

May 2, 1989

LB 182A, 769, 813
LR 102, 103

intent to withdraw the amendment, and, Senator Ashford, I would give him the remainder of the time.

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. I would concur that the amendment is most likely unconstitutional, as is probably every section of the bill as written now, too. But it seems silly to deal with an amendment that most likely is unconstitutional. I would suggest, as I have on a couple of occasions, that the 48-hour provision in the bill, as written, is under the Akron case clearly unconstitutional, no matter what the...and that is a U.S. Supreme Court case, no matter what the Eighth Circuit has said about it. But, given that, I would agree with Senator Lindsay and would concur with his withdrawal of this particular amendment.

PRESIDENT: It is withdrawn. Anything else, Mr. Clerk?

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: We're on the advancement of the bill. Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. President. Senator Ashford just said no matter what the Eighth District Court says, he believes it is unconstitutional. If there is a challenge to the constitutionality, I'm sure it will go back to the Eighth Circuit Court, and I'm not an attorney, but I would say their decision would be the same. This is a very important bill to many of us. There are 28 or 29 co-sponsors, I believe Senator Abboud made a motion today to add his name to the bill. And I will not go over the testimony or the statement that I gave on General File. It's getting late, so I urge the advancement to E & R Initial.

PRESIDENT: Mr. Clerk, do you have anything to read into the record?

CLERK: Mr. President, I have a new A bill, LB 182A, by Senator Coordsen. (Read by title for the first time.) Senator Schmit has amendments to be printed to LB 813; Senator Smith to LB 813. I have, Mr. President, an appointment letter from the Governor. New resolution LR 102 by Senator Lynch. (Read summary of resolution.) LR 103 is a resolution by Senator Lynch. (Read