

MARCH 22, 2005

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 291, 306, 306A, 319

having been complied with, the question is, shall LB 291 pass? All in favor vote aye; those opposed, nay. Have you all voted on the question who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 946-947.) The vote is 38 ayes, 0 nays, 2 present and not voting, 9 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 291 passes. Mr. Clerk, LB 306.

ASSISTANT CLERK: (Read LB 306 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 306 pass? All in favor of the motion vote aye; those opposed to the motion vote nay. Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 947-948.) The vote is 41 ayes, 0 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 306 passes. Mr. Clerk, LB 306AE.

ASSISTANT CLERK: (Read LB 306A on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 306AE pass with the emergency clause attached? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 948.) Vote is 41 ayes, 0 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 306AE passes with the emergency clause attached. Mr. Clerk, LB 319E.

ASSISTANT CLERK: (Read LB 319 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 319, 320, 331, 342

having been complied with, the question is, shall LB 319E pass with the emergency clause attached? All in favor of the motion vote aye; those opposed to the motion vote nay. Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 949.) Vote is 42 ayes, 0 nays, 7 excused and not voting.

SENATOR CUDABACK: LB 319E passes with the emergency clause attached. Mr. Clerk, LB 320.

ASSISTANT CLERK: (Read LB 320 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 320 pass? All in favor of the motion vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 949-950.) Vote is 41 ayes, 0 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 320 passes. Mr. Clerk, LB 331.

ASSISTANT CLERK: (Read LB 331 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 331 pass? All in favor of the motion vote aye; those opposed to the motion vote nay. Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 950-951.) Vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 331 passes. (Doctor of the day introduced.) We will now go on to LB 342. Mr. Clerk.

ASSISTANT CLERK: (Read LB 342 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 342, 380, 396, 402

having been complied with, the question is, shall LB 342 pass? All in favor vote aye; those opposed to the motion vote nay. Have you all voted on the question who wish to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 951.) Vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 342 passes. Now move on to LB 380. Mr. Clerk, please.

ASSISTANT CLERK: (Read LB 380 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 380 pass? All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 952.) Vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 380 passes. Mr. Clerk, we'll move on to LB 396, please. Madam Clerk, please.

ASSISTANT CLERK: (Read LB 396 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 396 pass? 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 pages 952-953.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 396 passes. Madam Clerk, LB 402, please.

ASSISTANT CLERK: (Read LB 402 on Final Reading.)

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 402, 406, 450, 451

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 402 pass? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 953.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 402 passes. Madam Clerk, we now go to LB 406E.

ASSISTANT CLERK: (Read LB 406 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 406E 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 954.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 406E passes with the emergency clause attached. (Visitors introduced.) On with LB 450. Madam Clerk, please.

ASSISTANT CLERK: (Read LB 450 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 450 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 pages 954-955.) The vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 450 passes. We now go to LB 451. Madam Clerk, please.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 451, 453, 471

ASSISTANT CLERK: (Read LB 451 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 451 pass? All in favor of the motion vote aye; those opposed to the motion vote nay. Have you all voted on the question who wish to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 955-956.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 451 passes. Madam Clerk, we now go to LB 453.

ASSISTANT CLERK: (Read LB 453 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 453 pass? All in favor of the motion vote aye; those opposed, nay. Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 956.) The vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 453 passes. Madam Clerk, LB 471, please.

ASSISTANT CLERK: (Read LB 471 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 471 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 956-957.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 471 passes. Madam Clerk, we now go to

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 475, 476, 501

LB 475, please.

ASSISTANT CLERK: (Read LB 475 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 475 pass? All in favor vote aye; opposed, nay. Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 957-958.) The vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 475 passes. Madam Clerk, LB 476.

ASSISTANT CLERK: (Read LB 476 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 476 pass? 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 958.) The vote is 44 ayes, 0 nays, and 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 476 passes. Madam Clerk, we now go to LB 501.

ASSISTANT CLERK: Mr. President, the first motion I have on LB 501 is an amendment by Senator Preister and a motion to return. Senator Preister, I understand you'd like to withdraw that amendment.

SENATOR CUDABACK: It is withdrawn. Madam Clerk.

ASSISTANT CLERK: (Read LB 501 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 501 pass? All in favor vote aye; those opposed, nay. Have you all voted

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 501, 525, 528, 534

who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 959.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 501 passes. (Visitors introduced.) Madam Clerk, LB 525.

ASSISTANT CLERK: (Read LB 525 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 525 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 pages 959-960.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 525 passes. Madam Clerk, LB 528, please.

ASSISTANT CLERK: (Read LB 528 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 528 pass? 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 pages 960-961.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 528 passes. Madam Clerk, now go to LB 534.

ASSISTANT CLERK: (Read LB 534 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 534 pass? All in favor of the motion vote aye; those opposed to the motion

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 534, 544, 626, 639

vote nay. Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 961.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 534 passes. Madam Clerk, we now go to LB 544, please.

ASSISTANT CLERK: (Read LB 544 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 544 pass? All in favor of the motion vote aye; those opposed to the motion vote nay. Have you all voted on the question who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 961-962.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 544 passes. (Visitors introduced.) Madam Clerk, on with LB 626, please.

ASSISTANT CLERK: (Read LB 626 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 626 pass? All in favor of the motion vote aye; those opposed to the motion vote nay. Have you all voted on the question who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 962-963.) The vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 626 passes. Madam Clerk, LB 639, please.

ASSISTANT CLERK: (Read LB 639 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 639, 640, 676, 754

having been complied with, the question is, shall LB 639 pass? All in favor of the motion vote aye; those opposed, nay. Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 963.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 639 passes. Madam Clerk, we now go to LB 640, please.

ASSISTANT CLERK: (Read LB 640 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 640 pass? All in favor vote aye; those opposed to the motion vote nay. Have you all voted on the question who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 964.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 640 passes. We now go to LB 676E. Madam Clerk, when you get time.

ASSISTANT CLERK: (Read LB 676 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 676E pass with the emergency clause attached? 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 pages 964-965.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 676 passes with the emergency clause attached. Madam Clerk, LB 754, please.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 268, 291, 306, 306A, 319, 320, 331, 342
380, 396, 402, 406, 450, 451, 453, 471, 475
476, 501, 525, 528, 534, 544, 626, 639, 640
676, 754, 762

ASSISTANT CLERK: (Read LB 754 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 754 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 page 965.) The vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 754 passes. We now go to the last bill, LB 762. Madam Clerk, please.

ASSISTANT CLERK: (Read LB 762 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 762 pass? All in favor of the motion vote aye; those opposed to the motion vote nay. Have you all voted on the question who care to? Record please, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 965-966.) The vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 762 passes.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Members, while the Legislature is in session and capable of transacting business, I propose to sign and do sign the following legislative bills: LB 291, LB 306, LB 306AE, LB 319E, LB 320, LB 331, LB 342, LB 380, LB 396, LB 402, LB 406E, LB 450, LB 451, LB 453, LB 471, LB 475, LB 476, LB 501, LB 525, LB 528, LB 534, LB 544, LB 626, LB 639, LB 640, LB 676E, LB 754, and LB 762. Mr. Clerk.

CLERK: Mr. President, some items, if I may. Amendments: Senator Beutler, to LB 268, to be printed; Senator Beutler, to

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 516, 739
 LR 62

LB 516. And a new resolution, Mr. President: LR 62, by Senator Stuhr. That will be laid over. And that's all that I have at this time, Mr. President. (Legislative Journal pages 966-968.)

SENATOR CUDABACK PRESIDING

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

CLERK: Mr. President, LB 739 was a bill originally introduced by Senator Cunningham. (Read title.) Bill was introduced on January 19 of this year, referred to the Business and Labor Committee, advanced to General File. There were committee amendments. Those amendments have been divided, Mr. President, into four components. A sheet, I believe, was distributed to the membership when the bill was last discussed, last Thursday. When the Legislature left the issue, FA109, which is the first component of the committee amendments, was pending. And Senator Chambers had pending to that component FA108. (FA109, Legislative Journal page 909.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Cunningham, would you give us a short review on LB 739, please?

SENATOR CUNNINGHAM: Thank you, Senator Cudaback and members. I'll give you a short overview of the divided question that we're working on right now. And I believe that's Sections 5, 7, 10, and 12 of the bill. Section 5 is a two-year benefit freeze, with a maximum increase of \$10 per year every year after that. Section 7 puts in statute some additional good cause quits. And it also, what it would mean, some of those new items put in statute would be able to collect unemployment compensation immediately, rather than a 7- to 10-week waiting period as is in current law. Section 10 is the extra disqualification going from 7 to 10 weeks, to a new 13 weeks. And Section 12 explains that the good cause quits that we talked about in Section 7, two of those, the ones, specifically, accompanying a spouse to another job, or the ones that referred to certain construction workers, anybody that quit in those areas, the...it would not go against the employer's experience rating; it would go into the

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

pool account. And that's kind of a basic rundown of those four sections, Senator Cudaback. And I will yield my time.

SENATOR CUDABACK: Thank you, Senator Cunningham. Senator Chambers, would you give us a quick review of your amendment to FA109? (FA108, Legislative Journal page 909.)

SENATOR CHAMBERS: What am I recognized for, Mr. President?

SENATOR CUDABACK: You may give us a review of your amendment to...

SENATOR CHAMBERS: Oh, very good.

SENATOR CUDABACK: ...FA109. Thank you.

SENATOR CHAMBERS: This amendment, for the record, is on page 26 of the white copy of the amendment. And the white copy is the committee amendments. My proposed change would occur in line 23, where I would strike the word "ten" and insert "twenty." This language is designed to talk about how you will determine the amount of benefits a person will receive. It sets maximums and other limitations. So that is what my amendment, in brief, will do. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the review on the amendments and FA109. On with discussion, Senator Beutler, on FA108.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I took time last night to pull out some presentation documents that were given to us by the Department of Labor way last November when things were going south on us in this fund. And it was an attempt to explain to anybody who was...wanted to listen, what was happening and why it was happening, and some of the things that we probably needed to do. And at that time, they had charts which showed the downturn in the aggregate amount that was in the trust fund. And this was said on the floor before, but it deserves emphasis. The basic cause, the biggest cause of why we are here today in what is described as a crisis, is because back when the reserve fund was whole and

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

healthy, political pressure was levied on the Department of Labor, from both the legislative and the executive branch of the government, and the Governor caved in, and they started cutting the rates that were in effect at the time. And \$50 million or more disappeared from that fund before, before the upturn in unemployment started. And then, as the upturn in unemployment started, the problem, of course, became exacerbated. But for that inappropriate, unwise cutting of the rates, which provided the long-term stability, but for that, we would not be in crisis today. Yes, we may have to make...we may have had to make certain adjustments, but they would have been in the order of adjustments that we make every three or four or five years. I go back to mention that simply because I do not believe the common worker and the laborer should be punished by political shortsightedness on the part of any political figure or on the part, then, because of them, of this government. And so I look at this whole discussion in terms of preventing, to the best that I can, any undue, inappropriate reduction in worker benefits. Some of these charts...let me pause at this point and also say some good things, though. Regardless of how we got here and why we got here, I think Senator Cunningham has done us a great service in working with the Labor Department, in working with employers, and in working with employees to put in effect this automatic adjustment system that is in the bill. Because what that will tend to do is to put into statute a system, and resist these impulses by governors and others to cut reserve funds in good times and then have a crisis in the bad times. I mean, this is not just characteristic of this reserve fund. And maybe there's something to be learned from this reserve fund in the way it's being handled here now, or proposed, and our general state reserve fund. Because the same Governor that cut this reserve fund in good times cut our general state reserve fund in good times, and on a one-time basis handed...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...money back to the property tax owners, to property tax payers. Consequently, we didn't have adequate money in our reserve fund at the state level to deal with the same crisis that has caused the depletion of this trust fund. We don't seem to learn. But maybe there is an inspirational

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

pattern here, thanks to Senator Cunningham. And maybe we can even think about transference of that system to the state reserve fund. Another interesting thing in the charts of November of last year. It showed that from 19...from 2001 on to the present day, there has been a dramatic increase in the insured unemployment rate. We're all aware of that. Times haven't been good. But what's interesting about it, despite that sharp increase,...

SENATOR CUDABACK: Time, Senator Beutler. Thank you, Senator Beutler. Senator Chambers, on FA108 to the divided committee amendments.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm glad that Senator Beutler has weighed in on this subject. I am very much opposed to poor people to being...to vulnerable people always being the scapegoats and the victims of political maneuvering and manipulations. And during my time in the Legislature, it has been primarily by the "Repelicans," who are in tight with business. On the federal level, you saw the "Repelicans" and these so-called conservative "Chrishians" got together and pushed Congress off into something Congress should not have been involved in. That same "busybodiness" at the federal level, however, is found at the state level, on the floor of this Legislature, when you look at some of the meddlesome, hateful, intolerant legislation supported by some of the members of this Legislature. Why am I talking about this? Because all of it is going to tie in eventually to what happens to working people. These groups will have the word "family" somewhere in what they talk about. But you will not see them ever, on an issue like this, where the workers are being affected and where families will be harmed. You will never see them come forth when we see inequities in the juvenile justice system, which messes over children. They are not concerned about how these children are treated when they're put in state-run juvenile facilities. But whenever they can jump on that so-called abortion issue, here they come like buzzards and vultures who have found a little bit of carrion, and they flock to it, and they bring the odiousness with them of those birds who are scavengers. What is the first thing they want to say? The family is the unit of society. You got to protect the

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

family, and a family consists only of a man and a woman. Well let me take what they accept as their starting position. The family. A man and a woman. When I'm arguing a legal or political issue, I will refer to the constitution, the statutes, and/or Supreme Court decisions. So what does the "Holly Bible" say about this family? I'm sure that Senator Foley could tell us if I would call on him. But I'm not going to do that. I'll go to Genesis 2:24. And that says, therefore shall a man leave his father and his mother and cleave to his wife, and they shall be one flesh. So the man and the woman are the most important in this equation. Mother and father have no role to play. What about Schiavo? The mamma and the daddy are the ones who want to jump in. Well, how should we interpret and apply the "Bible" when it comes to people who are actually married? What God hath joined together, therefore, let no man put asunder. And that's in Matthew, the 19th chapter, the 6th verse. And they want to act like they believe the "Bible" when they're against same-sex marriages, when they're against protecting the employment rights of gay and lesbian people.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Then the "Bible" is the authority. But when it gets in the way, they kick it aside. So Congress, under the goad of these so-called conservative "Christians," and that hypocrite of hypocrites, George Bush, run to the Congress where they meet, and pass a bill, which Bush signs into law, saying that the parents of this woman who's in the persistent vegetative state would have standing in court. That's not what the "Bible" said. The "Bible" said that the mother and father should be left, and the spouses hang together. And what God hath joined together let no man, or Congress, or the President, or any judge, put asunder. That's the "Bible," if you all believe it. But like everything else, with hypocritical politicians, you appeal to it when it's convenient for you. And that's why I think it's a lot of bosh, nonsense, and hogwash. And you ought to be as honest as I am,...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...and acknowledge that it does not affect

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

what you do. Did you say time, Mr. President?

SENATOR CUDABACK: I did, Senator.

SENATOR CHAMBERS: Okay.

SENATOR CUDABACK: Yeah. Thank you. (Visitors introduced.)
Senator Beutler, on the Chambers amendment.

SENATOR BEUTLER: Senator Cudaback, members... (Microphone malfunction)

SENATOR CUDABACK: You may continue.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I wanted to just finish the short discussion on the charts that were passed out by the Department of Labor last November, because, again, I think they're important for a proper perspective on exactly the parameters of what we're discussing today and why we're discussing it. But when I left off of the discussion, I was referring back to a chart they passed out that showed the insured unemployment rate from 1970 all the way to 2003. It shows, basically, that the insured unemployment rate in that period of time has been as high as 3.7 percent, and as low as about .75 percent. And it did show in the last three years, as I indicated to you, that the unemployment...insured unemployment rate is going up dramatically. However, think about this, now. At its very peak, right now, at the top of that dramatic rise right now, it is still less than all but one year between 1971 and 1989. I mean, so we're not talking about some big, major crisis here. We're talking about, yes, a sharp upturn. But still, at this point in time, it is below, and way below, many of the years in the 1970s and 1980s. So let's keep that perspective, to a certain extent. I also took a keen interest in some of the other charts that pointed out the costs of the unemployment system in Nebraska. And they had one chart, it was entitled, 2004 estimated cost per employee. That is, for every employee on the system--and I assure you, we don't have any more on the system than most states--for every employee on the system, it costs, in Nebraska, \$123. That's 44th among the states. In a great many of the states, the cost is twice that

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

much. In 43 of the states, it's more than what it costs our employers. The taxable wage base in 2004, you know, the taxable wage base in Nebraska was \$7,000, and is currently \$7,000. That was 44th among the states. Everybody else had at least that amount, and 34 of them, 34 states, had tax bases that were higher; 8, 9, all the way up to, some had tax bases that they taxed for unemployment insurance as high as 27, 30, 22, \$20,000. With this bill, we'll be going from \$7,000 to \$9,000, ultimately. Even when we go to \$9,000, we'll still be in the bottom half of the states in terms of the tax base that we actually tax...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...for purpose of unemployment insurance. Estimated average tax rate to the employers. In Nebraska, .4 percent; 38th among the states. Again, in many of the states, the estimated average tax rate is twice as much, and considerably higher. So we are not a state that is on the side of the employee. I don't think there's any way that you can argue that. You know, we're a state that has given considerable weight to the problems of the employer. And that is shown in every chart that was passed out by the Department of Labor.

