

are saying we do want to carry this more consistently, we'd like to have our policy, and as a matter of fact they have already set a policy in place that says we're going to carry this policy throughout the organization. That is to their credit. They don't have to do that. If they are then bogged down by 1062, and have a different set, and as a matter of fact, as I understand it a lesser degree of testing stringency than they already have in place, they could, I don't know what they will do, but they could just say we're not going to test anybody other than our safety sensitive people that the feds mandate us to do. Now, if you're looking for equalization and treatment for drug testing and protection of rights for drug testing, it seems to me that you're making a major step backwards by encouraging a company to not test people that they would like to carry it to. They will test what they have to, and they can elect not to test anybody else. If they have this amendment in, this amendment says the same thing, you don't have to test anybody else, you still only have to test your safety sensitive people in this manner. You don't have to test any other employees. But it says, if you do want to test other employees, you will do it by the same set of stringent guidelines that you're testing the safety sensitive employees. Now it makes sense to me. I don't know what the other transportation industry situation is. I don't know how that will be affected. There could be something that I'm not aware of, and I certainly would stand corrected if I'm proven wrong. But the way it appears to me it's a fairly simple choice. If you don't adopt this amendment, you are allowing the railroad industry to just simply take a step backwards and accomplishing less than you really are purporting to try to do. I would recommend that we adopt the amendment. I'd recommend as long as we're going to have LB 1062 in there we ought to take advantage of an entity that wants to carry it throughout their whole organization on equal terms and be done with it.

SPEAKER BARRETT: Thank you. Discussion continues. Senator Kristensen, followed by Senators Hall, Lynch, Bernard-Stevens and Abboud.

SENATOR KRISTENSEN: Thank you, Mr. Speaker and members. I rise again to support the Wehrbein amendment, and I would offer this as maybe a possible solution of something we should do at this point in time. There has been some question as to the delegation violation and thus making this amendment somewhat unconstitutional. I happen to disagree with that view, but I