

General File; 975 to General File; 772 to General File, 771, General File with amendments attached, all signed by Senator Hoagland as Chair. (See page 552 of the Legislative Journal.)

Mr. President, the next bill is LB 631. (Read title.) The bill was read on January 22. It was referred to the Judiciary Committee, Mr. President. The committee advanced the bill. Committee amendments were adopted on January 17 of this year. I do have an amendment from Senator Hoagland. Senator, do you wish to take that up at this time?

SENATOR HOAGLAND: Please.

CLERK: Mr. President, Senator Hoagland's amendment to the bill is on page 433 of the Journal.

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, this bill came up on consent calendar a week ago Friday and some good points were raised. We debated the bill and we ran out of time. We ran out of the fifteen minute time limit so we were unable to consider it any further at that time. Now during that debate on General File, Senator Higgins and Senator Withem and others expressed a concern about a provision we adopted in committee to require that if a judge gives a first offender seven days imprisonment in a drunk driving case that seven days has to be served consecutively. And they raised a concern about that as to the need for it. I think they are correct. I think there really is no need for it. It was originally...the consecutive concept was originally introduced to cover the mandatory third offense penalty of seven days in jail. When it was taken out of the bill, it was left only for first offense where the judges have discretion anyway to give seven days or fourteen days or whatever. So the consecutive provision is no longer necessary. I think it does raise some legitimate questions about the bill. This amendment would amend the committee amendments to take out that consecutive provision, that requirement that seven days be served consecutively for first offenders. I would ask adoption of this amendment. Thank you, Mr. President.

PRESIDENT: Is there further discussion on the Hoagland amendment? If not, the motion is to adopt the amendment.