SENATOR CUDABACK: Time, Senator Beutler. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I will make an acknowledgement that there are some things in the bill that are of great value. As Senator Beutler has pointed out on the mike, and some have mentioned in informal discussions, this array system can take politics out of certain aspects of the unemployment compensation system. However, what I hasten to point out is that we're in a political process now, determining whether that system will be put in place. If it's once there, politics can be removed. But we have political pushing back and forth. Here is what I had told Senator Cunningham I would agree to, and it would be an additional slam against the workers, but in the interest of doing something that might be better overall. If a person leaves employment now voluntarily, without good cause, the punishment, I call it--they call it a disqualification--can range from seven weeks to ten

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

weeks. If a person is discharged, the range of punishment is seven weeks to ten weeks. I told Senator Cunningham that I would agree to raise the seven to ten weeks in both situations--voluntarily leaving, and being discharged. There would be no range of seven to ten; it would be ten weeks, period, a flat ten weeks' disqualification. That is a punishment of a worker. That means that the individual who leaves voluntarily without good cause is going to be punished. To say that seven weeks without income is not punishment can be said only by a person who is independently wealthy, being taken care of by somebody else, or is just a meanspirited, hardhearted individual who has never confronted a set of circumstances where there was no income and no way to obtain it. He cannot accept that, because business is pulling his chain. This session, business is going to try to run the Legislature. You all know that Nebraska's population is not large. You know that they have what they call a brain drain, and a young people drain, people leaving the state. With that happening, which means fewer people paying taxes, business comes in here and demands even greater exemption from paying taxes. And this Legislature is expected to give it. That Cabela bill is one of the worst things that has come before the Legislature in the form of giveaways. But I understand that's to be the vehicle that business will use. And they've got their 33 votes, they feel, to get the Legislature to do that. So you're going to give away the store to business, in that regard. And I'll fight you on that harder than I'm fighting you here, and I'll tie it into other bills. Here you're taking away from the worker to help business. Somehow, you who will never be in business, will never enjoy what these big business people that you're sucking up to enjoy, will identify with them and punish people who are more like you or like your children will be or like circumstances you came through when you were growing up. But the...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...working people should not be forgotten. People around here always want to praise business for providing jobs. But they never look at the people who work those jobs, often under conditions that are unsafe, where there might be

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

harassment, they are not paid an adequate wage. So it's not like businesspeople come in here like the good fairy and just spreads largess for everybody who needs it. There are people working that keep these businesses going. And I'm not going to docilely be on this floor and allow their interests to be sacrificed for business. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Beutler. This will be your third time, Senator.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I'd like to get into a little bit specifically the Chambers amendment. I appreciate Senator Chambers' amendment, in the sense that I think it improves a section of the bill. However, I'm not sure it's the best solution or the right solution. But Senator Cunningham, I need to have a little dialogue with you to figure this out, though. If we could go to page 26 of your amendment, to that section at the bottom which is affected by Senator Chambers' amendment--as you know, it changes "ten dollars" on line 23 to "twenty dollars."

SENATOR CUNNINGHAM: Correct.

SENATOR CUDABACK: Senator Cunningham.

SENATOR CUNNINGHAM: Yes.

SENATOR BEUTLER: As I understand the process...and I may need a little help here, so help me if we need to. You started out with an individual's weekly benefit amount shall be half of his or her average weekly wage. So first of all, we look at this from the individual's perspective, and what is half of his or her average weekly wage, right? That's the starting point on this calculation that involves Senator Chambers' amendment?

SENATOR CUNNINGHAM: Right.

SENATOR BEUTLER: Okay. Then we go from what pertains to the individual...we say, the individual's weekly benefit amount shall not succeed (sic) the lesser of one-half of the state average weekly wage. So everybody whose average wage is above

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

the average state wage, they all come down to the maximum benefit level, which is the average state wage. Right?

SENATOR CUNNINGHAM: Correct.

SENATOR BEUTLER: So what percentage of the workers, say, last year, were at the maximum rate? Because it's important to know how many workers are affected at these different levels. But I assume, since it's half of wages being paid, that quite a few of them are at the maximum wage level. Would that be a fair assumption?

SENATOR CUNNINGHAM: Probably. But I really don't know that. I can try to find out that number for you.

SENATOR BEUTLER: Okay. But in any event, all these people are brought down to the...if their individual wage is higher than the state wage, they're brought down, for a starting point, to the state average wage. And then there's a little cap here. It's one-half, not of the state average wage, but of the lesser of the state average wage or the previous year's maximum weekly benefit plus \$10.

SENATOR CUNNINGHAM: Correct.

SENATOR BEUTLER: Okay. Then, to understand that, you have to go on one sentence further. And it says, for benefit years beginning on or after January 1, 2006, through 2007, the maximum weekly benefit shall not exceed \$288. So we've got a cap, in effect, of \$288, right?

SENATOR CUNNINGHAM: That cap is only for the first two years.

SENATOR BEUTLER: For the first two years.

SENATOR CUNNINGHAM: Right.

SENATOR BEUTLER: But after that, it's going to be, then, the previous year's maximum benefit amount, right?

SENATOR CUNNINGHAM: Plus ten...

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR BEUTLER: So after two years, the previous year's maximum benefit amount will be \$288.

SENATOR CUNNINGHAM: It would be plus the \$10.

SENATOR BEUTLER: Okay. And then you add to that the \$10. Now, \$10 out of...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...\$288 is, like, about 3 percent, right?

SENATOR CUNNINGHAM: Somewhere in that area, yes.

SENATOR BEUTLER: A little more than 3 percent. But it still stays at \$10, 5, 10, 15, 20 years out. So from being a 3.4 percent increase, for example, as time plays out, that \$10 reduces, over time, and is diminished, in effect, so that it couldn't keep up with inflation and it couldn't keep up with average wages. Isn't that correct, Senator?

SENATOR CUNNINGHAM: Yes, I think that would be correct. I...

SENATOR BEUTLER: Okay.

SENATOR CUNNINGHAM: Well, go ahead.

SENATOR BEUTLER: And therein is my problem with Senator Chambers' amendment. He raises it to \$20, which is very helpful in the short term. But it's subject to the same flaw in the long term. That is, it doesn't recognize incremental increases in...

SENATOR CUDABACK: Time, Senator.

SENATOR BEUTLER: ...inflation that cause a flat dollar amount to diminish.

SENATOR CUDABACK: Thank you, Senator Beutler. (Visitors introduced.) On with discussion, Senator Chambers. And this

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

will also be your third time, as you know.

SENATOR CHAMBERS: Right. Thank you. Mr. President, members of the Legislature, Senator Beutler is exactly right. But the reason I offered this amendment is to show what a terrible shell game this bill is. While talking about all the great things being done for workers, that begins to collapse and then to evaporate when you analyze the details and the specifics. I have an amendment up there which would be designed to strike Section 5, which is the section this part we're discussing now is contained in. I did that to force discussion. There is so much in this bill, so many parts that have been added to it, that there is no practical or pragmatic way to discuss even the divided portions of this bill in the three times that a person has to speak. So alternatives have to be resorted to to provide time for discussion. But I'm going to send a message to the businesspeople and to those on this floor who will try to resort to cloture to prevent an adequate discussion of this bill. Even bills in which I have an interest are going to take a lot of time. Now, those who set agendas from outside this body, the special interest groups, the lobbyists, the businesspeople, can be allowed, if you all choose, to bring our processes to a halt. If this is the bill where the fight is to be waged, if this is the line in the sand to challenge my resolve, then let us get with it and do that. But understand how you're harming workers when you take such a short-sighted view of what it is we're talking about. Senator Beutler took, step by step, the body in seeing exactly what this language is going to result in. Do you think business cares if this \$10, or, even if my amendment were adopted, the \$20, would move to the vanishing point as years go by to where it is worth, in effect, nothing? Business doesn't care. We're here to look after the interests of the people. When you all run for election, you talk about being a person of the people. What people are you talking about? Business is the one who gets everything it wants. Why, there was a time a bill like that Cabela abomination would not have been introduced, let alone advanced by a committee to this floor, and then designated as the vehicle for business to put everything into it that they expect to extort from this Legislature. And what do they give you in exchange? Nothing. But they tell you that you will overcome Senator Chambers. Do you see how you let me dominate

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

you and your process to the point of you corrupting your process? You're hurting the ordinary people. You putting the Legislature in the position of being dubbed the flunky of business. And that's what it amounts to. The reason I haven't concentrated too much on this language is because my next amendment is designed to strike Section 5 from the committee amendment. And Section 5 is the one where this language will be found.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: I had offered the first proposed amendment, which we're discussing now, before the division of the question had taken place. The division of the question has given us four portions into which this bill has been divided. And I'm going to move through and make motions to strike each individual section, to force a discussion. And if you all think it's time wasted, invoke cloture. And if you all are that irresponsible, vote cloture. And don't come looking to me later on in the session when I decide that I'm going to punish the body for what it did. Now, you can legislate by cloture if you want to. But there are going to be some bills on which cloture cannot be obtained, and all of those will go by the boards, after considerable discussion. I have not debated...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...any bill on all three stages, at this point. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Schimek, on the Chambers amendment, FA108.

SENATOR SCHIMEK: Yes. Thank you, Mr. President. I'd like to give my time to Senator Beutler.

SENATOR CUDABACK: Senator Beutler, you have almost five minutes.

SENATOR BEUTLER: Senator Cunningham, let me explore further with you this formula that we have.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CUDABACK: Senator Cunningham, would you yield?

SENATOR CUNNINGHAM: Yes, I would.

SENATOR BEUTLER: You know, in...parenthetically, let me ask you this. Senator Chambers has been focused on the disqualification period and the changes in the whole area of volunteer and involuntary terminations. I heard the figure once that there's roughly \$38 million, or thereabouts, at issue in this whole area. Is that accurate?

SENATOR CUNNINGHAM: Actually, I tried to get the figures from the department, and that's what I understand it to be, also.

SENATOR BEUTLER: Okay. And explain the dimensions of that. That's everything having to do...if you didn't have...if the disqualification period was maximized for everything, is that what the system would save?

SENATOR CUNNINGHAM: Yes, I believe so.

SENATOR BEUTLER: Okay. But you're not doing that in this bill. You're extending the disqualification periods in certain categories. How much money are you saving the system, do you think, with these changes?

SENATOR CUNNINGHAM: Well, in this bill, it's projected to be about \$4.7 million to \$4.8 million.

SENATOR BEUTLER: \$4.7 million or \$4.8 million.

SENATOR CUNNINGHAM: Yes.

SENATOR BEUTLER: Okay. Let me go back into the formula. What is your personal attitude, or your personal thinking? And I understand that you've been working with a lot of parties, and you have to pay attention to the balancing of things. But is the \$10 item, is that something that you personally feel should be a dollar amount? Or should there be some flexibility there? I mentioned to you on the side that with respect to what's being

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

done in this bill, there are a couple of different things that are being done. But when something is pegged to state average wages, when state average wages go up...and they go up, oftentimes, as a product of productivity, as well as inflation. That is, we're all getting richer because these various technologies make us richer. And overall, there is an enrichment of our society that's been going on almost year after year, for a long time, and very dramatically in recent years. So by virtue of pegging something to the state average wage, the beneficiaries of this system benefit by that increased productivity. But now you're starting to remove that connection, by putting in the "lesser of" language and then pegging it to last year's benefit plus \$10. So there are two problems in doing that, from my perspective. One, the beneficiaries of this system that's been set up no longer benefit from productivity increases. And two, not only that, but depending on...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...what the inflation rate is, they may not even make up the rate of inflation. And down the line, with a flat dollar amount, not only they might not make up for inflation; they certainly will not make up for inflation. So you really give them a double whammy on this bill. You detach it from the productivity scale, and then you don't even make a measurement that keeps them up with inflation, much less the productivity identified as the state average wage. And I give you the rest of my time to respond to that.

SENATOR CUNNINGHAM: Well, thank you, Senator Beutler. I guess I would be in agreement with you that in the long run the straight \$10 is a problem as we get down the road several years. But you have an amendment for 3.4 percent, and I think in the short run that is probably fine, but in the long run that gets to be a problem also. So the...

SENATOR CUDABACK: Time.

SENATOR CUNNINGHAM: Thank you.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CUDABACK: Thank you, Senator Beutler and Senator Schimek. Senator Schimek, your light is next.

SENATOR SCHIMEK: I would give my time to Senator Beutler, and Senator Cunningham maybe, to finish this discussion.

SENATOR CUDABACK: Senator Cunningham and Beutler, whichever.

SENATOR CUNNINGHAM: Thank you, Senator Cudaback and members. And thank you, Senator Schimek. So I guess I can agree with you on that. It's just a matter of, what's the right answer? It's somewhere in between those two, I believe. But I'm not certain what it is and how to do it fairly. So I guess I am open to ideas on that.

SENATOR CUDABACK: Senator Beutler.

SENATOR BEUTLER: Senator, if it were not a flat 3.4 percent, but indexed to inflation, so at least they were able to keep up with one of the two measures of increased prosperity, would that be a satisfactory compromise?

SENATOR CUNNINGHAM: Well, Senator, it might be. But here's the problem. We've talked about the fund itself and how the fund has gotten into trouble. And we've talked about how we had the four step drops, and that's the real cause of the problem, that along with 9-11. But they're also...the fund was changed back in '97 or '98, and it was indexed for...I'm not sure what...which inflation factor they used, but it was indexed. And back in...at that time, it was about \$180, was the average weekly wage, and it's \$280 now. So we have a combination of a large increase in a short time, of the weekly benefit amount, plus the four drops, plus the 9-11. And so, you know, I would be cautious to, without studying it, trying to figure out what it would do, and running numbers for the out years, I'd be cautious in agreeing to something. But I do agree with you that maybe what we have in the bill isn't exactly right, either.

SENATOR BEUTLER: Thank you, Senator.

SENATOR CUDABACK: Senator Schimek, did you wish to use the

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

remainder of your time? She waives her time. There are no more lights on. Senator Chambers, you're recognized to close on FA108, the first part of the divided committee amendments.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, we're in an awkward position in trying to debate this bill, because of the factors involved, plus the players who are not on this floor but who are really calling the shots. If Senator Cunningham were managing this bill, all of us could come together and work something out. Why should I talk to Senator Cunningham about anything, when he has to run out here and talk to these people, and they'll say, no, because we're going to get the Cabela bill anyway, and we don't care about these workers, and those on the floor don't care about them, they're not even going to pay attention to what the bill is about? That's what they...and he can't overcome all those people. He's not Ernie Chambers. Nobody is except Ernie Chambers. But people count on me being here and waging the fight that I will wage to give them cover. They hope that I can do enough to bring about some justice for the workers, so that they can stay covered and protect their rear end with whatever constituency they're trying to cheese up to. But whether everybody would try to see after the interests of the workers, or nobody except Senator Beutler and myself, I'm going to fight just as hard. The unwillingness of others to do their job will never be taken by me as an excuse or reason not to do mine. I believe this amendment ought to be adopted. Senator Cunningham has admitted that what is being proposed in this language that my amendment is talking about, and which Senator Beutler discussed in the broader context of other aspects of it, is not right. It should be done differently. But they're not going to let him accept anything, just like when we get one of these anti-abortion bills in here. Those people are dictated to by others than the ones on this floor. And bills cannot be amended. So we have to have these knock-down, drag-out fights, and I will engage in them. And I can find plenty to talk about, and I will. I'm not even through with the Schiavo case yet, because I think that reveals the busybody viciousness of "Repelicans" and these so-called conservative "Chrishians." And that same attitude and spirit are what drive most of what's in this bill. The workers are not the focal point, except when it comes to punishment. I'd like

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

to ask Senator Cunningham a question. And I hope there's enough time for me to finish it. And if there's not, I'm going to make a motion to reconsider, if...

