

SPEAKER BARRETT: Mr. Clerk, you have an amendment on the desk.

CLERK: Mr. President, Senator Bernard-Stevens would move to amend the Wehrbein amendment. (The Bernard-Stevens amendment appears on page 1443 of the Legislative Journal.)

SPEAKER BARRETT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker, and members of the body, the Wehrbein amendment is not new. I think most of the body has been lobbied probably by two, three or four people today, as they were lobbied last time, when the amendment was not agreed to. It is before us one more time and sometimes on the floor we can offer what might be viewed as a compromise. Those on the outside of the glass may not like necessarily a compromise being offered on the floor but this is, in fact, an attempt to do so. The amendment what I would have, which is being handed out now, simply says the following. Any employer who is currently complying with a federal testing program and utilizing an administrative cutoff of no lower than 0.01 percent of alcohol in the blood shall be exempt from this statute. In other words, if companies that are under federally tested programs want to be exempted, I am very willing to give them that if they in turn on the alcohol side say that they are going to either go the minimum federal standard of .04 or no lower than 0.01, which would obviously be tougher than the federal standards. If they're willing to do that, then fine, let's go ahead and have them be preempted. Personally, I don't think anyone should be preempted. We have guidelines that people of our state can follow and this is what 1062, which was the amendment we had on General File did. Certain corporations want to be treated differently. We all know that. It happens all the time. NPPD is in here talking that they want to be preempted, in fact, they will probably even lobby against this particular proposal but if you ask them what standards they follow, they will tell you they follow the minimum standards. In essence, they would be preempted anyway. So I think it just boils down to, in discussing it with some of the representatives of the railroad, utilities and trucking industries, that there simply is a fear of having too many guidelines to go by. It makes it cumbersome, a little bit more difficult. But they would, I think, lead you to believe that it's more confusing than it really is. In essence, they will still have to test if they so desire, and after they get the results, they will have to look on a chart and see which standard they're going to have