

really see that that is necessary. I am not sure that there is too much wrong with Senator Wehrbein's amendment, and, also, I do have another concern in my mind, as I said, mixed emotions by adopting the provisions that we are now talking about if we would, in essence, repeal LB 582 that had to do with drug testing and alcohol testing and so on on the railroads just two years ago that seemed to be working out fine. But I do have, and I want the body to be aware, I have a real problem in the states, each and every one with an individual alcohol problem, when actually there are federal regulations that do address that. And so with this, I will listen to the discussion. I will give the rest of my time to Senator Chizek.

SPEAKER BARRETT: Senator Chizek, about two and a half minutes.

SENATOR CHIZEK: This is not an easy issue to deal with or understand. For Senator Wehrbein, we have federal legislation in this area. However, what you must understand is all the federal workers with the railroad are not covered by the federal legislation. Those that are covered are referred to as hour of service workers. Clerical, et cetera, are not covered. I think there is a constitutional question and we have talked to the railroad, committee counsel and myself, trying to work out some kind of language that we think would not raise this question, and I think perhaps those discussions could still take place on Select File, but what we are saying to the railroads is we, of the Nebraska Legislature, are going to let you make a decision on what to do with residents of the State of Nebraska and your employees, whether you want to test them under federal law, even though they are not covered, or whether you want to test them under Nebraska law? And, frankly, I think that is an unlawful delegation of authority that we are giving to a private entity, and I would hope, and we are willing to work with Senator Lindsay, Senator Kristensen, a number of us have been working on this issue most of the morning with all of the other discussion. And, Senator, I think...you do what you want but it might, until we get a definite answer,...

SPEAKER BARRETT: One minute.

SENATOR CHIZEK: ...might be wise to back off with that amendment until we can try and get something worked out.

SPEAKER BARRETT: Senator Hefner, please.