

used his bill and these others that he has supported to gain money through improperly using this bill, they should be unjustly enriched and be allowed to keep that money. Senator Brashear, you and I know that when the thief is caught with the goods the thief has to give them back, but because we're talking about big companies you don't want them to have to do that, so you want to leave the loophole open and, now that we've discussed it, we've called it to the attention of some of these companies. We talk now about whether these employees whose money is withheld having the right to participate in a determination of how that money should be spent, and you say, well, we shouldn't look at that right now, we should consider that at a later date. What will we know at a later date that we don't know now? Senator Brashear, here's what I want to ask you. What would we do at a later date that we can't do now?

SENATOR WILL: Senator Brashear, would you respond?

SENATOR BRASHEAR: With...I'm not trying to be impertinent. With regard to what?

SENATOR CHAMBERS: Okay, with regard to the issue, first of all, that I'm discussing about the language that would include the bargaining agreement.

SENATOR BRASHEAR: I'm not suggesting we do that later. I think it's bad public policy.

SENATOR CHAMBERS: Oh, so you don't want to ever do that.

SENATOR BRASHEAR: That's correct.

SENATOR CHAMBERS: Now, this loophole where a company could hold this money back and, under 829, they don't have to show that they've reached the investment level or the employment level until four years after that application, which really would be about five years, I believe. And they could handle that money in such a way that they earn more than the state is going to recapture after they've added penalties and...

SENATOR BRASHEAR: Interest.

SENATOR CHAMBERS: ..yeah, and interest. And you don't want to say they've got to turn that money over to the state to avoid