

would urge you to reject Senator Wehrbein's amendment. Thank you.

SPEAKER BARRETT: Thank you. Further discussion on the amendment. Senator Hannibal, followed by Senator Abboud. The discussion is on the Wehrbein amendment to LB 315. Go ahead.

SENATOR HANNIBAL: Mr. Speaker, members of the Legislature, I rise to support the Wehrbein amendment. I'm going to try, I have been off the floor this morning, and so I missed some of the discussion of what went on with 315. But I understand we're really talking about not so much 315 but LB 1062 that was amended into LB 315. And Senator Wehrbein's amendment is going as an amendment or applied to LB 1062. What Senator Wehrbein is asking us to do is exempt out those federally mandated industries, interstate industries from the state law, if they are already under federal law. And there has been a lot of discussion as to how this applies. And it's true that the federal mandates apply to safety sensitive positions. And what they are saying is you will have these testing procedures in place for your safety sensitive positions, and you shall follow those. And those are preemptive of any kind of state law, in other words, no law that we can put on the books will preempt that kind of system that has already been done for safety sensitive. So 1062 is going to be talking about nonsafety sensitive positions. And what is happening is 1062 is going to set a different set of standards for those nonsafety sensitive positions, as it does for the safety sensitive positions. What the railroads are trying to do here is say, we would like to use the same standards for the safety sensitive positions and carry those same standards to the others. And that, to my mind, is laudable and it's certainly reasonable, and it seems to make a lot of sense that you have one policy go throughout the operation. What the arguments that I hear is that we shouldn't do that, because we want to test all of our employees, as Senator Chambers was saying, doesn't hold because we're not saying that. Nothing in the federal law says we're going to have to test anybody. Nothing in the state law says you have to test anybody. They're only saying that if you decide to test, then you must follow these procedures. Now, what happens if this amendment doesn't go on, what can U.P. or the other railroads or the other truck industry, what could they do? They can stay with the federal regs and just simply elect not to test any other employees. That could happen, if we don't put this amendment on. To the credit of the railroads, I believe, they