

think it would be appropriate, if this amendment is placed on, for Senator Wehrbein or someone to ask the Attorney General to examine that issue for any constitutional flaws. Now, I'll be the first one to say I suppose if the Attorney General's Opinion isn't as you like it, that's just another lawyer's opinion. And, if it turns out the way we want it, it's the greatest thing since sliced bread. But quite frankly I think the body would probably be well served to at least have the area examined and looked at by the Attorney General, and certainly would be one that would be appropriate before Select File, Senator Wehrbein. In general terms, if we're going to look at having a group of individuals, who must be tested by the federal drug policies and the Federal Department of Transportation Regulations, and you're going to have some people who aren't required to be that way in the company. And if you look at it in classes of employees, you've got the A class may be the line workers, the B class employees may be maintenance people, and C may be the clerical, the administrative, the big-wigs or whoever. Quite frankly those companies don't have to test those people. The only ones they have to test are the ones the feds say you must. If we don't put in these sorts of procedures, I think what will wind up is the company will say, look, why should we mess with doing the state rules and then doing the federal rules? Let's just do the federal rules and be done with it, and thus we won't test any of our Class B and Class C workers. I think that's bad public policy. I think you've got companies right now that are testing everybody. I want to encourage everybody continuing to be tested. Quite frankly, if we don't adopt Senator Wehrbein's amendment, I think you're going to see two or three classes of people who won't be tested anymore. And I think that undermines the public confidence of the testing. Senator Chambers would bring out the point and say, well, not every company has that good policy. Absolutely true, absolutely true. Companies that refuse to want to have good policies are not going to have good policies, we're not going to be able to take them down and twist their arm, and this Legislature is not in a position right now to mandate who should be tested and who shouldn't. But for the vast majority of companies who have a good policy at this point, I think a federal preemption amendment, similar to what Senator Wehrbein has proposed, would be a good approach and will keep people in the testing lines and will be one that we can live with rather comfortably. With that, I agree with Senator Morrissey's face at the moment. I want to vote on this bill, I want to get this thing moved. I want to go do something else. Tomorrow I see Senator Johnson's bill coming down the line with