

SPEAKER BAACK: Yes, items for the record.

CLERK: Thank you. Amendments to LB 988 by Senator Beutler; Senator Baack to LB 556; Senator Lynch and Senator Wesely to LB 835; Senator Beutler to LB 1257; and Senator Bohlke to LB 1257. (See pages 2048-59 of the Legislative Journal.)

Mr. President, Senator Lindsay would move to amend the Kristensen amendment. (Lindsay amendment, FA383, appears on page 2060 of the Legislative Journal.)

SPEAKER BAACK: Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. Speaker, members. The amendment has been passed out on your desks. I apologize for it being on a yellow sheet. It was originally drafted and filed last year as AM2667 and was an amendment to 2915 (sic) as it stood at that point. Since it's been adopted with 3901, it's been redrafted, same thing, to the amendment. What the amendment would do is to limit ALR to limit the administrative license revocation to someone who has been administered a blood test and has failed it. I mentioned some of the horror stories about what's happened with the Intoxilyzer. And let me pick up on that for just a second. Since my last talk I got a phone call. They've checked with the attorney, and I apologize, it was not in Ogallala, it was in North Platte. That occurred...when that occurred in North Platte the first test on the Intoxilyzer was .179. Now where I come from, in Douglas County, you get a .179. even on a first offense, you're doing time, that's a pretty heavy duty blood alcohol level. The second time they did it, after he paid his 35 bucks and got a new test, it was .103. Well, where I come from there that's going to get you probation. He said, that's still not right. All these tests, by the way, were given between 1:30 and 2:00 a.m., all within a half hour span. The third test, he blew a .115. Well that one you're probably still going to get probation, but the main thing is we've gotten three tests spread out over a wide range, from coming down real hard, to getting off pretty lightly, a wide, wide range. The...he did go to the hospital, did get a blood test, .000, no alcohol in his system, no alcohol in his system, and that's because the Intoxilyzer failed. The Intoxilyzer, it's my understanding, was actually designed not for, well I know it wasn't designed for blood alcohol tests. But the reason it was originally designed was to check pollutants, so cities could comply with EPA standards.