

accurately to protect both the employer and the employee. There is nothing more harmful to an employer than having someone terminated because of an inaccurate test because of the expense of the legalities that it's going to ensure...or ensue. Maybe ensure was a Freudian slip. (Laughter.) Senator Warner picked that one up right away.

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: It would be very difficult for the employer and certainly for the family and the reputation of the employee to be terminated without benefits with the Hefner amendment and the test ended up to be negative. What LB 1062 did, besides putting in what procedure needed to be done, as basic a procedure as possible, it also said that if, in fact, a positive test came back from the lab, that there would be a second test, if the employee asked for it at the time, that would be more accurate, that would confirm, hopefully, beyond reasonable doubt, whether the test was, in fact, a positive or negative test for drug and/or alcohol abuse, particularly drugs in this case. So it's a question of fairness. I don't mind that we test for drugs. In fact, I think it's a necessary thing to do. I don't want people working that are incapacitated or have not...or cannot fulfill their function.

SPEAKER BARRETT: Time.

SENATOR BERNARD-STEVENS: But we need to make sure it's fair and that's what LB 1062 attempts to do. Thank you.

SPEAKER BARRETT: Thank you. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker, and members, I was one of the Judiciary Committee members who listened to the public hearing and the testimony on LB 1062. Many of the things that were brought out in the hearing were very good. Everybody thinks that drug testing is maybe a big city or a larger town's problem, it is not. Certainly, there are numbers of companies, businesses, throughout the state who, in the coming months and days, will be looking at drug testing and they're going to be faced with the problem, how do we do it? What are we going to do and how are we going to keep from getting ourselves into legal troubles? How are we going to keep from violating people's rights to privacy, people's rights for their job employment and how are we going to keep ourselves out of court?