

State of Nebraska.

SENATOR MORRISSEY: Or railroad employees.

SENATOR BERNARD-STEVENS: Railroad employees right now, and I think you know the answer to that, the railroads have adopted a policy of zero, point, zero, zero tolerance on administrative cutoff.

SENATOR MORRISSEY: I am not sure that BN has that but I think UP has that.

SENATOR BERNARD-STEVENS: Yeah, that would be the UP.

SENATOR MORRISSEY: Okay, so that is the problem with me. I think that is very onerous on anyone, no matter who they work for, and it should be...there should be a tolerance here and I think that is what the thrust of Senator Wehrbein's amendment was, and I still haven't completely grasped why it doesn't do that. I guess if we are concerned to bringing all the clerks on the railroad and the nonsafety sensitive people, which I guess I am one, although I am a track inspector, and to me that is safety sensitive, and I have also taken a DOT test now that the railroad has required me to take to drive my Ford Ranger truck. So now I guess I am subject to random testing under the DOT, and I guess when they finally decide that someone that inspects the track is safety, the feds now, is a safety sensitive occupation, which it is and very much so, then I will be subject to two cases of random testing, and I guess that is not a bother. I don't see the big problem of living under...exempting, first of all, exempting the railroads when they claim they are already exempt, why are we doing it, and second of all, the confusion of living with different laws in every state, that is the argument that I have heard, it is done in everything from vehicle inspection laws to drinking water laws and on down the line, they live with that, and they continue to live with it. It is a part of doing business.

SPEAKER BARRETT: One minute.

SENATOR MORRISSEY: The thrust here to me is, should we subject any of our citizens, no matter who they work for, to a zero, point, zero, zero tolerance, or nontolerance level, if you will, and I remember very clearly the World-Herald's editorial when we tried to set standards about three years ago, that the railroad