

SENATOR HALL: Thank you, Mr. Speaker, members. The issue before us, and open the bill...the copy to the page where the amendment takes place. It's on page 13 and what the amendment would do is strike lines 16 through 24. What you need to do is read that because the question that Senator Kristensen asked me was a loaded one and I answered it honestly and I think when you read this you'll know why. It says the result of any tests administered within 90 minutes after the termination of the operation or actual physical control of the motor vehicle shall be presumed to accurately reflect, accurately reflect the alcohol concentration or the presence of drugs in the blood, breath or urine tested at the time such operation or actual physical control terminated if the test is administered in accordance with methods approved by the Department of Health. Absolutely, absolutely. What does that say about the test? It says that it shall be presumed to accurately reflect the alcohol concentration or the presence of drugs in the blood, breath or urine tested at the time such operation or actual physical control terminated if the test is administered in accordance with methods approved by the Department of Health. So in other words, it says, as long as they do whatever the Department of Health has laid out in terms of methods approved, no matter whether or not those methods have been carried out or whether the device is used to carry out those methods are accurate, that presumption stands. So it does go to the issue of the validity of the test. It absolutely does. If that were not the case, why would one need the amendment? Why is this portion of the bill necessary? Because Senator Kristensen says, as he did yesterday, that we want to close this loophole of this issue of whether or not the blood alcohol level, because his argument was we don't have the ability, we don't have the technology to test blood as it would have been 30 minutes ago, an hour ago, 90 minutes ago, two hours ago, three hours ago, four hours ago in Alaska, so we want to have the ability to say as long as that test was taken, no matter whether the device is used to take that test and it was done under procedures that are laid out by the Department of Health, that test stands. That test is valid for the blood alcohol content at the point at which that individual was driving a car. Ladies and gentlemen, that is clearly something that drops out of the sky as far as changing the way you deal with the whole issue behind blood alcohol level and its testing. It is at best, voodoo, and it clearly is not science. Just because the Department of Health lays out methods approved, what does that mean? Does that mean you have to wear