

they are excluded currently from the Wage Payment and Collection Act, they must go to court oftentimes incurring more expense than they will receive or that is due them with regards to commissions, so by advancing LB 238, adopting it, putting it under the Wage Payment and Collection Act, this added definition of those under commission sales, it allows them the...basically the same rights and privileges that any employee who would represent a wholesaler only doing that on a day-to-day basis and receiving benefits, it gives them...puts them on the same playing field and it allows them the ability without having to go directly to court to receive what is justly theirs. So with that, Mr. President, the amendments as they have been adopted, the committee amendments, as well as the amendment that Senator Coordsen is going to offer by striking a section, are both amendments that I can agree with and would support. Thank you.

PRESIDENT: Thank you. Mr. Clerk, the first amendment.

CLERK: Mr. President, Senator Coordsen would move to amend and the amendment is on page 609 of the Journal.

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the body, what this amendment would do, if you have 238 in front of you, would strike Section 2 of the bill. With the adoption of the committee amendments, we have moved the new language to a different section of statute. This amendment that I'm offering would then, by striking all of Section 2, would leave in statute the stricken language that is in the...on page 4 of 238 which simply states, if the employee shall fail to recover judgment in excess of the amount that may have been tendered within 30 days or the regular payday by an employer, then such employee shall not recover the attorney's fees provided by this section and shall the employer's attorneys fees and cost of the action as assessed by the court. Without this amendment on the bill, since this is in the Uniform Wage Payment and Collection Act, this would remove the protection against frivolous lawsuits that is currently in state statute. So simply striking Section 2, since we've already provided for the changes in law, would cause the statutes to remain as they currently are. So with that, I would urge the adoption of the amendment.

PRESIDENT: Thank you. Senator Hall, did you wish to talk about the amendment?