

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

March 17, 2003            LB 209

that all the steps may not be followed, and then you'd get your license back without going through the court system. Then you could have the ability to drive between the time that you had the hearing and some future court date for the underlying charge. And then you could work on some kind of a defense for that underlying charge. And you may, even though it was a multiple conviction, you may still be able to drive at least for a time being. This is a way to solve that, to say that this administrative pulling of a license is really that, and that you will have that license pulled until the courts decide the process and that you are convicted or not convicted on the underlying charge. I appreciate the discussion this morning, and I am in support of the underlying bill. I'm open to Senator Bromm's amendment that comes afterwards. I am going to be in opposition to Senator Chambers' amendment.

SENATOR CUDABACK: Thank you, Senator Connealy. Senator Baker. This will be your third time, Senator.

SENATOR BAKER: Thank you, Senator Cudaback and members. I am going to go back up and clarify a couple of things there were questions on. The ALR, the hearing is conducted within 20 days. When you're arrested, fail the blood alcohol test, whether it's breath or whatever, refusal to take the test, 20 days. You get an immediate temporary license. This was brought up in a Senator Bromm question, the immediate temporary license is good for 30 days. That's in the bill, of course, and it's 30 days. So 20 days after the arrest, the hearing will be held, or within 20 days. And then if you request a hearing, fine. You, within that 20-day period and still have your license revocation upheld, you're going to lose it for 90 days for the first offense and a year after that. Revocation is automatic after 30 days unless you do appeal. Okay. And we need to get back in focus here. We're talking about a privilege. There is nothing in the State Constitution that says every citizen in the state of Nebraska shall be allowed to drive. This is a privilege granted by the Legislature. It's a privilege we're taking away. That's why we can do this administratively, rather than have to go through the courts. It is a privilege granted through statute. Of the forty...of the 9,200 ALR cases last year, calendar year, approximately 4,500 of them requested hearings.