

MARCH 17, 2005

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FLOOR DEBATE

March 17, 2005 LB 206, 268, 439, 500

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our chaplain today is Pastor Judith Rainforth, First Lutheran Church, Omaha, Nebraska. That's Senator Howard's district. Pastor.

PASTOR RAINFORTH: (Prayer offered.)

SENATOR CUDABACK: Thank you, Pastor Rainforth, for being with us this morning. Senator Howard's district, 9th District. I do call the forty-sixth day of the Ninety-Ninth Legislature to order. Senators, please check in. Record please, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

SENATOR CUDABACK: Any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CUDABACK: Messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 206 to Select File with Enrollment and Review amendments; LB 268; and LB 439; all to Select File. Mr. President, your Committee on Revenue, chaired by Senator Landis, reports LB 500 to General File with committee amendments attached, that report signed by Senator Landis. I have gubernatorial appointments to the Nebraska Environmental Trust Board. Those will be referred to Reference. A series of reports received from the Department of Revenue, the Department of Roads, the University of Nebraska. Those will be on file in the Clerk's Office. And, Mr. President, the weekly lobby report, to be inserted in the Journal. And that's all that I have. (Legislative Journal pages 885-890.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We will now go to legislative confirmation report. And there are two separate reports. Mr. Clerk.

CLERK: Mr. President, the first report, by Transportation

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Committee, involves the appointment to the Nebraska Information Technology Commission. (Legislative Journal page 867.)

SENATOR CUDABACK: Senator Baker, to open on your report.

SENATOR BAKER: Thank you, President Cudaback and members. The first appointment is Susan Heider. Susan is from Scottsbluff. Her appointment is to the Nebraska Information Technology Commission. She was represented by Brenda Decker at the confirmation hearing. Susan is currently vice president of support services and chief information officer at the Regional West Medical Center in Scottsbluff. Has a sparkling resume. Her appointment is for four years. And she's actually one of those appointments that fell in the gap when we were not in session. She's been attending her meetings, apparently very committed to the job she's been appointed to. And I would urge your approval of Susan Heider's appointment to the Nebraska Information Technology Commission. Thank you.

SENATOR CUDABACK: Thank you, Senator Baker. You've heard the opening on the first confirmation report by the Transportation, Telecommunications Committee. Open for discussion. Senator Erdman.

SENATOR ERDMAN: Thank you, Mr. President. Members of the Legislature, Susan Heider is an appointee to the NITC. And I had an opportunity this week to attend a meeting on behalf of the NITC at the request of Senator Engel. And I believe that this organization is going to be revamped and continue to provide a vital service to us as members of the Legislature in evaluating the information technology requests that we receive. I had an opportunity to visit with Susan directly. I think she's well qualified. I think she represents a vital part of our state in the healthcare side of things as we move forward with "telehealth," and the perspective that she brings from an administrator side of those programs in western Nebraska and in rural Nebraska. And so I think she's a vital asset to the NITC, and I look forward to working with her on your behalf as a member of that commission. Thank you.

SENATOR CUDABACK: Thank you, Senator Erdman. Further

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discussion on the first confirmation report by the Transportation, Telecommunications Committee? Seeing none, Senator Baker. He waives the opportunity to close. The question before the body is adoption of the confirmation report offered by the Transportation, Telecommunications Committee. All in favor vote aye; those opposed, nay. Have you all voted on the report who care to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 890.) 37 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR CUDABACK: The report has been adopted. Mr. Clerk.

CLERK: Mr. President, second report from the Transportation Committee involves an appointment to the Motor Vehicle Industry Licensing Board. (Legislative Journal page 867.)

SENATOR CUDABACK: Senator Baker, to open.

SENATOR BAKER: Thank you, President Cudaback and members. This appointment is Jess Hull, to the Motor Vehicle Industry Licensing Board. He is currently a member of this board. It oversees the automobile dealers...automotive dealers in the state of Nebraska. It's a three-year appointment. He...as I said, it's a reappointment, but his term runs from December 31, 2004, to December 31, 2007. He's a resident of Omaha, is active in the business. I would highly recommend that we reappoint and confirm Jess Hull to the Motor Vehicle Industry Licensing Board. Thank you.

SENATOR CUDABACK: Thank you, Senator Baker. You've heard the opening on the report. Discussion? Senator Baker, there are no...he waives the opportunity to close. The question before the body is adoption of confirmation report offered by the Transportation, Telecommunications Committee. All in favor vote aye; those opposed, nay. Voting on the confirmation report offered by the Transportation, Telecommunications Committee. Have you all voted on the report who care to? Record please, Madam Clerk.

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ASSISTANT CLERK: (Record vote, Legislative Journal page 891.)
33 ayes, 0 nays on adoption of the confirmation report,
Mr. President.

SENATOR CUDABACK: The report has been adopted. Members, it
is...we're on Final Reading. As the rules state, all members
must remain in their seats. And bills with motions to return to
Select File for specific amendment will be put at the bottom of
the list. Mr. Clerk, LB 10.

CLERK: (Read LB 10 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure
having been complied with, the question is, shall LB 10 pass?
All in favor vote aye; those opposed, nay. Have you all voted
who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal pages 891-892.)
42 ayes, 0 nays, 2 present and not voting, and 5 excused and not
voting, Mr. President.

SENATOR CUDABACK: LB 10 passes. Mr. Clerk, LB 76E.

CLERK: Mr. President, a motion to dispense with the at-large
reading, pursuant to Rule 6, Section 8.

SENATOR CUDABACK: All in favor of suspending the at-large
reading vote aye; those opposed, nay. Please record, Mr. Clerk.

CLERK: 41 ayes, 1 nay, Mr. President, on the motion to dispense
with the at-large reading.

SENATOR CUDABACK: The motion was successful. Mr. Clerk, please
read the title.

CLERK: (Read title of LB 76.)

SENATOR CUDABACK: All provisions of law relative to procedure
having been complied with, the question is, shall LB 76E, with
the emergency clause attached, pass? All in favor vote aye;
opposed, nay. Record please, Mr. Clerk.

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CLERK: (Record vote read, Legislative Journal pages 892-893.)
41 ayes, 0 nays, 4 present and not voting, 4 excused and not
voting, Mr. President.

SENATOR CUDABACK: LB 76E passes with the emergency clause
attached. Mr. Clerk, LB 94.

CLERK: (Read LB 94 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure
having been complied with, the question is, shall LB 94 pass?
All in favor vote aye; opposed, nay. Have you all voted on the
question who wish to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 893.)
45 ayes, 1 nay, 3 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 94 passes. (Visitors introduced.)
Mr. Clerk, LB 98.

CLERK: Mr. President, I have a motion with respect to
dispensing the at-large reading of LB 98.

SENATOR CUDABACK: All in favor of suspending the at-large
reading vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: 42 ayes, 1 nay, Mr. President, to dispense with the
at-large reading.

SENATOR CUDABACK: The motion was successful. The at-large
reading has been dispensed with. Mr. Clerk, read the title,
please.

CLERK: (Read title of LB 98.)

SENATOR CUDABACK: All provisions of law relative to procedure
having been complied with, the question is, shall LB 98 pass?
All in favor vote aye; opposed, nay. (Visitors introduced.)
Record please, Madam Clerk.

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ASSISTANT CLERK: (Record vote read, Legislative Journal page 894.) The vote is 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 98 passes. Madam Clerk, LB 139E.

ASSISTANT CLERK: The first motion, Mr. President, with respect to LB 139 is the motion to dispense with the at-large reading.

SENATOR CUDABACK: All in favor of dispensing with the at-large reading vote aye; those opposed, nay. Record please, Madam Clerk.

ASSISTANT CLERK: 42 ayes, 1 nay on the motion to dispense with the at-large reading.

SENATOR CUDABACK: The motion was successful. Madam Clerk, read the title, please.

ASSISTANT CLERK: (Read title of LB 139.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 139E pass with the emergency clause attached? All in favor vote aye; those opposed, nay. Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 895.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 139E passes with the emergency clause attached. Madam Clerk, LB 169.

ASSISTANT CLERK: (Read LB 169 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 169 pass? All in favor vote aye; those opposed, nay. Have you all voted on the question who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal

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page 896.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 169 passes. Madam Clerk, LB 198.

ASSISTANT CLERK: (Read LB 198 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 198 pass? All in favor vote aye; those opposed, nay. Have you all voted on the question who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 896-897.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 198 does pass. Madam Clerk, LB 236.

ASSISTANT CLERK: (Read LB 236 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 236 pass? All in favor vote aye; those opposed vote nay. Have you all voted who wish to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 897-898.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 236 passes. Madam Clerk, LB 238.

ASSISTANT CLERK: Mr. President, with respect to LB 238, the first motion I have is the motion to dispense with the at-large reading.