SENATOR CUDABACK: About 1, 20, Senator Chambers.

SENATOR CHAMBERS: ...if my amendment is not adopted.

SENATOR CUDABACK: Senator Cunningham.

SENATOR CHAMBERS: Senator Cunningham, you had said that, when you were talking to Senator Beutler, if this disqualification notion went all across the board for all categories, \$38 million would be saved for the fund. Is that what you said?

SENATOR CUNNINGHAM: That's what it appears, yes.

SENATOR CHAMBERS: And with the bill written as it is now, with additional reasons--I presume this is what accounts for it--different reasons to be considered valid reasons for leaving, the amount saved would be \$4.7 million. Is that right?

SENATOR CUNNINGHAM: Correct.

SENATOR CHAMBERS: So you will fight off what I'm trying to do with reference to the disqualification, and sink the bill, for \$4.7 million? That's what we're really looking at, isn't it? That's the difference between what I'm talking about and what the bill offers now. Isn't that true?

SENATOR CUNNINGHAM: Well, I think, Senator Chambers, we have a totally different opinion. This bill, basically, is a tax increase for business, and the little bit they're going to get is the \$4.7 million, plus the \$10 cap that is in the bill.

SENATOR CHAMBERS: Because my time is up, I will stop at this point, Mr. President. Thank you.

SENATOR CUDABACK: You still have one minute, Senator Chambers.

SENATOR CHAMBERS: I have what?

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Oh, okay. Then I will continue. The point that I'm making is this. Business created this problem. They now want labor, working people, to bear the brunt of it. Remember, when Senator Beutler and Senator Cunningham were talking about average weekly wage in Nebraska, minimum wage jobs are included in that, and many, many women hold minimum wage jobs. Minimum wage has not been increased in this state in I don't know how long. That brings down the overall wage. And business is against raising the minimum wage. They're against everything except you giving to them what it is they want. And I'm going to make it as difficult as possible for you to do that, as well as try to cut the workers. I want to make that difficult for you, too. Mr. President, I'll ask for a call of the house.

SENATOR CUDABACK: There's been a request for a call of the house. All in favor of the house going under call vote aye; those opposed, nay. Record, please, Mr. Clerk.

CLERK: 18 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor, and unexcused senators report to the Chamber. The house is under call. Senators Dwite Pedersen, Senator Jensen, Senator Pahls, Senators Hudkins, Langemeier, Heidemann, Cornett, Senators Fischer, Stuhr, Schimek, and Brown, Senators Price, Kruse, Baker, and Beutler, and Senator Bourne and Senator Aguilar, the house is under call. Senator Brown, please report to the Chamber, please. Senator Schimek, Senator Stuhr, Senator Price, Senator Baker, Senator Bourne, Senator Aguilar, Senator Hudkins. Senator Heidemann, Senator Jensen, and Senator Dwite Pedersen. Senator Heidemann, please report to the Chamber, please. Senator Hudkins and Senator Price. Senator Brown. Senator Dwite Pedersen. The house is under call. All senators please report to the Chamber, that are unexcused, rather. Senator Dwite Pedersen, Senator Heidemann, Senator Brown. Members, please check in if you're

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

not excused. Senator Dwite Pedersen, Senator Heidemann, Senator Brown. Senator Heidemann. Would you check in, please, Senator Brown. Thank you. Senator Heidemann is on his way. Senator Chambers, how did you wish to proceed, Senator?

SENATOR CHAMBERS: Machine.

SENATOR CUDABACK: Machine vote, did you say? All members are present or accounted for. The question before the body is adoption of FA108, which is an amendment to the first part of divided committee amendments to LB 739. All in favor vote aye; those opposed, nay. The question before the body is the Chambers amendment, FA108, which is an amendment to the first part of the divided committee amendments, FA109. Have you all voted on the question who care to? Have you all voted who care to? There's been a request for a roll call vote, Mr. Clerk, on the question. When you get time, please call the roll.

CLERK: (Roll call vote taken, Legislative Journal pages 968-969.) 10 ayes, 23 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The motion was not successful. The amendment has not been agreed to. I do raise the call. (Visitors introduced.) Mr. Clerk, next amendment.

CLERK: Senator Chambers would move to amend this component, Mr. President. FA113, Senator. (Legislative Journal page 910.)

SENATOR CUDABACK: Senator Chambers, to open on FA113.

SENATOR CHAMBERS: Thank you, Mr. Clerk. Thank you, Mr. President. This amendment says simply to strike Section 10. That section begins on page 34, and it covers several pages. But I can tell you what it deals with--the main sticking point between me and the forces of business. This is where we're talking about the disqualification periods. Currently, if a person leaves employment voluntarily but without good cause, or is terminated due to misconduct connected with the work, the period of disqualification, depending on any mitigating circumstances, can range from 7 weeks to 10 weeks. What the

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

bill would attempt to do, under the goading of business and the capitulation of the Business and Labor Committee, is to raise that period of disqualification. The 7 weeks would be raised by 6 additional weeks, to 13. The current maximum 10-week disqualification would also be raised to 13. So regardless of any extenuating or mitigating or even aggravating circumstances, any person who leaves the job voluntarily but without what is considered good cause will be treated the same. It makes no difference what factors come into play once a determination is made that the leaving was voluntary and without good cause. This is a difficult area for those on the floor who want to pretend to be concerned about the worker. They have been intimidated. They have been frightened. And I know so-called organized so-called labor has been brought to heel. I handed out a rhyme that I had written 11...well, 12 years ago. This is '05. In 1993, so-called organized labor sold out the workers when it came to workers' compensation, dealing with injured workers. They sold out the workers in 1993. Twelve years later, the same conglomeration comes to the Legislature to sell the workers out when it comes to unemployment compensation. This is the section of the bill that is the sticking point. Senator Cunningham has been told to tell you that if this provision is not accepted in exactly the form they have given it to the Legislature and ordered the Legislature to accept it, the house of cards, which this bill has been characterized as being, will all come tumbling down. What will be the result? Problems. But who can determine, at this point, exactly the extent of them, or what the ramifications will be? The business community is like a corporation. Under the law, the corporation is dealt with like a person. But a corporation, unlike a person, can have immortality. It can go on forever. All the business community has to do is wait three years, wait me out three years. Then they can come in here and do anything they want to, anything. But they're impatient. They are greedy. And they don't feel they're overreaching, because they have assessed the makeup of this Legislature and they see it as consisting of pretty poor stuff when it comes to standing up to what business wants. If a bill happens to be killed in the Revenue Committee that business wants, what difference does that make to business? Why don't they get excited? Because they've sent another bill out here, and they'll put everything in it

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005

LB 739

that they want, and they can give the impression that the Revenue Committee has done its job. A job is being done on the public. I emphasize again, the population base of Nebraska is not growing, to any appreciable extent. Yet, those who will pay taxes are going to have to pay more, because at the same time that the population is not growing, the Legislature is giving away more of the state's tax base to business. You're saying, they don't have to pay taxes. Well, who's going to pay the tax bill? I have not been here at any time during my 35 years when the budget of the state was reduced. Maybe the amount of increase would be lessened. It would not be as large an increase. What Legislature is going to start actually cutting the budget below what it was the previous year, to make up for the amount in taxes that business is not required to pay? Somewhere, the difference has to be made up. It's like a teeter-totter. If they're balanced...if it's balanced on the fulcrum, the same amount of weight on each end, the teeter-totter will be level. When one end is made heavier, it will go down and the other end will proportionately go up. As business gets more and more benefits and pays less and less, the weight borne by the public becomes more and more and more, and the teeter-totter is unbalanced, which it is already. Business has told you they not...they are not going to tell you how much money they are realizing from the giveaways already. And people are running around here feeling that the big thing in this session will be the Cabela bill and giving business what they want. And they may get it, because they can probably get you to vote cloture, as they have always been able to do. But like hell--or hades, for those who are delicate of ear--hell is never full, is never full. A gigantic, yawning maw, which is never full. That's business. There was a movie with Kirk Douglas' son--I forget his first name; Walter, or something like that--who played a Wall Street trader, or broker, or something. His name was Gekko. And he gave a speech, and the words that were most memorable and were played ad nauseam: Greed is good. That was his mantra, that was his credo, that's what he directed his professional life in accord with. And that is the model of business: Greed is good. The Legislature is weak. The Legislature is supine. The Legislature is spineless. All the businesspeople have to do is run a bus outside the building on what I call the Abraham Lincoln side, the west side of the

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

building, and that's like the cattle call, and the legislators go running, "boogity, boogity, boogity," to jump on the bus and go be fed by the business interests. They don't have to bribe anybody in Nebraska. A meat loaf sandwich and a chicken dinner makes people feel obligated and obliged, because businesspeople smiled at them, were nice to them,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...and patted them on the head. So we come up with a bill such as this, which gives business everything they want. Senator Cunningham wants to say that the premium that they have to pay into this fund--which they robbed and depleted in years past--is somehow a sacrifice for them. No, the thieves were caught with the goods, and they're being asked to just give back part of them. And the workers are to make up the rest. The victims are to make up for what the malefactors stole. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on FA113, offered by Senator Chambers to the first part of the divided committee amendments. On with discussion. Senator Landis, followed by Senators Beutler, Loudon, and Chambers. Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I'll take some of the pressure off Ernie for the amount of time that's going to be needed here, by taking up a couple of minutes with a quick look back historically. I voted for the last amendment. It's possible there are other amendments I will vote for. I'm looking for a bill with some balance to it. It may be here, but I think that Senator Beutler and Senator Chambers are arguing that it's not here. And I will make an attempt to find balance if I possibly can. The reason I speak--because I don't intend to offer amendments, but I certainly am enjoying in listening to the debate--was because of a representation with respect to workers' compensation about ten years ago. Senator Chambers said, I think, that this was a replay of that one, and said it was a sellout, that the labor folks who had agreed to that provision had sold out their interests, and that Senator Chambers had been the true voice, I think, on behalf of those

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

interests, along with about four or five other folks at the time. My memory is as long as Senator Chambers' in this case, in that I was here at the time. Let me tell you that in fact it was a bill that had both business' and labor's agreement to it. What it didn't have was the trial attorneys' agreement to it. It did face a filibuster here in the Legislature, and it was not unanimously agreed to. There were six or seven votes against the bill. Senator Chambers and the practicing members of the bar had voted against the bill. However, the outcome of the bill is different, from my perspective, than what Senator Chambers characterized it as. At that time, our premiums for workers' comp were going up at about 15 or 20 percent per year. After the passage of that bill, they actually were reduced for three state years. Now, you might think, gosh, if the premiums for an insurance company...or, for a company, went down, it must have come out of the pockets of laborers, of workers; they got less. When the bill passed, Nebraska was 47th in giving workers' comp benefits. After the bill passed, we gradually moved up to 25th, right in the middle of the pack. It was indexed, and in fact, workers got more. They moved up from 47th-lowest in the country, to 25th, in the middle. Not the top, but certainly not the bottom, where they were. And it was indexed into the future. Now, you might scratch your head and say, how is it possible for a bill to lower premiums for companies and raise benefits for workers? Because that's exactly what happened. Well, the reason is because we discovered that everybody was getting rich on that process except workers, and companies were having to pay for that. What we found is that we had two and three lawyers involved, two and three doctors, two and three vocational rehab people, and that the transaction costs of handling these claims was astronomical. What we found was that if we could make some procedural changes, we could save money, that some of it went to the lower premiums, and some of it went to greater benefits for workers. In fact, some of the very practicing attorneys who had most opposed that bill in the subsequent years have told me, the provisions of the bill worked. At the time, Senator Chambers would have regarded it, I think, as a sellout. Certainly, that was the argument on the floor. Over time, Nebraska has moved up in the total benefits that it gives its workers in workers' comp. It did a good deal in trying to blunt the growth of premiums for

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

companies. And the hits that were taken were taken by lawyers, doctors, and voc rehab specialists, not workers getting checks. So I just want to say that there's a different historical record, or another point of view with respect to that allegation. Is that present in this situation? I'm not sure. I'll do my best to listen and make my own conclusions.

SENATOR CUDABACK: One minute.

SENATOR LANDIS: I will say this, that it seems to me that a balanced view that requires some sacrifice from all parties has some sense. Whether that proportion is reasonable or fair in this case, I'm not sure. And I'm open to that. In fact, I just voted for the last Chambers amendment. I want to try to find that balance. We have achieved that balance in the past. We can do it again. Thank you, Senator Cudaback.

SENATOR CUDABACK: Thank you, Senator Landis. Senator Beutler, followed by Senator Louden and Senator Chambers. Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I would like to acquaint you with another aspect of the bill that I think is interesting, and which...and in which, if you look at that aspect of the bill alone, I don't think the worker gets a fair shake. Now, I would grant that you need to look at the whole bill to make a decision about the bill. But let me point out this particular aspect of the bill to you. On page 10 of the bill, there is a provision that allows for an emergency increase in the amount of money that would be contributed by employers to the fund, in the event that the fund dropped below .4 reserve ratio. We are at that point now. And so the bill says that if the state's reserve ratio on September 30, 2006, 2007, 2008, or 2009, any one of those four years, is less than .4 percent, then that emergency levy on the employer will kick in. And in return for that, there is a provision on the bottom of page 26 and the top of page 7 that says, if the state's reserve ratio on September 30, 2006, or any September 30 thereafter, is less than .4 percent, the maximum weekly benefit amount for the following calendar year shall not be increased over the then current amount. So when the fund drops that low,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

there is a levy on the employer, and there is a freeze on the benefit. But take into account the years where these two mechanisms are applicable. The emergency levy on the employer can only be done in this short transition period, 2006, '07, '08, and '09. But the freeze on the employee can be in those years, or it can be in any year thereafter where the fund drops to .4. And should, in some future year, it drop to .4, the worker would be capped no further increases in benefits, and there would be no concomitant obligation on the part of the department to levy that emergency levy that would increase the ratio to above .4. Now, the Department of Labor would argue that in the best case scenario and in a mid-level scenario, their figures, they say, will never get down to .4. They also have played out a worst case scenario, where in one year of that scenario it does dip below .4. If we ever got to the situation that we had in 1976,...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...it would drop below .4, the employee benefit would be frozen, and there would be no obligation, under this law, for any emergency kind of levy, such as there is in the transition years that are upon us right now. So I think Senator Cunningham should take into account that particular aspect of the formula. And all of these things I've been talking about are all contained in that very crucial language on the bottom of page 26 of the bill. And I think we should all struggle to understand the implications of that language. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Louden, on the Chambers amendment.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I've listened to the discussion on this bill, LB 739, here for the last couple or three days, whatever it's been, I guess I've had probably questions that I would like answered if I could. Also, I'm trying to get a handle on where this thing is going. I've kind of understood where it come from. It is a case where once upon a time somebody thought they had too much money. And I guess that's about like too much fun--there isn't

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

such a thing. And now we're down to the point where we're paying the piper. I was wondering, would Senator Cunningham answer some questions for me, please?

SENATOR CUDABACK: Senator Cunningham, are you...he's on his...

SENATOR LOUDEN: He's gone out of here?

SENATOR CUDABACK: He's on his way, Senator Louden.

SENATOR LOUDEN: Okay. I guess I would ask Senator Chambers some questions, because he knows about as much about it as anybody else here on the floor.

SENATOR CUDABACK: Senator Chambers, would you yield?

SENATOR CHAMBERS: (Laugh) Maybe. I'll hear the question.

SENATOR LOUDEN: Okay, Senator Chambers. These are simple questions. On page 35 of this Section 10, there's some, oh, line 10, 11, 12, 13, something like that, that's been all crossed out. Did...is Section 7 taking the place of that wording in there? Back in Section 7 they're telling about where someone leaves for...well, if they just plainly have somebody that they can't get along with, they can leave, but they won't be quite penalized quite so much. Is that taking the place of that language there?

SENATOR CHAMBERS: It doesn't take the place of it. But it has an impact on it by increasing the number of specified reasons that can be considered good cause. So they're saying that by giving that listing of additional good causes, fewer people will be considered to have left without good cause, even though they left voluntarily. And Senator Cunningham, I see, is back now.

SENATOR LOUDEN: Okay. Well then, I'll ask Senator Cunningham some questions, if he would yield, please.

SENATOR CUDABACK: Senator Cunningham.

SENATOR CUNNINGHAM: Yes.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR LOUDEN: On...in this Section 10--that seems to be what we're discussing right now--on the bottom of page 34 there, where they've...if somebody has left work voluntarily, without good cause--in other words, I just presume they quit--before, it was from 7 to 10 weeks, and now it's just a flat 13 weeks. Could that be modified to that they...to 10 weeks instead of the 13 weeks? I mean, that would be the maximum of what it was before, but the minimum would be gone. And it's still up to the commissioner to more or less mitigate some of this, or decide what the problem is. Is that anything that's possible, to change those numbers there from 13 to 10 on that...on line 26?

