

mistake and a trace of alcohol was found, we're talking merely a trace, the person loses their employment. Now they can appeal and they appeal to the corporation that already has the zero-zero guideline. And the person later will be told, if you want to, you can sue us. Now the members of...or the employees of these companies, and they could be any company in Nebraska, my friends, not just the big three, they're basically saying that we understand that we don't want alcohol and drugs in the work force but what is a reasonable level. The federal government says .04, we're willing to be tougher than that, .01, but a trace is unreasonable, particularly when you only need probable cause in order to demand a test. The other thing I would like to point out, what Senator Chizek said. When they do a test all they have to do, my friends, is look on a chart and say this person will have to be on a .01 category or this person over here will be on another category because they're sensitive and the safety requirements are critical working employment. They look at the chart and they say, well, this test is above the standard or this equals the standard or this is below standard is all they have to do. But yet these same companies in every state, if we give them a tax benefit or if we increase their taxes or if we change some type of thing in their structural or fire control or what they have to do for liability or what they might have to do for nuclear waste hazards, every state will be different, and they can handle all that stuff. And they're saying they can't handle this one. I think what it is deep down is simply a...

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: ...spitting contest, there are other words, but spitting will work best here, between the management and employers. And, unfortunately, they're bringing the Legislature in the middle of that and bringing a lot of bogus issues. The simple matter...fact of the matter is, can we, as Nebraska, control our employees on the testing? And that is, yes, we can. Is a trace of alcohol to be terminated, not to be sent somewhere, not to be held but simply terminated, is that too high a standard, particularly when we're looking at probable cause. I'm not sure but I might go to communion in my church, make a mistake and I might be found terminated because I would have a trace of alcohol. Don't go to Ash Wednesday services if you work that night, I suspect is what we're saying. But .01 is reasonable and it's tougher than the federal standards and the companies would still be preempted if they took that line. By