

in effect from time to time. And I would suggest that the employee, in a contested case, has a much better opportunity to defend himself under the words "affects the employment relationship", rather than "substantially impairs the ability to perform the duties of the job he or she is hired to perform". Thank you.

SPEAKER BARRETT: Senator Hefner, followed by Senators Chambers and Morrissey.

SENATOR HEFNER: Mr. President and members of the body, Senator Chambers, I appreciate your concerns, I really do. But I feel with your language we're going a little too far. We're establishing too strict a standard. And, like Senator Kristensen said, what we're doing here is talking about the disqualification of unemployments benefits in the illegal use of drugs. But in the language that I use and the language that we used in the original bill, we said, "affects the employment relationship". Now, the employer would still have to prove that and I am comfortable with that language, whereas, with your language, substantially, substantially impairs the ability to perform the duties of the job he or she is hired to perform. The language that I use satisfies the Department of Labor and so, at this time, I would urge you to vote against the Chambers amendment to my amendment.

SPEAKER BARRETT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Hefner, I can understand what you're saying about your wording satisfying the Department of Labor, but the Department of Labor doesn't have a vote on this floor nor the responsibility that I have. As a representative, it doesn't satisfy me. And I'm not saying that your intent is to do the things that I say will result from what is being offered by your amendment. Your intent is to deny them but I don't think your personal intent is to be harsh and unfair. That is the impact of the amendment you're offering. Senator Coordsen indicated that with the language that I'm offering it might be more difficult for an employee to prove that he or she was improperly denied benefits under the language that I offer. Without my language, they have got no chance at all. With my language, at worst if you accept what Senator Coordsen said, they have a chance. But if a person is substantially impaired in his or her ability to do the job, that will be the basis given for