

May 15, 1973

SENATOR LUEDTKE: I move the adoption of the committee amendments, Mr. President. The amendments actually take out the reference to mandatory, mandatory life term without right of parole because we have the Attorney General's opinion which was made part of the record in the Journal here. Stating that you can not take that right away from the parole, which is a constitutional matter so we took it out of the bill and the other references were to adjust the other sentence structure accordingly.

PRESIDENT: Any further discussion of the committee amendments? Senator Rasmussen did you want to be heard on the committee amendments? Ok, committee amendments, shall the committee amendments be adopted? All those in favor please say aye, those opposed say no. The committee amendments are adopted. So ordered. Senator Schmit, back to you.

SENATOR SCHMIT: Mr. President, as Senator Luedtke has indicated the amendments are actually the bill at this time, the bill was introduced by me. I remember the day that the Governor addressed the legislature and called for stiffer penalties for those persons engaged in drug trafficking. I had a bill drafted patterned after the Rockefeller bill in New York. The bill had a unconstitutional provision in it. The judiciary committee reviewed the bill. They came up with these amendments which do make some significant changes, but they provide some additional penalties. I support the amendments and I so hope that the legislature will advance the bill to E & R for initial.

PRESIDENT: Any further discussion of the bill? question is, shall 261 then be advanced from general file to E & R initial, as amended. All those in favor vote aye, those opposed vote no. Voting to advance 261. Clerk will record.

CLERK: 25 ayes, no nays, 24 not voting.

PRESIDENT: Senator Marsh, stand by just a minute. I have some unfinished business here with Senator Kremer and he was, his light was on ahead of yours a moment ago and we'll go back to Senator Kremer here please. Senator Kremer.

SENATOR KREMER: Mr. President, 187 is next in line. I think it is a rather important bill. It is a result of 2 years of study, by interim study committee. A lot of problems being generated by power companies taking land by eminent domain. It is costing everybody a lot of money. This bill provides a procedure where by the property can't be taken by eminent domain. Having said that, I'll move for the advancement of the bill and I understand that the the agreement has been made, we'll take them over on select file the same as we would on, on the general file tomorrow.

PRESIDENT: Senator Kremer, I think the chair needs unanimous consent motion to take up 187 here. Are there objections to considering the bill?

SENATOR KREMER: I ask unanimous consent.

PRESIDENT: All right. Hearing none, so ordered. We'll take the bill up. Clerk will read the title.

CLERK LB 187 (Read) There are committee amendments by Senator Chambers, government committee.

SENATOR KREMER: Well, Mr. Chairman, Senator Chambers is not here. This is Senator Waldron's study committee and he is prepared to take up the committee amendments and could be very briefly explained.