

industry in the State of Nebraska in the name of doing something for litter. And Senator Marsh talked about hoping for increased availability of trash cans. I would guess, Senator Marsh...this weekend I went out to my legislative district and I simply put a little trash bag in the car and then when I got back to Lincoln I could clean my car up. I didn't have to throw things along the highway and I don't think people who make a sincere effort need to have these kinds of requirements. Just read the bill and think about it a little bit and I think that you will hopefully join us in indefinitely postponing the bill. What I would really like to do is add a repealer to the entire thing and then shoot it along but I don't think that is possible. So I would ask you to take a minute, think about it and join us in killing LB 253.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, as you may have guessed, I am not going to support the kill motion. And the only objection that I could see that was raised by Senator Cullan with respect to this particular bill was the Section 10, the one...or whatever the number is, that Senator Vickers tried to amend. And so, Senator Cullan, I am going to do with you here on the floor, what Senator Hoagland and I just did. Senator Hoagland is a lawyer, a bright one, one of the best. I am a lawyer after a fashion. You are a lawyer almost. You are in law school. I am going to now teach you something I think you have already learned but that we almost always forget every once in a while, and it is helpful for every member of the body to be aware of this because you will see it come up time and time again, at least once or twice a day, even though we don't recognize it all the time. But it is a rule. It's a constitutional rule that governs criminal laws, and that rule is something like this, that when you have criminal penalties or sanctions, even if it's only a \$1 penalty, that criminal law falls into a whole different area of interpretation and rules, and the rule that applies is it has to be clear, not vague, absolutely understandable so that Mr. and Mrs. Average American can understand what they are ordered not to do or what they are ordered to do. The problem with the original language in that bill was something like this, that if you will read the original language, it goes like this. "Litter prone activities and areas shall be required to have appropriate litter"... blah, blah, blah. What are litter prone activities? What are litter prone areas? When the DEQ, or whatever it is called, Department of Environmental Control, went out