

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. Members of the body, I rise briefly simply to say that I oppose the Wehrbein amendment, as I opposed it earlier. The body rejected the amendment once, I hope they reject it again. And I would like to remind the body, if I could, that what, in essence, you have are particular industries now that have certain people that have to be under federal guidelines, they have to be tested randomly. There are other employees within the railroad, for example, that do not fall within that federal mandate. But the company has chosen, to their credit, to include them in a drug testing program. What the company is saying and what the companies are saying that if this bill is passed the way it is, LB 315 as it's amended, that they would, in fact, have companies then that...or employees then that some would have to be under the federal statute and some would have to be under the state statute. And they're just saying, boy, that's just too tough for us to handle, we just can't do that. It would be so confusing. It would be very difficult. Gosh, we would have to have new charts. We might have to put new numbers on the charts and we don't have people smart enough that can handle that, apparently is what they're saying. What the Wehrbein amendment would do is to put a group of employees, if we exempted them, it would put a group of employees in no man's land. Yes, the railroads now are including them but they may not include them five years from now, but we, as a state, have exempted them, therefore, they're not going to fall into any category. What we're suggesting is that this body has done enough exempting over the years to learn lessons. The people of Nebraska need to be treated fairly and equally. This bill, as we have amended it, will treat Nebraskans fairly and equally and give them a due process. We do not need to take a group of Nebraskans whose only fault may be that they're working for one company or another and say, we're going to treat you differently, we're going to put you at the mercy of the federal government and it could change at any whim of political structures within the federal government area. And why did we do that? Well, there are some lobbyists in back, behind us, that told us, says the Legislature, that they could not...it would be too cumbersome. Members of the Legislature, I will also bring to your attention that there are other states around us that are contemplating, in fact, now implementing the same things that we are trying to get through here today. So the railroads are all...are going to have to anyway follow different states and I suspect if it's a good thing, if they're deciding it's a good thing for their