

March 10, 1982

LB 568

this section. Incredibly, Senator Haberman's amendments make fourth and subsequent offenses a Class 4 felony. This is what the present law does now with third offense. The same problems exist now with making third offense a felony, will just be delayed until the person has another offense. On a technical note the bill is drafted in terms of the county attorneys shall do this, the county attorney shall do that. Evidently Senator Haberman does not want any city prosecutors involved in the prosecution of DWI. This draft states that cities and villages can enact ordinances in conformance with this section. They simply can't do it. I could go on with other sections of the Haberman amendments, but I strongly oppose these amendments. Stick with the committee amendments, then if Senator Haberman or anyone else wants to change figures within the bill, fine. I am not saying that a week is an automatic figure, or 30 days is an automatic figure, or 6 months, or \$500 or \$200. But when you get a nucleus of the bill adopted, then attempt to amend it if you want to, but don't throw away the committee amendments and adopt something like this.

SENATOR CLARK: For what purpose do you rise? What is your point? State your point?

SENATOR HABERMAN: My point of order is, Mr. President, Senator Nichol made a statement that is not true, and I want to say it now before we adjourn and explain it. He said that my bill wipes the record clean. It does not. Section 3 says the prosecuting attorney shall investigate the prior driving record of any person arrested for violation and shall take that in consideration....

SENATOR CLARK: Senator Haberman, you can do this on closing.

SENATOR HABERMAN: Well now just a minute....pardon?

SENATOR CLARK: You can do this on closing.

SENATOR HABERMAN: I want to get it in the record before we (interruption)...for lunch.

SENATOR CLARK: That is not a point of order.

SENATOR HABERMAN: Because it is not true.

SENATOR CLARK: Have you got something to read in? Go ahead.

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