SENATOR CUNNINGHAM: Senator Louden, anything is possible. We could change it to 5 or we could change it to 20. Anything is possible here. But that was a part of the agreement that we worked on with both sides. So admittedly, you could do anything. And Senator Chambers, as he noted earlier, he did make the offer to me, he would change it to...be willing to go with 10 weeks. And I do appreciate that he did come with an offer. So I would say thank you, Senator Chambers, for that. But there's another problem. In Section 7, we've added to the rolls the people that can collect unemployment insurance without any waiting period. So that's part of the agreement, too. So if we lower the 13 weeks to another number and we've increased the people that can collect on the other side, we still have a problem.

SENATOR LOUDEN: Well, in Section 7,...

SENATOR CUDABACK: One minute.

SENATOR LOUDEN: ...that isn't necessarily...you didn't change that much, because the commissioner can decide anyway. This just mostly allows it so that the commissioner has more leeway to decide that. Do I read that correctly, in Section 7?

SENATOR CUNNINGHAM: No. There are at least two portions of that, Senator Louden, that clearly will now be considered a good cause quit that would not have been before. And one of them is if they accompany their spouse to another city for another job;

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 217, 739

and one has to do with construction workers, and it more...it's an area more that comes into play with labor unions.

SENATOR LOUDEN: Well, and that's new language? I mean, that's something that wasn't in your bills in previous years?

SENATOR CUNNINGHAM: That's correct.

SENATOR LOUDEN: That wasn't anything that...?

SENATOR CUNNINGHAM: That was part of our agreement.

SENATOR LOUDEN: Okay. And that wasn't anything that the commissioner could negotiate, from years past, when he was allowed to...?

SENATOR CUDABACK: Time, Senator.

SENATOR LOUDEN: Thank you.

SENATOR CUDABACK: Thank you, Senator Louden. Senator Chambers, on FA113.

SENATOR CHAMBERS: Mr. President, members of the Legislature, since Senator Louden is raising some questions that would have been raised when I got down to that section, as to one that I would try to strike, I'm going to let him pursue that line of questioning, because it is of value. And Senator Beutler's discussion of Section 2 and Section 10, which is what we're looking at now, demonstrates the interconnectedness of these concepts. Section 10, which I am dealing with in my amendment, is in the first part of the division. Section 2, which Senator Beutler discussed, was in the third part of the division. However, Section 7, which Senator Louden is discussing, is in the first part of the division. But who, other than the few of us who have talked about it, even know what the divisions are? Who even cares? Now, you know what I've made it a point to do here? And I don't expect others to work this hard. To look at other bills that have nothing to do directly with the area that I'm primarily concerned about. When Senator Flood came with a bill, LB 217, I spent time not just talking to him; I took that

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

bill, which, I would have given it a different name in its first appearance, I read all of that thing. I marked it. But the thing about Senator Flood was, he was willing to look at the suggestions, evaluate them, and he accepted changes in the bill, which everybody who looks at the bill now will see as having been improvements. I've helped others on this floor. If I would focus on one area or two areas with laser-like intensity, you could not do anything with me. That means, rather than talking to you about your bad bills, I would wait till it got on the floor, and then, with a stiletto, in some cases, I would excise these parts, and I would show enough of the members how ridiculous it is, that they would, against their personal desires, support amendments that I would offer to those bills. And it would take a lot of time. Other situations, I would come with a meat ax or a meat cleaver, and I would just hack and chop. But after I got through, the product even in that case would be a better one. But it would take us a long time to get there. And from the lack of interest and concern I see being shown for the people that I care about, that is a course I'm seriously considering. I don't owe it to you all to do what I do in cooperating with you and working on your bills. You don't do that with me on my bills. All you can do is tell me why your constituents will tell you you've got to oppose them. I've been bigger than the other people on this floor. I have tried to exemplify what a state senator is supposed to be. And the record will bear me out. So maybe a change is in order for me, and you will see the difference. And I'll have a lot more time of my own. It's easier to attack a bill on the floor than to negotiate with the introducer. On the floor, I can antagonize the introducer and get that person so tied up in knots, because most of them don't read their own bills anyway, that they won't know whether they're coming or going. And when they seem about to collapse, then I'll back off and let the body take care of them from there. Most of these bills are poorly drafted. Most of the senators who bring bills have not read them in detail. So they can't really hold their own on the floor when they come under attack. They have bills brought to them by others, sometimes an agency, sometimes an organization. And they'll be assured that it's going to be all right. Well, the only thing that organization or that agency wants is a water carrier. And the representatives of those agencies or organizations do not

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 39, 121, 131, 144, 150, 234, 291, 299
306, 306A, 319, 320, 331, 342, 352, 380, 396
402, 406, 450, 451, 453, 471, 475, 476, 485
492, 501, 516, 525, 528, 534, 544, 626, 639
640, 668, 676, 684, 684A, 690A, 739, 754
762

have to stand on this floor and defend the abominations that they get some of these senators to bring in here.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: So I'm considering a change in my direction. Where are the people who pretend to be concerned about labor? They're not speaking on this bill. You know why? Because a gag has been put in their mouth, too, and they cannot say anything. They forget I've been here 35 years and I've seen how they have spoken on issues, I've seen the positions they take. And now, silent night, quiet as mice. Why? What has been given to them? How have they been threatened and intimidated? Some of them are not even on the floor. Look around here. That's the reality of politics, and I'm going to begin to focus more attention on that. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Mr. Clerk, items for the record, please.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 121, LB 234, LB 516, LB 485, LB 492, LB 39, LB 352, LB 299, LB 144, LB 684, LB 684A, LB 668, and LB 131 to Select File, some of which have Enrollment and Review amendments. Bills presented to the...bills read on Final Reading were presented to the Governor at 10:45 (re LB 291, LB 306, LB 306A, LB 319, LB 320, LB 331, LB 342, LB 380, LB 396, LB 402, LB 406, LB 450, LB 451, LB 453, LB 471, LB 475, LB 476, LB 501, LB 525, LB 528, LB 534, LB 544, LB 626, LB 639, LB 640, LB 676, LB 754, and LB 762). Mr. President, new A bill: LB 690A, by Senator Stuhr. (Read LB 690A by title for the first time.) An amendment: Senator Beutler, to LB 150, to be printed. (Legislative Journal pages 969-971.)

Mr. President, priority motion. Senator Hudkins would move to recess until 1:30 p.m.

SENATOR CUDABACK: You've heard the motion to recess until 1:30 p.m. All in favor say aye. Opposed, nay. We are recessed until 1:30.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739
 LR 63, 64

RECESS

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good afternoon. Welcome to the George W. Norris Legislative Chamber. Senators, the afternoon session is about to reconvene. Please check in. Record please, Mr. Clerk.

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

SENATOR CUDABACK: Have any items for the record?

CLERK: Two resolutions, Mr. President. LR 63 and LR 64 are offered by Senator Cudaback. Those will be laid over. That's all I have, Mr. President. (Legislative Journal pages 972-973.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Mr. Clerk, where were we when we recessed for lunch?

CLERK: Mr. President, the committee amendments had been offered and divided, and Senator Chambers had moved to amend the first component of the committee amendments. Senator Chambers' FA113 is the amendment currently before the Legislature. (Legislative Journal page 910.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We will now proceed with discussion of FA113, as outlined by the Clerk. Senator Louden.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I've said before, trying to get a handle on part of this on what's happened over the years and what we have left and where we're going from here, and there were some of the questions that I asked earlier and as I run out of time, and I was wondering, is Senator Cunningham in here again?

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CUDABACK: Yes, he is.

SENATOR LOUDEN: Would he yield to a question, please?

SENATOR CUDABACK: Senator Cunningham, would you yield?

SENATOR CUNNINGHAM: Yes.

SENATOR LOUDEN: I think, Senator Cunningham, before when we were talking about this it was this 13-week deal and this 10-week deal, and what...how much would this compromise the amount of money that you would save by going from the 13-week down to the 10-week deal? I mean, is that a huge sum of money difference?

SENATOR CUNNINGHAM: My understanding, it's around \$2 million or a little better. That's what, I believe, the estimates were.

SENATOR LOUDEN: In other words, you say that it would cut your savings half, in two, that the...on the labor side? Is that...

SENATOR CUNNINGHAM: Yes.

SENATOR LOUDEN: Because before you had, what, a little over \$4 million, and it would cut it down, to going from the 10-week to the 13 week would cut it down to \$2 million. Is that what you're telling me?

SENATOR CUNNINGHAM: Yes.

SENATOR LOUDEN: Okay. Well, what effect, then, if...the way I read this thing, the commissioner has the authority to negotiate some of these, whether it's...by going to the 13-week then, I guess I should say, the commissioner has no authority on cutting the numbers down. It would be a flat 13-week, no matter what the commissioner thought. Is that...am I correct on that?

SENATOR CUNNINGHAM: Yeah, that would be correct.

SENATOR LOUDEN: Now, well, then does the commissioner have any control over any of it in the way the bill is written now? Has

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

he lost any mitigation whatsoever?

SENATOR CUNNINGHAM: Well, the commissioner probably wouldn't have any authority over this, but some of the, like, in the good cause quits and the fired for misconduct, some of that stuff is decided by case law, and by past case law, then the adjudicators in the Department of Labor have authority to make decisions.

SENATOR LOUDEN: They still have that in this law?

SENATOR CUNNINGHAM: Yes.

SENATOR LOUDEN: I see. Now I guess one other question is, usually whenever you have anything with wages or labor even, retirement funds and everything, there's always a COLA involved, a cost of living adjustment. How come there isn't...is there a COLA in here, or am I not...have I not been able to read where it's at?

SENATOR CUNNINGHAM: Are you talking on the weekly benefit amount?

SENATOR LOUDEN: Yes.

SENATOR CUNNINGHAM: No, there isn't, and that's what Senator Beutler and I were talking about earlier, that I agree that at some point down the road the \$10 a week addition maybe isn't the right way to do it. But a straight 3.4 percent, as is in one of his amendments, I don't think is the right way to do it, either. So I'm open to listening to that, but I haven't heard a good answer yet.

SENATOR LOUDEN: Well, now, when we voted on this amendment of Senator Chambers' awhile ago for \$10, \$20, and that sort of thing, is that what the \$10 is for, is to take a case...take the...for the benefit of a COLA?

SENATOR CUNNINGHAM: Yes.

SENATOR LOUDEN: And that would be a higher...\$10 would be a higher percentage on 200. Now, is that...that \$10 is on \$280

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

every two weeks or some...or every...how is that figured out?

SENATOR CUNNINGHAM: It's every week. Right now, it's \$280 a week...

SENATOR LOUDEN: And then...

SENATOR CUNNINGHAM: ...and the maximum it could go up is \$10 a week.

SENATOR LOUDEN: Two hundred and ninety dollars. Well, then that's higher than a regular cost of living adjustment of 2.9 or whatever it is, right?

SENATOR CUNNINGHAM: In the last years, there's been a lot of years that have been less than the \$10. But I...you're catching me with a little mental blank here, Senator, but I believe that cost of living adjustment is still there with the maximum of \$10...

SENATOR CUDABACK: One minute.

SENATOR CUNNINGHAM: ...increase, but I will check that out.

SENATOR LOUDEN: Okay. Well, thanks, Senator Cunningham. As I go through this, I guess that's still my question, is if there is that much of a savings to going from 10 to 13, and if that's worth it is, and then who is saving that money? Is that on the labor side or is that on the business side that's saving that money? I guess one other question I have, if we're saving that kind of money, then should some of that money be put back in on the benefit side for the labor? Because...to...I realize that whatever savings you can will help build the fund up that much more. But somewhere along the line...

SENATOR CUDABACK: Time, Senator Louden.

SENATOR LOUDEN: Time?

SENATOR CUDABACK: Time, yes.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR LOUDEN: Thank you.

SENATOR CUDABACK: Thank you. Senator Cunningham.

SENATOR CUNNINGHAM: Thank you, Senator Cudaback and members. I would just continue my discussion with Senator Louden, if he wishes. But I might tell you, Senator Louden, that this was part of the agreement process. We had many, many meetings to come to this point. And you made the statement that, well, if we're going to save \$4.7 million, we should put it back into benefits. But the part that you're not talking about is we've...in...when we're raising the base in another part of this bill, we're raising the base from \$7,000 to \$9,000, and that brings in about \$26 million a year in extra taxes from business. So, I mean, we're cutting \$4.7, admittedly, but we're bringing in \$26 million extra. Wait a minute. I'm losing my train of thought here, but it's million, Senator.

SENATOR LOUDEN: Right. Well,...

SENATOR CUNNINGHAM: So if you wanted to continue, I would continue the dialogue.

SENATOR LOUDEN: Yeah, I understand that, I guess. See, my point is that if we're...if we're cutting the benefits from people for some other flagrant abuses or something like that, should we be penalizing the whole system? There's a certain amount of money that's supposed to be dedicated to that system every month or every year or whatever, and I guess I just...that was my concern, that if we're saving money from some of the people, from the laboring people that would be receiving this, should some of that money be put back into the benefit side? In other words, if you're going to go with a 13-week, should part of that money go back and raise the weekly benefits because you're saving the \$4. million? Perhaps part of it should be...go back and then you would still be penalizing people that flagrantly abuse this thing, which I'm in favor of that. I think there are abuses in there and I think those abuses should be addressed. And I agree that this bill certainly does address those abuses. But I guess that's my question. I'll return the rest of your time. Thanks for your answers, Senator Cunningham.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CUNNINGHAM: Okay. Thank you, Senator Louden. And I understand where you're going and, as you heard me say this morning, there's about \$38 million a year that's spent for this classification, the people that quit without good cause or are fired for misconduct. And so, in my estimation, we should...if I were God, which I'm not, but if I were, I would change that whole system and I would put a lot more of the money into the other side of the system, Senator. But, you know, that's not the way the system is set up, and I don't think the body probably wants to go that way. So I'm just going one step at a time. This is...this is where we're at. We're trying to make sure the fund is solvent. We're trying to put something in place that's going to guarantee the fund is going to be there. It's going to take politics out of it with the array system that we have coming in another division. It's going to automatically set the rates so, as Senator Beutler talked about earlier, we can't have a Governor or somebody running for office that can come in and try to gain votes by cutting rates. It will be there. It will be...everybody will know up-front how the system is going to work and it will just work. But part of the negotiation process in doing that is there is a little bit of a cut from the labor, and in this case the labor happens to be the person that quits without good cause or fired for misconduct. I'll return my time, Senator.

SENATOR CUDABACK: Thank you, Senator Cunningham. Further discussion? Senator Chambers, on FA113.

SENATOR CHAMBERS: Mr. President, members of the Legislature, although my amendment deals with Section 10, Section 7 is being discussed. I don't know if Senator Cunningham is aware of this, but every lawyer is or ought to be. Whenever a list is made in statute of items that can be considered, anything not on that list cannot be considered. Nothing on this list which describes what are the bases for considering that a person left employment with good cause, if it's not listed on here it cannot be considered. Any reason for leaving other than those specified here will not constitute good cause, things which maybe the director of the Department of Labor, or his or her designee, could have looked at cannot be considered anymore. That's what

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

they've...this is a straitjacket. You heard Senator Cunningham mention that there's consideration given to construction workers. I'm not one for setting one segment of workers against another. Construction is a big business. There...it is a large, powerful union. So if you satisfy them, then all the others who are not members of the construction union, those who may not be a part of any union, are thrown to the wolves, and I'm supposed to accept it because there are people with organized labor who sold these people out. Well, I will not accept it, and I'm going to tell you all something else. I do see other problems with this bill. Since business wants this and you all have been told to cloture me tomorrow, do it this afternoon. Don't change anything in the bill. Give me my comeuppance. Let me take my whipping by being clotured, and pass a bad bill that hurts labor. Let's do it today. I feel like Gary Gilmore. When they were going to shoot him, he said, let's do it. Don't pussyfoot. I'm not going to change. And I will punish, I will punish, I will punish, I will punish, and you cannot stop me. You know how you'll try to stop me? You'll have an emergency meeting of the Rules Committee. You'll put rules in place that will stop you, but not me. When we were on the consent calendar, I pointed out that one of the rules for consent was being violated because any bill that has new material added, other than by a committee amendment, cannot have consent calendar status at the next stage of debate. And I saw bills where that was happening, and I didn't say anything. I let it go. I've been cooperating, but not anymore. When it comes to the interests of the people that I'm concerned about, I have no right to compromise their interests, just as I say this body has no right. And now we're coming into the part of the session where there are bills all of you all are concerned about, but you're not all concerned equally about the same bills. There are some you care about, but you're not going to get 33 votes on every one of those bills which is on the priority list. So what are you going to do about me then? And you think you're going to come to me and smile and say, let's kiss and make up, let's forget what happened the other day? Oh no. As I've explained to some of my colleagues, I feel indignation. I will express indignation. Sometimes I'll even feel anger, but I haven't been angered on this floor yet. Senator Friend and I have that in common. You haven't seen me

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

angry and you don't want to see me angry. But I'll tell you this much. There's nothing you can do with me.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: And you won't stand up to me like I'll stand up to you. I'm challenging you now. I'm saying, let the 48 of you white people do with me what you think you will. Do to me what white people wish they could do to black people, and let me show you what a black man can do, in your setting, using your rules, and I will force you to go change your rules. And when you straitjacket me, you straitjacket yourselves. If you put a shoe on my foot that pinches, it's going to pinch yours even more. If I cannot function on the rules, you cannot function either, and you're going to look like clowns and jackasses. This is what you have to do with one man? Well, that labor organized can sell out the workers, but I won't, so get your cloture vote on this one and then get ready to have to cloture every other bill that means something to you. Thank you, Mr. President.

