

March 6, 1974

saw that the arguments were that we have non-compliance with the law now and the judicial process is not working now. So in order to explain that away, he used the typical superficial approach in trying to destroy the arguments by saying it's political. That's not original and certainly someone with those kind of credentials could at least display a little more originality.

PRESIDENT: Senator Schmit, do you wish to close on your bill? Just a moment, Senator Duis.

SENATOR DUIS: Mr. President, I would like to ask our...one of our distinguished attorneys=at=law and hear a question. George, could you answer this for me? Senator Syas. I want to ask you a question, if I may.

PRESIDENT: Senator Syas, do you wish to respond as a distinguished attorney?

SENATOR SYAS: Well, I'm not even in the debate and I get into it.

SENATOR DUIS: I'm not either, Senator Syas. That's the reason I thought maybe if you and I...if I asked a question, maybe we could get an answer. Senator Syas, I know you do a lot of work in the constitution and I am concerned in this particular piece of legislation as to whether constitutionally you can take a person's drivers license away from them for a ...an act that is not connected with a motor vehicle. In other words, if a man is intoxicated down the street, can you take his drivers license away from him. I know you can if he's driving while intoxicated but just because he's intoxicated on the street, would you be able to revoke his drivers license?

SENATOR SYAS: Well, of course, I'm no Supreme Court but I have my doubts on it but....

SENATOR DUIS: That's good enough for me.

SENATOR SYAS: That doesn't make it so. But I am for any thing that you can tighten up this thing....

SENATOR DUIS: I'm not arguing that point. I'm for it too and I'm for this type of legislation but if this is completely unconstitutional, I see no reason why it should be passed.

PRESIDENT: Senator Schmit, are you ready to close?

SENATOR SCHMIT: Yes, I'm ready to close, Mr. President. In answer to Senator Duis, I'd think this is not the place for us to determine constitutionality. I agree with Senator Syas. I can just imagine what's going to happen to some unfortunate individual who's several thousand dollars behind on his child support....comes before most of the judges whom I know, and says well this is an unconstitutional act. You're not allowed to take a drivers license....just because I owe several thousand dollars to my children. I think that judge is going to say Mr. So and So, that may be so, but in this case, I think it's justified. It indicates this is not the place to determine constitutionality. We do it all the time, I agree with Senator Duis, but I would prefer we not do it especially in....in my bill, Senator Duis. Because I'd like to see the bill become law. And I'm like Senator Syas. I think we need to tighten down the screws. I think we need to stop fooling around. I have complete respect for Senator