

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, just remind Senator Kristensen what he said about it being the definitional section and, therefore, germane. I'm not commenting one way or the other beyond that. Thank you.

SPEAKER BARRETT: Thank you. Anyone else care to speak? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body. I rise to support the ruling of the Chair. The original LB 1173, as introduced, was not very well constructed in that it put in jeopardy, because of the placement of language, our current disqualification standards which basically are used in other substance abuse cases, as well as physical abuse, as well as thievery, other gross misconduct. My aide and myself spent I suppose the better part of 30 calendar days working with the Department of Labor and in cooperation with the Federal Department of Labor adjusting 1173. If we're serious in our aim to have a drug-free workplace, then because of the difficulty in determining substance abuse, when compared to the abuse of our other controlled substance or I almost believe uncontrolled substance, alcohol, that we need to be aware of those problems. There are situations that can exist today where an employee, especially in the trucking industry, can fail the mandated Department of Transportation drug test, not be able to drive. If the employee (sic) fires them, because they cannot perform the task that they were employed for, and they don't become employed within seven to ten weeks, they can begin to draw unemployment from that employer's trust account. I would suggest to you also that I have an amendment to this amendment that will be coming up, if we do not overrule the Chair, that would further encourage our efforts in the area of a drug-free work place aims, and that would be that for employees that were disqualified from unemployment under the gross misconduct section, because of either possession of a controlled substance in the work place or failure of the statutorily described and mandated...not mandated but enabled test, that those employees would be able to, if they enrolled in an approved drug treatment program, be paid their unemployment out of a separate fund to be created within the Department of Labor. So I would suggest that we should take this issue up today and discuss it in context with the rest of the unemployment issues that we've mentioned. Thank you.

SPEAKER BARRETT: Thank you. Anyone else care to speak to the