or potential legal fees. In your opinion, if our Supreme Court would some day rule the Nebraska death penalty unconstitutional, would that all of a sudden open up the State of Nebraska to a whole lot of legal fees that they would have to be paying, or not, under this bill?

SENATOR LINDSAY: No, it would not. This bill applies to somebody who was convicted under a particular statute, not to the penalty statutes. In...take any of the examples on death row, that person would have been prosecuted under the statute prohibiting murder in the first degree. That murder in the first degree statute would have to be found unconstitutional, which I'm sure has been tested numerous times and never been found to be that. So, there's two separate, there's a distinction here between the statute under which they are prosecuted and the statute under which they are sentenced. And this bill does not apply to the sentencing provision...sentencing portion of that, it applies only to the prosecution portion of that.

SENATOR WILL: That's what I wanted to know. I intend to support the bill. Thank you.

SENATOR LINDSAY: Thank you.

SPEAKER BAACK: Thank you, Senator Will. Next speaker, we have Senator Morrissey.

SENATOR MORRISSEY: Thank you, Mr. President and members. I agree with the intentions of the bill, I just want to bring up a question that I will have to research between now and the next step, should the bill pass. My concerns are how the bill would