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

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, one of the aspects of this bill that hasn't been discussed at all, except a brief introduction by Senator Cunningham, has to do with the standard that's being established as an adequate reserve fund for the future. And under the bill, the ratio that's identified and accepted as the ratio that will equate to the amount of funds that we want to have in that fund on an average basis is a .85 ratio, and the way this alloy system...did I pronounce it right, Senator?

SENATOR CUNNINGHAM: Array system.

SENATOR BEUTLER: Array system, okay, is set up, at least as it's shown on page 50 of the bill, it identifies .85 as the goal and then, until you reach that goal, it has a high yield factor, which has the effect of increasing the tax rate and contributing more money to the fund. And then, when you reach that .85 and

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005

LB 739

start to go over it, it works in reverse so that your yield rate decreases, which has the effect of lowering the taxes that are put in, and the tendency then, hopefully, is to bring it all back to .85 from one direction or another as the years go by. But I would like to ask Senator Cunningham to talk a little bit about how .85 was the figure reached as the acceptable, conservative figure that should be our ratio that we should...that we should aim towards. Because, as I look at a chart--again, I'm looking at these charts that were passed out by the Department of Labor last year--if you look at the actual existing trust funds around the country as a percent of total wages, .85 is at the current low side of what other states have in their trust funds. Vermont, for example, has 3.45; Louisiana, 3.38. This is compared to our .85. And Maine and, again, about 30 other states currently have reserve funds. Whether that's their intended goal or not or whether they're working under an array system or not, I don't know enough to know. But I know that their actual reserve ratios right now are way above, a majority of the states, way above .85. So .85 is a conservative figure from the perspective of being perhaps a very minimal amount we should have in that fund as a goal. And, Senator, could...I would yield to you the rest of my time to talk about how .85 was injected into this discussion and how it became the centerpiece, and what history or statistical data is there behind the choosing of that figure as the proper figure upon which to base this system.

SENATOR CUNNINGHAM: Okay.

SENATOR CUDABACK: Senator Cunningham.

SENATOR CUNNINGHAM: Thank you, Senator Beutler. Senator Beutler, the thought of the .85 came about long before I was in the Legislature, but I believe, if I have heard the story right, it came back in the days when there was excess, or what there was felt to be excess, money in the funds.

SENATOR CUDABACK: One minute.

SENATOR CUNNINGHAM: And business came in and, as you and Senator Chambers have said today, there was a lot of pressure

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

put on to cut the rates, cut the rates. And I believe the Department of Labor had concerns at that time, and they hired economist Ernie Goss, Ernie Goss--about said the wrong word there--but from Creighton University, and he did a study and that's the number he came up with. And with the lack of any better ideas, that's the number we're using. Now, there's been many that have indicated they felt .85 was too high. But currently we spend about \$121 million a year on unemployment insurance and if it were up to .85 right now we would, I believe, have somewhere in the area of \$220 million in the fund. So, as you understand government, any time you have any fund that there appears to be an excess of money, somebody tries to take it or give it back or do something somehow. So...

SENATOR CUDABACK: Time, Senator.

SENATOR CUNNINGHAM: Thank you.

SENATOR CUDABACK: Senator Beutler, you may continue. This will be your last time, Senator.

SENATOR BEUTLER: Senator Cunningham, extending the discussion just a little, this array system, to the extent that it's sophisticated to the extent of including a yield factor, as we have now here presented to us in your bill, does that kind of yield factor system exist in a number of other states now, to your knowledge?

SENATOR CUNNINGHAM: I believe it exists in a couple states. I'm not certain on the number, but it isn't a widely used tool.

SENATOR BEUTLER: Okay. So most of these states probably that are showing high trust fund ratios right now, they may have those ratios, but they don't necessarily have an array system.

SENATOR CUNNINGHAM: Right. Our system will bring the fund up or down, as you stated earlier, but it will always try to level it out to the .85. And it will be something that's in place so the politics is taken out of it, and there's assurance that the funds are going to be there to pay the benefits when they're needed.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR BEUTLER: Okay. And with respect to the states that have this system elsewhere, do you know what ratios they have set as their ideal ratio? Or is there a term of art that's used for this .85 figure? I don't know.

SENATOR CUNNINGHAM: Just the trust fund balance.

SENATOR BEUTLER: But...okay.

SENATOR CUNNINGHAM: But...oh, pardon me, that's not the...I'm sorry, that's not right. There is a term. I've got to think about that a minute.

SENATOR BEUTLER: Okay. But you don't know if any other states have...what they've used as their goal figure or goal ratio?

SENATOR CUNNINGHAM: No, I don't. I will find out, though.

SENATOR BEUTLER: Okay. Thank you very much, Senator Cunningham.

SENATOR CUDABACK: Thank you, Senator Beutler. Further discussion on FA113? Senator Chambers, there are no further lights on. You're recognized to close on FA113.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, although I have made frequent and regular reference to what it is that this section does, the discussion has not focused on this section. There has been discussion of Section 2, Section 7, and maybe some others, so I'm not ready to let this go at this point, as far as discussing this section on General File. The discussion needs to be more focused on this section, this provision, than it has been. I have even strayed from it, as I listened to the discussion, to other areas of this bill, and I talked about one of those problems when Senator Cunningham was dealing with something else, and that's where a list of good causes for leaving employment voluntarily is provided. And when a list like this is provided, it should be constructed to say, "shall include but not be limited to." There is no way the Legislature can say that every valid reason

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

for leaving employment has been captured by this list. There are other things that could be added. There are some things on here which some people would feel should or could be left off. But this is not an exhausted...exhaustive list. As it is phrased, though, this is the only set of circumstances under which a person can be deemed to have had good cause for voluntarily leaving employment. My amendment is offered to the committee amendments. An amendment to the committee amendments cannot itself be amended. Before a vote is taken, the offeror, the offeror of an amendment can withdraw it. I think, instead of letting this go to a vote, then offering an amendment, a motion to reconsider, I'm going to take a different avenue. I want Senator Cunningham to have time to do some thinking. I want him to have the opportunity to see how this bill is going nowhere; that we're not any closer to arriving at a solution than we were when we first started, because he is not free to deal on this bill. If he can stand on the floor in a discussion with Senator Beutler and acknowledge that there are provisions in this bill which are not done in the way they should be, but he's not free to do anything about it, he's got to get his orders from somebody else. We are, in a way, spinning our wheels, but we're compiling a record, a record of the serious flaws or, at any rate, questions that exist with reference to this bill. Senator Beutler is taking the reasoned, logical, step-by-step approach. He's not going to be any more successful than I am, because we're dealing with somebody who cannot make a deal. So I'm going to do it my way. If smiling would bring the result that I want, I would smile my way right to those results.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: But smiling is not going to work. I'm going to do whatever I think needs to be done in the way you all, when you have a bill, but you all always have a lot of company along with you. But we each use those tools, those talents that we have, and some of us sharpen our skills to a greater degree than others. But, Mr. President, I'm going to withdraw that pending amendment.

SENATOR CUDABACK: It is withdrawn. Mr. Clerk, next motion on the desk, please.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

CLERK: Mr. President, Senator Chambers would move to amend this component of the committee amendments with FA114. (Legislative Journal page 910.)

SENATOR CUDABACK: (Visitors introduced.) Senator Chambers, you're recognized to open on FA114.

SENATOR CHAMBERS: Thank you, Mr. President. And, members of the Legislature, just to make one point clear as to why I withdrew the motion...I meant withdrew the amendment, under our rules, if a matter has been decided by a vote, you can't bring it up again at that stage of debate without a motion to reconsider. That issue, by being withdrawn, was not decided. If at another point I want to offer it, then I can without offering a motion to reconsider. There is no winning side, there's no losing side, there's no neutral side, because no vote was taken. I still think Section 10 needs to be debated in a way that it was not, in my opinion. But I contributed to discussing other things, too. That's the nature of the bill that we have and the nature of the division of the question. It's difficult to decide how better a division could have been made, so that's not even what I'm talking about. Section 5 begins on page 15, and if you look through it you will see a number of pages with lines drawn through various figures, numbers. And then we come to page 26 and that is something that we were discussing earlier, and it was an area in which Senator Cunningham acknowledged to Senator Beutler that the way this formula, if you want to call it that, for determining benefits for workers under the new language that's being proposed is not the best way to do it, but he cannot accept any amendment. He doesn't want to admit that they got a chain hooked on him and the other end is in the hand of some lobbyists out there and maybe some state bureaucrats who've helped mess up the situation and bring us to where we are now, so he just says he doesn't know what the best thing is to do. On page 26 is where I had offered an amendment which would add to this skewed amount that they want to limit workers to in terms of benefits. My amendment would have changed the additional \$10 to \$20. I couldn't even get that adopted. So it's clear this bill is not going to be amended. I don't mind taking not only today, but

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

tomorrow and the next day and many days. The more days that are taken on this, the fewer days that remain for other abominable legislation that I'm going to have to fight. And considering how inconsequential this bill is compared to some other bills, I can say like John Paul Jones, I have not yet begun to fight. This is not a fight going on. This is floundering. Put a fish out of the water on dryland and watch what the fish does. That's what this bill is doing. Foundering, on the other hand, is something different. After floundering, this bill is going to founder, and I'm not going to tell you what that means, but there are some people who know. And they can figure what it means from the course this bill has been taking. I'm going to ask Senator Cunningham a question about another section of the bill which is right across the street. Senator Cunningham, would you answer a question or two on Section 7, which is on page 27?

SENATOR CUDABACK: Senator Cunningham, would you yield?

SENATOR CUNNINGHAM: Yes, I will.

SENATOR CHAMBERS: Senator Cunningham, the reason I'm doing this is because these concepts are kind of interrelated. This language says the following, talking about good cause, starting in line 20: "An individual who voluntarily leaves his or her employment shall be deemed to have left his or her employment for good cause if the commissioner or his or her deputy finds that:" then it lists a number of factors. When a list is made like this, are you aware that anything not on that list cannot be considered? Was that your intent?

SENATOR CUNNINGHAM: No, that wasn't my intent, Senator.

SENATOR CHAMBERS: Well, if...the way this language is written, this listing is the only basis for the finding of good cause. They probably should have had language something like this: Good cause for voluntarily leaving employment shall include but not be limited to any of the following factors which may be found by the commissioner or his or her deputy. That's the way it should have read. And you had all these lawyers, you had these bureaucrats, you had all these businesspeople, and you had

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

the people from organized labor, and they cared so little that they did not properly construct the language in one of the most important sections of the bill that creates new statuses. The statuses are those that will be accorded people who leave employment voluntarily. I'm not blaming you for the language here. It's just that it's a part of the abomination that you've been asked to bring. And for those who are biblical and religious scholars, such as Senator Foley, he can probably tell you what this means: the abomination of desolation. That is a term of religious art and it referred to something very specific. Well, I call this just an abomination. I'm going to offer an amendment when we get to Section 7, after you reject my motion which I will offer to strike it from the bill. We need the opportunity to discuss these issues, and it's clear that not many people are going to partake in the discussion. Such being the case, I have to find ways to prolong it. It will help compile a record. Now, Senator Cunningham, Senator Cunningham, I would like to ask you a question, and it will be...require a brief answer, and then you can go back to your consultation.

SENATOR CUDABACK: Senator Cunningham, would you yield?

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: If Section 5 is stricken, what will that do to the bill? Is that one of the cards which, if it's removed, the whole bill comes tumbling down?

SENATOR CUNNINGHAM: Pretty much, Senator.

SENATOR CHAMBERS: Why?

SENATOR CUNNINGHAM: All of these things were negotiated over a period of time. There were give and takes on both sides of the issue, and that's just the way it is right now.

SENATOR CHAMBERS: Okay, but under these provisions we've been talking so far, if it's give and take, the workers have been doing all the giving and the businesses have been doing all the taking. Isn't that right? This language, as Senator Beutler helped you to develop during you-all's back and forth,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

diminishes or has the very real potential to diminish benefits that workers would receive if it were not for this language. Isn't that true? Let me simplify the question. With this new language there is a good probability that some workers will receive less in benefits than they would receive if this language were not there. Isn't that true?

SENATOR CUNNINGHAM: In more years down the road, that could be, and that's why I told Senator Beutler I would work with him on that issue.

SENATOR CHAMBERS: Business is not going to do anything that's going to increase the benefits for the workers. Isn't that true?

SENATOR CUNNINGHAM: Well, as you've stated earlier, it's my bill, Senator Chambers, and that's one that I happen to agree with Senator Beutler.

SENATOR CHAMBERS: Do you think, then, that we should index these benefits to whatever you want to index it, to make sure that this \$10 doesn't become, in fact, a nullity as far as...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...being of value, or you're not for indexing of any kind?

SENATOR CUNNINGHAM: No, I said I would be for looking at something, but I don't...I've got to look and see how the numbers play out over a period of years. So I am looking at something different than a straight amount, and I'm willing to take suggestions. I also said that the 3.4 percent that Senator Beutler has in one of his amendments would not be acceptable.

SENATOR CHAMBERS: And because my time is so close to running out, I will stop now. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on FA114, offered by Senator Chambers to the first divided amendment. Senator Loudon, on that amendment.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR LOUDEN: Thank you, Senator Cudaback. And I guess I just have the one question. I wonder if Senator Chambers would yield for a question.

SENATOR CHAMBERS: Yes, I will.

SENATOR CUDABACK: Senator Chambers.

SENATOR LOUDEN: If you strike this Section 5 then, do we go back to this benefit schedule that's in the bill to begin with? Is that what happens when...

SENATOR CHAMBERS: Yes. All of this stuff that has been stricken, all of these lines and lines of figures and numbers, would be restored.

SENATOR LOUDEN: Restated.

SENATOR CHAMBERS: Yes.

SENATOR LOUDEN: And then all that new language down at the bottom of page 26 would be stricken too, right?

SENATOR CHAMBERS: Yes, that would go.

SENATOR LOUDEN: And then the old language on page 27 would be reinstated.

SENATOR CHAMBERS: Yes.

SENATOR LOUDEN: Yeah. Okay. Thank you, Senator. That was all I had for questions, and I'll yield my time to Senator Chambers or Senator Cunningham, whichever one feels free to use it.

SENATOR CUDABACK: Senator...

SENATOR CHAMBERS: You have to make a decision because...

SENATOR LOUDEN: Senator Chambers.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CHAMBERS: (Laugh) Thank you.

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: Thank you. I would like to ask Senator Cunningham a question. Senator Cunningham, when you were gesturing towards yourself, what was it you would like to add to the discussion?

SENATOR CUNNINGHAM: Well, I've had a discussion with Senator Beutler earlier and I informed him of this and I've not said it on the floor, and my legal counsel has told me I haven't said it on the floor, but if you go to page 26, the section you're dealing with, Senator, subsection (3) down on page...starting on line 26, page 26, line 26.

SENATOR CHAMBERS: I'm with you.

SENATOR CUNNINGHAM: You know, I'm very interested in striking that subsection, the new language in that subsection, because it goes beyond what was intended.

SENATOR CHAMBERS: Okay.

SENATOR CUNNINGHAM: And I told him I was going to do that on Select File. I did tell him that, but I haven't said it on the floor, so I apologize for that.

SENATOR CHAMBERS: You said you're going to do that on Select File?

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: What has to happen for this bill to be on Select File?

