

Department of Labor saying that it will conform with the feds, and I just wanted to get that into the record. And so with that, I support this amendment. I would have supported LB 1069 as amended.

**SPEAKER BARRETT:** Thank you. Further discussion, Senator Morrissey, on the Hall amendment, followed by Senator Bernard-Stevens and Chizek.

**SENATOR MORRISSEY:** Thank you, Mr. Speaker, members, I'd like to just clarify, I guess, a point I think Senator Chambers was getting at. I just received a most recent report of fatalities on railroad track workers, my craft in the railroad industry, from the Federal Railroad Administration. One case on the Chesapeake and Ohio Railroad Company a supervisor, a division engineer, was backing his high railer, that's the truck that goes on the rail, backing it up around a curve, looking at track in front of him, wasn't looking behind him. A track worker was working with a track machine on the far end of the curve. The division engineer, a supervisor, struck and crushed the man between the track drill he was running and his high rail vehicle. The accident report says on the drug testing, results of toxicological of a deceased were negative. The man driving the car, the high rail vehicle, the supervisor was not tested. They tested the man that was killed. Thank goodness his results came out negative so they couldn't try and deny any benefits to his family then. The man driving the vehicle was not tested. Now if you want to ask how discrimination can take place in drug testing, there you go. As far as Senator Hall's amendment, I think his bill is good, or the bill was good, I think the amendment is good. Whether I can support the whole show if it gets adopted, I still don't know because I still believe that Senator Hefner's language allows for a wide variety of interpretations of how things affect the employment relationship. If you read that and can come explain to me how that is crystal clear, how that makes a connection to the job and to the violation, to the gross misconduct on the job, I'll be glad to listen, but I don't think you can do it. I don't think you can do it. That is not clear. It is very ambiguous and it leads to further discriminatory tactics by employers. Now I'm not saying all employers will do it, but you know there are some employers out there that will do it. As has been stated over and over, we're the top, number one, Nebraska is number one in disqualifying employees. And if you think an employer that is mad, doesn't like an employee or for any other