

SENATOR NICHOL: Mr. Chairman, this amendment is just technical in nature and should be passed regardless of whether or not you adopt any other amendments on 568. This amendment would simply add the word "refusal" implied consent to the penalty classification placed in the criminal code. The reason we are adding the word refusal is so that there is absolutely no doubt that the provisions of 39-669.08 which govern refusing to take the test will be treated as a conviction under this section. Once again this is a technical amendment. It does not affect any of the operating provisions of the bill. It is clarifying in nature and should be adopted regardless of any other amendment to the bill. I hope you will move for the adoption of this amendment.

SENATOR LAMB: Senator Nichol.

SENATOR NICHOL: Is that the short amendment that is one line long?

CLERK: Senator, the one I have in front of me is to strike the Newell-Koch-Kilgarin amendment to the committee amendments.

SENATOR NICHOL: No, this is another that should be ahead of that. A real. . . a very short one.

CLERK: Well Senator, that one is on 1354 and then I have one, the next one is on 1362 which after the word intoxicated would insert "implied consent", refusal. . .

SENATOR NICHOL: Yes, that is the one that I just talked on.

CLERK: Is that the one you want?

SENATOR NICHOL: May we take that one first, with Senator Kilgarin's consent? It is just a technical amendment, but I'll take in order if you insist. Mr. Chairman, would that be all right?

SENATOR LAMB: Yes. Senator Nichol.

SENATOR NICHOL: With that, Mr. Chairman. . .

SENATOR LAMB: Proceed with the explanation of that amendment.

SENATOR NICHOL: That is all that there is to it, Mr. Chairman, I would move for the adoption of the amendment.