SENATOR CUNNINGHAM: Were you going to go on vacation any time soon? (Laughter)

SENATOR CHAMBERS: Senator, you had said earlier if you were God what you would do. Well, you know there's only one God, right?

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CUNNINGHAM: Correct.

SENATOR CHAMBERS: I'm very jealous. I intend to go on no vacation.

SENATOR CUNNINGHAM: Oh.

SENATOR CHAMBERS: I always am everywhere. Carry on. I scared you, didn't I?

SENATOR CUNNINGHAM: Not really. I just...I would also offer, Senator Chambers, if we could move this on to Select File, I would sit diligently with you and work on this bill, you and Senator Beutler and other interested parties.

SENATOR CHAMBERS: Well, since Senator Louden gave me the time, I'm going to continue now, since you had the chance to give your contribution. Those are those offers that mean nothing. How do you sit diligently? That's like somebody bravely running away. And talk about the bill; we've been talking about it. That's not a deal. A deal is saying this is what I will give up in exchange for that. I've offered Senator Cunningham a deal which he cannot accept. For those who don't know it, when we come to that period of disqualification from 7 to 10 weeks, and he'll agree to this, most of the people are disqualified at the 7-week level, not the 10-week. Most of the action is at the 7-week level. If I can be prevailed on to let that 7-week level be raised to 10, he has gotten far more than if he raises the 10 to 13. But that's not what he just wants to do. He doesn't want to raise the 7 up to 10, and the 10 to 13. He wants to raise the 7 up to 13 also.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: And people who currently would be disqualified for seven weeks will be disqualified for almost double that amount, which I'm not going for. And he rejected the deal. I take it off the table. I'm not going to offer it any more. Cloture is where we're going and I will take my whipping on cloture. But I'm not going to stop, I'm not going

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

to yield. I'm going to offer amendments until we reach cloture or until this bill is taken off the agenda. And you're not going to accept any amendments. That's why I won't waste my time crafting any. Some minor ones I will, such as the one I mention in terms of the language that should precede this listing so it's clear that the list includes but is not limited to. I will offer an amendment like that. But for the rest of it, the businesspeople have told Senator Cunningham what he better do and what he better not do, and since they're not in here on the floor, on the mike, able to negotiate back and forth, I'm not going to waste my time doing that. But I'm going to take a lot of time talking about the bill. Thank you, Mr. President.

SENATOR CUDABACK: You may continue, Senator Chambers. Your light is next.

SENATOR CHAMBERS: Oh, thank you. On this particular amendment that I'm offering, it need not be adopted. It is not necessary at this point to strike Section 5, even if I were going to push to do that. This is a motion for the purpose of discussion. The language that is significant and of consequence, in my opinion, that is found in Section 5, has been discussed at length this morning, but nothing resulted from the discussion except a concession by Senator Cunningham, if it can be called a concession, that he will talk to Senator Beutler about some other possibilities. Well, the answer is going to be no. Every prayer is answered. You all think it's answered only if you get what you want. When you don't get what you want, that's an answer, too, and the answer is no. And most of the time it's going to be no, because you don't know what's good for you and you don't know what you're asking for. So, when you cloture me, be sure that you know what you're asking for. I'm telling you already what you're going to get, but you don't believe me. You think that I'm like your colleagues, that I'm speaking from emotion, that I'll get over it, that I'm just saying it now in the heat of the moment. Well, I'm the one generating the heat and it's not burning me. So if this is the point where the Legislature suffers meltdown, ask some of those who've been around here a long time whether that makes me any difference. I've kept us here till midnight. I've been virtually the only

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

one arguing on a bill. Usually they are these bills that want to take away the right of a woman to make choice, make a choice as to whether she'll carry a pregnancy to term. One of them I like to taunt my colleagues on because I was the only one who voted against the bill, but the Federal District Court, the Eighth Circuit Court of Appeals, then the U.S. Supreme Court agreed with me, and questions that I had asked and information I elicited helped the Supreme Court reach the conclusion that that bill was overreaching, unconstitutional. So I don't mind being outvoted on this floor. I consider the nature and the magnitude and the status of those who are outvoting me. And this is not the end of any issue, so I don't care if I'm voted out...down 48 to 1. If you get 48 votes on cloture, that ought to make you feel good, unless there's a possibility you won't get 48 on every other bill that you try to get cloture on. And there might be some senators in here who have bills that they don't want to see moved. Well, what about the time coming when you're in my position and you won't know how to do like I'm doing. You won't be able to do what I'm doing. You're afraid to even get in this discussion. So if you're standing against the majority of the senators, you're not going to stand. And even when you've had to stand a little bit so far this session, you've always had a lot of other senators with you. You had people in the lobby with you. You had people writing hundreds of cards and making phone calls with you. You haven't had to stand alone. That's what I want to see. That's when I will feel you have been tested, and I don't think you're going to pass the test. I have been weighed in the balance and not found wanting. I have been tested sorely and I've never run away. I'm still here and I'm going to be here. And the reason I'm taking the time on this bill, because I think the welfare of working people merits it. These people go to work and they toil under very, very harsh, unfriendly conditions, and on many of these low-paying, dirty...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...jobs they're told by the employer, you can't get anything else; go someplace else, you can't get a job anywhere else. All these women who are being told, move from welfare to work, and the stuff they have to put up with, not

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

only in terms of a bad job, but sexual harassment, and they're told, they're challenged, by their bosses, who's going to believe you; you're a welfare woman. And they swallow spit and have to stay on those jobs, and the bureaucrats know this kind of stuff is happening. And I'm not going to let them be thrown to the wolves easily. Thank you, Mr. President. Is that my third time?

SENATOR CUDABACK: You have one more, Senator Chambers, outside of closing. And Senator Beutler is first, then you. Senator Beutler.

SENATOR BEUTLER: One of the...one of the benefits of the system that's being proposed to you is the experimentation with this array system. And as has been indicated in earlier discussions, I think that perhaps there are some significant advantages to trying to systemize in a more sophisticated fashion this whole system. But the array system relies upon adjustments annually with this yield factor that's built into the bill that helps adjust, to the proper level, the reserve fund. And that yield factor can certainly work, to a certain extent. As the funds get lower, the yield factor will increase, and so you would think, theoretically, this would all work out all right in the end. But I think that there is a weak point in the construct of the system in the sense that the total taxable wages, which is right now at \$7,000, increases to \$8,000, and then to \$9,000, so that there is no doubt but in the short term you're increasing revenues significantly, and that that increase will work in conjunction with the yield factor and build up the fund, I think, fairly rapidly. In the short term, that all looks fine, but as this plays out over time, I've already mentioned the disadvantage to the worker as it plays out over time, but to the system as it plays out over time, if you do not continue to increase the taxable amount, then you will slowly but surely, it seems to me, get back into this same situation again, notwithstanding the yield factor. And this bill doesn't try to put into any sort of indexing context the taxable amount, but that's...but that's very important to try to do, unless you want to rely on the old system of coming back to the Legislature every so often and adjusting. But if you're trying to do a complete system, you really need to do that, because what

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

happens over time is that the difference between the taxable amount and total taxable wages just gets broader, and broader, and broader. And as taxable wages in the aggregate increase, that means your average weekly salary is increasing; that then has the effect of increasing the benefits, and those will just keep going up, and up, and up, slowly over time, but your taxable amount will have been leveled off at \$9,000. So this is going to keep going up and your amount down here is going to stay the same, and the question is going to be whether your index can really offset that ever-increasing gap that you have there. And I would be interested in hearing Senator Cunningham talk about that particular item, because I think there's a bit of a soft underbelly here long-term to the system that's being set up. So I would bring that to your attention, also. Thank you.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, once again Senator Beutler raised an issue and he is exactly right. Whenever it comes to something that appears...takes a little nibble out of business, it's very temporary or it's very limited. The amount of income pay to be taxed will be capped at \$9,000 forever. When we talk about hurting the employees, they are hurt forever. Businesses' inconvenience is always limited temporally, to a period of time. For the workers there is no sunset. It's forever. This is a one-sided bill, and it's one-sided because of the nature of the Business and Labor Committee. As I've said, there should be two Chairs, cochairs, not Chair and Vice Chair. In Iowa--I just found this out from reading the paper--they are elected on a partisan basis, and when there is an exact split or even split in the Senate, or I guess the House too, they have cochairs for committees. Since neither party predominates, neither party has the Chair. Rather than have a committee with no Chair, they have a committee with cochairs, and that's what Business and Labor Committee ought to have. Those two things don't mix, just like oil and water don't mix. If you put an emulsifier in, you can cause some things to tend to blend which ordinarily would not. That's not the case with the Business and Labor Committee. Or there should be two

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

separate committees--one that deals with labor issues; one that deal with business issues. I will say here, as I've said before, when the cockroach goes to court against the chicken and all of the judges are chickens, the cockroach never wins. When working people's interests are at stake and those determining the outcome are the "handpersons" of business, the laboring people's interests will never prevail. Look around this floor. Where are those who call themselves friends of labor? Where are they? What I should do, and I didn't think about it, was get one of those pieces of paper that the labor union will use to select people they want to support running for office, and I'd just read off their names and then you could look around the Chamber and see if they're here while we're talking about the interests of laboring people. You won't see them. There's so much down here that is a sham and a show. Bills like this bring it out in the open, but people may not see it who haven't been here awhile and do not know how these things are decided. Some may not have been here long enough to know who those senators are who pretend to be the friends of working people. You cannot say that everybody on this floor is a friend of working people. If that were the case, a bill like this would never have come here. Now, it might have been introduced, but it wouldn't have made it to the floor. And if it made it to the floor, it would not be going across unscathed. These are the acid tests of where people are...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...and what they really believe. So I'm going to take as much time as I can to keep talking about the laboring people. And what I could do, if I wanted to, is just repeat those two words until pretty soon they would lose all meaning, because when you hear something repeated over, and over, and over, pretty soon the sense of it is gone. I could say laboring people, laboring people, laboring people, laboring people for all of my five minutes, trying to underscore a point, and there are people in here who probably feel they will never have to work again. We have a former gold miner in here, a gold driller, not a gold digger, a gold driller, and he probably would never want to go back to that kind of work again. But if he did, he'd certainly want those who drill for gold to be

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

treated fairly and compensated fairly. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Cunningham, on the Chambers amendment to the first part of divided committee amendments.

SENATOR CUNNINGHAM: Thank you, Senator Cudaback and members. I just stand to speak to address a few issues that Senator Chambers and Senator Beutler have brought up. And, Senator Chambers, one thing I would say, you know, we are doing this bill for working people. I know you disagree with that. I know you totally disagree with me philosophically, but the idea here is to protect that fund, but at the same time we need to protect it, but we need to do it in a responsible way. And that's what I'm trying to do. I've tried very hard to get together with all sides. I know you disagree totally, but we're never going to get past that. Senator Beutler, you mentioned this morning about average benefits. We're down, you know, in the area of 43rd, or whatever it was, in the nation. But you also have to realize that's where our average wages are in the nation also. We can't have wages at one level and have benefits at a much higher level. You also asked, and I said I would find out, if other states are doing the array system like we're proposing, and the answer was, Utah, Maine, and some type of a system in Iowa, but none of them use the .85 figure, that type of a figure like we do. They come about it in different ways and do different things. So this is kind of a unique new system. I would tell you that the Department of Labor has worked very, very hard helping me. Whenever I would have questions, they would come up with the answers. They would work. They would run numbers, numbers, numbers, and numbers. Those numbers have been ran by all the different sides. Everybody has had a chance to look at it, and this is what we've come up with. I did tell you earlier that on page 26, subsection (3), I believe it was on line 26, that was, you know, we want to change that on Select File. Also, the area that Senator Chambers had, the "including but not limited to" that was in the laundry list, Senator Chambers, very willing to put that in there. So, with that, I think I've addressed the questions that I've heard. I'm not saying much. If anybody has any questions, I'll try to answer

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

them the best I can. But I do want to stress this bill is for the working people, Senator Chambers. I mean, we've worked very hard for that, and you and I are just going to philosophically disagree and I just hope you understand that. Thank you.

SENATOR CUDABACK: Thank you, Senator Cunningham. Senator Chambers, there are no further lights on. I will recognize you to close on FA114.

SENATOR CHAMBERS: Thank you. Mr. President, friends, enemies, neutrals, brothers, sisters, I think my attention span is equal to Senator Cunningham's. I listened to him, and he started, I believe he said, and we can check the transcript, that this bill is not for working people. This bill is to try to take care of this fund and do it in a responsible manner. Then, just before he sat down, he said, this bill is for working people. So it is and it is not. That that is, is; that that is not, is not. And that that is not, is not that that is; and that that is, is not that that is not. But a thing cannot be and not be at the same time. It cannot be for the workers and be a bill that is not for the workers, and I'm sure that's what Senator Cunningham said. Maybe that's not what he meant, but I do listen to people on this floor and I pay attention. This bill is not for the workers. He was correct when he said that at the first time. But as he talked on, his conscience started whispering in his ear--Doug, you know better than that, you know better than that; you should say that this is something for the workers; it ought to be for the workers, even if it's not. So then he'd say, well, it is for the workers. But when you apply it, it is not. The workers are not in contemplation. Those who were dealing on this bill were dealing in the following manner--how much of the worker's hide are you willing to let us take? And the other side--well, how much of the worker's hide do I have to give you? But nobody was saying, how shall we keep the worker whole? They want to fill the worker full of holes and I don't. So I'm going to labor on this bill and with this bill. There are people who have jobs and they go through far more difficult things to contend with than you are contending with here. You can leave the floor when you want to. You can go home whenever you want to. You don't even have to show up here for a single day during the session. There's no attendance requirement. If you're on

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

one of these nickel-and-dime jobs, you work harder and you have to conform to a more rigid standard than people making far more money than you're making or you will ever make. In this society it shouldn't be that way, but the value of a person often is determined by how much he or she is paid. And in this society, people are not paid what their labor is worth, let alone what they'd be worth as a human being on the open market. Senator Stuhr has been talking to me about trying to get the Judiciary Committee to advance some bill that sets up a task force to study the problem of trafficking in human beings, but she and others cannot apply that to what we're talking about here--trafficking in human beings, putting them on the market, selling their labor and, at the same time, selling them. But there are some of us who do see it that way. You won't see editorials written on behalf of the working people. Maybe around Labor Day they'll say, well, it's time for our obligatory acknowledgement that without these working people we couldn't have a Labor Day, and all these festivities and all the advertisements that people buy from the newspaper. Then, after Labor Day is over, they go back to the way things always have been, and people who may have had a moment of surcease, of sorrow, during that Labor Day holiday,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...have to go back to that drudge work and know that it's going to be that way for another year, if they survive on the job for a year. Some people have worked on jobs and they know it's not the easiest thing to do in trying to get through this world, pay for your upkeep and take care of your family. All this talk of family means nothing. Where are all those people who talk about being concerned for the family when we're talking about penalizing workers in this way? You don't hear them, because they're one-issue people. Their church hasn't told them to get on over there and say something. If the bishop, if the pastor, if the rabbi told them, go over there and speak on this issue, then they'd be popping up, like Jack out of the boxes, talking, because they don't think and they don't care. But I think. I do care, and I'm going to take some time. Mr. President, I would ask for a call of the house.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CUDABACK: There's been a request for a call of the house. All in favor of the house going under call vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: 18 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators please report to the Chamber. The house is under call. The house is under call. All unexcused senators please report to the Chamber. Senator Janssen, will you check in, please? Thank you. Senator Langemeier, check in, please. Thank you. Senator Schimek, Senator Brown, Senator Schrock, would you...Senator Burling, Senator Synowiecki, and Senator Beutler, and Senator...Senator Schimek and Senator Burling, the house is under call. Senator Chambers, all members are present or accounted for. How did you wish to proceed? Been a request for a roll call vote on the question, adoption of FA114 to the first part of divided Business and Labor Committee amendments to LB 739. Mr. Clerk, call the roll, please.

CLERK: (Roll call vote taken, Legislative Journal page 973.)
5 ayes, 9 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The motion was not successful. The amendment has not been adopted. I do raise the call. Mr. Clerk.

CLERK: Mr. President, a priority motion. Senator Chambers would move to reconsider the vote just taken.

SENATOR CUDABACK: Senator Chambers, you're recognized to open on your motion to reconsider.

