

position of the Nebraska Bar Association as I understand it, however the Chapter 28, Article V crimes are either felonies or misdemeanors, with a right to trial jury. Whereas the LB 229 crimes are infractions, he's talking about the infraction sections that Senator Beutler was talking about, Senator Chambers has talked about. Now let me quote from his opinion, "Therefore you may wish to consider whether it would be more likely to obtain enforcement, prosecution and a conviction under the infraction statutes, especially when the amount involved is very small, as opposed to securing a prosecution and conviction under the misdemeanor or felony statutes." I'll just simply go back and quote from, I hope almost verbatim, what Senator Beutler was saying, if you can get people to prosecute. And we have not been able to do that, therefore that is why you see 288 in front of you today. I think we've dwelled long enough on this. I think that Senator Hefner had words. You can finish up, Senator Hefner, if you'd like. Thank you.

SENATOR HEFNER: (Response inaudible.)

SPEAKER NICHOL: Senator Marsh, please.

SENATOR MARSH: (Response inaudible.)

SPEAKER NICHOL: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. We're voting to cease debate. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER NICHOL: Debate has ceased. Senator Beutler, would you like to close please.

SENATOR BEUTLER: Once again, Mr. Speaker, members of the Legislature, the amendment strikes Section 5 of the Lundy amendment. It strikes Section 5 because all of the things that are set out as infractions in Section 5 are clearly covered already by other sections of our law and those sections of the law have more severe penalties. Just as I was sitting here thinking about this again, one more major problem with this comes to mind. Please listen to this because I don't really think you want to do this. Take for example the criminal mischief, subsection (2) of Section 5. It says if you tear, deface or destroy library material it