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LB 413

and that he did all the things that he was supposed to do and will then give the reading and it is in excess of the speed limit, there will be a conviction on the basis of that, if all of the things in this bill are complied with, unless there is something like a mistake in the person accused or the wrong driver or something like that.

SENATOR VICKERS: Well, let me ask you this then. If all the things were complied with that are in this bill, what difference would it make whether it was competent evidence or prima facie evidence?

SENATOR CHAMBERS: It's a technical....(interruption).

SENATOR VICKERS: If all the things were complied with, either way would result in a conviction. Isn't that correct?

SENATOR CHAMBERS: But here is the point, Senator Vickers, this bill would place an affirmative requirement on the state to go forth with all of these items itself. The state in presenting its case would have to establish that all of these things were complied with before the evidence could even be introduced.

SENATOR VICKERS: Okay.

SENATOR CHAMBERS: That is not the case now.

SENATOR VICKERS: Okay, thank you, Senator Chambers. I wonder if Senator Beutler would respond to a question perhaps. I hope he has been listening to this conversation. I would like to get a second legal opinion from our colleagues here and I was going to the same brain trust row that Senator Chambers referred to yesterday. I don't see any other legal counsels in here. I just question the change in prima facie evidence to competent evidence. Again, I am not questioning Senator Chambers' desire to make certain that people have an opportunity to rebut the evidence presented before them, but it would seem to me that that might be quite a change that we are making in the statutes and would urge the body's careful consideration before that change is made.

SPEAKER MARVEL: Before we proceed, underneath the north balcony we welcome Dave and Donalee Lamb and their son, Jason, from Anselmo, as I understand, the son and daughter-in-law of Senator Lamb. Right? There is a future legislator. Okay, Senator Haberman, do you wish to be recognized?

SENATOR HABERMAN: Yes. Mr. President and members of the Legislature, question of Senator Chambers, please. At the