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a right or should have the right to get behind the wheel drunk. That's not what we're talking about here. We're talking about what the penalty ought to be. No one has that right. The fact of the matter is the penalty has to be something that is going to be, first of all, enforced, because if it's not enforced, it doesn't matter if you put the death penalty up there. You can have whatever penalty you want on the books and if it's not enforced, what good is it to you? It serves no purpose. What we're doing here is putting a minimum in for those individuals who are chronic. And as I stated, Senator Haberman is going to find that those individuals are not receiving this minimum now and it's not in LB 291 and nothing in LB 291 goes to serve that purpose. And all we do is say that if someone, for purposes of compilation of offenses, has gone five years without receiving another DWI, then it is treated as first offense. If you're going to put a first offense in that says 60 days jail time, 60, you don't have that right now for fourth offense. The compilation makes sense. You've got the States of Kansas, Minnesota, South Dakota, Missouri, all have the five-year provision in their law and, yes, they all have ALR, but they all had the five-year. That standard is a good standard. It is one that is recognized in this region. It is one that Nebraska ought to adopt and that is what this amendment puts before you and it also puts some teeth into the bill for those chronic offenders. I would urge your adoption.

SENATOR WARNER: The motion pending is the adoption of the Hall amendment to the committee amendment, it requires a majority of those voting. Senator Peterson, there are still two senators who have not come into the Chamber from your call of the house. Do you wish to wait on the vote or can we proceed? Proceed. The Clerk will...excuse me, the motion is the adoption. Those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Clerk, record.

CLERK: Record vote? Okay. Mr. President, I have a request for a record vote. (Read record vote. See page 655 of the Legislative Journal.) 11 ayes, 24 nays.

SENATOR WARNER: The motion lost. Mr. Clerk, is there further amendments on the desk?

CLERK: Mr. President, Senator Hall would move to amend the committee amendments. Senator, I have AM2663 in front of me.