

rubber gloves? Does that mean it has to be a technician who understands how to draw blood? Yes. Does that mean that the testing equipment that is used is determined to be valid by the Department of Health? Do they check every individual test that runs through and does a blood alcohol content? No, they do not. The whole issue of discrepancy among tests, Senator Kristensen will tell you, as a former prosecutor, he will tell you that there is a wide range of blood alcohol level from one lab to the next and those are all using methods that are approved by the Department of Health. That is how they are laid out. That's whose rules and regs they abide by. The issue of approximately ten states, I think, if there were that many that Senator Kristensen reeled off with regard to...

SPEAKER BAACK: One minute.

SENATOR HALL: ...the whole issue of this presumption, many of those states if were to read through them again, could very likely have put those issues in place, Canada or Alaska, for example, four hours. I would argue that there are spots in Canada that you could not get to in four hours to retrieve or have the test taken. That, in one instance, could be the argument for this. It is not the case here in Nebraska. The issue here is should the burden be shifted? Should the burden be shifted from the state with regard to proving that the test is valid? And if they are using methods that are approved by the Department of Health, should be no problem for them to go forward with that test and to prove it beyond a reasonable doubt. In this case, what they are saying is, all they have to do is meet that window, that time line and then the burden shifts to the defendant to prove that there was a problem.

SPEAKER BAACK: Time, Senator Hall.

SENATOR HALL: Again, I would urge adoption of the amendment.

SPEAKER BAACK: Your light is next on, too, if you wish to continue.

SENATOR HALL: Thank you, Mr. President, I would. Again, ladies and gentlemen, this goes to the whole body of what this bill is about. It goes to the whole issue of guilt and not innocence that individuals that fall in this category... and again, I would like to preface my remarks every time, but it is difficult to saying that I don't approve of drunk driving. It is ridiculous,