SENATOR CUDABACK: All in favor of dispensing with the at-large reading, LB 238, vote aye; those opposed, nay. Record please, Madam Clerk.

ASSISTANT CLERK: 42 ayes, 1 nay on the motion to dispense with the at-large reading.

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SENATOR CUDABACK: The at-large reading is dispensed with. Madam Clerk, please read the title of LB 238.

ASSISTANT CLERK: (Read title of LB 238.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 238 pass? All in favor of the motion vote aye; those opposed, nay.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Members, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR 48, LR 49, LR 50, LR 51, and LR 52. Thank you.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: (Visitors introduced.) Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 898-899.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 238 passes. Madam Clerk, LB 243E.

ASSISTANT CLERK: (Read LB 243 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 243E pass with the emergency clause attached? All in favor of the motion vote aye; those opposed to the motion vote nay. Senator Janssen, did you happen to push the wrong button? Thank you. I wasn't telling you what to do, by the way. Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 899-900.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

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SENATOR CUDABACK: LB 243E passes with the emergency clause attached. Madam Clerk, LB 243AE.

ASSISTANT CLERK: (Read LB 243A on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 243AE pass with the emergency clause attached? All in favor vote aye; those opposed vote nay. Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 900-901.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 243AE passes with the emergency clause attached. (Visitors introduced.) Madam Clerk, LB 244E.

ASSISTANT CLERK: (Read LB 244 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 244E pass with the emergency clause attached? All in favor of the motion vote aye; those opposed to the motion vote nay. Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 901.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 244E passes with the emergency clause attached. (Visitors introduced.) Madam Clerk, LB 246.

ASSISTANT CLERK: (Read LB 246 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 246 pass? All in favor of the motion vote aye; those opposed, nay. Have you all voted on the question who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal

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page 902.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 246 passes. Madam Clerk, LB 262.

ASSISTANT CLERK: (Read LB 262 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 262 pass? All in favor of the motion vote aye; those opposed to the motion vote nay. Have you all voted on the motion who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 902-903.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 262 passes. Madam Clerk, LB 264.

ASSISTANT CLERK: (Read LB 264 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 264 pass? All in favor vote aye; those opposed, nay. Have you all voted who wish to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 903.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 264 passes. Madam Clerk, LB 284.

ASSISTANT CLERK: Mr. President, the first motion I have is a motion to dispense with the at-large reading.

SENATOR CUDABACK: The motion is to dispense with the at-large reading on LB 284. All in favor vote aye; those opposed, nay. We're voting on dispensing with the at-large reading. Record please, Madam Clerk.

ASSISTANT CLERK: 40 ayes, 2 nays, Mr. President, to dispense

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with the at-large reading.

SENATOR CUDABACK: The at-large reading is dispensed with.
Madam Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB 284.)

SENATOR CUDABACK: All provisions of law relative to procedure
having been complied with, the question is, shall LB 284 pass?
All in favor vote aye; those opposed vote nay.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Members, while the Legislature is in session
and capable of transacting business, I propose to sign and do
sign LB 10, LB 76, LB 94, LB 98, LB 139, LB 169, LB 198, LB 236,
LB 238, LB 243, and LB 243A. Thank you.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Please record, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal
page 904.) The vote is 47 ayes, 0 nays, 1 present and not
voting, 1 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 284 passes. Madam Clerk, LB 298E.

ASSISTANT CLERK: (Read LB 298 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure
having been complied with, the question is, shall LB 298E pass
with the emergency clause attached? All in favor of the motion
vote aye; those opposed, nay. Have you all voted who care to?
Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal
page 905.) 44 ayes, 0 nays, 4 present and not voting, 1 excused
and not voting, Mr. President.

SENATOR CUDABACK: LB 298E passes with the emergency clause

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attached. (Visitors introduced.) LB 335 has been moved to the bottom, as stated earlier, with motions attached to it. Madam Clerk, LB 355.

ASSISTANT CLERK: (Read LB 355 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 355 pass? All in favor vote aye; those opposed, nay. Have you all voted who wish to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 906.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 355 passes. Madam Clerk, LB 441E.

ASSISTANT CLERK: (Read LB 441 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 441E pass with the emergency clause attached? All in favor vote aye; those opposed to the motion vote nay. Have you all voted who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 906-907.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SENATOR CUDABACK: LB 441E passes with the emergency clause attached. LB 503E and LB 503AE, the introducer has asked to pass over that, and Speaker Brashear has concurred with the wish to pass over it. So we will pass over those two bills. Madam Clerk, LB 533E.

ASSISTANT CLERK: Mr. President, the first motion I have is a motion to dispense with the at-large reading.

SENATOR CUDABACK: The motion is to dispense with the at-large reading of LB 533E. All in favor vote aye; opposed, nay. Please record, Madam Clerk.

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ASSISTANT CLERK: 42 ayes, 2 nays, Mr. President, on the
dispense with the at-large reading.

SENATOR CUDABACK: The motion was successful. Madam Clerk,
please read the title, LB 533E.

ASSISTANT CLERK: (Read title of LB 533.)

SENATOR CUDABACK: All provisions of law relative to procedure
having been complied with, the question is, shall LB 533E pass
with the emergency clause attached? All in favor vote aye;
those opposed, nay.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Members, while the Legislature is in session
and capable of transacting business, I propose to sign and do
hereby sign LB 244, LB 246, LB 262, LB 264, LB 284, LB 298,
LB 355, LB 441, and LB 533. Thank you.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal
page 908.) 48 ayes, 0 nays, 1 present and not voting,
Mr. President.

SENATOR CUDABACK: LB 533E passes with the emergency clause
attached. We will now go to the previously passed over LB 335.
Mr. Clerk.

CLERK: Mr. President, I have a motion on the desk. Senator
Schrock would move to return LB 335 to Select File for a
specific amendment, AM0824. (Legislative Journal page 883.)

SENATOR CUDABACK: Senator Schrock, to open on your motion to
return for a specific amendment.

SENATOR SCHROCK: Mr. President and members of the Legislature,

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some of you may recall that on Select File we amended the dam and reservoir safety act onto the industrial ground water act, and I did so with the understanding that it was not controversial and that I would work with any member. And somebody took me up on that offer, so Senator Preister and his staff have been working with the Department of Natural Resources and my staff and we have come up with an amendment, and I would prefer to call this a clarifying amendment. This does not do any changes that of any subsequence. But what it does, on page 7, after line...on page 8, after line 29, it inserts the following new subsection, and this is the amendment: "The Safety of Dams and Reservoirs Act does not preempt or supersede any local zoning ordinances, resolutions, rules, or regulations regarding special use permits enacted by a political subdivision with respect to permit applications for livestock waste control facilities." We have worked with the Department of Natural Resources. We have worked with each other's staff, and this is certainly agreeable to Senator Preister and myself. If anybody has any questions, I would try to answer them, but I would also give the rest of my time to Senator Preister, if he so desires.

SENATOR CUDABACK: Senator Preister.

SENATOR PREISTER: Thank you, Honorable President. Thank you, Senator Schrock. Yes, this was something that kind of snuck up on me so I apologize to Senator Schrock for not working on it sooner, but I certainly thank Senator Schrock for the accommodation, and Jody Gittins, counsel for the committee. We did meet with Senator Schrock's staff and the Department of Natural Resources, and came up with some language that is clarifying because there is some preemption with the regulations that the new dam and reservoir act does imply. This just adds some clarity that where there is local zoning and where they have their own permit process, that we're not superseding that in the event that a dam which impounds water is viewed as also a lagoon. So there are some instances where there is overlapping jurisdiction with those lagoons, but where there is not then this would come in to apply. So it simply clarifies what the intent was of the dam and reservoirs act and that's the extent of it. I would encourage your adoption. Thank you.

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SENATOR CUDABACK: Thank you. Senator Schrock, are you...there are no further lights on. Open on discussion on the motion to return. Senator Schrock, you may close if you care to. The question for the body is, shall LB 335 be returned for a specific amendment? All in favor vote aye; opposed, nay. We're voting on the motion to return. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR CUDABACK: The motion was successful. Mr. Clerk.

CLERK: Mr. President, Senator Schrock, AM0824.

SENATOR CUDABACK: Senator Schrock, to open on AM0824 to LB 335.

SENATOR SCHROCK: Mr. President and members of the Legislature, as in the motion to return, I will repeat again. This is a clarifying amendment, and I would encourage your adoption of this amendment.

SENATOR CUDABACK: Open for discussion. There are no lights on, Senator Schrock. He waives closing. The question before the body is adoption of AM0824 to LB 335. All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: 45 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment.

SENATOR CUDABACK: The amendment has been adopted. Anything further, Mr. Clerk? Senator Flood, for a motion.

