

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

January 15, 2004 LB 452

SENATOR CHAMBERS: Thank you, Mr. President. Senator Smith, are you there?

SENATOR CUDABACK: Senator Smith, would you yield?

SENATOR SMITH: I'm here.

SENATOR CHAMBERS: I'm looking at page 6 of your amendment, AM2222. And starting in line 3, it says, "except"...well, the language above mentions a punishment as set out in 60-302. That's the Class III misdemeanor. What do we find at 60-305.01?

SENATOR SMITH: It refers back to 60-348, except, in the new language here, except that the court shall impose a \$500 fine and a prosecuting attorney may bring an action to recover a civil penalty of \$500, and so forth.

SENATOR CHAMBERS: So then there is a mandatory \$500 fine imposed on somebody from out of state, and they are treated differently from an in-state person who has committed the same offense. Is that true?

SENATOR SMITH: I assume, then, that you're referring to the fact that 60-...

SENATOR CHAMBERS: 302 is the Class III misdemeanor.

SENATOR SMITH: ...302, is zero...potential of zero to \$500, and the new language that starts on line 3 of page 6 would be, "shall impose a five-hundred-dollar," you're drawing that distinction?

SENATOR CHAMBERS: Yes. There is not a mandatory \$500 fine for an in-state person similarly situated.

SENATOR SMITH: Okay. So it would be your preference then to change that to a Class III misdemeanor?

SENATOR CHAMBERS: No, you told me that they're treated the same, and they're not.