

February 5, 1973

I called for one person and when we went before the Budget.. the Judiciary Committee, it was determined that it would be better that we worded so that it would be not less than three because we do not have proper legal counsel for the Highway Patrol at this time and I can't tell you why they didn't go before the Budget Committee. I can guess but I'm not going to tell you and I think you can guess. But, I felt and the Judiciary Committee concurred with me that we should write into law the stipulation that it should be not less than three. I feel that it is a reasonable request for a Patrol operation which employees some four hundred and some people and I feel it's necessary because not only is it necessary to aid in the prosecution of cases but it is also necessary to properly inform the Nebraska State Patrol officers of their responsibilities to the citizens, so that rights are not infringed upon and they are protected in that area, also. I think that we see this happen frequently, that perhaps law enforcement personnel are not properly advised as to their responsibility to the citizen. And so with that in mind, the Judiciary Committee recommended the stipulation be placed at three and I agree with it.

SENATOR WHITNEY: I'm very reluctant to accept this amendment because I feel that we should go through the ordinary processes of our legislation here and permit this to come before the Budget Committee each year and, if we do that, they could decide whether it should be two or three or whether they should contract for certain Attorneys out in the state to do this work.

SPEAKER: The chair recognizes Senator Kelly.

SENATOR KELLY: Mr. President, members of the body, if this amendment is adopted, I reading it that the only thing that these three attorneys can do is to help the County Attorney prepare cases on drug abuse only and then advise on legal matters. Would somebody answer that?

SPEAKER: Senator Luedtke, do you care to respond?

SENATOR LUEDTKE: No, Senator Kelly, that is not correct. It's on all legal matters. It means..look what it says, on all legal matters. They would be there to assist them on all legal matters. Drug abuse happens to be the big one that they are needed for and while I am on my feet I might just say that, Senator Whitney, this is why the stress has been placed in this bill that we need the three now and they felt that Senator Schmit's bill brought the matter to a head rather clearly and why not say how many they need now and put it in the bill. Now, they still will have to justify Budget..to the Budget Committee. I don't think it's any reflection on the Budget Committee in any way except that in this bill we're highlighting..spotlighting the fact that we need this help.

SENATOR WHITNEY: Well, as I read this, it says that "to assist county attorneys in the preparation and prosecution of cases involving drug abuse and to advise the Patrol in legal matters". This, to me, would restrict their activities in the preparation of cases to drug abuse only.

SENATOR LUEDTKE: No..no, and legal matters. (inaudible)

SENATOR WHITNEY: Thank you.

SPEAKER: The chair next recognizes Senator Syas, and then Senator Carpenter. Senator Syas.

SENATOR SYAS: Well, I don't think this is the bill but I'd like to ask Senator Luedtke the question if it's germane, Senator Luedtke.

SENATOR LUEDTKE: Yes.

SPEAKER: Senator Luedtke, will you yield?