

March 10, 1982

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SENATOR CLARK: That's right, but he doesn't want to take that.

SENATOR HOAGLAND: Can I have a minute, Senator Clark, and we start timing it right now? I will be as economical as I can in my use of the English language. Now I am glad all of you are in your chairs to give me a chance. I know a lot of you were downstairs in committee hearings. Now, this is a very important vote we are about to make because in this vote we are about to make a policy choice and I know this is a worn out phrase but this may be the most important vote we take on this issue this session. And this policy choice is, do you think we should have mandatory jail sentences, a mandatory weekend in jail, or not? Now Senator Haberman and Senator Stoney and myself and others of us have been advocating for a long time that you are going to save more lives by having a mandatory weekend in jail concept than not. The Judiciary Committee proposal does not provide at any level mandatory jail terms. Those of us who are proponents of this concept feel strongly that a weekend in jail isn't going to hurt anybody. And if we have to put a 100 or 200 people in jail for a weekend and lose 300 or 400 days of their lives, if we can save as many as 10 or 20 or 30 lives of Nebraskans who would otherwise be killed on our highways by drunk drivers, why then it is worth it. Now there have been a lot of legal smokescreens thrown up. I know a lot of us have some differences with the precise nature of Senator Haberman's proposal. We can iron those things out. Senator Haberman's proposal provides the best framework for providing for mandatory sentences and that is the vote you are about to cast. As a policy matter, should we have mandatory sentences or not? And I think a lot of us strongly feel we should and for that reason we ask you to adopt the Haberman amendments. Thank you, Senator Clark.

SENATOR CLARK: Thank you. The question before the House is the Haberman amendment to the amendment on the bill which is the committee amendments. Now this only takes a simple majority to pass. All those in favor vote aye, opposed vote nay. The Clerk will call the roll. Clear the board.

CLERK: (Read the roll call vote as found on pages 1095 and 1096 of the Legislative Journal.) 21 ayes, 24 nays, Mr. President, on adoption of Senator Haberman's amendment to the committee amendments.

SENATOR CLARK: The motion lost. We're back on the committee