

May 15, 1989

LB 285, 352

SENATOR ABOUD: That's correct.

SENATOR WESELY: Okay, thank you for your help.

SENATOR ABOUD: Thank you for the question, Senator Wesely.

SPEAKER BARRETT: Senator Withem, discussion on the amendment.

SENATOR WITHEM: Yes, thank you, Senator Wesely, for raising that question because it brought some up to me, too. Senator Abboud, I have a question or two I might ask. Let me tell you what I think I heard, or the impression I got of this bill during the discussion between the two of you. Last year we passed LB 352. By the way, I think it's unfair that you're the only guy that gets the same number for a bill two years in a row. I think you must have cheated somewhere along the line to do that. It made the appeals procedures uniform. The Department of Transportation, under some of their current operating procedures, would have to change some of their current operating procedures to comply with that, and they prefer keeping their current procedures. And I was on the Government Committee and I understood it that far. I guess what I didn't understand was, correct me if I'm wrong here, but things like driver's license point suspension, denial of a driver's license because of failure to pass a vision test, some of these other sorts of decisions, there currently is no administrative appeal on those?

SENATOR ABOUD: Yes, there is. They go...any appeals would go directly to the district court.

SENATOR WITHEM: Okay, but then it's not an administrative appeal, is it, if it goes directly to the court?

SENATOR ABOUD: It's an appeal.

SENATOR WITHEM: Yeah, but there is no administrative procedures within the department, it just goes directly to the court, whereas other decisions that are made by administrative agencies, there are steps that you go through administratively before you have to take them into a court proceeding.

SENATOR ABOUD: The difference is that when you want to appeal a decision on implied consent, or refusal to take a