

April 14, 1980

LB 991

get it passed in this form. I will be offering those amendments in the form of an ordinance in the City of Omaha because that really is the only way that we can actually stop the selling of drug paraphernalia to our youth and I would recommend to Senator Kahle, where I know that in your city they have already been enjoined and Plattsmouth and any other city that has got this problem, 991 will not deal with the problem. It won't deal with the problem because, number one, it is going to be enjoined even if it is constitutional. That is not really the issue. It is going to be enjoined so it is going to be in the courts for a couple of years. So that is the approach to take. Then finally I would say in closing that 991 is very peripheral at best as Senator Chambers has said and that is why I felt compelled to offer an interim study resolution to really deal with the total aspect of drug abuse for the youth, and with that, Mr. President, I would ask unanimous consent to withdraw the Simon-DeCamp amendments and then the next set of amendments to 991.

CLERK: Mr. President, the motion is adoption of Senator Simon's amendment...withdraw it? Withdrew both. Mr. President, I believe I have nothing further on the bill.

SPEAKER MARVEL: Whose bill is this?

CLERK: Senator Nichol.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I move for the advancement of the bill and just in closing for just a minute, I have a case here from the United States Court of Appeals for the Eighth Circuit dated March 19, 1980, that is not too long ago, in which they say it is constitutional, it will hold up. This case was very similar to our law and this one is another one that we have from Maryland saying it is not so bad. It will probably hold up. So I am not afraid going in with this bill and I think it is time we get the show on the road, and if we draw flak and if we draw objections, whatever we draw, let's face it and handle it. Thank you.

SPEAKER MARVEL: Okay, the two have been withdrawn. Is there anything else?

CLERK: No, the motion is to advance the bill, Mr. President.