SENATOR CHAMBERS: Mr. President, members of the Legislature, obviously I was not persuasive enough to get enough votes to adopt my amendment. I was not acidic enough to irritate people to vote no in sufficient numbers. So, since the majority of people did not vote at all, I failed to do the job as I should have and I'm going to take another run at it. And the only way that I can make the motion to reconsider is if I'm on the side

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

that prevailed, which would have been the noes, or be not voting. I had to change to not voting so I could offer this motion. Since it makes no difference what motion is before us, what amendment is offered, the bill is going to be discussed and certain segments of the bill will be emphasized during that discussion, it makes no difference that we're going to continue the discussion on a motion to reconsider. But it is a demonstration of how the discussion can be prolonged, and I'm going to do that. I don't know why people are still here except that they must think the house is still under call. Are we still under call, Mr. President?

SENATOR CUDABACK: We are not, Senator Chambers.

SENATOR CHAMBERS: So they can leave whenever they want to, right?

SENATOR CUDABACK: It's up to them. It's their call.

SENATOR CHAMBERS: Then I think they ought to get to stepping. (Laughter) But they might not want to be embarrassed by jumping up and running out of here right now, because some people who watch might wonder where their senator is when debate is going on and when the Legislature is in session, so they'll stay here for that reason, but not any other. We used to have people who would make sure they were there for every vote so that an opponent could not say they didn't show up for their votes. Former Attorney...former Senator, now Attorney General, Jon Bruning used that to get the man who was in office out of office. He got his voting record, and used it against him. So there are political reasons for doing much that is done. I'm doing what I'm doing for a political reason. I feel that anything we do on the floor is political. This is a political body, nonpartisan formally, but still it's political. We are political people. We deal in politics. We eat, drink...well, no, not eat and drink politics. You all eat and feast off the lobbyists, and I'm sure you have other things to eat and drink. But on this bill I'm going to keep making the same point, as Senator Beutler continues methodically pointing out specific items in this bill which achieve no purpose other than to basically work against the interests of workers. In the short

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

run, it can be made to appear that the business community is taking a small little hit, and Senator Beutler is not limiting his discussion to the item that happens to be the subject of an amendment that I might offer. But the amount of wages which will be subject to this tax is at \$7,000, then it will go to \$8,000, then to \$9,000, then stay there forever, which means that even if additional money should be coming in to keep the fund stabilized based on this incremental increase in the amount of wages that will be taxed, that incremental taxation is not going to occur. It's a one-sided, out-of-joint process that is being put in place so that it will become a system. Then, when you have another crisis, the approach will be to see how much can be done to harm the workers. Can you extend the period of disqualification? Can you take back some of those reasons that are in the bill now that would qualify as good cause for voluntarily leaving? Well, yeah, you can take some of those back because we can see that some of them are being abused so they'll be eliminated. If I'm not here, they will extend the period of disqualification. They will reduce the weekly benefits and they will put in formulas which, if you read them, will give you a headache and lose you before you get through reading it. And I'm going to read what is a part of this Section 5 and see how much sense it makes to you. For...starting on page 26, in line 17: For any benefit year beginning on or after January 1, 2001, an individual's weekly benefit amount shall be one-half his or her average weekly wage rounded down to the nearest even whole dollar amount, except that: (1) An individual's weekly benefit amount shall not exceed the lesser of one-half of the state average weekly wage as annually determined under Section 48-121.02 or the previous year's maximum weekly benefit amount plus \$10; (2) for benefit years beginning on or after January 1, 2006, through December 31, 2007, the maximum weekly benefit amount shall not exceed \$288 per week; (3)...and Senator Cunningham said he's willing to get rid of this...if the state's reserve ratio, whatever that is...and do you know what that is? Senator Beutler has been talking about it, but do you truly know what it is, brothers and sisters? If the state's reserve ratio on September 30, 2006, or any September 30 thereafter, is less than .4 percent, then the maximum weekly benefit amount for the following calendar year shall not be increased over the then

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

current maximum weekly benefit amount. And you understand all of that and you follow all of that? Whenever you have to take that many words to say something, somebody is getting messed over. And the ones being messed over in this instance are the workers. (Laugh) Bless you, my child, all is forgiven. When I'm petitioned, I respond immediately. I don't keep people waiting. When you are not in the same room with former Senator Tyson, issues will not be discussed. Senator Tyson and I used to discuss Occam's Razor, O-c-c-a-m, but some spell it O-c-h-a-m; William of Occam, a philosopher. And he had said it in philosophical terms about entities should not be multiplied needlessly. The point was, the simplest approach is the one that ought to be taken. When you need this many words, you are befuddling, you are bewitching, you are "bebothering," you are bewildering, and we have people on this floor who cannot tell what that means, but they're going to vote for it because it's a part of this bill that business wants. And I'm not going to vote for it. And Senator Beutler is parsing it for you. He is taking it apart, analyzing it, explaining it, asking Senator Cunningham to give his input for clarification or whatever purpose that input would serve. And if we had a machine that would register the understanding quotient in the Legislature, it would register no higher now overall than it did before Senator Beutler's efforts. And it certainly wouldn't register any higher as a result of anything that I've said. But there is a record. And there are people out in the lobby who do understand. There are people in that lobby who understand every word that has been uttered. They understand every challenge that I have hurled. Now, it's for them to decide, not you all on the floor. It's for those people outside this Chamber to decide whether or not you're going to accept my challenge and cloture me. Why do I say cloture me? Because I'm the target. What they're doing now is looking on the agenda for the rest of the session to see if they've got anything on there that I may target and, if so, they're going to tell you all to be cool...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...and see if something can't be worked out. But if they've got nothing that means anything to them, they're going to tell you, yeah, go on and do it. Then they won't be

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

out there anymore. They certainly won't be on the floor facing what appears to be my wrath. They don't have to do that because they've got flunkies and puppets that they run in here to face me. They tell them, don't take that from Chambers, but not one of them would stand up to me, face-to-face, nose to nose, and say anything like that to me. But they send you trotting in here, and you get your little hide flayed, your little feelings hurt. Then, when you need them, they're not there because they used you. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You may continue. Your light is next.

SENATOR CHAMBERS: Thank you, Mr. President. This reconsideration motion goes to Section 5, which I just finished talking about. But what I had said earlier is that it matters not at this point whether you adopt my motion, which is to strike this section. It would be helpful if people understood what is in this section. I'd like to ask Senator Cunningham a question.

SENATOR CUDABACK: Senator Cunningham.

SENATOR CHAMBERS: I see him over there negotiating and talking, and I'm going to break that up. I'm going to show you how I run things over here. Break that conference up. Senator Cunningham, I want to ask you a question, front and center. Mr. Chairman, would you ask Senator Cunningham if he will yield to a question?

SENATOR CUDABACK: Senator Cunningham, would you yield, Senator Cunningham?

SENATOR CUNNINGHAM: No. Oh, yes, I will. (Laughter)

SENATOR CHAMBERS: No, that's quite all right.

SENATOR CUNNINGHAM: I was teasing you, Senator.

SENATOR CUDABACK: I didn't hear him, Senator Chambers.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CHAMBERS: If he had said no, he would have opened a whole new field for me. Senator Cunningham, based on the language on page 26, and it continues on to page 27, about state average weekly wage, maximum weekly benefit amounts plus \$10, and then a maximum amount not to exceed \$288 per week in a certain set of circumstances, if a person's income...first of all, let me ask this question. This formula is based on what the person earns per week, not on a yearly basis, but per week. Correct?

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: Now, to make it simple, if a person earns \$100, if everything comes to pass that this bill is talking about in this part of Section 5, what is the maximum amount in dollars that that person could receive after all this stuff has been put into play?

SENATOR CUNNINGHAM: Well, Senator, right now it's \$280 a week. There would be a freeze for two years and then...

SENATOR CHAMBERS: Wait a minute. You mean to tell me somebody who makes \$100 a week could wind up getting \$288 benefits?

SENATOR CUNNINGHAM: I'm sorry, I must not have heard your question.

SENATOR CHAMBERS: Okay, here's my question. The person earns \$100 per week. Now, if all of these contingencies came into play, what is the maximum amount of benefits that person would receive under this language?

SENATOR CUNNINGHAM: I'm not sure, Senator. It would be a percentage somehow, and I'm not sure how that works.

SENATOR CHAMBERS: A percentage some...well, this is your...

SENATOR CUNNINGHAM: If \$288 would...or \$280, and then after two years it could go to \$290, and then the...

SENATOR CHAMBERS: So you mean...you mean I could make \$100 a

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

week. In there somehow, in a couple of weeks...couple of years...making \$100 a week when I'm working, I'd make \$288 in benefits when I'm not working?

SENATOR CUNNINGHAM: Actually, no.

SENATOR CHAMBERS: So what I want you to do, if you can follow me, is respond to the example I'm giving you. I earn \$100 a week. I'm unemployed now. If these factors come into play, what is the maximum amount in benefits that I would receive?

SENATOR CUNNINGHAM: And that's what I...

SENATOR CHAMBERS: And then tell me why you settle on that amount.

SENATOR CUNNINGHAM: I don't know, Senator. It would be some sort of a percentage from the \$200 or the higher amount, and I'm not sure how that works. It has to do with how much they've earned in the last...earned four quarters out of the last five, and it has to do with they had to...they had to earn a minimum of...previously it was \$1,600, and they had to earn \$800 in two...at least \$800 in two of those quarters. And so I'm not sure how that actually comes out. I would check for you, though, if you would give me time to do that.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: And that material that you're talking about would be found in Section 48-121.02. Is that correct?

SENATOR CUNNINGHAM: I'm not sure, Senator. You've got me there.

SENATOR CHAMBERS: It's your bill. You've defended this. You've been against me striking this and you don't even know how it works, correct?

SENATOR CUNNINGHAM: Well, I don't know 100 percent everything. I have to research it, Senator.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CHAMBERS: Thank you.

SENATOR CUNNINGHAM: But I don't remember those numbers for the...

SENATOR CHAMBERS: Thank you. Members of the Legislature, remember I said earlier that when you all come up here with these bills I'm not going to try to work with you off the floor. I'm going to show you that you don't understand your own bill. You don't know how it works. There's an example. He's not the only one that would have that happen, especially on a bill like this. But there are times when I would work with the person and we'd come up with something. I ain't doing it on this bill, because you all are going to cloture me, and I'm going to put the stick in your hand that you're going to beat me with? I'm not like the axe which was once a tree and is now the handle...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...of an implement that is going to cut his fellow trees down the way he was cut down. Thank you, Mr. President.

SENATOR CUDABACK: You may continue. This will be your last time, Senator,...

SENATOR CHAMBERS: On this particular item.

SENATOR CUDABACK: ...outside of...outside of closing.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, do you know why this bill is in the form that it's in? If you look in line 1 on page 1, this is how that line starts: "Strike the original sections and insert the following sections." That means the green copy of LB 739 wouldn't do the job they wanted, so the green copy is off the table unless we reject this committee amendment package. We're dealing only with what is in this white copy of the bill because the green copy is to be jettisoned. Why is that? Because business wanted to take a bill and use it as a vehicle to load several things into, any one of which may not have been able to stand on its

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

own. They hoped, by bundling it together, they could give enough interest to various groups or individuals to get them to say, well, in order to obtain what I want, I'll swallow the rest of it. That doesn't work with me on something like this. I will not tell you that is the case with every bill. Senator Foley might even come up with something before he's out of here that I agree with, and he has on occasion. He has brought bills to benefit the visually impaired and the Commission for the Blind, and I support those things. He and I even worked on something known as dark fiber. It had to do...well, he'll tell you what that is. We worked on that. There are things that I've worked on at some time or other with everybody in here. I think I've even worked with Senator Smith, our 3rd Congressional District congressperson wannabe, if Tom Osborne runs and decides to punt the existing or present Governor. Can't you see Dave Heineman lining up on the line against Tom Osborne? Who do you think would win that? Why, somebody would invoke one of these bills that we passed against child abuse, and we would indict Tom Osborne for either child abuse or taking advantage against a vulnerable adult. So even with Senator Smith, I believe there might be one or two things we worked on. One year he was trying to allow some things to be sold at street carnivals or something, and I worked with him on that because it didn't seem like it was a bad thing. I'm trying...even Senator Connealy, the "poster person" for the ethanol boondoggle, on other issues I've worked with him. Let me look around here and see who else I don't get along with very much. Oh, there's Senator Schrock waving. He had a monstrosity of a water bill, but I would venture to say he and I probably worked longer on that bill than any two people. There are others who did, but we worked a lot and I spent a lot of time on that, drafted amendments, and worked with his very capable staff, because he had something that I thought should have been worked on, even though I didn't like the bill overall and I should have killed it, but I didn't. I see my good friend and new friend and colleague, Senator Flood, who is very capable and competent, but he had a bill that we worked on. What you have to be able to do in the Legislature is to work with your colleagues,...

SENATOR CUDABACK: One minute.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CHAMBERS: ...even the ones who don't like you and whom you may not particularly like, because we're not down here to like each other; nice, if that's a bonus, but that's not really why we're here. Senator Aguilar had a bill that I hated but I rewrote it. There are others who had bad bills which I've rewritten, take a weekend to rewrite a bad bill into something presentable on a subject that I was opposed to. But I'm wondering about whether I ought to keep doing that. I, just contemplating how much more time I'll have to myself, and to be on the attack is very alluring. Thank you, Mr. President.

SENATOR CUDABACK: You've heard the closing on the motion to reconsider. I'm sorry, I think that was your third time, wasn't it, Senator Chambers? That's what I said, your third time. Now you may close. Sorry about that.

SENATOR CHAMBERS: That's all right, Mr. President. And I just wait and I know things are going to work out the way they do. This is kind of a hectic day (laugh) and a lot is going on, but not on the floor. Things are going on off this floor, and they're trying to decide who besides Senator Chambers they should risk irritating by keeping Senator Cunningham in a position to hold the Legislature's feet to a fire. Some of you have listened to enough of the discussion to realize that this is not a good bill. It is not in the form it should take if you're going to pass something into law on this subject. But I'm going to do all I can to make you keep the bill just as it is. When you vote cloture, the bill, if it moves, moves in the form that it is in. They'll be able to vote on the committee amendment. They'll be able to vote down all of my proposed amendments that may be pending or the amendment that is pending or under discussion. Then you move the bill, but you move it as it is here without any amendments, and that's the form it will keep, because if anybody offers an amendment to try to improve it, I'm going to amend that amendment and take so much time that you'll cloture me again. And you're going to have to move this bill in the bad form that it's in. That's how you will win. You will win a Pyrrhic victory. You win the battle but you lose the war, and what do you come away looking like? You were so intent on putting in my...putting me in my place and whipping me. Remember, I've been here 35 years. You can't do anything

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

to me that your colleagues haven't done or tried to do to me before. But they never win. If they won, wouldn't I be subdued? Would not I be humble? Would I not be apologetic? None of that applies to me. But if you cloture me, don't come to me looking for help on any of your bills. And you better understand everything about your bill unless you can stand to be embarrassed on the floor by being shown...by showing everybody that you got a bill you don't know what's in it. And that plays into my hands. The less time I spend off the floor working with people, the more time has to be taken on the floor. And if you got one of those bad bills, maybe I'll try to stop your bill from being amended and they'll have to cloture me and move that bad bill and put it on the Governor's desk. And then he's going to have to sign a bad bill that everybody knows is bad, and you're doing all of that to fix me, just like they got term limits to get me out of the Legislature. And isn't it something when the one who is to be defeated emerges victorious and triumphant? I'm not in any way repressed by what we're doing. I enjoy watching the Legislature flounder when it put itself in a position for that to happen. When you all bring these bills in here, you ought to be in a position to negotiate, you should be in a position to make a deal when that deal presents itself. But when you got to run out to the lobby and get your orders, you got to talk to Mr. A, Ms. B, and any number of other players, and they don't even agree, then you come in here acknowledging that there are things wrong with the bill, but you can't do anything about it. What do you mean you can't do anything about it? You are a senator. You are cloaked with the authority and the power to legislate. But if you choose to let somebody enslave you, then you deserve to be enslaved.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: And I'm going to help point out that that is the situation you've chosen to put yourself in. We're not talking about a bill where Senator Cunningham is running out to get information that he couldn't have had before. He's running out of here to see what kind of deal he can make. And they run him right back in here and say, no deal. And that's where we are. Section 5 does not have to be rejected, and you're not going to reject it anyway, but all of these provisions need

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

additional discussion. The proof of it is that people on the floor don't even know what this bill is about. They have no idea what weekly benefits a person will receive, under which circumstances. They don't know which factors constitute good cause for voluntarily leaving a job. And there certainly is no listing of what constitutes...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...not good cause. I'll ask for a call of the house, Mr. President.

