

May 1, 1991

LB 413, 638

**SPEAKER BAACK:** Yes, Madam President and colleagues, just a brief one. I think that some of Senator Morrissey's concerns may be alleviated because I think that you would still be able to prosecute these people under...with civil...with civil penalties. What we're talking about is the only...the criminal penalty of a felony in this case. You would still be...they would still have some liabilities. There would still be those civil liabilities for the clean-up and these kind of things. They would still be able to be prosecuted for those. If you would not be able to prove the stricter standard of intent, then you would not be able to have a felony violation assessed against them. But I, too, will look at this between now and Select File and see if there is any adjustments that need to be made and possibly by that time I will understand it better as well as Senator Morrissey. With that, I would simply urge the advancement of the bill.

**PRESIDENT MOUL:** Thank you, Speaker Baack. We will now vote on the motion to advance LB 413. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

**CLERK:** 27 ayes, 0 nays, Madam President, on the advancement of 413.

**PRESIDENT MOUL:** LB 413 is advanced. Proceed with LB 638.

**CLERK:** Madam President, 638 was a bill introduced by Senators Rasmussen, Lynch and Robinson. (Read title.) The bill was introduced on January 23, Mr. President, referred to the Education Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Education Committee.

**PRESIDENT MOUL:** Is Senator Withem here? Senator Dierks, would you like to handle the committee amendments?

**SENATOR DIERKS:** This is so sudden. Madam President and members of the body, if my information is correct, it simply deletes a couple of sections from the original bill. I'm trying to get to that information here and I think I will have it in a minute. The committee would...Madam President and members of the body, would establish a state plan for provision of specialized services to children with disabilities. It would state the