

underlying resolution. Senator Chambers to speak on the underlying resolution.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I do believe that this resolution is going to be adopted and there are just a couple of things that I'd still like to get into the record. I want to ask Senator Wickersham a question and, Senator Wickersham, when we first started, you successfully made a motion to strike the portion from the resolution that dealt with individual liability or of any member or employee of PERB. Is that correct?

SENATOR WICKERSHAM: That's correct, Senator.

SENATOR CHAMBERS: Could you tell me why that was done?

SENATOR WICKERSHAM: Well, Senator, the committee was concerned that we believed the focus of LR 343 should be the rights and potential benefits of the noncertificated employees that might be affected, that the secondary issues from our standpoint were the potential liability of anyone at PERB or NPERS. And in any even, the Attorney General could certainly pursue those without legislative direction or request if he determined that was appropriate.

SENATOR CHAMBERS: Senator Wickersham, it's separating liability from responsibility, though, isn't it? This didn't just happen. Somebody is responsible but you don't want to make them liable. You don't want to have liability attached to that responsibility in this particular action.

SENATOR WICKERSHAM: Senator, I didn't want to argue both issues today on the floor of the Legislature. I thought the focus should be on the rights of the noncertificated employees, not retribution or damages that we might recover from someone in a state agency that might be responsible for this.

SENATOR CHAMBERS: I didn't vote on that proposition so I may try to get that reconsidered but I'm not sure yet because I want to hear the rationale, and it would have been better to have the kind of discussion we had before going into that on these issues that go to the core of the action and what's being attempted. But here's what I see and that's all that I'll ask you right now, Senator Wickersham. Thank you. It was...there could be a