SENATOR FLOOD: Mr. President, I move the advancement of LB 335 to E & R for engrossing.

SENATOR CUDABACK: You've heard the motion to advance LB 335 to E & R for engrossing. Discussion? All in favor say aye. Those opposed, nay. LB 335 is readvanced. Mr. Clerk, announcement please.

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CLERK: Mr. President, the Revenue Committee will have an Executive Session at 11:00 in Room 2102; Revenue Committee, 11:00, Room 2102. And, Senator Kremer, 11:00 or 11:15? I...Senator Kremer would like to have a meeting of the Agriculture Committee at 11:15, Mr. President, in Room 2022. (Also a Reference Committee report, Legislative Journal page 909.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We will now move on to General File, 2005 committee priority bills. Mr. Clerk, LB 739.

CLERK: Mr. President, LB 739, introduced by Senator Cunningham and others. (Read title.) The bill was introduced on January 19, Mr. President, and referred to the Business and Labor Committee for hearing, advanced to General File. There are committee amendments, Mr. President. The bill was discussed briefly yesterday. (AM0747, Legislative Journal page 822.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Cunningham, will you take a minute and give us a review on LB 739, please?

SENATOR CUNNINGHAM: Well, thank you, Senator Cudaback and members. The bill is too lengthy to go through the details, but I would just tell you last fall the Department of Labor held some meetings here in the Capitol that we were all invited to. And I attended one of those meetings, and it became very obvious to me that the Unemployment Trust Fund was dangerously low, and we could be in jeopardy if we had a serious 9-11 attack or some...that type of an attack again. So we had problems. Then I went to a meeting they had, the rate setting hearings, and sat and listened to the businesses coming in and the increases in rates that they were paying. It was very unbelievable. And it started out I contacted Senator Bourne. He got me together with some of his people in Omaha, and that's how the meetings first started. From that point on, Senators Combs and Redfield became involved and they've been very instrumental in helping me with this bill. We've had numerous meetings. I would tell you that at this point, the organized labor is on board with what's in this bill, the business community is on board. And what LB 739 does, it addresses the shortfall in the Unemployment Trust Fund

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and it ensures its solvency into the future so we have the money there to pay the benefits when we need them. And I think with that, I will end, Senator Cudaback, and return my time.

SENATOR CUDABACK: Senator Cunningham, did that include the committee amendments, what you reviewed?

SENATOR CUNNINGHAM: Yeah. I really didn't go through the bill, Senator, I just...

SENATOR CUDABACK: That's fine. Thank you.

SENATOR CUNNINGHAM: Yes.

SENATOR CUDABACK: Mr. Clerk.

CLERK: Mr. President, in that case, Senator Chambers would move to amend the committee amendments with FA106, Senator. (Legislative Journal page 909.)

SENATOR CUDABACK: Senator Chambers, to open on your amendment.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, before I determine whether to try to divide the question because this is an extensive bill and maybe it is not necessary to go the dividing the question route, but rather make attempts to strike various things from the bill which I find to be obnoxious, which means I will have plenty of amendments. But this particular amendment is on page 7 of the committee amendment, line 2. I'm going to take this thing step by step. What we're dealing with here is a definition of wages. In the existing law, the definition begins on page 6, in line 24, and it lists all types of things that constitute wages, but in order that we cover the waterfront, after the word "cash" in line 2 on page 7, I would insert a comma and the words "but the wages of sin is death." And I believe this is appropriate for what we're doing. I believe that so-called organized labor has sinned grievously in agreeing to sell out working people with this bill. I believe the business community is continuing along its iniquitous path of sinning, and that community has sinned grievously in bringing this piece of trash before us. The wages

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of sin is death. This bill constitutes the sin; therefore, the appropriate recompense is death. This bill has to die. What I had thought of yesterday, in terms of dividing the question, was to have only two divisions. One would have dealt with the most obnoxious part, as far as I'm concerned, which would have, across the board, changed periods of disqualification which currently exist from 6...from 7 to 10 weeks, to 13 weeks. The wicked business community says that I and others who are concerned about people who lack employment look at only three weeks being added to the ten weeks maximum for which they'll be disqualified, or the three weeks tacked to the seven weeks maximum which under certain circumstances would be the case. But that's not really the way it works. That's the way it would work if three weeks were to be the number. But when it comes to the 7-week disqualification period, 6 additional weeks are added to bring it up to 13. Three weeks are added to the 10 to bring it up to 13, and that's supposed to be some kind of compromise? Why, that is ridiculous and preposterous. So I have decided to assume the onerous task of killing this bill unless those who support it are willing to reach an accord. With all of the material in this bill, and all of the pages that comprise this bill, if they will agree to strike Section 10, I will leave the bill alone and it can go on its merry way, wherever that happens to be. The business community does not want to do that and they've sent instructions in here, and they're the same instructions that were sent in here last session and the instructions were not complied with. There were people on the floor last session, in addition to myself, who had concerns about the working people. I know what my position is today. It has not changed from being opposed to this amendment, but it has become more determined than it was last time--my opposition, that is. This bill was offered as a committee priority bill, and that's how it's on the agenda today. But the mere fact that a bill winds up on the agenda, no matter by which route, guarantees that it's going to pass into law. So I'm going to do what I can to generate enough opposition to this bill to prevent it from becoming law. There naturally are other subjects of a related nature that I will discuss along the way. Whereas the business community has gotten the Business and Labor Committee and so-called organized labor to go along with this bill, they have also persuaded the Revenue Committee to advance an

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abomination known as the "Cabela bill," which I'm going to make sure goes nowhere. That is one that is being pushed by "Emperor" Radcliffe, and maybe the committee members were of a mind to help him earn his pay from Cabela's by sending that bill to the floor, and he can tell them, at least I got it out of committee. I'm not interested in helping lobbyists make their money, so that bill is going to die or we're going to take a lot and a lot and another lot of time on it. I had to make that clear for the record because some people seem to think that that bill is going to go because Senator Landis happens to be the one who introduced it. Well, Senator Landis simply put himself between my wrath and the bill, but he certainly is not going to turn my wrath away. The Business and Labor Committee decided to put itself between my wrath and this unjust provision. But even though there are some people on that committee with whom I generally agree, their being there is not going to affect my opinion on this bill or my determination to stop it. But before I proceed, I want to ask Senator Cunningham, the Chairperson of that committee, a question.

SENATOR CUDABACK: Senator Cunningham, would you yield to a question of Senator Chambers?

SENATOR CUNNINGHAM: Yes, I would.

SENATOR CHAMBERS: Senator Cunningham, as I stated, I'm not going to proceed with my request to divide the question at this point. But did you have a chance to look at the bill and determine where divisions might occur, or was there not enough time yet to do that?

SENATOR CUNNINGHAM: We have some suggestions, yes.

SENATOR CHAMBERS: And how many would the largest number of divisions be?

SENATOR CUNNINGHAM: The largest number?

SENATOR CHAMBERS: Yes.

SENATOR CUNNINGHAM: We would prefer one division or two

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sections...

SENATOR CHAMBERS: No, not your preference, but the largest number...

SENATOR CUNNINGHAM: Four.

SENATOR CHAMBERS: ...that you saw. Four.

SENATOR CUNNINGHAM: Four.

SENATOR CHAMBERS: How would you like to proceed?

SENATOR CUNNINGHAM: I would like to have you withdraw your amendments...

SENATOR CHAMBERS: Okay.

SENATOR CUNNINGHAM: ...and vote on the bill.

SENATOR CHAMBERS: Okay. I understand. Now, we're getting away from wishes because, as you know, if wishes were horses, then beggars would ride. So we're going to put the wishes aside. And I'm sure that every lobster, if it had a wish, would wish that human beings would not boil it alive for their selfish, cruel, barbaric purposes. So wishes often are not granted. Which approach would you prefer to be taken, divide the bill into the four parts that you have looked at, or proceed in the way that I can do...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...by just making motions to strike various provisions from the bill?

SENATOR CUNNINGHAM: Probably divide the bill.

SENATOR CHAMBERS: Okay. Then what I'm going to do is approach the Chair with Senator Cunningham and let the Chair know how we will divide the bill. Thank you.

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SENATOR CUDABACK: Thank you, Senator Chambers. We are in the process of dividing the question. In the meantime, we will go on with discussion until that is properly done. So, Senator Beutler, you may have the floor.

SENATOR BEUTLER: Senator Cunningham, if I may, can I exchange ideas with you here...

SENATOR CUDABACK: Senator Cunningham.

SENATOR BEUTLER: ...and basically, again I'm back to my position of being...basically requests for information and trying to understand...

SENATOR CUNNINGHAM: Sure.

