

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

March 25, 2004 LB 139

they do if they use a swab of saliva to do a DNA test. So there are technical problems with the Chambers amendment. I said in my opening remarks...not opening remarks but my first remarks to the Chambers amendment that my recitation of federal law in what is already covered is not a particularly good way for us to make state statute, to say what the federal law is, because when it changes, then we have to change our law. But I do think that the group that is required to be tested for drug and alcohol, that is...

SENATOR CUDABACK: One minute.

SENATOR BROWN: ...the most likely to be concerned about misidentification, isn't even going to be touched by this. And then you get to the science of it and the science of it is poor. And so I would argue with Senator Chambers that we're putting in our state law something that is totally unnecessary and maybe very problematic, for the same reason that he would say that my recitation of federal law is problematic. I will be pulling my amendment, but I would urge you to certainly to consider what Senator Brashear is going to be offering. But I would also consider...urge you to consider just a rejection of the Chambers amendment because I don't think it does, either on a who it applies to level, what it should, what it's being alleged to do, nor do I think on a scientific level it is...or a technical level is it valid.

SENATOR CUDABACK: Time.

SENATOR BROWN: Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. Senator Baker, on the motion to return, followed Senators Chambers, Brashear and Landis. Senator Baker.

SENATOR BAKER: Thank you, Senator Cudaback and members. I'm going to follow up what Senator Brown has been talking about and it's absolutely imperative if the body would adopt Senator Chambers' amendment, then we have to adopt Senator Brashear's amendment. To subject to DOT testing, it's anyone with interstate commerce. It was basically brought about by the rail