

He did make a very convincing argument there about crime and punishment, and DWI, as far as I am concerned, and the reason I voted with Senator Chambers, it is a criminal offense, and whenever you change any part of a criminal offense or even the penalty or the fine, whatever it is, or no matter what it is, as long as it is a criminal offense and there is a penalty, I believe it should go to the Judiciary Committee. I wasn't there the following day and Senator Lamb did appear to again try to rereference it back to Transportation Committee, and that also failed on a 3 to 4 vote. So I rise to urge the members now to stand by the Referencing Committee and do not rereference the LB 1114 back to Transportation. I am sorry that Senator Chambers isn't here. I don't often agree with Senator Chambers and very seldom vote with him, but he was very convincing in his arguments, and I know that he understands the law a lot better than I do. Fortunately or unfortunately, I am not an attorney. I would have preferred that Senator Chambers was here representing the Exec Board in telling you why the reasons that the majority of the Exec Board did vote to rereference LB 1114. Thank you.

PRESIDENT: Thank you. Senator Chizek, please, followed by Senator Baack, and Senator Rod Johnson. Senator Baack, please.

SENATOR BAACK: Yes, Mr. President, and colleagues, I rise in opposition to this motion as a member of the Referencing Committee. We have looked at this a couple of times already, as Senator Labeledz has said. We referenced it first to Judiciary, and then we had...and Senator Lamb came in, made his appeal to rereference it to Transportation. We left it in the Judiciary Committee and I think we did so for basically one reason. What this does is this makes something criminal that is today not criminal. What it does is it says that if...because today if you are a .08, that is not criminal today. At .1 you are criminal. This takes it down to .08, so we are making something criminal that is not criminal today, and that was the argument that Senator Chambers made. I think it is a very persuasive argument. That is what we are doing with this. So I think it belongs in the Judiciary Committee. I know that Jack Rodgers makes recommendations to the Referencing Board, but those are purely that, recommendations. It is up to the board to make the decision. We do not have to follow what he gives us. We are the deciding board, and in this case, we decided that it should go to the Judiciary rather than Transportation. We have discussed it twice. We left it at the same place both times. I