SENATOR BEUTLER: ...what the bill does. And I'm kind of taking it from the beginning, and on page 10 is the reserve ratio, I guess you would call it the minimum reserve ratio, requirement that is used to kick into effect the emergency solvency surcharge.

SENATOR CUNNINGHAM: If the fund gets down below .4.

SENATOR BEUTLER: Right. And that's only in effect for four years, as I read it. Would that be correct?

SENATOR CUNNINGHAM: That's correct.

SENATOR BEUTLER: Okay. And when the fund gets down below .4, in those four years, a surcharge kicks in to presumably bring it back above .4. But also, when it drops below .4, on page 27 of the bill, it seems to indicate that the maximum weekly benefit would no longer increase. Is that accurate?

SENATOR CUNNINGHAM: On the year of the surcharge, the weekly benefit amount would stay the same as the previous year.

SENATOR BEUTLER: Okay. But that...let's say we...let's say we go on past...the surcharge can only be leveled...levied for...in one of four years, in one of the next succeeding four years, as

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a matter of fact. Right?

SENATOR CUNNINGHAM: Yes. I mean, we really don't expect to use the surcharge, but it could be levied each of those four years.

SENATOR BEUTLER: Okay. But beyond that four years, it could not be levied.

SENATOR CUNNINGHAM: That's correct.

SENATOR BEUTLER: So if, on page 27, if for some reason, and I understand that the argument is that this whole thing is constructed so that this wouldn't happen, but if, on page 27, it indicates that the maximum weekly benefit would not increase if the reserve ratio drops below that .4.

SENATOR CUNNINGHAM: That's correct.

SENATOR BEUTLER: Okay. So if ten years out, for some reason the calculations in this bill were not correct and the fund fell below .4, there would never be any weekly increases thereafter until the fund came above .4 and no emergency surcharge would kick in. Would that be accurate?

SENATOR CUNNINGHAM: Well, that's not the intent. The intent would not affect the...

SENATOR BEUTLER: I...well, I'm trying to...I understand the intent, and I'm trying to understand, though, what could happen so that we...so that we get clear...

SENATOR CUNNINGHAM: Well, in future years if the fund were to drop to that level, the array factor, which is part of this bill--it's a new way of bringing in the revenue--that would take care of it because it's designed, specifically designed when the fund falls lower, it's designed to bring in enough money to bring the fund back up to where it was the previous year.

SENATOR BEUTLER: Have you done those arithmetic computations?

SENATOR CUNNINGHAM: Yes. I mean, we've ran numbers...

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SENATOR CUDABACK: One minute.

SENATOR CUNNINGHAM: ...and numbers and numbers, and that's why we believe the solvency surcharge will never come into play.

SENATOR BEUTLER: But the factors that you use to increase the fund, if it doesn't result in going above .4, then the benefit holder, in terms of getting any sort of increase, would be out of luck? Right?

SENATOR CUNNINGHAM: I don't believe so. I believe the benefits...the only time the benefits are frozen are those first four years, if the fund goes below .4.

SENATOR BEUTLER: Well, it says if the state's reserve ratio on September 30, 2006, or any September 30th thereafter; so that means forever.

SENATOR CUNNINGHAM: Well, I would tell you that...

SENATOR BEUTLER: ...goes below .4, then the benefit is frozen. Right?

SENATOR CUNNINGHAM: I've just been informed that technically that, by the wording of the bill, that is correct, but I don't believe that's the intent.

SENATOR CUDABACK: Time, Senator.

SENATOR BEUTLER: Okay.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Cunningham some questions about how we got to where we are.

SENATOR CUDABACK: Senator.

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SENATOR CHAMBERS: Senator Cunningham, how long have you been on the Business and Labor Committee?

SENATOR CUNNINGHAM: One year, Senator.

SENATOR CHAMBERS: Would that be this year or you were on it last year?

SENATOR CUNNINGHAM: This...no, this year.

SENATOR CHAMBERS: This is your first year on the committee?

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: And you won the chairmanship?

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: Was business supporting your chairmanship?

SENATOR CUNNINGHAM: Nobody campaigned for my chairmanship...

SENATOR CHAMBERS: I didn't say campaign.

SENATOR CUNNINGHAM: ...that I know of.

SENATOR CHAMBERS: Were they in support of your chairmanship?

SENATOR CUNNINGHAM: I don't believe so.

SENATOR CHAMBERS: Okay. Were they opposed to it?

SENATOR CUNNINGHAM: I don't believe so.

SENATOR CHAMBERS: Obviously not or you wouldn't have gotten it. Now, are you aware that the business community came in and said they wanted to reduce the amount of premiums that they paid because the times were good and they felt the fund was getting large enough so that they should be able to cut back on the amount they were paying into it? Are you aware that that happened?

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SENATOR CUNNINGHAM: Yes, I am.

SENATOR CHAMBERS: If that had not happened, the fund wouldn't be in the shaky condition that people are talking about it being in or possibly going to be in. Isn't that true?

SENATOR CUNNINGHAM: Not totally, Senator. At the same time, the weekly benefits amounts were raised considerably...

SENATOR CHAMBERS: Senator,...

SENATOR CUNNINGHAM: ...and they were indexed also.

SENATOR CHAMBERS: Senator Cunningham, let's take into consideration what you said. If the employers did not have a reduction in amount...in the amount they paid into the fund, even with this increase in benefits that you mentioned, the fund would not be in the current situation it's in now, would it, because more money would have been paid into it? Isn't that true?

SENATOR CUNNINGHAM: That's correct.

SENATOR CHAMBERS: So the condition that exists now was partly created by business.

SENATOR CUNNINGHAM: That's...

SENATOR CHAMBERS: Go ahead.

SENATOR CUNNINGHAM: ...partially correct, yes.

SENATOR CHAMBERS: And they gained a benefit, and in so gaining that benefit, they helped put the fund into the shaky condition it's in now. Isn't that true?

SENATOR CUNNINGHAM: That's correct, but the bill is designed so that doesn't happen again. That's what we're doing in the bill.

SENATOR CHAMBERS: Now, you want to change periods of

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disqualification, and when I ask this question of you, you...you're aware of what these periods are, because I don't want to take a lot of time explaining each in detail, each one, because you and I are the only ones listening anyway, but this is for the record. There are two seven- to ten-week periods of disqualification, two situations in which that would be the period. Is that true?

SENATOR CUNNINGHAM: I'm not sure what you mean when you say two situations.

SENATOR CHAMBERS: Okay. Well, let's take one. There is a situation when the period of disqualification would be seven to ten weeks currently.

SENATOR CUNNINGHAM: Okay.

SENATOR CHAMBERS: And you want to raise that 7-week period to 13 weeks. Is that true?

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: And you also want to raise the top end, which is 10 weeks, to 13 weeks.

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: Is that true? Is that for the purpose...well, what is the purpose of that?

SENATOR CUNNINGHAM: Well, I can just tell you from my perspective, Senator. This is only for people who quit on their own free will...

SENATOR CHAMBERS: No, no.

SENATOR CUNNINGHAM: ...or fired for misconduct.

SENATOR CHAMBERS: I would like you, if you would, because I want to take it step by step, to answer the question as I ask it. If those periods of disqualification would be increased,

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what would the impact on the fund be?

SENATOR CUNNINGHAM: About \$4.7 million a year.

SENATOR CHAMBERS: Reduction or increase?

SENATOR CUNNINGHAM: An increase in the fund.

SENATOR CHAMBERS: So you want to reduce the benefits to the workers in order to increase the amount in the fund. Is that what would happen?

SENATOR CUNNINGHAM: That's...that's this part of it, yes.

SENATOR CHAMBERS: And who would benefit from increasing...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...the amount in the fund by reducing worker benefits?

SENATOR CUNNINGHAM: It would be the ratepayers.

SENATOR CHAMBERS: And who are the ratepayers?

SENATOR CUNNINGHAM: The businesses.

SENATOR CHAMBERS: So the business community would benefit if the amendment that I'm very much opposed to were to be adopted?

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: And the workers would suffer as a result of the adoption of that amendment. Is that true?

SENATOR CUNNINGHAM: By your definition, yes.

SENATOR CHAMBERS: Thank you. And my time is up, so I won't proceed further at this point on that. Thank you, Mr. President.

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SENATOR CUDABACK: Thank you, Senator Chambers. (Visitors introduced.) There has been a request for a division. The Chair rules that the question is divisible. Mr. Clerk, would you please read how the question is divided, please.

ASSISTANT CLERK: Mr. President, in terms of explanation on the division of AM0747, has been divided into four separate components which are going to be identified as FA109, FA110, FA111 and FA112. The first division is FA109, which consists of Sections 5, 7, 10 and 12. Copies of this division document have been distributed and are currently available at your desks.

