

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

March 11, 2005      LB 76

distasteful to some of us, I realize that, but it's not an option we have to postpone this. So with that, I would encourage you to adopt AM0699, and then move LB 76 to Final Reading. Thank you very much.

SENATOR CUDABACK: Thank you, Senator Baker. You've heard the closing on AM0699. The question before the body is, shall AM0699 be adopted? All in favor vote aye; those opposed, nay. The question before the body is adoption of the Baker amendment, AM0699 to LB 76. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Baker's amendment.

SENATOR CUDABACK: The amendment was adopted. Mr. Clerk.

CLERK: Mr. President, Senator Beutler would move to amend with FA80. (Legislative Journal page 816.)

SENATOR CUDABACK: Senator Beutler, to open on FA80.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, this is just a clarifying amendment that has to do with Section 12. And I think Senator Baker has had a chance to be briefed on it. I hope he has. It says...this is the paragraph that says the state, the state, must not mask, defer imposition of judgment, or allow an individual to enter a diversion program. And the language that is in the amendment would say, "The Department,"--meaning the department at the state level,--"a prosecutor or a court" shall not mask, defer imposition of judgment, or allow an individual to enter a diversion program, in other words, directing the prohibition to the people that would have the power to act in some way that was not in accordance with this particular federal and now state policy. So all it does is clarify a little bit. And I'd yield the rest of my time to Senator Baker.

SENATOR CUDABACK: Senator Baker.

SENATOR BAKER: Thank you, Senator Beutler. We have no problem