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

April 27, 2005 LB 117

felony offenses in effect, you increase the penalty, either through the mechanism of possession of a firearm or through the mechanism of making possession penalties in the area of meth the same as for heroin and cocaine. You've been willing to increase the penalties, presumably, with the idea of making the law more effectual, but ironically, to me, right here in this section where you could possibly catch more people and where you really need to give law enforcement some incentive to do anything...I mean, I can't see that there's any incentive there if the penalty is an infraction.

SENATOR CUDABACK: Senator Bourne.

SENATOR BEUTLER: Would you be open, in the bottom part of page 17, to increasing the civil penalty on the seller side and the penalty...and the infraction penalty on the buyer side...

SENATOR BOURNE: Absolutely.

SENATOR BEUTLER: ...to make it something where law enforcement would think it would be worthwhile to go out and try to catch somebody?

SENATOR BOURNE: Absolutely, Senator Beutler. As I mentioned to you, what I hope to do is move the bill over to Select, and if you want to make it...and I will tell you that I sense the body wants to make it more restrictive, even though I do believe it's the most comprehensive bill, should it pass, in the entire country. Senator Flood is talking about Class V. talking about a logbook, you're talking about enhanced penalties. I am more than willing to consider any of these. But you also have to recognize in the bill we're distinguishing those people who manufacture and traffic this drug and those enhanced penalties and the weapons provisions first is somebody trying to purchase a legal product. And so, it's a delicate balance in that if somebody is buying 48 tablets of Sudafed, that's far different than buying a case of it. And so that's what we're trying to do is control the input and yet still let...have people...let people have access to the drug.

SENATOR BEUTLER: Senator, I appreciate the delicacies of those