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FLOOR DEBATE

April 10, 2003      LB 46

offered by Senator Beutler. This is AM1015, but I have a note that Senator Beutler wishes to withdraw it and substitute AM1279. (Legislative Journal page 1230.)

SENATOR CUDABACK: No objection, so ordered. Senator Beutler, you're recognized to open.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, this is a proposed friendly amendment. There is a provision, there is a section, actually, towards the back of the bill, that has to do with the...it's called the Corrections System Overcrowding Emergency Act. And under certain circumstances, the Governor is allowed to declare an overcrowding emergency and then certain things can happen after that action is taken. And he's allowed to make this declaration when the Director of Corrections certifies that the population is over 140 percent of design capacity. And the only thing this amendment does is indicate that the director should make that certification at a certain point in time; that point in time being 30 days after the date on which the population first exceeds 140 percent of design capacity. So it's just putting a time line in there so it happens by a certain time. And I had another amendment on this section that indicated that the Governor, instead of having the discretion to declare the emergency, would be required to declare the emergency. But that amendment will be withdrawn and this will be my only amendment on that particular section. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. You've heard the opening on AM1279 offered by Senator Beutler to LB 46. Open for discussion of that amendment, Senator Brashear.

SENATOR BRASHEAR: Mr. President, members of the body, I rise in support of Senator Beutler's amendment. I think this is a good catch. It's a part of the grinding and polishing process. I think it improves the bill and I'd urge its adoption. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Any further discussion on the Beutler amendment? Seeing none, Senator Beutler. He waives the opportunity to close. The question