

SPEAKER BARRETT: Call is raised. Chair recognizes Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker and members of the body. I wish I didn't have to stand up and do this. But, by popular demand, I will. (Laughter.) I've never done this before, and I think it's interesting that it comes at a time...and I'm afraid what I thought would happen did happen, and we're faced with a bill, it's 2:01 p.m. on March 22nd, and there is 13 amendments behind us. And we've got a problem that many of you probably, well maybe most of you don't know about yet, but let me tell you about it. And I think Senator Warner probably struck that stroke of conscience in my mind that generates me to do this right now. The Supreme Court, about 10 days ago, struck down our drunk driving laws in one area, and that's with urine testing. And, as you know, if you're arrested for drunk driving you are brought into a police station and you are given some options. And the first option is that they can give you a breath test. And, if they have a breath machine, they can require you to use it. There are many counties and jurisdictions, police departments that do not have these machines. If that is true, you then, as a defendant, get two choices, you can either have a blood test, or you can have a urine test. So you get your choice in those counties or jurisdictions or areas where they do not have a breath machine. The Nebraska Supreme Court, and I don't...I think I've got the case sitting right here, it came down March 9th, 1990, case by the name of State v. Donaldson, said that the urine tests were inherently unreliable for alcohol. They threw out and, in fact, suggested...two of the judges suggested that we just eliminate urine altogether as a testing measure and a per se measure for violating the law. What's happening at the present time in areas where they don't have a breath machine, the defendant, if they're sharp enough or lucky enough to choose urine, aren't going to be prosecuted. They get...the law enforcement gets one test to do. If the defendant is either smart enough or lucky enough to choose the urine, there is no way you're going to be able to convict them. They're going to walk away free. And I'll bet you, I'll bet there are already letters been out there saying, you defendants, or you possible people choose urine tests because you're not going to get prosecuted for drunk driving. We can't let that happen. We absolutely cannot let that occur. We've got to be able to tighten that up. I introduced LB 1020 this year, it went through committee without a problem. It was made a transportation committee priority bill