

in the green copy to page 4, are you there with me?

SENATOR ABBOUD: Yes.

SENATOR CHAMBERS: In line 11, the words, and it continues into line 12, "has committed a moving traffic violation", since careless driving and these other infractions are covered by this legislation on private property also, a person could commit one of those violations or be suspected of having committed one, and then would kick in the language on page 3 where a person could be subjected to a test for the content of alcohol in his or her blood or urine, would you agree with that?

SENATOR ABBOUD: Could you run that by me one more time, Senator Chambers?

SENATOR CHAMBERS: Okay, are you aware of the language on Channel (sic) 3 that would strike "upon a public highway" with reference to the chemical test or the breath test and refusal to take the test will result in your arrest? Are you aware of that existing in the present law? If you want to see the part about the arrest, if you turn to page 4, in line 13, "Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol content", and so forth, "shall be placed under arrest." Any person who refuses to submit shall be placed under arrest. So the way this bill that you have now has tied in those other offenses, if you are suspected of driving carelessly on private property, an officer, without having probable cause, just for committing the other violation authorizes him to compel you to submit to these tests, and if you know you haven't done anything with reference to alcohol and on that basis you refuse to take the test, you shall be placed under arrest." There is no discretion on your part to refuse to take the test or to agree to take it, would you agree to that?

SENATOR ABBOUD: That is the way the current statute is.

SENATOR CHAMBERS: Thank you, and members of the Legislature, when Omaha comes in here with bills such as this or any other political subdivision, they usually have one thing in mind, and in Omaha they might be thinking about a narrow area of west Omaha, but this legislation applies throughout the state, and vehicle, the word that we are using is vehicle, not the term motor vehicle. A vehicle includes snowmobiles, tractors, in