

March 26, 1991      LB 205, 218

item of business is Final Reading. I would ask the senators to please return to their seats so that we can proceed. We will pass over LB 648, and the first bill we will take up is LB 205E. Proceed with LB 205E.

CLERK: (Read LB 205 on Final Reading.)

PRESIDENT MOUL: All provisions of law relative to procedure having been complied with, the question is, shall LB 205E pass? All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: (Read record vote as found on pages 1320-21 of the Legislative Journal.) 36 ayes, 0 nays, 2 present and not voting, 11 excused and not voting, Madam President.

PRESIDENT MOUL: LB 205E passes. LB 218.

CLERK: Madam President, Senator Beutler would move to return the bill for specific amendment.

PRESIDENT MOUL: Senator Beutler.

SENATOR BEUTLER: Madam President, members of the Legislature, this is a very important issue, or I would not have brought it to your attention at this particular state. But the amendment would strike Section 1 of LB 218, which is the section which says that theft of livestock, regardless of the value of the livestock, is going to be a Class IV felony. And the reason that I bring this to your attention is that this represents a departure from the revision of the Criminal Code that was done in 1978, and which set out categories of theft and regulated the penalties for theft in accordance with the value of the property stolen. And at the time that we put these statutes together, I wasn't here then, but when the Legislature put these statutes together they went back and they gathered all these miscellaneous statutes that have been put into the law over time that said stealing a cow, stealing a pig, stealing a roll of copper, all these individuals offenses that were not related very well to one another they put them all together and they related them to one another in accordance with the value of what was stolen. And so we have in our statutes today provisions that say if a theft is for an item that's \$100 or less it's a Class II misdemeanor; if it's between \$100 and \$300 it's a Class I misdemeanor; \$300 to \$1,000 is a Class IV felony; and