

we'll back up just a little bit to square one in that we are talking about an activity that is illegal, the use of a substance that is illegal, the possession on the job of something that is illegal. Under current statutes we have a gross misconduct section for total disqualification for unemployment. If someone steals from the employee, from the employer, if they are impaired on the job from the use of alcohol or anything else, that they cannot perform their responsibilities, they can be disqualified totally from receiving unemployment. But the use of some of the controlled substances is much more pervasive than that. We would take for an example the transportation industry where the drivers are required to pass from time to time a statutorily mandated drug test. If they fail that, they cannot drive. They don't lose their I.C.C. license, but they cannot drive. They are of no value to the employee. They have really done gross misconduct, but we have nothing in the law to provide for that. Senator Nelson mentioned the great cost. I would suggest to Senator Nelson that we're not talking in this particular amendment about the cost of drug treatment programs, but rather providing in this amendment for a payment that is equal to what compensation a person might ordinarily receive if they had been laid off and the condition is that they enter an approved substance abuse program. The Department of Labor estimates that there is probably the past year, their guess was that there were perhaps 100 people in the State of Nebraska that fit this particular category. If they were all employed at a wage rate over the previous qualifying quarters, they would have received our current \$134 a week and there were...went for a year, which would be 200 people at the 26 weeks per person, the total would be \$403,000. I don't think even if that particular set of circumstances would play out that that would be a burden for our society to encourage people to become drug free. I think this is a good amendment. I do not feel, and as under our current statutes, that if a person is fired for substance abuse, fired for failing the test, they are disqualified for from seven to ten weeks, if they do not have work at the end of that time, then they can begin to draw whatever length of unemployment that they are qualified for and that is charged to the employer and comes out of the Unemployment Trust Fund.

SPEAKER BARRETT: One minute.

SENATOR COORDSEN: The Federal Department of Labor has a ruling that the funds that are in the Contingency Fund may be used in