SENATOR CUDABACK: Senator Cunningham, did you wish to take up the...FA109 first?

ASSISTANT CLERK: Senator Cunningham, the first division is FA109, which consists of Sections 5, 7, 10 and 12. (Legislative Journal page 909.)

SENATOR CUNNINGHAM: Yes.

ASSISTANT CLERK: And, Senator, before we proceed, Senator Chambers, the amendment that you had filed is actually to what is going to become the third division, so it would be appropriate to withdraw that amendment temporarily until we're in the position to consider it.

SENATOR CHAMBERS: Yes, but I can leave it on the desk and we'll take it up at that time. Thank you, Mr. Clerk.

SENATOR CUDABACK: Correct. Senator Cunningham.

SENATOR CUNNINGHAM: Okay, thank you, Senator Cudaback and members.

SENATOR CUDABACK: On the first division.

SENATOR CUNNINGHAM: Section 5 strikes obsolete language. It also provides for a two-year benefit freeze with the maximum weekly benefit amount thereafter to be the lesser of one-half of the state average weekly wage or the then current maximum weekly

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benefit amount plus \$10. It further provides that in any year, commencing in 2006, that the state's reserve ratio as of September 30 falls below the .4, the maximum weekly benefit amount for the following calendar year shall not be increased. Section 7 is new language establishing good cause quits, and it puts them in their own stand-alone section. It further defines eligibility of construction workers for good cause quits and broadens the definition of abuse. Section 10 is the section that increases the disqualification period from the 7 to 10 weeks, to 13 weeks. And Section 12 is the section that...where we've extended the good cause quits. We've increased what some of those are. We've put them in statute. It just simply says that some of those go into the pool account instead of being charged against the employers' ratio, reserve ratio. And that's a pretty brief description, but I don't think there's anyone here listening. (Laughter)

SENATOR CUDABACK: Thank you, Senator Cunningham. As you know, the question was divided, and each division is treated separately and they are up for amendments. So, Mr. Clerk, please.

ASSISTANT CLERK: Mr. President, I now have an amendment by Senator Chambers to this division. Senator, this is identified as FA108. It would say on page 26 of the original amendment, line 23, strike "ten" and insert "20." (Legislative Journal page 909.)

SENATOR CHAMBERS: Thank you, Mr. Clerk.

SENATOR CUDABACK: Senator Chambers, you're recognized to open on your amendment to the first part of the divided question.

SENATOR CHAMBERS: Thank you, Mr. President. Senator Cunningham, I'm going to...although it's on the gadget, I'm going to mention to you again the page and the line number.

SENATOR CUNNINGHAM: Okay.

SENATOR CHAMBERS: In the committee amendment, page 26, in line 23, I would strike the word "ten" and insert the word "20."

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SENATOR CUNNINGHAM: Could you restate that, Senator Chambers. What page?

SENATOR CHAMBERS: Yes, page 26.

SENATOR CUNNINGHAM: Oh, 26.

SENATOR CHAMBERS: And I'm not in a hurry. All I have is time.

SENATOR CUNNINGHAM: Say the line again, 23?

SENATOR CHAMBERS: Yes, line 23.

SENATOR CUNNINGHAM: Okay.

SENATOR CHAMBERS: Do you see the word "ten"?

SENATOR CUNNINGHAM: Yes, I do.

SENATOR CHAMBERS: Okay, just to be sure we're together. I would strike "ten" and insert "20."

SENATOR CUNNINGHAM: Okay.

SENATOR CHAMBERS: What this provision says, and Senator Cunningham touched on it without explaining it, for any benefit year beginning on or after January 1, 2001, an individual weekly benefit amount shall be one-half his or her average weekly wage rounded down to the nearest even whole dollar. Now I'm taking it point by point, and we haven't gotten to my amendment yet because it's simple in what it does. Senator, I'd like to ask you a question about that language in existing law that I have read which shows that business is to be benefited even when we're talking about pennies. Why would this amount be rounded down to the nearest whole dollar rather than rounded up?

SENATOR CUNNINGHAM: I can't tell you that, Senator Chambers. I believe that language just came from the Department of Labor.

SENATOR CHAMBERS: Well, what difference would it make, since

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we're talking about arriving at a whole number, if we rounded it up or down? I see, if this was done by the department what I had said, even when we come to pennies even, the department is interested in kowtowing to business. If I offered an amendment further down the line, if this bill survives, every place where they round a dollar amount down, would you be willing to round it up to the next whole dollar?

SENATOR CUNNINGHAM: Well, just initially I would tell you that I very seriously would consider it, but I would have to check and see what the impacts are. I don't know that at this point.

SENATOR CHAMBERS: Well, I'm sure the ones they impact are out there working right now and they'll tell you what you're supposed to do. When you say impact, I interpret that to mean business community. But now let me continue, and it's...that is one of the things that leading me to the amendment that I'm offering. We continue: except that an individual's weekly benefit amount shall not exceed the lesser of one-half of the state average weekly wage as annually determined under this particular section or the previous year's maximum weekly benefit amount plus \$10. Why do we make it the lesser rather than the greater? It's because business wants it that way. Isn't that true?

SENATOR CUNNINGHAM: That would be one of the provisions that business wanted, yes.

SENATOR CHAMBERS: So this part of the first division can be described as the business interest. We're dealing with what it is they want and which the committee agreed to give them. Is that true?

SENATOR CUNNINGHAM: That would be correct.

SENATOR CHAMBERS: Why and how was \$10 that you add to this lesser amount arrived at, if you know?

SENATOR CUNNINGHAM: I can't tell you exactly. It was just a number arrived at in the discussions. And during those discussions, organized labor and business were part of it,

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Senator.

SENATOR CHAMBERS: Who proposed \$10?

SENATOR CUNNINGHAM: I honestly could not tell you that.

SENATOR CHAMBERS: Then there's no reason not to accept my amendment, is there? And then we can move on from this part of the division, at least this part of the amend...the part that I want to amend right now.

SENATOR CUNNINGHAM: I would currently tell you that I would not be willing to accept your amendment.

SENATOR CHAMBERS: Well, if you don't know why ten was put there, how can you tell us...I guess you're...let me back up. I don't want to put words in your mouth. You don't know why ten was selected. Is that true?

SENATOR CUNNINGHAM: Well, I know why it was selected. You asked me if I knew who suggested it.

SENATOR CHAMBERS: Okay. Why was it selected?

SENATOR CUNNINGHAM: Well, right now, we have an indexing formula that was put in, I believe, in 1998. And I don't remember if it's the CPI or which one they index with, Senator, but if you look at the various years, some years there's a very minimal increase. Some years it's been \$15, some years, \$8. This was just put in as another way to do it but to keep it from going too high too fast. As I told you, it has increased greatly since 19...I believe it was 1998 that is was \$184 a year's weekly benefit amount, and today it is \$280 or \$288.

SENATOR CHAMBERS: Senator Cunningham, if somebody starts at rock bottom and moves up two steps, that can be considered a great increase over what the person had been occupying as a status. But if you put it into a context where you're not looking at it in a vacuum, that two steps up may not really amount to a hill of beans. Would you agree that that could be the way something would be interpreted if looked at in a broader

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sense?

SENATOR CUNNINGHAM: Yes, it would.

SENATOR CHAMBERS: Okay. So now tell us again, it moved from what amount to what amount?

SENATOR CUNNINGHAM: Well, I don't have the numbers in front of me,...

SENATOR CHAMBERS: The one that you stated.

SENATOR CUNNINGHAM: ...but I believe it was \$184 and I believe...is it \$288...\$280 this year.

SENATOR CHAMBERS: Okay, and when I'm asking you a question like this, if it's off a dollar or two or a few...that's not even the reason I'm asking. But the main thing I want to show is that the amount is still not anything of which the state should be proud. But if you know, with that giant step upward, from slavery to indentured servitude, what does that put Nebraska...where does that place Nebraska with reference to other states? I think we're getting some information from an expert. What would Nebraska's ranking be, if you can determine from the information you have?

SENATOR CUNNINGHAM: I'm just looking at the states surrounding us, Senator.

SENATOR CHAMBERS: Well, is Nebraska at war? (Laughter)

SENATOR CUNNINGHAM: No, but I don't have the other information.

SENATOR CHAMBERS: So why do you use that term? Huh?

SENATOR CUNNINGHAM: I don't have the other information in front of me...

SENATOR CHAMBERS: Okay, well...

SENATOR CUNNINGHAM: ...so I can give you the ones that...the

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information I do have.

SENATOR CHAMBERS: Okay, because that will be a step. Okay.

SENATOR CUNNINGHAM: Okay. Nebraska is \$280; South Dakota is \$248; Wyoming, \$306; Kansas, \$351; Iowa, \$368; and Colorado, \$398.

