

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

March 25, 2004      LB 139

that a person works for a non-DOT operation. Are you telling me that you would want that person to stand accused and...on the basis of a test and that test could be used as evidence against that employee, if the fluid used was not that of the employee? When a person is accused and it's based on a DNA test and another DNA test of this person's actual body fluid demonstrates that the fluid in the original test did not come from the accused person, should that person remain accused? DNA testing of this kind has taken people off death row. I'm sure that some people have come to Senator Brown and mentioned that some transportation workers are concerned about that, what this amendment deals with, but you will see no mention of transportation worker in here. If what Senator Brown tells you is true, and she might be reading a commentary rather than the actual language of any federal law, rule or regulation, but say she is reading directly from it. This amendment is not limited to DOT employees. If there is any federal law or regulation that would be preemptive, which means it overrides any state law, rule or regulation in the specific area, the law simply would not apply there. If this amendment said, railroad workers, bus drivers, and I don't know who all are considered DOT-covered employees, if the amendment specified that category, then maybe what Senator Brown is talking about doing would be of consequence. But we have offered legislation that would deal with certain items that are also dealt with by the federal government,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...but not every federal rule or regulation totally exempts a given field and prohibits the state from doing anything in that area. She cannot show one single thing in this amendment, as written, that violates any federal rule or regulation. If there is a category of employees removed by federal law from the reach of this bill, why do we have to put by way of reference, in the way Senator Brown wants to do, a collection of federal regulations and statutes? Mr. President, I think you said I had one minute so my time is probably up. I'll put my light on again. Thank you.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Brown,