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SENATOR BOURNE: Okay. And you said the two questions that are asked at the ALR hearing are whether or not probable cause existed, and I assume that there's a judge there that is doing this, or is an administrative law judge, or who is...?

SPEAKER BROMM: It's...it would be a hearing officer of the DMV.

SENATOR BOURNE: Okay. And then...so the two questions, probable cause and whether or not they were in excess of the .08 limit, but there's no evidence or the individual charged has no ability at that time to show that there was not probable cause. That's the purpose of the appeal?

SPEAKER BROMM: Well, they could go into the issue of whether there was probable cause as to whether they were operating the vehicle, and the other issue of whether they were over the .08, they could go into those two issues and try to convince the hearing officer that one of those two things doesn't exist. But they don't...they don't have the latitude of raising all of the other due process issues and wrongful stop and things like that at that point until they get to the district court or in the criminal proceeding.

SENATOR BOURNE: Now you had mentioned that there was a recent Supreme Court decision. And we know that in order for the state to take an individual's license there has to be a form of a hearing, and you're suggesting that the Supreme Court has said that this form of a hearing is sufficient for an individual to have their license suspended. Is that what the Supreme Court ruling was about?

SPEAKER BROMM: That's part of what it was about. Yes, it did affirm the procedure that's in place on that.

SENATOR BOURNE: Okay. And your...and so again, just to boil this all down, what you want to see happen by your bill is you want to see, once the administrate...the ALR takes this individual's license that it license is revoked even if they do appeal, and what Senator Chambers is trying to do is reinstate the stricken language that says the ALR can take an individual's