

already been proven in the Supreme Court, at least in the case that Senator Kristensen talked about, and at least enough that Senator Kristensen himself has struck it from the statute. The urine test has been proven to be inaccurate. The Intoxilyzer, I suggest to you, has also been proven to be inaccurate, not in the case that Senator Kristensen has been talking about, but in those many cases where the Intoxilyzer has been refused to be used. Those cases don't get appealed. They happen all the time in Douglas County, or they used to happen all the time in Douglas County. In a nutshell, what the amendment does is say about the only one people agree on is the blood test, the blood test is much like ALR. If we're going to do it, let's at least do it with a test that works. Let's at least do it with one that everybody agrees on. The Intoxilyzer just simply does not do that. It simply does not do that. And Senator Kristensen and I, I'm going to suggest that he and I are going to probably argue about that tonight. We're probably going to disagree on that, we never will agree. But by making this policy choice, that agreement...that discussion is gone, because nobody will be able to make that argument in front of DMV. Let me throw out one other thing when we talk about making these arguments in front of DMV. I think Senator Wickersham, maybe Senator Beutler appeared in front of the Government Committee over the past couple of years and argued about the APA, the Administrative Procedures Act, and that's the act that we're invoking here. Under that act is somebody within the Department of Motor Vehicles that determines whether the Department of Motor Vehicles is correct or incorrect. Now imagine the people in your district that get stopped, and they go before the Department of Motor Vehicles, and we start off with two of them and one of you, and one of them is the judge. Imagine how your people are going to look at justice in Nebraska, whether they keep or lose their license. And I suggest to you a license is, right now under Nebraska law it's a privilege. But at some point, if we keep eroding it, it's going to be seen by the court as a liberty interest or a property right. But the thing that people are going to see is that the department that's trying to take your license, and you say this isn't fair, let me prove I'm innocent, the department is going to...that you're taking that case to, decides whether you're innocent or guilty. They make that decision. I suggest to you this is not what we should be doing. If we're going to take people's licenses because they violated a crime, let's let it go through the court system. And, yes, there is a delay in how long between the time that they're arrested and the time they're convicted, that they would