SENATOR KREMER: Well I'm cold on that one. Where did you get that? Emergency clause ... yes. Right. I move the adoption of this amendment.

SENATOR SAVAGE: Is there any discussion? Will the Clerk read it.

CLERK: There are two sections to it. One is the emergency clause. The other one simply says "This Act and the Amendments thereto shall be applicable to all pending cases or proceedings, which are not reduced to final judgement, or which are pending on Appeal".

SENATOR SAVAGE: Motion is to adopt Senator Kremer's amendment. All those in favor indicate by your vote. Please vote. Savage voting aye. Record.

CLERK: Senator Savage voting aye. 28 ayes, 21 nays ... I mean 21 not voting, Mr. President.

SENATOR SAVAGE: The amendment is adopted. What do you want to do with the bill, Senator Kremer?

SENATOR KREMER: Now I move the bill be advanced from General File to E & R. I'll go on to explain the bill. As I reviewed for you just a moment ago, the bill was an outcome of a look at the point system in existence, at least a year ago, and the same today. The Committee did do quite extensive work in reviewing the point system. It became a committee bill.

In this review we were concerned as to the confusion that did exist at that time, and still exists to some extent, on the assessment of points for the charge of drunken driving. We discovered that the Department of Motor Vehicles was assessing 6 points for the conviction of D.W.I., but were advised by the Attorney General, at least someone in the office at that time, that they ought not to be assessing more than 2 points if they came under driving with a blood analysis of .10 alcoholic content.

Later on the Department was advised by another person, in my understanding, in the Attorney General's Office that they should assess the same because they were one and the same; .10 and drunken driving were one and the same. We learned that this confusion came about as a result of the verbal directive from the Attorney General's Office that I just now explained to you.

In August of this year a Supreme Court decision said that D.W.I. and .10 are the same and should carry the same charge. This opinion, in my opinion, followed the intent of the Legislature. LB 265, that we're now considering today, will take out of the realm of confusion, and difference of opinion beyond certainty of it and will say for certain, by law, that someone charged with alcoholic content of .10 is the same as the person charged with D.W.I. They're one and the same. This bill is needed to clarify this confusion.