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you.

SPEAKER BROMM: Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, on this item Senator Jensen and I have had discussions. I'm not going to ask that anything be done to it at this point, but I want something in the record. On page 27, in lines 10 through 16, we are talking about the preservation of biological materials. I have talked to former-Senator Chris Peterson and I am not opposed to what they intend, but the language they have adopted or that they're putting in the bill does not achieve that. What they are trying to do is to get away from the requirement that biological materials--blood and urine and I don't know what other kind there would be--which are utilized to determine the amount of alcohol in a person's blood, currently there is nothing in the statute, from what I've been told, that allows them to ever dispose of these materials as long as anybody is locked up, because that language about retaining it as long as a person is incarcerated is a general provision that relates to all of these biological materials. From what I have been told the intention of HHS is, is to hold on to that material for two years, after which time they can dispose of it. During that time, I presume any defendant or defendant's lawyer could take steps to maintain that material in existence. The language that was chosen to accomplish this purpose is tied into the following language: "Notwithstanding any other provision of law and subject to subsection (2) of this section, state agencies and political subdivisions shall preserve any biological material secured in connection with a criminal case for such period of time as any person remains incarcerated in connection with that case." This exception would be grafted on: "except biological material obtained for the purpose of determining the concentration of alcohol in a person's blood." If that language is accepted and put into the statute, as is envisioned here, it would do away with any requirement that such material be preserved for any period of time. It could be disposed of immediately. That is not as it should be. That is not the intent of HHS, from what I've been told. So I had suggested, and Senator Jensen is agreeable to it, that we create a separate subsection that relates only to the biological