

March 22, 1988

LB 377

PRESIDENT: Time.

SENATOR MCFARLAND: ...the offense and it's reduced...

PRESIDENT: Time has expired.

SENATOR MCFARLAND: ...to six months. Thank you, Mr. President.

PRESIDENT: Senator Wesely, did you wish to close, please? But, before you do, may I introduce some guests in the north balcony of Senator Jacky Smith. We have 38 fourth graders from Hastings, Nebraska and their teacher. They are from the Watson Elementary School. Would you folks please stand and be recognized by the Legislature. Thank you for visiting us today. Senator Wesely, you're closing.

SENATOR WESELY: Thank you. Mr. President, members, on behalf of Senator Hall and myself, we do appreciate your motion to return and we do...would appreciate your support for this amendment. Senator McFarland is really arguing another amendment that will be coming up. And so I appreciate what he is trying to do in laying the ground work. He mentioned, for instance, this letter. Look at this letter and the problems that are created. This amendment deals with some of the concerns expressed in the letter from Margaret Higgins. We've been working with the Department of Motor Vehicles, they had some concerns, we've worked with them, they are now agreeing to this amendment and to the bill with the amendment attached to it. A lot of the concern Senator McFarland expressed, I think, are invalid in what this amendment does and then what the bill will do is a positive step forward. And he's mixing up a lot of different issues and we can get to those. But one of the key ones is to keep in mind we're dealing with two separate offenses, one is the refusal to take the test, that is a crime in and of itself, it's handled administratively, but it is a crime. And you now get six-months suspension, under the bill you get a one-year suspension but it currently is handled separately and apart from the DWI process, it is a crime onto it self. Secondly, you have the DWI issue, and that crime and that handling of that issue. So we've tried to merge those in a positive step that Senator Hall and I have worked on to try and find a way to deal with the concerns that have been expressed on both sides, to give these people an opportunity, if they refuse the test, to come back and say I screwed up, I should have just taken it and I was drunk and here I'll go ahead and plead