

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: All right, Senator Stoney, do you want to move the bill? Motion by Senator Stoney to advance LB 869 to E & R for Engrossment. All those in favor signify by saying aye, . . . Senator Chambers, yes. All right, Senator Chambers. I didn't see your light.

SENATOR CHAMBERS: That's all right, I understand. I'll be very brief. Remember this. The person who has got the money pays and is home free. The fine can be a cost of doing business. The one who has no money goes to jail. It is an absolutely poor and unfair policy decision but you choose to make it. The record on this issue as others will be the only vindication that I have. But I think a point will have to be reached at some time when this Legislature will look at what it is doing. It would be good if you can read some of the debate of the Continental Congress when they were putting together a Constitution, talking about the Bill of Rights, crimes and punishments. The necessity of being careful in defining all types of conduct as criminal and imposing all types of ill-considered penalties. These kind of things do look good to the public but we understand better what is involved in the enforcement of laws. We also know that if the law is not desirable and if it is an unwise public policy, a prosecutor who has obviously a better grasp of the law and apparently greater concern about justice than the Legislature simply will not bring charges under this bill. Or maybe what the prosecutor will do is decide that it is a bill that ought to be imposed only on those who have money so he will find out first what means this individual has. If he or she can pay a fine, then he or she will be prosecuted. They will pay the fine, they will go out and they will sell more of these items and the fine will be the cost of doing business. I don't think this bill will come anywhere close to solving the problem that it aims at, but I think it creates a misapprehension or a misconception in the minds of the public that something has been done that deals with the consumption of alcohol by minors and it has not. It has not. The problem is ten feet above the ground, the Legislature is burrowing ten feet below the ground and we'll tell the public we did something. We did not address the problem, but we did something and that you ought to accept. I will not vote for the advancement of the bill and I hope that it will not get enough votes to advance.

PRESIDENT: Okay, and you asked for a board vote. All right, a machine vote has been requested. The motion then is the advance of LB 869 to E & R for Engrossment.