

that you are talking about that requires it because they are exempt under the federal rule, and by exempting them from the state law, they are exempt from the state law. So you can set aside a category of employees who may be dealing in drugs and using drugs, and there is...you don't have to test them. Let's say they are management level people, or whatever, and you don't want them to have to be subject to a test, this is the perfect way to do it. You build a big hole in the law because there is one in the federal law, but so I can take it a step at a time. Are we agreed that the federal regulation that we are talking about does not cover all railroad employees? We agree to that, don't we?

SENATOR WEHRBEIN: Yes.

SENATOR CHAMBERS: So, what is there that would cover those other employees not covered by the federal requirement if we adopt your amendment?

SENATOR WEHRBEIN: I would agree, the way you are interpreting it, I would agree and that would not be my intent to exempt workers who technically qualify under the state law.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I wanted to offer my amendment so that I could make those comments immediately, and what my amendment would have said is strike the two words "a similar" in line 7 and put "an identical" manner, but, see, that really wouldn't get to it. The idea, and this amendment is craftily crafted. That is what the railroads are known for when it comes to the legal minds that they have working for them. They pay top dollar, they get top minds. All the Legislature has working for it are wee little people who don't make very much money and have to scramble very, very hard and read things like this with a microscope. And if what I am saying is not what the lawyer for the railroads intended, then let them add language to this amendment that says "and all such employees not covered by the federal statute or regulation shall be covered." Then we have got everybody being treated the same, haven't we? The railroads feel that the federal regulation is good. It covers, and I am using this arbitrary figure, it covers 70 percent of their workers. They are trying to make us believe that they want it to cover the other 30 percent, but the way the amendment is drafted, it doesn't do that. So let us give the railroads what they claim they want, and see if they will accept an amendment that says all of the employees shall be