

February 4, 1992 LB 291

SPEAKER BAACK: Time. Senator Bernard-Stevens, you are next.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker, members of the body, I'll take a few minutes and, Senator Chambers, if I have time remaining which I anticipate having, I'll give you the rest of that time. Senator Kristensen, just to ask a quick question from you to clarify a question that I have on the section brought up by Senator Hall on page 13. Within the presumption here of the 90 minutes, within that...the tests that could be taken would be the blood, breath or urine, is that correct?

SPEAKER BAACK: Senator Kristensen, would you respond, please?

SENATOR KRISTENSEN: Yes, that's right.

SENATOR BERNARD-STEVENS: Okay, and if the test is administered properly within the 90 minute period, the results of that would be deemed accurate. Is that correct? At the time of the accident?

SENATOR KRISTENSEN: I'm not being picky, but I want to make sure we get the right words. Deemed is not the word. It is presumed. That presumption may be rebutted...

SENATOR BERNARD-STEVENS: I'll grant the point, presumed to be accurate, and that's actually the point that I wanted to talk about just briefly. We've had discussions on this topic before on other issues. The other issues were drug related issues on whether or not you're going to be able to maintain your job and what have you, and I go back to some of the problems that we've had, and I say we, we've had in the State of Nebraska concerning drug, mandatory drug testing on...in transportation issues that you're familiar with. Senator Kristensen is Chairman of that committee, particularly the railroad. And I go back to many of the railroaders that do not mind, by the way, the mandatory test, that is not the problem. But I want to remind the body that when we're talking about breath analysis, when we're talking about urine samples, what have you, the accuracy of those tests are far, far from being accurate. I'll give you just one example. I'll just give you one example. It was a test given to a railroader, for example, in North Platte. On the drug test he proved positive, way over the norm, way over the norm, fired immediately or in this case, in this law, we'd have the license taken away. The test clearly showed a presumption that that had to be the case at the time that the