

believe the amendment is necessary, and why we should go ahead with what we have already done. First of all, to kind of set the stage for those who are not quite sure of what we are dealing with, we have a group of people employed by the railroad who are covered by federally mandated drug testing, and they have to fit...they have to meet, the railroads have to meet some very stringent requirements on drug testing with these individuals. There are other employees of the railroad that are not covered by the federal mandate, and the railroad has, in essence, said that we would like to bring all of these people and have one single policy so that they are all covered by what we are doing in our compliance with the federal mandate. And by the way, I might just point out that the federal requirement is .04 as an administrative cutoff, and, of course, the railroads are using 0.00, just for your information. One of the things, and probably the most important, that the railroads are coming to us and they are saying that if Nebraska passes LB 315, as it has been amended, the people who are not mandated to be covered by federal exempt...by federal drug testing legislation and laws will have to be covered by what we do in the Nebraska Legislature. So that will, in fact, make a group of people have one set of rules, even though I would put to you that the differences are minimal, very, very, minimal, and the railroads are, in essence, saying, would you, please, Nebraska Legislature, make our job easier so we can have simply everybody do the same thing. We don't want to have a different situation in Nebraska and maybe a different situation in Kansas, and some other state, and I think that is as unbiasedly as much as possible my explanation of what is going on in this particular case. I would argue the following. First of all, if you look at the federal regulatory administration DOT law, 29.13 talks about the preemptive effect, and this is what the railroads are pointing to. They are pointing to Section A which says issuance of these regulations preempts any state law, rule, regulation, order of standard covering the same subject matter, and they are saying, see, you can't pass state legislation because we are exempt from that. And, of course, that was one of the arguments, they are exempt already, why are we going to be redundant with this amendment? But the second part is even more interesting I think is the one they are not talking about, and I can see why, because it says, except, except a provision directed at a local hazard. Of course, we are looking at someone who may be incapacitated or unable to work because of drug or alcohol within their system, and that certainly is a local hazard because you could be transporting hazardous