

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 8, 2000 LB 74

now...

CLERK: Senator Beutler would move to amend, Mr. President, with AM2315. (Legislative Journal page 579.)

SENATOR CUDABACK: Senator Beutler, you're recognized to open on your amendment.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, this is intended to be a friendly clarifying amendment. It is not amending the section of statutes that is currently in front of you in the bill as amended, but it's amending a statute that is close to and highly related to the definitions that pertain and which are relevant here. But the section, generally, is 60-688. And what it generally says is it gives directions with regard to prosecution for violations. And it says, with regard to those that are misdemeanors or felonies, that they shall be conducted and disposed of in the same manner as providing for such prosecutions under the laws of the state. What it doesn't talk about is a traffic infraction which, of course, under the Rules of the Road now is a completely separate definition. So what the amendment does is to insert traffic infractions into that statutory framework and indicates that they will be treated in the same manner as misdemeanors, except as may be otherwise provided by law specifically. So that, in other words, we're telling the prosecutors and the court system how to treat traffic infractions as far as the court processes, procedures and rules may be concerned. That's all that it does. So I would invite the adoption of that amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. We are discussing the Beutler AM2315 to LB 74. Senator Chambers on the Beutler amendment.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I support Senator Beutler's amendment. What I did was to hand out a copy of my statement of intent on the bill, so you can see the citation to the Knoles case, where it would be found, if you choose to look it up, the date when it was decided, then subsequent cases where the Nebraska Supreme Court referred to that case again, and its analysis of infractions. What Senator Beutler's amendment would do is to make it clear that