

Avery, would you check in, please? Thank you. All members are now present. The question before the house is ceasing debate on the Wickersham amendment. Mr. Clerk, please call the roll.

CLERK: (Roll call vote taken. See pages 1559-60 of the Legislative Journal.) 21 ayes, 9 nays to cease debate.

SENATOR WILL: The motion is not successful. We'll return to debate on the Wickersham amendment. Senator Wesely.

SENATOR WESELY: Mr. President, I defer my time to Senator Chambers.

SENATOR WILL: Senator Chambers. The call is raised.

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature, I thank Senator Wesely for the time and if anybody else is willing to give some time I would appreciate it. I don't think any of what we've engaged in is a waste of time. It's just that Senator Brashear cannot answer the questions. It is a complicated issue and I think Union Pacific may have anticipated that this bill would trundle down the tracks like these...like others of this kind and questions would not be asked. But what it has done is to focus attention on defects in legislation which is already in place as law. And some of the things that we're discussing now are issues that Senator Wesely, I and others discussed and talked about in terms of the hammer held over the hands...heads of employees, how they were put in this vulnerable position and how it's not likely that an employee can stand up to a company which can put a precondition on that employee that you have to enter this agreement or you don't have a job. Well, you're going to enter that agreement because you want the job. If you look at LB 1368 the expenditure on these programs will be determined by the company, which is different from the language in 829, as bad as it is. Senator Brashear has pointed out, in response to questions from Senator Wickersham, that the company can require the employee to enter this agreement before being given a job, but under 829 the employee and the company make a determination about how the money that was extorted from the employee, I want to say it so that it's clear, that was extorted from the employee is to be spent. What 1368 says is that the determination of how this money will be spent is made by the company alone, and that's one of the areas that I had in mind to amend if we're going to do