

February 13, 1992 LB 111

SENATOR DIERKS: Mr. Speaker and members of the body, I'm fighting for time. I've got...I think it's coming around now. We're looking at amendments to the amendment that will take care of the difficulties, the questions that were asked by some of the members of the body when we had the bill on General File. And, if you recall, we had an amendment to 111 which would allow a prosecutor to aggregate the value of bad checks written within a six-month period when classifying the offense. This amendment also allows for a merchant or other drawee to recover a handling fee through court order restitution. What we've done with this amendment to the amendment is these have not met any opposition so we're keeping that but what we've changed is several provisions which were a little bit more controversial. One of them is we changed the word from "present" to "exchange value". That is removed so it remains "present". Felony charges for writing a check on closed accounts are removed and the presumptive language relating to the passage of a bad check is removed. This amendment does not shorten the allowable period for aggregation which is six months. There may be, however, a motion to do so and I won't object if that's what the body would like to do. I cannot withdraw my original amendment because it has been amended by Senator Beutler, but I would like to ask you to help with the bill by adopting this amendment and then adopt the original. I think this is a reasonable compromise which greatly benefits businesses in our state and I would like to ask for your support to adopt this amendment. Thank you.

SPEAKER BAACK: Thank you, Senator Dierks. We need a clarification from you, Senator Dierks.

ASSISTANT CLERK: Senator Dierks, just to make sure that you and I are together, you are offering the amendment to the amendment, AM2912. Is that correct? (The Dierks amendment appears on pages 837-39 of the Legislative Journal.)

SENATOR DIERKS: AM2912 is an amendment to the amendment 2566.

ASSISTANT CLERK: Okay.

SPEAKER BAACK: That is correct. Senator Hall, did you wish to discuss this amendment to the amendment?

SENATOR HALL: Thank you, Mr. Speaker, and members. Senator Dierks, would you respond to a question?