

April 9, 1980

LB 651

practical matter, the Nebraska Supreme Court has already determined that this is a proper exercise of judicial discretion as a term of probation. The original bill did not specify as to whether this provision is to apply as a term of probation or as a term of sentence. This amendment to LB 651 specifically states that such orders shall come as a term of probation. This amendment also strikes the reference in the original bill to having such programs approved by the Division of Alcoholism of the Department of Public Institutions or the Joint Commission on Accreditation of Hospitals. We already have sections of statutes certifying such programs and such certification is done by the Department of Motor Vehicles in cooperation with the National Highway Safety Program. As originally drafted, the provisions in the bill relating to who should certify the program conflicts with Section 39-669.31 and 39-669.32 in existing statutes. The amendments would correlate these two statutory provisions to remove any conflict from the bill. I move for the adoption of the amendment.

SPEAKER MARVEL: Any further discussion on the amendment? The motion is the adoption of the amendment to LB 651 as explained by Senator Nichol. All those in favor of that motion vote aye, opposed no. We are voting on the adoption of the amendment to LB 651. Have you all voted? Record.

CLERK: 30 ayes, 0 nays on adoption of the Merz amendment as offered by Nichol...Senator Nichol.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Any more....

CLERK: Mr. President, yes, Senators DeCamp and Johnson now move to amend the bill.

SENATOR DeCAMP: Mr. President, this is a kind of a decent amendment. It repeals something called the guest statute. The guest statute, as you may know, is unique in Nebraska and a limited number of states now and it says something like this: Senator Schmit is standing next to me. I get ready to go to the Nebraska Club. I say, jump in the car and we will ride on up. He is a guest. My kids would be guests. But anybody is a guest as long as he isn't paying money, something of value...in other words, paying for his ride. Now I go through a red light and crash into a building because I was careless and reckless and I ruined poor old Schmit. Not only has that occurred, but when Schmit decides to sue me for all the terrible damages, he learns that he can't collect from me because we have something