

April 27, 1987

LB 116, 504
LR 92

35 ayes, 5 nays, 4 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 116 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 92, which has to do with the centennial of the Village of Virginia, Nebraska. Mr. Clerk, LB 504.

CLERK: Mr. President, I have a motion on the desk. Senator Haberman would move to return the bill for specific amendment. (Haberman amendment appears on pages 1874-75 of the Journal.)

PRESIDENT: Senator Haberman, please.

SENATOR HABERMAN: Mr. President, members of the body, I have talked to Senator Beyer and have his permission to add these amendments to his bill. I passed out to you, and I would like to have you look at a letter from Fred Zwonechek, the Administrator of the Nebraska Office of Highway Safety. Now we have a problem out in the State of Nebraska that I think it is the obligation and duty of this body to address. If you will look at the letter it shows a listing, a partial listing of expunging the records for people while driving while intoxicated, 91 cases in six months, over 10 percent alcohol 9 cases; DWI, number 2, 11 cases; DWI, third, 18 cases. If you'll go through this and look at it there are 150 cases of where the records had been expunged which means completely cleaned, nothing will show up if somebody is arrested for DWI and the record has been expunged, nothing shows up. So you are arrested for DWI, one, and they take and look things over and ask for the record and you've already had two or three convictions and it is clean, nothing shows up. The second point of my amendment is that when you refuse to take the chemical test, of blood, breath or urine, the test shall not be given and the arresting officer shall make a sworn statement to the Director of Motor Vehicles. This is not being done. They are not being sent in. And there is a newspaper clipping there that shows you a case of where this is not being done. So the only thing my amendment does, it does this, it puts a penalty, it adds a penalty for not following the law. As it is now there is no penalty. If you will look at the amendment the wording is exactly the same except on line 14, failure, refusal or neglect by an officer to comply with any of the provisions of this section will constitute misconduct in office and shall be grounds for his or her removal there from. Then if you will