SENATOR CHAMBERS: So Nebraska offers a larger amount than one state, if I was able to follow you. Is that true?

SENATOR CUNNINGHAM: Yes. No, two states.

SENATOR CHAMBERS: What's the other state?

SENATOR CUNNINGHAM: Missouri and South Dakota.

SENATOR CHAMBERS: And how much does Missouri give?

SENATOR CUNNINGHAM: \$250.

SENATOR CHAMBERS: And South Dakota?

SENATOR CUNNINGHAM: \$248.

SENATOR CHAMBERS: And Nebraska is...

SENATOR CUNNINGHAM: \$280.

SENATOR CHAMBERS: And what's the most that any state gives?

SENATOR CUNNINGHAM: Colorado is \$398.

SENATOR CHAMBERS: Would you bill willing to increase this amount from \$298 to, say, \$350?

SENATOR CUNNINGHAM: No, not at this time.

SENATOR CHAMBERS: Well, when you say not at this time, at what time would you be willing to do that, say, 11:35?

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SENATOR CUNNINGHAM: No, I'm sorry. We have to get the Unemployment Trust Fund solvent before you do much of anything, Senator, and right now it's in danger of going broke, so there may not be benefits there to pay, or money there to pay benefits...I'm sorry.

SENATOR CHAMBERS: Senator Cunningham, there is always more than one way to skin a cat, when we're talking about putting money into a fund. Isn't that true?

SENATOR CUNNINGHAM: Yeah, that's probably correct.

SENATOR CHAMBERS: And two ways that can be done, without requiring a lot of esoteric reasoning or discussion, is to reduce the benefits that workers receive or up the amount that employers pay into the fund. We can do it either of those ways alone or a combination of those two. Isn't that true?

SENATOR CUNNINGHAM: That's true.

SENATOR CHAMBERS: This approach that is being taken by this bill would place the greater onus...

SENATOR SCHIMEK PRESIDING

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...on the worker. Isn't that true?

SENATOR CUNNINGHAM: That is totally untrue.

SENATOR CHAMBERS: Well, if you go from 7 weeks to 13 weeks as a period of disqualification, that's almost a 50 percent increase in the period of disqualification, isn't it?

SENATOR CUNNINGHAM: That's just in this section of the bill, Senator. There's others...

SENATOR CHAMBERS: But let me...let's take the section that we're on. That would be a 10...almost a 50 percent increase in the burden placed on the worker. Right? Is that right?

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SENATOR CUNNINGHAM: It could be looked at that way, Senator.

SENATOR CHAMBERS: Is there any place in the bill where a nearly 50 percent increase in paying into the fund is placed on employers?

SENATOR CUNNINGHAM: Not in percentages. I would give you in dollars, many, many more dollars.

SENATOR CHAMBERS: No, no. We want to talk about percentages because that's the way I'm dealing with this that I'm talking about, as a percentage of suffering, that for certain employees...

SENATOR SCHIMEK: Time. Thank you, Senators. (Visitors introduced.) Thank you. Senator Beutler, your light is on next.

SENATOR BEUTLER: Senator Cunningham, if we could talk a little bit more.

SENATOR SCHIMEK: Senator Cunningham, would you yield?

SENATOR CUNNINGHAM: Yes, I would.

SENATOR BEUTLER: I want to go back and just finish quickly the topic I was going through before, with respect to the emergency surcharge and the fact that, on page 27, the maximum benefit is frozen if it goes below the .4 standard. You had a handout that looked like this, got all the multicolored stuff at the top and starts out with "Unemployment Insurance"; has your name and the Vice Chair's name on it.

SENATOR CUNNINGHAM: Right.

SENATOR BEUTLER: And somewhere about halfway through, there's a page that says: Effective 2007, benefits will not increase in years when the state's reserve ratio is...and then for the outgoing, out years, below .80, .85 percent on September 30, 2009, and each year thereafter. Is that a different reserve

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ratio than the .4?

SENATOR CUNNINGHAM: Are you...you're looking at the colored one that has Senator Combs' name and my name on it?

SENATOR BEUTLER: Yes.

SENATOR CUNNINGHAM: You didn't get that today, did you?

SENATOR BEUTLER: I don't know. You gave it to me one day. I'm not sure which day.

SENATOR CUNNINGHAM: Some time back. That was printed before the final changes to this bill.

SENATOR BEUTLER: Oh, okay.

SENATOR CUNNINGHAM: That's...

SENATOR BEUTLER: So some of the information in here may not be relevant?

SENATOR CUNNINGHAM: That would be correct.

SENATOR BEUTLER: Okay. So on this particular page, when it says the reserve ratio below which it cannot fall is .85, that's been reduced to .40. Is that accurate?

SENATOR CUNNINGHAM: What's it say on the top of the page, Senator?

SENATOR BEUTLER: LB 739. And then it starts out: Effective 2007.

SENATOR CUNNINGHAM: Okay. Yes, that's not accurate anymore.

SENATOR BEUTLER: Okay. So it...

SENATOR CUNNINGHAM: That's not in the bill anymore.

SENATOR BEUTLER: ...that's a previous reference to what I've

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been talking about here, and it's gone from .85 to .40 in the negotiations. Is that...

SENATOR CUNNINGHAM: We totally changed the way we did the solvency surcharge.

SENATOR BEUTLER: Okay.

SENATOR CUNNINGHAM: It was going to be done...it was going to be done according to...well, let me think about how that worked. It doesn't describe it in here, but I can tell you this is not accurate anymore.

SENATOR BEUTLER: Okay. Well, then I'll work from only from the white copy of the bill.

SENATOR CUNNINGHAM: Right.

SENATOR BEUTLER: Is there an update on that handout, which is a very good one, by the way, but I didn't see a subsequent handout in that regard.

SENATOR CUNNINGHAM: The one that I gave you on the floor the other day takes section by section, and it should explain that to you.

SENATOR BEUTLER: Okay.

SENATOR CUNNINGHAM: That would be...

SENATOR BEUTLER: Well, let me go back and look at that. Perhaps I just overlooked it. Let me ask you just a couple more questions on this surcharge thing and then I'll leave that off with at least an understanding of where you are on it. You have indicated to me, and the department has indicated to me, that these complicated...

SENATOR SCHIMEK: One minute.

SENATOR BEUTLER: ...arithmetic mechanics in the bill would most certainly result in the fund never going below .4.

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However, or if that in fact is the case, then I assume you would have no objection to my simply striking out the calendar year limitation on the surcharge and making it applicable to whenever the fund went below .4. Would that...is there any problem with that?

SENATOR CUNNINGHAM: Well, I personally don't have a problem, but I would tell you in that section there's also a freeze on weekly benefit amounts if you leave that in place. Now, according...if you take it out, actually the employee is the one that benefits by taking it out because the business community is...

SENATOR BEUTLER: The employer or the employee?

SENATOR CUNNINGHAM: The employee benefits. Currently, the way we have the bill written, it is better for the employee because...

SENATOR BEUTLER: If the surcharge is in?

SENATOR CUNNINGHAM: If the surcharge goes into place, the employee also...

SENATOR SCHIMEK: Time.

SENATOR CUNNINGHAM: ...takes a freeze on benefits.

SENATOR SCHIMEK: Time, Senators. Thank you, Senators Beutler and Cunningham. Senator Chambers, you're recognized to speak.

SENATOR CHAMBERS: Thank you. Madam President, members of the Legislature, in agony, step by painful step, I was asking Senator Cunningham some questions. But since he's counseling with Senator Beutler, I can proceed and just make my statements. I had mentioned to Senator Cunningham that there are two places where a period of disqualification can run from 7 weeks to 13 weeks...I meant 10 weeks under the current law, and he didn't know which two places I was talking about. So if anybody is interested, on page 34, starting in line 25, it talks about leaving work voluntarily without good cause. Then on page 35,

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beginning in line 22, it talks about being discharged for misconduct. And in both cases, the period of disqualification is from seven to ten weeks. Senator Cunningham's bill, working in concert with these business people, treat these two circumstances the same. If a person leaves voluntarily without good cause, that person is penalized to the same extent, under this new language that is proposed, as one discharged for misconduct, although under the current law both are treated the same, where there's a sliding scale from seven to ten weeks. That is done so that the severity of the offense can be recognized by the number of weeks of disqualification. By setting a flat 13 weeks, the amendment, as drafted by the wicked business community and adopted by the compliant Business and Labor Committee, is not drafted well. The only reason you'd have these qualifiers in the law, when talking about why a person is going to be docked a certain number of weeks, wouldn't be necessary. If a determination is once made that a person was disqualified for misconduct, that's all you need to deal with. Why do you have, if the individual's misconduct was gross, flagrant and willful, or was unlawful? I know the answer. It's in the bill. But Senator Cunningham is occupied and he wouldn't know the answer, so I'm going to ask him when he becomes unoccupied. The point that I was making, though, before he left is that the current minimum number of weeks for which a person can be disqualified under these circumstances is seven. If you add to that number six, that is six-sevenths or nearly 50 percent, if we talk about it in percentages, of an increase over what the person is to suffer. There's nothing in this bill which approaches a 50 percent increase in businesses' contribution to this fund. Senator Cunningham has acknowledged, and...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...there's no way he could avoid it, that as you reduce the benefits for workers, you increase the amount of money in that fund from which benefits are paid. Otherwise, the money that winds up in the fund comes from the employers. So while not putting a 50 percent increase in payments into the fund on the employers, you're going to put what I would call a 50 percent increase on the penalty suffered by a worker. Now

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how in the world can this bill be said to be anything other than a slashing of the interests of the working people? That's what the bill does, based on what Senator Cunningham and Senator Redfield have told me. The business community who control this bill have said if they don't get the 13 weeks' disqualification, they don't want the bill. All of this other stuff means nothing. What Senator Beutler is discussing with Senator Cunningham right now...

