

point in time to have two sets of standards and those two sets of standards are going to have a practical effect of having some people not be tested anymore. Those companies are just going to throw their hands up and say, fine, we're done, we're only going to test the ones the feds say we must and we're not going to test anybody. That's not what we're trying to get at, we're trying to get at exactly what Senator Chizek was talking about and that is the protection of our citizens, and under the current policies, if we don't adopt this federal preemption amendment, you're going to have companies dropping off testing on all sorts of employees and that's not what we're after. That's a poor public policy. The public policy ought to be, let's keep those people being tested, and Senator Bernard-Stevens raises one more straw man and that is, hey, there's going to be people falling through the cracks. Those people fall through the cracks right now. What this is is an encouragement for those companies to continue their tough stance of no tolerance for alcohol and I just think there is not a better policy, and if more people want to do that, that's fine, but when you have safety sensitive areas, if they come in with the argument, well, I've got a hangover and I'm still doing my job just fine, but I've got a little bit of alcohol left in me, if a company decides they don't want that, that's fine, and I think we ought to agree to that. But that is the company's decision and not us as a Legislature. What we're deciding to do here is if you're going to test people, here are the procedures. And Senator Bernard-Stevens' priority bill is a good priority bill. It does provide due process. That's what is in here right now and I thank him for...

SPEAKER BARRETT: One minute.

SENATOR KRISTENSEN: ...that priority bill because that's the correct thing we ought to be doing. And so Senator Bernard-Stevens' attempts are not futile. They are good attempts. He is a little misdirected I think and has a few too many straw men on his argument about defeating this amendment. But the drug testing policies in this state should have due process, but we shouldn't start to tread into that area and create two different standards and two different sets of procedures to do that, and the practical effect of that is, is that you're going to have less people tested and that's a poor public policy and one I'd oppose and I would support Senator Wehrbein's attempt for a federal preemption in this area. There are other states who are doing exactly what Senator Wehrbein is