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LB 709

on the mike but he didn't. He was talking to me under the balcony and I would like to engage the Speaker in a discussion, if I may.

PRESIDENT SHEEHY: Senator Brashear, would you yield?

SPEAKER BRASHEAR: Yes, Mr. President.

SENATOR CHAMBERS: And, Senator Brashear, the reason I went through all that, I want some people to be aware that you do show up on the floor, you do participate in the proceedings...

SPEAKER BRASHEAR: I'm here!

SENATOR CHAMBERS: ...and we know who...right, you sure are. Right. It is not an optical illusion. (Laughter) Senator Brashear, when we talk about the type of things I've mentioned in my amendment, do you see a practical impediment to the carrying out of what this amendment suggests?

SPEAKER BRASHEAR: Yes, I do. May I explain?

SENATOR CHAMBERS: Yes, I want you to.

SPEAKER BRASHEAR: And this is what I had just come to you and Senator Erdman about. Understanding what your objectives were, as I heard you describing it, I began to have concern about the employer-employee relationship and the employer using this law, as you would amend it, as a justification for requiring what would otherwise be confidential information, making inquiry of the employee and then maintaining a database about the employee's, what I would consider to be, private information. I don't know that an employer with regard to HIPAA, and I'm not expert in anything, but I'm raising the issue that you're making it...the amendment would require the employer to inquire of employees about information that employees may not want to have inquired about by an employer and may not want the employer to maintain as against them, so to speak.

SENATOR CHAMBERS: And, Senator Brashear, there would be ways that an appearance could be created that the employee was giving