SENATOR SCHIMEK: Time.

SENATOR CHAMBERS: Was that my third time?

SENATOR SCHIMEK: I believe it is your second time, Senator. Thank you, Senator Chambers. Senator Cunningham, your light is next. You would yield to Senator Beutler? Is that what you said, Senator Cunningham? All right. Senator Beutler, you're recognized then.

SENATOR BEUTLER: Senator Schimek, members of the Legislature, few though that you be, Senator Cunningham, let me finish up the conversation on this part, because I think we've come to at least a common understanding of how this operates. Or maybe it would be more accurate to say I've come up to your level a little closer, anyway. But with respect to the significance of the .4 in terms of capping and freezing the benefit, you indicated that it's really not your intention beyond the transition period to freeze wages if the fund should dip below .4 because, as you have explained the acceleration factor and the array system, it will never go below .4. In fact, it shouldn't go below .85. That's when you start kicking in an additional amount each time it drops. Right?

SENATOR SCHIMEK: Senator Cunningham.

SENATOR CUNNINGHAM: Correct. Yes. It will take a period of years to get to the .85, using the factor, but once we get there, the system is set up to keep it at .85.

SENATOR BEUTLER: Okay. So if I'm understanding that correctly, then as we discussed, you would have no problem with dropping

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subsection (3), beginning on line 26, page 26, and through line 3 of page 27.

SENATOR CUNNINGHAM: Let me say it in another way, Senator. After...I've got to study that a little bit, but this...

SENATOR BEUTLER: Okay.

SENATOR CUNNINGHAM: ...would be my intent. If the surcharge is in place, the freeze would be in place. When the surcharge is not in place, there should be no freeze on benefits either.

SENATOR BEUTLER: Okay.

SENATOR CUNNINGHAM: So that would be my intent.

SENATOR BEUTLER: And that...that's my understanding of where you are. That's not what the bill says,...

SENATOR CUNNINGHAM: Okay.

SENATOR BEUTLER: ...but let's discuss it afterwards and see if...

SENATOR CUNNINGHAM: Okay.

SENATOR BEUTLER: ...that's not a problem. Thank you for your time, Senator Cunningham.

SENATOR CUNNINGHAM: Thank you.

SENATOR SCHIMEK: Thank you, Senator Beutler. Senator Cunningham, did you wish your time back? Senator Cunningham waives. Senator Chambers, you are next in line to speak.

SENATOR CHAMBERS: Thank you, Madam President, to the applause of the two or three people in here. I think I should mention to Senator Pahls' family, members and friends who accompany them, they outnumber the complement of senators on the floor, but there are supposed to be 49 people here, but when I take the floor, I have a way of clearing the Chamber. So it has nothing

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to do with the fact that you all are here. It has everything to do with me. Madam President, members of the Legislature, there are people who profess to be concerned about working people. Now this division of the question we're on deals with the 13-week disqualification, and where are they? In the lounge somewhere, maybe mooching off the lobbyists, getting a little jump on "Captain Lunch-hunter." "Captain Lunch-hunter" for Senator Mike Foley...not Mike Foley, I'm sorry, Senator Friend's benefit, "Captain Lunch-hunter" is not the one who provides the meals that are sponged. "Captain Lunch-hunter" is what I'd use to designate the senators who do the sponging. So "Captain Lunch-hunter" is not going to come and clear the Chamber. Senators assuming the role of "Captain Lunch-hunter" will clear the Chamber. This bill is going to be in limbo for awhile. All that's going to happen today, and you're observing it happen, is that time will pass until we adjourn for the day. Then there will be the opportunities for people who have interest in this bill to talk about it and see what can be done. I do this explaining so that those who may not be aware of the dynamics of how this body operates will have a little better idea, and that is not said only with the new senators in contemplation. We have some people here older than dirt--although they haven't been here as long as I've been here--who don't know anything about how the Legislature operates. They don't understand the dynamics, they don't know what's going on other than that a lot of time is being spent on a bill. And because they have a short attention span and they need to rest at regular intervals and eat at regular intervals, say every 15 minutes or so, they simply cannot stay here. They don't look at the issue, they look at how much time it's going to take, in the same way that some newspapers look at how much space is available to determine the length of a story, not the importance of the story. So I'm going to take the rest of the time, as much of it as is needed...as much as is needed. And one of my amendments is going to be to strike Section 10, which is the 13-week disqualification provision. I don't believe business can wait me out. I don't care whether there are 48 other people on the floor with me or none. I have the opportunity to address the public, and they have an opportunity to observe the discussion. They are informed of the nature of the issue, and they can decide for themselves if they think it's serious enough that

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other senators ought to be here participating. But that's for the public. I speak for the record, and I want it to be crystal clear as of today, and as we move further into the session, how my colleagues comport themselves. Oh, there are going to be days when they're going to be whining and crying and saying, we don't have enough time; how am I going to get my bill up? Well, they ought to be here working to see if we can get past these stopping points. For the ordinary person,...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...you might describe where we are now with the term "at loggerheads." For those who have been a step or two up the scale, you might call it "an impasse." If you're going to get into the realm of the truly intellectual, my tall young friend whose name I won't call but who has been paying attention, we would use the term from chess "stalemate." However, I'm not one who necessarily believes that what somebody calls stalemate is stalemate, and my goal is not to reach stalemate but checkmate. And I'm going to checkmate this bill. When you say checkmate, that means the king is dead, and this bill is going to die. One of my amendments already told you, that the wages of sin for this bill is death. Now, Senator Cunningham is doing the best he can to try to carry out the wishes and dictates of business, but I'm going to make it as difficult for him as possible. All...did...

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Time, Senator Chambers. I'm sorry.

SENATOR CHAMBERS: Well, okay, if you just tell me. You don't have to cut me off; I'll stop. Thank you, Mr. President.

SENATOR CUDABACK: Thank you. Sorry for cutting you off. (Visitors introduced.) On with discussion, Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, it is difficult for me to, with all of this complicated language, and to figure out exactly what the weekly benefit is going to be now, and how it compares to what the weekly benefit

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was before. And Senator Cunningham is off the floor; I guess Senator Combs, as the Vice Chair of the committee, maybe I should ask her some of these questions. But we were not passed out any information on the floor which gave us any sense of what's happening to workers' benefits. And for myself, I appreciate the fact that people get together and make their deals, but I don't think that that's an excuse not to have any information on such a complicated subject that will be the regulating law in a major area for a large number of years into the future. I think that the Legislature has a responsibility to look at something like this for itself and a little more closely and be satisfied. Now I don't know where Nebraska is among the 49 states with regard to its benefits, but the last time I checked, I think, Senator Cunningham, it was like 44th or 45th of the 49 states. So it's not like we were starting out with some extraordinary benefit to begin with, and given that, I would like to see what actually happens to the benefits. And, Senator Cunningham, let me just ask you the general question first and examine in a little more detail what functionally happens here in terms of how this all translates to a benefit. I'll repeat the question, or the assertion that I made earlier. Nebraska, in...relative to other states in terms of its benefit is what, Senator Cunningham? I would yield time to you. I think you have that chart.

SENATOR CUDABACK: Senator Cunningham.

SENATOR CUNNINGHAM: Yes, thank you. Forty-third, Senator.

SENATOR BEUTLER: Forty-third. That means we're 43 states away from giving the best benefit, 6 states away from giving...getting the very...giving the very worst benefit, among the states.

SENATOR CUNNINGHAM: Yes, but I might...there is one other thing to add to that, and I don't have that number with me, but there's 10 or 12 states that are practically bankrupt right now. Their funds are below zero. They have no balance in their trust fund.

