

LB 14  
March 13, 1973

(Start of Belt #6)

ask that these bills be passed into law notwithstanding the action of the Governor.

SPEAKER: Go ahead, sir.

(Inaudible)

SPEAKER: Just a second please. Will the clerk please put the indication up on the Board. We're on LB 14. Thank you. Go ahead, Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, when I introduced LB 14 into this Legislature, I introduced it as one of the package of bills that I intended to introduce and attempt to pass into law in order to curb the drug abuse program which is prevalent in Nebraska today. As you know, LB 14 was heard in Public Hearing before the Committee on the Judiciary. The Committee had several recommendations and those recommendations were considered and were adopted by the Committee. Later on, on the floor of this body, the Committee...the membership as a whole took an action which specified that LB 14 should require that no less than three legal advisors be provided for the Highway Patrol. Now, the question arises why would the Highway Patrol require legal advisors. The first time that I became aware that the Highway Patrol might need legal advisors was during a conversation I held with the County Attorney of Platte county, Mr. Ray Baker, more than a year and a half ago. At that time, he advised me that many cases of drug arrest were not being successfully prosecuted because the County Attorneys were not experienced in the area and, therefore, the Courts did not find that they had sufficient evidence to convict, and Mr. Baker suggested that it would be very helpful if the Highway Patrol had at its call some legal talent. Secondly, as you know often times County Attorneys have had not had prior experience in the case of narcotics arrests and convictions, and if they should find a serious narcotics violator, that person would avail himself to the best possible legal talent and, therefore, we would not have an equal competition between prosecuting attorney and defense attorney, and many times the cases are lost. Secondly..or rather a third, there is a general reluctance on the part of the public to accept the fact that there is a serious case of drug abuse in this state, and so at that time I introduced LB 1456 which provided that the Attorney General would provide to the Nebraska Safety Patrol an Assistant Attorney General to work with them with cases involving drug abuse. The Attorney General does not agree with that approach to solving the problem. The Attorney General does agree that the Nebraska Safety Patrol should have legal advisors, and I want to call attention to the ~~folder~~ that I had placed upon your desk. I want to ask you to look at the first exhibit in that folder and that is a letter from Attorney General Meyer to Colonel Krueger in which he outlines very specifically his feeling on LB 14 in regard to the use of legal advisors, and you will find that the Attorney General points out there are many areas, many separate areas where the Highway Patrol might need some legal advice and, therefore, he felt that the Nebraska Safety Patrol should be involved in the hiring and firing and the responsibility for these legal advisors. I want to ask you, also, to look at the second exhibit which is a combination of newspaper articles which have reference to the drug arrests in various cities across the state of Nebraska. I think you will find out if you read those articles that these cases of drug abuse are not confined simply to Lincoln and Omaha. All the way from Scottsbluff and Keith County on the west to Sarpy County and Douglas County on the east, we have cases of drug abuse. I want to call attention, also, to the letter from Trooper Kabarick (sp.), the outstanding trooper of Nebraska a year ago, in which he emphasizes strong support for LB 13, 14,