

February 16, 1977

LB 64, 125, 126, 120,  
326, 294

page 505, Journal.) Mr. President, your committee on Judiciary to whom was referred LB 125 instructs me to report the same to the Legislature the recommendation it be advanced to General File; LB 126 General File; LB 120 indefinitely postponed. Signed Senator Barnett, Chairman. Mr. President, your committee on Miscellaneous Subjects to whom was referred LB 326 instructs me to report the same to the Legislature the recommendation it be indefinitely postponed. Mr. President, LB 294 introduced by Senator Mills at the request of the Governor. Read title. Mr. President, there are no committee amendments. Senator Mills does offer an amendment to add the emergency clause.

PRESIDENT: Will you explain the bill first, Senator Mills, and then go to your amendment.

SENATOR MILLS: Mr. President, members of the Legislature, LB 294 I have introduced at the request of the Governor and, of course, this was brought to his attention because of the Legislature passed in 1973 LB 14 that authorized the State Patrol to hire attorneys to assist county attorneys in the prosecution of drug cases. LB 14 was vetoed by the Governor for the reason he believed it improper to have enforcement and investigation personnel directly involved in prosecution. I believe he also stated at that time that he believed the Attorney General should be involved in such matters and that he would support an increase to the Attorney General's budget, if necessary, for attorneys to come under that department to furnish information to the Patrol and other law enforcement personnel in the state to enforce drug enforcement matters. The Legislature did pass LB 14 over the Governor's veto. During this last year, there have been a number of drug prosecution cases which, after a study by a number of defense attorneys, brought to the light, and as the Judiciary Committee has found, that there was some possible problem with the State Patrol having the prosecuting attorneys under their jurisdiction. LB 294 would put these attorneys under the jurisdiction of the Attorney General's office. This is something that is not new. The Department of Welfare has attorneys under the jurisdiction of the Attorney General. The Department of Roads has attorneys under the jurisdiction of the Attorney General and so that there would be nothing new and unusual about this procedure. This would help new county attorneys who may be unfamiliar with the prosecution of drug cases. It would help the utilization of a state attorney to give this type of information to county attorneys so that they do gain familiarization with drug prosecution cases. The Judiciary Committee has voted this out and there has been a fiscal note attached to it. However, I think Senator Warner has a clarifying amendment and I think you will find that there is no fiscal impact with LB 294, in that, it merely transfers the supervision of these attorneys to the Attorney General's office. I would first ask you to adopt the emergency clause.

PRESIDENT: The question is the adoption of the amendment proposed by Senator Mills. Record...oh, Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I would like to ask Senator Mills a question please.

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