

it clear, and I don't think it is clear, what the standard is. What he said to you is that the standard of proof, in order for the state to take your drivers license for a criminal act, is preponderance of the evidence. What that means is it's no different than if I sue you in small claims court, the same standard applies. For this criminal act to invoke the penalties, to invoke the massive power of the state all we need to do is prove that it's more likely than not, and that's what preponderance of the evidence means, that it's more likely than not that this occurred. And that goes to a lot of other issues that come in. And one of those that, I intend to offer an amendment to address this, but one of those is that we have had problems for years with the Intoxilyzer. When this was on, either last time it was on Select File, or when it was on General File I related a story, and I'm trying to get a hold of the attorney to find out exactly what those figures were, but it was an individual out in Ogallala. First time he was tested he, on the Intoxilyzer, he blew up .14, I think. In Ogallala you have the authority to, or you have the ability to pay \$35 and get another test. He said, I know that's wrong, I'll do it again. He pays his \$35, gets another Intoxilyzer test. This time he gets a .11. And these figures aren't exactly right, but I know the first two were both well over the legal limit. He says, I know that's not right, I didn't have enough to drink. So he says, I want a blood test, forget this, I'm going to the hospital and getting a blood test. He gets the blood test, .00, he didn't have any alcohol in him. The Intoxilyzer had him convicted, Senator Kristensen had him convicted, LB 291 had him convicted. He can't drive, he has to go in and prove to the director that, hey, I'm innocent, this Intoxilyzer was wrong. He has to go into the director while he's on a suspended license. Now imagine you're living in Ogallala, or Imperial, or in Plattsmouth, or wherever, and you drive down here to a hearing in Lincoln for a hearing to prove that you're innocent, remember now you can't drive because the petition has to be filed, I think, within 20 days, your temporary permit is 30 days, by the time you get a hearing you can't drive. So let me back up and say you arrange to have somebody drive you to your hearing, to prove that you're innocent and should have been able to drive to that hearing in the first place. This gets ridiculous. This gets ridiculous. And this is all for the individual who's innocent, the thing never should have been filed because a machine had convicted him, and we all assented to it. Let's look at what we're doing with ALR. Now the other provisions of the bill, and I'm going to remind you what Senator