

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

May 22, 2003

LB 209, 760A

CLERK: (Record vote read, Legislative Journal page 2010.)  
44 ayes, 0 nays, 3 present and not voting, 2 excused and not  
voting, Mr. President.

SENATOR CUDABACK: LB 760 passes with the emergency clause...A,  
passes with the emergency clause attached. Next agenda item,  
E & R Final. Motion to return to Select File for specific  
amendment. Mr. Clerk.

CLERK: Mr. President, Senator Bromm would move to return  
LB 209 to Select File for AM2059. (Legislative Journal  
page 1995.)

SENATOR CUDABACK: Senator Bromm, to open on your motion to  
return for specific amendment.

SPEAKER BROMM: Thank you, Mr. President. When we left Select  
File with the bill just a couple of days ago, we had some  
discussion. And Senator Chambers had concerns about the section  
of the bill that dealt with what is commonly referred to as  
judicial bypass section. That section of the bill provided that  
if for any reason the criminal conviction, criminal charge was  
dismissed on the DUI arrest, following the DUI arrest, or  
failure to submit to a test charge, that the ALR license  
revocation proceeding would automatically go away. We're the  
only state of the states that has such a provision. There were  
legitimate concerns about that section of the bill. One can  
make a very convincing case for the fact that if the DUI charge  
is dismissed for lack of evidence, or perhaps a faulty test, or  
perhaps there was a faulty arrest, and no probable cause, there  
can be many things that can happen that would cause a defendant  
in the underlying criminal case to be found not guilty, or for a  
charge to be dismissed. And then the question would be, even  
though the ALR proceeding is an administrative proceeding and a  
separate track, if you will, is it fair for that to go on as if  
they were found guilty or they were guilty of the offense? So I  
have recognized that dilemma. And when it was brought forward  
by Senator Chambers, we agreed to try to work on it. We did  
that, and we come to you with a proposed amendment that's  
intended to correct a couple of things, and clarify this area, I