

witness in a case. But what if there is only one person in my car. Then it is one persons word against a second persons word and difficult for conviction, is that right, unless, there is someone else with me?

SENATOR SCHMIT: You are correct, Senator Marsh. I think that that would be a case for the court to determine again, as they have to many times. But it would be your word against the other individuals word.

SENATOR MARSH: Thank you very much and thanks for coming up with the idea.

SENATOR SCHMIT: You are welcome.

SPEAKER MARVEL: Senator Cullan, do you wish to speak on the bill?

SENATOR CULLAN: Senator Schmit, Mr. President and members of the legislature, I would have a few questions of Senator Schmit with respect to this particular piece of legislation. Senator Schmit do you believe that Section 5 which defines litter appears to me to be very broad. Would I be correct in reading Section 5 to assume that that would include used cars and refrigerators and all of this type of things like we got into a couple of years ago on LB 220?

SENATOR SCHMIT: Yes, Senator Cullan, the Section is very broad. It would just about include any debris, any garbage, anything that is distasteful to the human eye in a public or private place.

SENATOR CULLAN: Do you think that that needs tightening up at all? Have you looked at all at the possibility of making amendments to changing....

SENATOR SCHMIT: Yes, I did consider that and I did consider the possibility of identifying those very topics of litter that we had in the old LB 220 several years ago which I believe that Senator DeCamp has in LB 120. But Senator DeCamp jumped around so much about what he described that I didn't want to just copy his bill.

SENATOR CULLAN: I see. Senator Schmit, what is the difference between the Class V and the Class IV misdemeanors as far as the penalty for littering is concerned?

SENATOR SCHMIT: A Class V misdemeanor is a maximum penalty of