

February 13, 1992 LB 111

If we are going to...if we are going to allow the aggregation of offenses, then we should be taking into account that when we first drafted the code we didn't...we didn't intend for that to occur, so we increased the amounts to allow for those slip-ups. Each check, in and of itself, is a separate offense right now and the amount of each check is what we...what we look at. Now if we're going to load all those up onto one...onto one tray, we should make sure that the figures line up with what we intended as far as the seriousness of the offense. I would urge the adoption of the amendment.

SPEAKER BAACK: You've heard Senator Lindsay's closing. We will now vote on the amendment to the amendment. All those in favor vote aye, opposed vote no. Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President.

SPEAKER BAACK: The amendment to the amendment is adopted. Next, are we on the Dierks amendment now? Okay. Anyone wishing to speak to the Dierks amendment as it has been amended? Senator Hall.

SENATOR HALL: Thank you, Mr. Speaker, and members, again, a question of Senator Dierks.

SPEAKER BAACK: Senator Dierks, would you respond, please.

SENATOR DIERKS: Yes, sir.

SENATOR HALL: "Cap", now with the...the Lindsay amendment being adopted, did that in any way change? You say in your handout, you said that with the revised amendment, the handout that we received this morning, the issue of handling fee and as it relates to an actual reasonable amount charged by a bank, what does that mean?

SENATOR DIERKS: There was...

SENATOR HALL: It's under the issue as two aspects of the amendment that haven't been opposed.

SENATOR DIERKS: Am I on? Yeah, Senator Hall, what that means is you can only recover the actual amount that the bank charges.

SENATOR HALL: So, in other words, there's no limitation on what