

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 25, 2004 LB 139

SENATOR BROWN: Mr. President, my issues with...the amendment that I am proposing deals particularly with employment issues, and there's an amendment that Senator Brashear has afterwards that is going to deal with an important issue in the Chambers amendment. I think that there are difficulties with Senator Chambers' amendment on several different levels. And I believe that though the Brashear amendment may correct some of the problems, the underlying issue of what Senator Chambers is trying to accomplish cannot be accomplished. The particular group that he is sensitive to in this regard, and that I am sensitive to, that I tried to find a way after reading his amendment to see that something could be done, there's really nothing that can be done for them. The federal...for transportation workers who are subject to drug testing, and they are subject to drug testing for a very important, serious reason, because we, as a society, are...have to rely on them and their reliability in terms of not practicing their job while under the influence of drugs or alcohol, because our safety is compromised in those situations, are...these people are under federal law. And the federal law is very explicit about what can be done, particularly with urine samples, in terms of DNA testing. An employer may...who uses a lab to do testing is...the lab is prohibited from making a DOT urine specimen available for a DNA test or other types of specimen identity testing, which is exactly what the Chambers amendment is calling for, a DNA test for identity testing. And they are specifically prohibited from doing that. That is federal law, and what my amendment does is just reiterate federal law which is something that we don't want to do in statute because when and if the federal law changes, we don't want to be in a position of having in our statute that language. I put the amendment up just to raise some of the issues about why we're even doing this, if for the transportation workers which are the class that are required to be tested, and where there are issues that have been raised about the validity of the identify in some circumstances, or at least that is the genesis of the Chambers amendment, whether that they can't be affected because the law, the federal law, is so very specific. Another place it says that no one is permitted to change or disregard the results of Department of Transportation alcohol...