

April 2, 1985

LB 493

PRESIDENT: Is there discussion on the motion? All those in favor of the amendment offered by Senator Hoagland vote aye, opposed vote nay. May we have your attention to the issue before the house is adoption of an amendment offered by Senator Hoagland to LB 493. Have you all voted? The Clerk will record.

CLERK: 26 ayes, 0 nays on adoption of Senator Hoagland's amendment.

PRESIDENT: The amendment is adopted.

CLERK: Nothing further to the bill, Mr. President.

PRESIDENT: Senator Chizek. Senator Nichol.

SPEAKER NICHOL: Mr. President, members of the Legislature, we are still on the bill, right?

PRESIDENT: 493.

SPEAKER NICHOL: I had a question for Senator Chizek. I certainly agree with the theory of your bill, but what I wanted to know was how much did you raise the penalty or fine on the first offense? From what to what?

SENATOR CHIZEK: Senator, it was raised from a \$500 to \$1,000 fine, three months in jail to one year.

SPEAKER NICHOL: Okay, thank you, Senator Chizek.

SENATOR CHIZEK: Or both.

SPEAKER NICHOL: Yes. When I came to this Legislature I was plunked into the Judiciary Committee, which I didn't necessarily want to do, but that was all that was left. I stayed there eight years. One of the first things I learned was three things have to happen before you get a conviction on anything. First is that the arresting officer will arrest, and second is that the prosecuting officer will prosecute, and thirdly the judge will judge. Without all three of those happening, nothing happens to the one that is being prosecuted. Now the problem I see with this bill, and I don't want to give you a bad time, but the problem I see here is that you will have it so severe that one of those