

March 29, 1979

LB 376

if that is enough time because things will not be open. I wonder if you'd object to an amendment which would make it eighteen hours instead of twelve?

SENATOR CULLAN: Yes, I would, Senator Lamb. I would suggest if you have any amending to do you would do it on Select File as we watch the clock but I would object to that amendment anyway because we are talking about where you get into extended periods of time, and Senator Chambers can tell you this if he comes down or Senator DeCamp, you run into due process problems if you detain people and the bill is written in such a way now that I think we have no due process problems, but if you extend the time, that point is going to be raised. So my suggestion is that you not increase the time but we leave it the way it is.

SPEAKER MARVEL: Senator Nichol, we have about five minutes left.

SENATOR NICHOL: Am I the last one, sir?

SPEAKER MARVEL: Yes, sir.

SENATOR NICHOL: I move for the adoption of the amendments.

SPEAKER MARVEL: The motion is on the adoption of the committee amendments. All those in favor of that motion vote aye, opposed vote no. Have you all voted? We are voting on the committee amendments to LB 376. Record.

CLERK: 27 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: Motion carried. The amendments are adopted. Senator Nichol.

SENATOR NICHOL: LB 376 is to clarify procedures and to remove difficulties found in the implementation of LB 593, the bill we passed last year. Through an Attorney General's opinion in August of 1978, LB 593 was interpreted to mean that an officer was authorized to remove an intoxicated person only from a roadway and roadway being defined as the travel portion of a road. This very restrictive interpretation was certainly not my intent with LB 593 or the intent of the Legislature in its passage. Therefore, to clarify the meaning, a definition section of public property is included in the new bill. This definition also expands the authority of an officer to remove an intoxicated person from publicly owned parks and other public property. LB 376 removes from