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very infrequently given by the courts?

SENATOR KRUSE: I don't have any professional statistics. That would be my observation, too, the 90 days is almost never used. This, again, is to be consistent with our other penalties.

SENATOR SYNOWIECKI: Also, Senator Kruse, in Section 27, page 58, and this is under new language, line 20: Any person who has been convicted of driving while intoxicated shall, as a presentence evaluation, submit and participate in an alcohol assessment. There is no language indicating whether or not that be completed by accredited counselor. Or is it your intent that this assessment be done by someone that is an accredited CADAC in the state of Nebraska conduct this assessment, Senator?

SENATOR KRUSE: Senator, this is an item that is in statute now. It is not our creation. It has nothing to do with it. It is just brought over from another section and it's a part of the restructure of the DUI statutes.

SENATOR SYNOWIECKI: It's just new language in this section, then?

SENATOR KRUSE: It's underlined as new language, but that's because it's stricken at another point in this document. It's moved from its original position. It's not a new statement.

SENATOR SYNOWIECKI: It would seem to me to make some sense, and I don't know if you agree with this premise or not, that these alcohol assessments be completed by an certified chemical dependency counselor. Would you agree with that?

SENATOR KRUSE: I would certainly agree. And, you know, since we will be doing some things on Select, we'll certainly make a note of it.

SENATOR SYNOWIECKI: And also toward the end of that same page, Senator Kruse, it indicates that the court may order a defendant to undertake the results of the assessment, or to follow through on whatever is recommended. Within that section too, I may, if I could, provide some input that anything that is...any program