

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 1004

have to do that with the statutes. You can quote the statutes, but you must prove the ordinance because you don't know what procedures are used by any given city council, any village. You don't know whether the ordinance which is used to convict a person has been repealed in those general repealers that often appear in city ordinances. I don't know if you all have ever read city ordinances. They're real thick books and they have written in that book the text of ordinances that have been repealed, and I have seen where charges were brought pursuant to those ordinances. I was charged with a speeding violation under an ordinance in Omaha that didn't even exist anymore. So when we say that we're going to enhance a punishment based on an ordinance in another state passed by a city council or a village and maybe there are six people in the village, we don't know what it takes to create a village in another state. We don't know what the requirements are in that state for a conviction under an ordinance. We don't know whether they still have justices of the peace who can convict a person for a DWI, and in other states where they have justices of the peace, their salary is based on a percentage of the fines that are derived from the convictions that occur at their hand. So there are problems that I see with the bill, but at least, I think, this language, if you adopt it, will make it possible for those of us who think amendments are necessary to focus in on the area of language that is objectionable or that needs some work, and that's all that I will say at this point. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. The question is the adoption of the Chambers amendment to LB 1004. Those in favor vote aye, those opposed vote nay. Mr. Clerk, please record.

CLERK: 30 ayes, 1 nay, Mr. President, on the amendment.

PRESIDENT MAURSTAD: The amendment is agreed to. Debate on the advancement of LB 1004, Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm in the process of writing an amendment, and in order that Senator Engel won't get heartburn, I'm not going to do just every thing I can to kill the bill. That's not my intent. I do think that people who drink more than they ought to and drive