

that are under federal mandate, federal mandated testing?

SENATOR COORDSEN: To my knowledge, I can't answer that question. We have not asked that particular question.

SENATOR BERNARD-STEVENS: Okay, to your knowledge, are there a lot of companies in Nebraska that are doing random testing that have various policies on that or is this kind of a new area that we're beginning to get into?

SENATOR COORDSEN: Because of the cost of the test as mandated to be a legal test, I doubt that there are very many of the companies in Nebraska except perhaps some of the largest ones.

SENATOR BERNARD-STEVENS: Correct. I would intend to agree with that, Senator Coordsen. Members of the body, what I think we have to understand is that in Nebraska we've got, and in all states of the United States for that matter, there is a deep concern about drugs and alcohol in the workplace as there is deep concern with drugs and alcohol in any place, but what we do not have in Nebraska and what we do not have in states is a clear-cut procedure of how to test. We have certain industries that are coming under, that are under and implementing now, federally mandated drug testing and there are some problems with fairness at that which LB 1062 is going to try to address, but companies within Nebraska for the most part do not (a) have a procedure, (b) do not know how to implement a procedure that they may want to do and they're not really sure legally of what they can and can't do, and there certainly isn't a due process for any employee. And it kind of boggles my imagination that the Legislature would pass something like 1173 when we do not even have any procedures or we don't even know whether the testing and the accuracy being done now is reasonable and fair, just and accomplishes what we want to do. It seems to me that we have to get into the testing procedures example. Some questions I would liked to have asked Senator Hefner, but he is not here at this particular point is...

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: ...what about the accuracy of the drug testing that we have out there? What level, what administrative level are we going to go to? Are we going to a .04 cutoff or are we going to a .00 cutoff? Is there any cutoff that the State of Nebraska is going to adopt as its cutoff as to whether