

the company would extend to all of its employees as one pool to be tested the standards that the federal government requires to apply only to a portion of them.

SENATOR KRISTENSEN: Right, and you would like to have that mandatory that if they are under part of the federal, everybody has got to be there.

SENATOR CHAMBERS: Every employee would be a part of the pool, nobody is exempted.

SENATOR KRISTENSEN: Okay, the company would not have the option of who they test or who they wouldn't. We would be mandating to that company that you have got to test everybody.

SENATOR CHAMBERS: If they want the exemption, right, which is more than would be required under the existing state law.

SENATOR KRISTENSEN: Okay, thank you. That is what I needed to get in. Again, this is, as Senator Chambers had earlier today, this is a major philosophic difference that you need to make a choice on. If I understand Senator Chambers right, he is going to say if you are going to be under the federal testing procedures and so on, everybody has got to do it. You have got to put everybody into that pool...

SPEAKER BARRETT: One minute.

SENATOR KRISTENSEN: ...and there is no discretion there, and, Senator Chambers, I am sure you will jump up and correct me if I misstate you, but the policy that we have under Senator Wehrbein's amendment says, look, you are not going to have to have the state testing procedures if part of your employees are going to be tested by the feds, and if we go on and read that and it says here if the employer applies the procedures prescribed in the federal regulations for the program in a similar manner to its other employees. Now as I read that amendment, Senator Wehrbein, what that says is that if you apply those procedures to your other employees, you are exempt from state testing, and if I could ask you a question, is that your intent?

SENATOR WEHRBEIN: That would be my interpretation of it, yes.

SENATOR KRISTENSEN: And that would be, though, a discretionary