

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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April 21, 1999 LB 76

unauthorized personnel please leave the floor. Would those members not excused please return to the Chamber and record your presence. Senator Chambers...or Senator Brashear.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. The...the fact is, we have taken pains to be supportive of the existing public policy of this state, which is to provide for capital punishment in the event of first degree murder. But we have gone...capital punishment is not the only issue with which this body has to deal, and we have gone beyond that and we are proposing to engage in a study of proportionality which this body determined years ago, and which exists as a matter of law in the state of Nebraska now, needs to occur. We have taken the time to read and study five opinions, and there are more, of the Nebraska Supreme Court, in which they have laid out for us how that, which we previously did as a body on behalf of the people, is not...

PRESIDENT MAURSTAD: One minute.

SENATOR BRASHEAR: ...is not leading to that which they have requested. And I respectfully suggest that there is nothing, we are a...we are a government of laws, "we" are the people. "We", the people, we are here to serve the people of this state. The courts have spoken, the body has previously spoken. I believe in the adoption and the advancement of LB 76 we are doing that which we are called to do, which is to see to the administration of justice. I urge the advancement of the bill. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Brashear. The question is, shall LB 76 advance to E & R Initial? All those in favor vote aye, those opposed nay. Senator Tyson, for what purpose do you rise?

SENATOR TYSON: Request a roll call vote, please.

PRESIDENT MAURSTAD: We have a request for a roll call vote. Mr. Clerk, when you're ready, please call the roll.

CLERK: (Roll call vote taken, Legislative Journal page 1567.)
26 ayes, 20 nays on the advancement, Mr. President.