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driving time after time and never count the charge, then just vote for this amendment. I urge you not to adopt this amendment.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Senator Nichol....Senator Nichol, if I could ask you a question. I just heard your speech. I can appreciate that speech. That is your concern. Your concern is that it will be an ongoing loophole.

SENATOR NICHOL: Right.

SENATOR NEWELL: Okay, if that is amended, if we offer an amendment and it is not on....and I don't know how this is written actually and this may be written that way now, I haven't read the amendment, but if it is amended either now or on Select File or whatever, to make sure that you are charged with a first offense....

SENATOR NICHOL: Guilty or not guilty.

SENATOR NEWELL: If you go through the pre-trial diversion program, that will be considered a first offense. Would that solve your problem?

SENATOR NICHOL: Well, if you are going to have first offense not guilty, no; first offense guilty, yes.

SENATOR NEWELL: Senator....now don't confuse me.

SENATOR NICHOL: Okay.

SENATOR NEWELL: This is tough enough the way it is. If you consider someone who has gone through the pre-trial diversion program as a first offender, an amendment that makes it clear that they are a first offender, then that will do away with the loophole. Correct?

SENATOR NICHOL: Partially. Yes, that would be part of it. Now the other thing is that across the state they don't all have good pre-trial diversion programs like you do in Omaha.

SENATOR NEWELL: Well, Senator Nichol, we ought to discuss this fair and square and that means you can't talk about something I don't understand and that is what you are doing here in terms....

SENATOR NICHOL: No, let me....