

practical matter for that test to reflect the defendant's driving...the exact blood alcohol content at the time they were driving. It is some necessary lag time that you need between the driving and the administration of a test, and that is necessary to ensure an accurate test because there are rules and regulations that must be followed. Now, furthermore, that is the goal of both the defendant and the state, we want an accurate test. So you just have to have some period of time to administer this test correctly. You have to have someone arrested, take them in and do the test. We are not saying that, once the test result is there, that is an absolute. There is a difference between an absolute finding and a rebuttable presumption. This was mentioned at almost every...in fact, I think every hearing that we had mentioned the presumption would be a great aid in prosecution. This is not subdivverting an element of the crime to say that you don't have to prove it beyond a reasonable doubt. Don't fall for that argument. That argument is going to be given to you that we are going to presume somebody is guilty. Absolutely not, what they are trying to do to you is confuse you. This is nothing more than rebuttable presumption, one of the ten points that we think are very necessary in this manner to do. With that, Mr. Speaker, that's a brief update of where we are at; the amendment that is present before us at this time, and I will be speaking on and off about that amendment. Thank you.

SPEAKER BAACK: Thank you, Senator Kristensen. We will now proceed to the amendment to the amendments. Senator Will is going to handle that. Mr. Clerk.

CLERK: Mr. President, the Legislature was considering an amendment found on page 615 offered by Senator Hall. Senator, I have your AM2663.

SPEAKER BAACK: Senator Will.

SENATOR WILL: Thank you, Mr. Speaker, members of the body. I rise to substitute for Senator Hall until he gets here and carry this amendment. This is an amendment that deals with...we are working off, at this point, AM2314, which is the committee amendments, and on page 13 in the committee amendments, what this would do is strike beginning with "The" in line 16 through the rest of the page, and this is the portion of the amendment that Senator Kristensen just explained to you. This is the rebuttable presumption. The way that it reads is that the