

drug undercover agent. The fact is that we are taking all the innocent conduct, conduct that would be completely innocent in the absence of the drug society that we are attempting to come back and making that criminal contact and recognizing the practicality of law enforcement in this area. We create a tremendous danger for the individual citizen and an overwhelming powerful tool for unscrupulous law enforcement individuals or part time individuals who are participating in drug law enforcement merely for profit or for self protection from prosecution because they themselves might continue their drug activities by compensating the police with arrests from time to time. I know that Senator Fellman is aware of this situation and it shocks me to see that he would support such a bill that has such great potential for abuse as this bill does. I would continue my motion that this bill be indefinitely postponed.

PRESIDENT: Question is shall LB747 be indefinitely postponed. All those in favor of postponing the bill will vote aye, those opposed will vote no. Motion is to indefinitely postpone LB747 on Select File. Once again the Chair would inquire have you all voted? Clerk will record.

CLERK: 6 ayes, 29 nays, and 14 not voting.

PRESIDENT: Motion is lost.

CLERK: Motion on the desk Mr. President.

PRESIDENT: Read the motion on the desk.

CLERK: We have a motion to amend it from Senator Fowler read Fowler motion.

PRESIDENT: Chair recognizes Senator Fowler for his motion.

SENATOR FOWLER: Mr. Speaker members of the legislature the intent is to simply change this from a felony to a misdemeanor, we have had other bills in this legislature dealing with this question in things like check writing, petty larceny and things like this. A recognition that a misdemeanor is a very serious charge and it stays on a persons record and it has a very great impact. I think that it is recognized on the other laws that there are degrees of criminal activities in drug, marijuana is rated as a smaller offense than heroine and the number of offenses are taken into account as a is the quantity of drugs. This has not been done in this bill, and as was pointed out earlier a person who has decided to sell some substance as marijuana when it was not marijuana would get a stiffer sentence and a felony charge as opposed to a misdemeanor charge for the original offense. So I would move this amendment to try and make this bill more tolerable and more equitable.

PRESIDENT: Chair recognizes Senator Fellman. We are discussing Senator Fowler's amendment to 747.

SENATOR FELLMAN: I agree, Mr. President, members of the legislature, I would agree to an amendment that would knock down marijuana to a misdemeanor level but all this does is remove the whole crime to a misdemeanor and I would like to ask who would try to protect. I think that we are totally mixed up in this argument. I am as much of a civil libertarian as some of the people who voted to kill this last bill. I have