

April 7, 1992

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then we'll...

SENATOR LINDSAY: That isn't going to happen.

SENATOR KRISTENSEN: Well, that's what I was afraid of, but...

SENATOR LINDSAY: AM3901, you have eliminated the urine test.

SENATOR KRISTENSEN: Yes.

SENATOR LINDSAY: Why is that?

SENATOR KRISTENSEN: Because the Supreme Court found the urine test, when challenged, was not accurate within that...in the manner that it was done. We still...that's still viable for drug testing, because that's accurate. The Supreme Court, when they looked at Intoxilyzers did not throw the Intoxilyzers out, in fact, the only thing that they've done is found a small tolerance in them, in that one case. But the Supreme Court has affirmed the use of Intoxilyzers on several occasions.

SENATOR LINDSAY: That case did...the case that you're referring to, initially dealt with the urine test. Is that right? The one you...

SENATOR KRISTENSEN: Well, no, there were two separate cases.

SENATOR LINDSAY: Okay.

SENATOR KRISTENSEN: Yeah.

SENATOR LINDSAY: I understand the Intoxilyzer was challenged. And I...we can go into that and the record that was made at the county court level, as far as whether the Intoxilyzer was...was good or bad. But it's challenged repeatedly on whether it's...whether it's giving an accurate reading or not. As a matter of fact, it's my understanding, and maybe I'm wrong, I think it was Senator Abboud's bill several years ago that changed our entire structure. We used to just say that while under the influence, or when such person has a concentration of ten-hundredths of one percent of alcohol in their blood stream. What we ought to do is come in and change that, because our readings are so far off. We ought to come back in and say, as done by the blood, as done by the urine, as done by the breath. The...what I've tried to indicate is that the urine test has