

SPEAKER BARRETT: Senator Abboud, on the Kristensen amendment.

SENATOR ABOUD: Yes, Mr. President and colleagues, I rise to support this amendment to LB 799. This reminds me of what occurred a couple of years ago with the bill that I had. It was a bill that provided for testing for drugs. I brought in the bill on behalf of the City of Omaha. And while the bill was being considered by the Transportation Committee, the Nebraska Supreme Court struck down the breathalyzer test, leaving this state without a way to convict drunk drivers through the use of the breathalyzer, relying then exclusively on the blood or urine or appearance of the driver when that individual was pulled over. And, so it left us with a difficult situation. And, at the time, my bill was about the only one that was applicable to this particular subject matter. So the Transportation Committee gutted my bill, placed in the breathalyzer testing standards that, to this day, are constitutional, and advanced the bill onto the floor. The bill was then moved along, special ordered by the Speaker, and it became law. Every now and then we are faced with that situation where an emergency occurs, the Nebraska Supreme Court, thank goodness, when they chose to strike down the testing requirements, have done it while we are in session. So we're given an opportunity to at least keep the dike or the dam in its current position. We don't expand upon the DWI laws, but at the same time we don't loosen those laws either. I think that the urine test, with these new standards, will pass constitutional muster. And I think that leaving the laws as they are, while it may not do what some of us in the body would like to see done, would still help to deal with the problem of drunk drivers on the road. I urge that we adopt this amendment, that we advance the bill, and that we get this bill passed so that when an individual is driving while intoxicated that person can have the advantage of being tested for urine, as well as blood and breath. I think that it provides a good system of justice, and I think it's good for the court system, the police system, as well as the defendant that is being charged. Thank you.

SPEAKER BARRETT: Senator Lamb, please. Senator Lamb, please. Senator Hall, did you care to discuss it again, the amendment?

SENATOR HALL: Mr. President, members, again, I rise to oppose the Kristensen amendment, and I do it not as much out of opposition to the Kristensen amendment, because it does do what it purports to do in terms of dealing with the drug issue. And