SENATOR BEUTLER: Okay.

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SENATOR CUNNINGHAM: And by our constitution, we don't think we can do that in Nebraska. We can't go below zero.

SENATOR BEUTLER: The...so we're at the tail end of benefits. What does this bill do...and you make the comparison in some way that can make sense to me. I don't know how you would do that, but how is this changing the overall benefit? And I'm not so much interested in the transition period...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...as I am down the line. I mean, are we reducing the benefits further?

SENATOR CUNNINGHAM: Senator, in the bill the benefits that will be reduced are for the first two years there will be a benefit freeze. That amounts to about \$2.7 million a year savings to the fund. So that happens for the first two years. It also happens...the intent of the bill was to have that also happen if we ever had to initiate a solvency surcharge, and only then. And we're working on an amendment to try to fix the wording to clarify that.

SENATOR BEUTLER: Okay. So in the bill, there were these elaborate charts, which you've now eliminated, that covered, looks like, eight or nine different pages in the bill. And you've gone from these elaborate charts that broke it down by...

SENATOR CUDABACK: Time, Senator Beutler. Thank you, Senator Beutler. Senator Louden, on FA108.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I've listened to this discussion for the day, I guess I mostly have questions. I'm sure I don't have any answers since I haven't been down here this many years. I guess my first isn't exactly a question but I'm wondering why this thing got in such a bad shape before the problem was addressed. It looked like to me there should have been some consideration a few years back. The other question that I kind of have, I was wondering if Senator Cunningham would yield to a question,

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please.

SENATOR CUDABACK: Senator Cunningham, will you yield?

SENATOR CUNNINGHAM: Yes, I would.

SENATOR LOUDEN: If you cut these benefits from 13 to 10 weeks on certain instances, how much money does that save? Do you know offhand about how much money that would save the fund?

SENATOR CUNNINGHAM: If you went from 13 to 10?

SENATOR LOUDEN: Yeah, on that where if they leave...whatever that one...in Section 10 there, where they would leave.

SENATOR CUNNINGHAM: Oh, I see. If we go from 7 to 10, to the 13 that we're proposing?

SENATOR LOUDEN: Yeah, right. Okay.

SENATOR CUNNINGHAM: About \$4.7 million.

SENATOR LOUDEN: Okay. Now, on that same category or that same line of thinking, how much for the people that are receiving benefits, how much could...would that increase their benefits a week if that money was used to increase the benefits for the people that are honestly using the fund? Is...has anybody calculated that out to see if that would be a significant increase in weekly benefits?

SENATOR CUNNINGHAM: No, I've not heard of any of those calculations, Senator.

SENATOR LOUDEN: Okay. I guess...I don't know if it would be...how much, I guess, how much a year do you pay out in benefits from the fund?

SENATOR CUNNINGHAM: I believe it's around \$120 million,...

SENATOR LOUDEN: A year.

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SENATOR CUNNINGHAM: ...but that's...don't hold me to that. Let me check that, but I believe that's what it is.

SENATOR LOUDEN: Then that would...that would be what, \$10 million a month?

SENATOR CUNNINGHAM: Three...it would be about 3 percent.

SENATOR LOUDEN: No, but I mean, if you...\$120 million a year, that would be what, \$10 million a month is what you'd be paying out in benefits?

SENATOR CUNNINGHAM: Yes, yes.

SENATOR LOUDEN: And then, but they'd only be a savings of \$4 million, so you'd have to divide that up over the 12-month period. It wouldn't be that...

SENATOR CUNNINGHAM: Well, if you took the \$4.7 million into the \$123 million and figured out the percentage and then took that in comparison to the \$280, you could...3 or 4 percent, I would guess, you could increase benefits.

SENATOR LOUDEN: Okay. Thank you.

SENATOR CUNNINGHAM: That's just an off-the-top-of-my-head guess here, Senator.

SENATOR LOUDEN: That's close enough for government work. (Laughter) Thank you, Senator Cunningham, and I'll turn whatever time I have left, I'll turn it over to Senator Chambers. Maybe he can address the question for me.

SENATOR CUDABACK: Senator Chambers, about 1...about 2 minutes.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Louden. I'm glad you asked the kind of questions you did because it shows the kind of calculations which are not done, and the business community feels they need not be done. They're not interested in equity and fairness. They're interested in creating as bleak a picture facing business as possible and as

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rosy a picture of misconduct by workers as they possibly can. The legislators, seeing a complicated bill, are not going to pay attention. You can look at the Chamber here and see that they're all gone, almost. The issue for them is too complicated. They are determined, I believe by and large, to go along with business. But the question that you asked was a good one. If you're going to reduce the benefits of people who are leaving work voluntarily without good cause, or being discharged for misconduct, you reduce those benefits...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...by increasing the period of disqualification, how much money will be realized thereby and fall into the fund? Based on that amount that will then be in the fund, how much will that increase the benefits of the workers who have not left work for any reason which is not appropriate? Business has not made the calculation. Nobody even considered it, Senator Louden, because they really don't care. It might be two or three dollars, maybe nothing, but it would be negligible. So they're not interested in what is going to happen to the workers. They're only interested in focusing attention on the plight of these businesses, and that's why they've drawn a line in the sand and they're on one side and I'm on the other. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers and Senator Louden. Senator Cunningham.

SENATOR CUNNINGHAM: Thank you, Senator Cudaback. I was going to give my time to Senator Beutler to finish his questioning, but he's not here. I would give it to Senator Chambers, as long as we adjourn at 12:00, and he gets only 4 minutes.

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: (Laugh) Mr. President, members of the Legislature, we are not ruled by the clock on this floor. Most people are ruled by their bellies, and the bellies are calling. I can hear rumbling in some places. You know, I hear some bellies rumbling with a bass timbre. I think I hear a baritone,

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I hear a tenor, I hear a second tenor and I even hear a soprano. If we could get all those people to stand by a microphone and let their bellies rumble, we'd have harmony to rival that of the Mormon Tabernacle Choir, as far as the tightness of it. But getting back to this bill, and I do appreciate the fact that Senator Cunningham gave me a bit of time. There are two sides here: business which has everything, workers who have next to nothing. And the Legislature, following business' lead, would take away that next to nothing which they have. You could get that Cabela's bill out there, a giveaway, one of the most insane types of giveaways that I think have been presented to us. I could be wrong. That's why Radcliffe wanted Senator Landis to introduce it, and that's why I think some members of the Revenue Committee decided to send it out here. Business can get that done. We can't get \$10 more a week for people who are off work. We can't get it because business says the state is too hard on us right now. People are not going to take the time to look at the unemployment compensation system. They're going to take what business tells them and what their minions tell them. So I have to do the work for all of the working people who would be harmed, and I'm going to do it and I will stand against the 48 other senators. Why do I say 48? If there are those who are in favor of the working people, you don't see them here advocating for them. You know why they're not here? When the hard lifting and heavy work is to be done, it's left to me, and they knew that I would take the rest of the time this morning and take us till noon. So they're all gone, but they'll pretend that they have an interest in the working people's plight. But when the work has to be done, they don't do it. And I know there are people who work hard who wind up being pushed off the job, and it is said that they either lost...left voluntarily or because of misconduct. Some of these people feel if they can be treated so unfairly in being fired, there is no appeal that would do any good. They think any talk to the Commissioner of Labor or anybody else would simply be a routine pro forma appearance and nothing would change, so they just spend their time trying to find another job and hope they're not messed over again. Does this body care? No. Do I care? You better believe it and I'm going to demonstrate it. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers and Senator

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 LR 60

Cunningham. Mr. Clerk, items for the record.

ASSISTANT CLERK: Mr. President, I do. Amendments to be printed: to LB 739 from Senator Chambers; to LB 273 from Senator Synowiecki; additional amendments to LB 739 from Senator Chambers. Your Committee on Retirement reports LB 367 to General File with amendments, and LB 468 indefinitely postponed. Bills read on Final Reading this morning have been presented to the Governor. (Re: LB 10, LB 76, LB 94, LB 98, LB 139, LB 169, LB 198, LB 236, LB 238, LB 243, LB 243A, LB 244, LB 246, LB 262, LB 264, LB 284, LB 298, LB 355, LB 441 and LB 533.) New resolution, LR 60, by Senator Howard, would recognize the achievements of Marge Higgins. (Legislative Journal pages 910-912.)

Mr. President, I have a priority motion from Senator Langemeier. He would move to adjourn until Monday, March 21, 2005, 10:00 a.m.

SENATOR CUDABACK: You've heard the motion to adjourn until March 21, 10:00 a.m. All in favor of the motion say aye. Opposed to the motion say nay. We are adjourned. (Gavel) Members, have a nice weekend.

Proofed by: gsk