

February 4, 1980

LB 696

an entirely different group of people at that hearing. You might have had more proponents but you also might have had an opponent or two and I do not know enough about the bill, quite frankly, to make a decision one way or the other but it would seem to me that something this major should certainly be afforded a public hearing. So I would definitely support Senator Wesely in his motion.

SPEAKER MARVEL: Senator Schmit, do you wish to speak to the...we are on the motion to return LB 696 back to committee?

SENATOR SCHMIT: Mr. President and members of the Legislature, I have had an interest in this type of legislation for many years and I think that Senator Chambers and I and Senator DeCamp and others have discussed many times the problems of trying to nail the major pusher in contrast to perhaps causing harassment for the kids. It seems to me that after more than ten years of efforts in this area we still are not able to put the major pushers out of business and I have watched with interest the reports that I receive from the Nebraska Highway Patrol relative to their arrests and convictions. Almost without exception they refer to what I would consider the users of the drugs. The question I have of Senator Nichol is this, Senator Nichol, not having been familiar with the amendment, do you feel that this amendment will make it tougher on the major pusher or will it just, as Senator DeCamp pointed out, maybe make it tough on the user who happens to get caught the second time?

SENATOR NICHOL: You are speaking of the amendment to increase the penalty from one to twenty to one to fifty years?

SENATOR SCHMIT: That is correct.

SENATOR NICHOL: Yes, that is precisely why it was put in there. If and when we ever catch a major pusher, then we have something other than this one to twenty which is what, five years or so, and at that time if we do get him, then the judge has the authority to sock it to this major pusher, if and when we get them.

SENATOR SCHMIT: Then what about the concern expressed by Senator Chambers that we have all seen that we have some difficulty in telling the judges what to do. That kind of I suppose latitude to a judge might result, would it not, in what Senator Chambers expresses a concern?

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