

in dealing with the progress reports and whether somebody is satisfactorily dealing with the drug or alcohol program. It just seems to cross a line that doesn't make a lot of sense. I'm not sure how to do it that makes sense, but I think Senator Hall raises the right issue and I plan to support the Hall amendment but I would recognize that we might need to further amend it to deal with the conformity issue.

SPEAKER BARRETT: Senator Chizek, would you care to discuss the amendment to the amendment?

SENATOR CHIZEK: Well, obviously, I support the amendment. I expressed some concern earlier in my conversation with Senator Coordsen and I think the second portion of it is even a constitutional question as it relates to an individual shall as a condition of eligibility execute releases sufficient to allow the commissioner to accurately monitor his or her progress in such a program. Now, that can only be done through medical reports, and I think if this bill were to pass in that form, I would strongly encourage somebody to file a challenge on it immediately because I don't believe that will stand the test. I think Senator Wesely identified some areas that we could perhaps look at. I find it interesting that last year, colleagues, we took a million dollars out of the Penalty Interest Fund and put it into economic development and now...you know, that was legal and there was no problem with that and now you want to take medical reports and tie those into the Commissioner of Labor making those decisions and to change it to the Department of Health we're told it's...it will be out of compliance. Now that's somewhat inconsistent, in my opinion. One is the Trust Fund, one is the Penalty Interest Fund, but the money comes from the same place and the same people. I guess if you want to do something bad enough, you can get a letter saying about anything. I would support Senator Hall's amendment.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Thank you. Senator Chambers, followed by Senator Hefner.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I support Senator Hall's amendment. And I would like to ask Senator Coordsen a question about his amendment as it stands now.