

January 16, 1984

LB 373, 377

SENATOR R. JOHNSON: Mr. President, I move that we move the bill.

SPEAKER NICHOL: You have heard the motion. All those in favor say aye. Opposed nay. It is advanced. LB 377.

CLERK: Mr. President, 377, first of all I have E & R amendments pending.

SPEAKER NICHOL: Okay, Senator R. Johnson.

SENATOR R. JOHNSON: Mr. President, I move we adopt the E & R amendments.

SPEAKER NICHOL: All those in favor say aye. Opposed nay. They are adopted.

CLERK: Senator Chambers would now move to amend the bill, Mr. President. In the committee amendment, strike lines 4 through 10 beginning with the word "The" and ending with the word "appropriate."

SPEAKER NICHOL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, I will tell you very quickly and briefly what I am trying to do. This is the bill that relates to a situation where a person is arrested for alleged drunk driving. The current law allows that person if a breath test is not given to take a choice between a urine or a blood test. After that choice is made the law also entitles that person, after that test is given, to have a physician of his or her choice come to the police station or wherever the police determine it should be done to give an additional test and have laboratory work done on the test so taken. The committee amendment said that the officer, even if he or she fails to notify the person of these charges, does not cause that evidence to be inadmissible. To say it more simply the officer does not have to tell the person of his or her choices. That is the impact of the committee amendment. I want to take that committee amendment off of the bill so that the officer is required after the test has been given that the officer is going to give to notify the person that he or she can have a physician of their choice administer