

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

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LB 209

that the officer fills out, which is the first step in this ALR process. In 1996, there was a legislative bill, LB 939, that removed the validity of the arrest as an issue at ALR hearings. In the...and I guess I'm looking at the green copy of the bill. But Section 4, in 60-6,205, and in that...in the middle of that area, where it gives the requirements, or the...I should say, the issues to be considered at ALR hearings, before 1996, the validity of the arrest was one of those issues. So...however, with that...that being removed in 1996 by LB 939, the removal of these two words in a different spot in the statute is simply a cleanup to match the sworn report change that was effected in the 1996 law. At the hearing, the driver can still introduce whatever evidence that he or she has to show why the revocation shouldn't go forward, including whether or not there was a valid officer or citizen contact prior to the DUI arrest, as well as whether or not there was probable cause for the officer to believe that the person was under the influence of alcohol while operating or in physical control of the vehicle. However, having the language sworn to by the officer that it was a valid arrest is simply out of sync with the statute as it was changed a few years ago. And I think that that change was made because the officer really isn't in a very good position...I win. (Laugh) I've never had that happen before. There...this could be quite a session yet, I think. Mr. President, I simply urge the body to not adopt the amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Bromm. Senator Chambers on your amendment.

SENATOR CHAMBERS: And Mr. President, members of the Legislature, I'm going to save the body the trouble of even having to reach that point. I withdraw that amendment.

SENATOR CUDABACK: It is withdrawn. Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend with FA1202. Senator, this is to strike Section 5. (Legislative Journal page 937.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on FA1202.