SENATOR CUDABACK: There's been a request for a call of the house. All in favor of the house going under call vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: 17 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor; unexcused senators report to the Chamber. The house is under call. The house is under call. All unexcused members please report to the Chamber. Senator Jensen, will you check in, please? Thank you. Senator Byars. Senator Don Pederson, thank you. Senator Langemeier, Senator Synowiecki, Senator Foley, Senator Redfield, Senator Thompson, Senator Bourne. Senator Schimek. Senator Synowiecki. Senator Byars. The house is under call. Senator Thompson. Senator Schimek, Senator Thompson, Senator Byars, the house is under call. Senator Chambers, all members are present or accounted for. How did you wish to proceed? Senator Chambers, how did you wish to proceed? All members are present or accounted for.

SENATOR CHAMBERS: Roll call vote in reverse order.

SENATOR CUDABACK: There's been a request for a roll call vote in reverse order on the motion to reconsider the vote taken on FA114. Mr. Clerk, call the roll, please.

CLERK: (Roll call vote taken, Legislative Journal page 974.)
4 ayes, 27 nays, Mr. President, on the motion to reconsider.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 82, 242, 291, 306, 306A, 319, 320, 331
342, 351, 361, 380, 396, 402, 406, 450, 451
453, 471, 475, 476, 478, 501, 525, 528, 534
544, 601, 626, 639, 640, 676, 739, 754, 762

SENATOR CUDABACK: The motion to reconsider was not successful, and I do raise the call. Mr. Clerk, next motion.

CLERK: Mr. President, a couple of items, if I may.

SENATOR CUDABACK: You may.

CLERK: Your Committee on Natural Resources reports LB 601 to General File with amendments, and LB 478 is reported by Revenue; both reported to General File with amendments attached. Senator Brown has an amendment to LB 242 to be printed; Senator Schrock, to LB 351; Senator Friend to LB 361; Senator Baker to LB 82. And I have an explanation of vote, Mr. President, from Senator Engel. (Re: LB 291, LB 306, LB 306A, LB 319, LB 320, LB 331, LB 342, LB 380, LB 396, LB 402, LB 406, LB 450, LB 451, LB 453, LB 471, LB 475, LB 476, LB 501, LB 525, LB 528, LB 534, LB 544, LB 626, LB 639, LB 640, LB 676, LB 754, and LB 762.) (Legislative Journal, pages 974-979.)

Mr. President, the next amendment I have to this component of the committee amendments is FA115. (Legislative Journal page 910.)

SENATOR CUDABACK: Senator Chambers, to open on your amendment, FA115, to the first division of the divided committee amendments to LB 739. Senator Chambers, to open.

SENATOR CHAMBERS: Mr. President, members of the Legislature, respecting the system as I do, I'm restricting my motions and amendments at this time to the first division of the question, and the four sections involved in that division are 5, 7, 10, and 12. You have given me my comeuppance on 5; that's the one we just got through with. Section 10 that dealt with the period of disqualification, I withdrew my motion to strike that. So we're on 7 now, with 12 remaining, number 12 remaining, in the first division. Now this is crucial to the deal-making that occurred, the deal-making which brought us to where we are today on this bill. There are provisions in this section which constituted the incentive for so-called organized so-called labor to sell out the working people in order to give business

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

what they want. It's like business telling these so-called representatives of so-called organized so-called labor, we'll let you sit down at the table with us and you can feel like you're somebody. You'd never be able to sit down with us because you're nothing and you're nobody, and we'll give you a cigar. We'll let you big-shot it, but here's what you got to do. You got to sell out your brothers. And that's what union people refer to each other as, brothers and sisters in the union. You got to sell out your brothers. So they look at that cigar, they look at all these important businesspeople who would never sit down at a table with them on anything, and it's just too much for them to resist. So they say, for a cigar and a chance to sit down with these important people, I'll sell out my brothers. They should have been smart enough...yeah, for a cigar. They should have been smart enough not to put somebody like me out there to represent them. A jackal should not represent lions. There's an expression; it says the following: An army of sheep led by a lion; an army of sheep led by a lion would defeat an army of lions led by a sheep. Working people are represented by sheep. And I always have to apologize when I compare unfavorably an animal to a two-footed critter who wears shoe leather and pretends to be what is called a man. But for my purposes, the working people are represented by sheep. The businesspeople are the carnivores but they're like scavengers. They're like the hyenas, the jackals and those that take wing, the buzzards and the vultures. Look at how they operate. Look what it is that they do. They pick the bones of the people clean, and then they're not through. After those with the beaks that can't crush bones but can only pull off decayed flesh and strings of rotting intestines have done what they do, then the little jackals come, but they stand a little distance away while those with the big, strong crushing teeth come and pop the bones and take the marrow. Then the little jackals come and they pick up the scraps and the leavings. And what is it that has provided a dinner for all of them? Why, the working people, that's who. We're watching the working people be dismantled, and then these people who call themselves representatives of organized labor will run around here pretending that they're representing the working people. They have more in common with business than they do the rank and file who comprise the labor unions. People in labor unions pay dues. They pay money out of

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

what they earn, to this union to represent their interests. The union is of value only when it fights for the workers. When it doesn't, it is a hindrance because it's in a position to sell them out. And they can be sold out through the union in a way they could not be sold out if there were no union at all, because the people who work would realize they have to look out for their own interests, and they'd cut the best deal they could individually. But with the union, they are sold out collectively, and they don't know what has happened to them until it has happened. They're at home thinking that they've got union representation, and what does that mean, being sold out? I've never sought the endorsement of the union, never. When they have these gatherings for candidates to come and grovel before them, I've never groveled before them or anybody else. I came, I groveled, I got their endorsement--that's what these politicians can say. You came, you groveled, you got their endorsement. And what did you get--plenty of nothing. But at least you got sense enough not to have these unions represent you. I think it might be time for me to make another change, and that's to oppose these things that the so-called union, representing working people, will bring here. They seek things that will benefit the upper echelon people who run these unions and make their living now, not by working, as the people who comprise the rank and file of the unions have to work. They are bureaucrats. They are management. They come down to the state house and sell out the workers, and that's what this bill is. You don't see the hall, the rotunda, full of working people out there, protesting being sold out, because they don't know what's happening to them. The only way a traitor can be effective is to deceive the people he is betraying. The blood and the flesh of traitors have always been more tasty than the blood and flesh of the enemy. The enemy you know; you know what to expect from the enemy, but you don't expect to be betrayed by your own. You don't expect your own to collaborate with enemy to deliver you into the hands of the enemy. And that's why traitors and betrayers are and can be, under international and national law, treated more harshly than a combatant. It would be a violation of international law to capture combatants and hang them, but you can hang your own traitors. You can shoot your own traitors. When the union leadership, as it's called, will sell out and betray the workers, they don't deserve to be

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

kept in those positions, and the unions are not serving the interest of the working people. Why do you think unions are losing membership? Because the unions are being perceived as those entities that sell them out. Why do you think Wal-Mart is so successful in preventing the unionization of Wal-Mart workers? Because the union, organized labor, the AFL-CIO, none of the rest of the them, can stand up to these big entities anymore. They're not the entities that strike fear into national political parties. Their support cannot carry the day because they do not represent...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...well the interests of the people who make them possible. You said time?

SENATOR CUDABACK: One minute, Senator.

SENATOR CHAMBERS: Oh, thank you. Until the working people will take back their unions, and they can only do that by holding these union representatives accountable, they're going to continue to be sold out, the union will be a shadow of itself and never function in a way that benefits the workers. If the union representatives were afraid to stand up to business, they should have notified the rank and file of what was going on and try to see if they could organize busloads to come down here to these hearings and speak in their own behalf in a way that their union representatives won't. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on FA115 to the first division of the divided committee amendments. Senator Chambers, you're recognized to speak.

SENATOR CHAMBERS: Thank you. Mr. President, let me tell you how strong the union is now. The union is as strong as soup made from the shadow of a malnourished pigeon. That's how strong the union is--soup made from the shadow of a malnourished pigeon. Who even cares about the union? Why do you think people who are considered union workers can be mistreated on the job with impunity? When they have to go to file an appeal, the

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

union representative sits there in a posture which led the old folks to say, the cat got your tongue, meaning you don't talk. They will often try to discourage an employee who feels he or she was improperly treated from pursuing redress. Well, I don't know if you got a case, I don't know. Even if you won, you'd go back to work and I don't know if you want to work there. Sell-outs, cowards, quitters--the union people know what they've done. They used to would sit up in the balcony when we're debating bills like this. They're too ashamed now, not unless they're sitting over there where I can't see them, where I could pinion them to the wall with a piercing gaze of condemnation. Where are they? They might be out drinking somewhere. Does it sound like I don't have much respect for the unions? Well, you got that right, because there is, brothers and sisters, a distinction between the working people and the unions. There is. Why do the people perish? Because they have no leadership and they have nobody who looks after their interests, but they should have. There should be 49 of us doing that, but that is not what happens here. Business rings the dinner bell and the senators come running. Working people can't buy you dinners. They can't take you to the Nebraska Club or that big hotel downtown or get you a membership in some country club or take you out to play golf, because they work. No, you're comfortable with those who exploit working people, and you think you're one of their kind of people. When was the last time that any politician, let alone a member of the Legislature, was considered for the kingship of Ak-Sar-Ben, as ridiculous as all that is? Do you think anybody in here is going to be the king? And God knows none of you will be the queen. Now, maybe your granddaughter would be queen, because they like those pubescent young girls to be with these spindly-legged old men. The old man is sitting up there is king and you got these pubescent girls, then you wonder why there is abuse of these young girls by these old lechers. Some of them probably ought to be on that registry that HHS has, but because of who they are, they can beat it. That's the reality, but it's not talked about on this floor. Then you piously run out here with these businesspeople and act like you are respectable, that they're respectable, and you're engaged in respectable business. It's monkey business and you know it and I know it, and anytime I get a chance, I'm going to tell on you. But all you have to do is go out there

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

among your constituents and lie to them and talk about all you're doing for the people. You ought to talk about what you're doing to them. Actually this afternoon, I have to admit it, I'm kind of enjoying myself. I'm enjoying myself that this would be a sin if it were not for the fact that I'm the one who determines what is sin and what is not, and I don't consider this a sin.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: This is good work in behalf of the people. No, I'm not going to get tired. I don't feel noways tired; in fact, I don't want us to leave at 4:00. Since we're drawing a line in the sand, let's draw that line and see if I can go on until midnight. Catch me now, and I'll be here till midnight. And there's enough in this bill for me to go on and on and on. Why, I haven't even started talking about some of Senator Foley's favorite bills, but he knows that I can. And I might even be able to draw him out. Look at him looking at his gadget, playing like he doesn't hear what I'm saying. Anytime you hear your name spoken, it catches your attention. You know that. And I've been here 35 years and I don't know when I've caught somebody's attention? (Laugh) We're all enjoying ourselves this afternoon, because you knew that today we were not going to get anything done. If I ask you...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: Is that my third time?

SENATOR CUDABACK: It is...that was your second time, Senator Chambers, and there are other lights on. Senator Louden, followed by Senator Cunningham, Beutler, Redfield, and Chambers. Senator Louden.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I learned through this discussion about pigeon soup and spindly old guys and a few other things, I guess I'm still trying to figure out this thing on this labor bill, and I think that's probably where we have to focus our attention. I guess when I look at the white copy and look at the green copy and

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

that, Section 7, I thought with a little bit of work, as has been mentioned earlier, is something that probably is a better part of this bill. I thought maybe the way I read the thing, at least it describes some of the things that probably need to be done to help workers, especially if they happen to leave under adverse situations. Senator Cunningham, would you be willing to answer questions?

SENATOR CUDABACK: Senator Cunningham, would you yield to a question from Senator Louden?

SENATOR CUNNINGHAM: Yes.

SENATOR LOUDEN: Yeah. Section 7 was...that came in the white copy, was that your...part of your committee amendment? That wasn't in your original bill, was it, with the green copy? Am I correct on that?

SENATOR CUNNINGHAM: I believe it was, Senator.

SENATOR LOUDEN: Okay.

SENATOR CUNNINGHAM: I'm not certain, but I believe that was part of the original bill.

SENATOR LOUDEN: Well, the other part of this Section 7 is with all of those benefit tables and like that, and you did away with all of that, right? Or is that the different...in the green copy, is that where Section 7 is, the benefit tables?

SENATOR CUNNINGHAM: No, I don't believe that was in Section 7. That's further on, Senator.

SENATOR LOUDEN: Okay. Well, I'm looking at it here and that's what it looks like to me. But at any rate, is what's in Section 7 now, which is what the discussion is about, is that more or less the better part of this legislation, if you amend it as you mentioned earlier on? I mean, this is something that really needs to be kept in this part, with some amendments. Am I correct?

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CUNNINGHAM: Could you just restate the question? I was talking to legal counsel and didn't hear it all.

SENATOR LOUDEN: Okay. I guess my guess is we're to...the question is, do we strike Section 7? And as I've read through this thing, it look...my observation is that Section 7 is probably some of the better part of the bill that would help laboring people, providing you have an amendment that you mentioned earlier. I think you have some wording that Senator Chambers or somebody mentioned to put in there. And that would...that has to be a kind of a major part of the bill. Am I correct?

SENATOR CUNNINGHAM: Well, Section 7 is a major part as far as organized labor, and I told you that we had many meetings--Senator Combs, Senator Redfield, myself, labor, and business. And Senator, 7 definitely affects organized labor and their opinions, and it's one of the things that we negotiated in, and so I would stand up here and tell you we cannot strike Section 7.

SENATOR LOUDEN: Now, and you had...earlier in this today and during some of the debate, you mentioned there was some wording that you would be willing to put into that section. That was where it went in, Section 7. Am I right on that?

SENATOR CUNNINGHAM: One of the wording changes was a deletion that was at the end of Section 6, the page before, on page 27, or no, wait, the page before, on page 26. I'm...

SENATOR LOUDEN: I guess what I was going to, I thought Senator Chambers had said that what isn't written down in this law then would not be covered, and he wanted some language to the extent that other situations could be covered...

SENATOR CUDABACK: One minute.

SENATOR LOUDEN: ...in this language. And was that in Section 7 where that was going to be inserted?

SENATOR CUNNINGHAM: Yes, it is, and the wording is "including

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

but not limited to."

SENATOR LOUDEN: Okay. That's most of the questions I have at the time. I myself think with that wording included in there and that sort of thing, I think Section 7 is probably something that I would like to see left in the bill. I think when we work through this thing, there's going to be pieces in here that we're going to have to have, and that looks like one of them. With that, I would...I think Senator Cunningham is next so I'll turn my time on over to Senator Cunningham.

SENATOR CUDABACK: Senator Cunningham, 24 seconds.

SENATOR CUNNINGHAM: Thank you, Senator Louden, appreciate the time. And I appreciate everybody hanging in here this afternoon. I know it's been a long day. All I can tell you is the Unemployment Trust Fund was in very serious trouble. I started being concerned about that, started talking about it, having meetings, in those meetings, and Senators Combs and Redfield became...

SENATOR CUDABACK: Time, Senator.

SENATOR CUNNINGHAM: Thank you.

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

SENATOR BEUTLER: Senator Cunningham, I'm going to venture into an unexplored part of the bill, and the reason I'm doing this is twofold; one, to improve my own understanding and, two, because I think there have been some changes made, if I understood your basic introduction yesterday, and people are probably going to get asked about what was changed or what was the difference. But basically, what I'm referring to is the fact that the construction industry, because of the nature of the industry, probably has a lot more claims filed under this system than would most other categories of industries. Wouldn't that be correct? I would yield to Senator Cunningham.

SENATOR CUDABACK: Senator Cunningham.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CUNNINGHAM: Yes, it is.

SENATOR BEUTLER: Okay. And I really am venturing into new territory. I mean, this is like going to Zimbabwe for me. The...start very basically with me. How is a business taxed? And then, how is the construction industry treated differently? How is it treated differently under current law? And then what changes, basically, have been made that affect the relationship between the construction industry and other industries with respect to their obligations to make contributions to this fund? And I recognize, Senator, that that's a rather broad question with a lot of different aspects, and it's a little unfair for me to ask you all of these at once. But maybe just start with the basics of how they're...of how any business is taxed, and we can go from there. Is it a percentage of their wages, or how does this all start?

SENATOR CUNNINGHAM: Well, right now every business has a reserve ratio, depending on their use of the fund, their employees, you know, whether they've been laid off or what have you. And some of the construction industry and some other industries also, there's a maximum tax of 5.4 percent. So there are some industries that are called zero balance or negative balance employers, where employees that have worked for them are drawing more off of the system than what that business is paying into the system. So that's currently.

SENATOR BEUTLER: And to the extent that we're doing this, we're probably not properly attributing the actual cost of a business to the business itself, insofar as the business is included within the construction industry. Would that be a fair statement?

SENATOR CUNNINGHAM: Yes, I believe that's fair.

SENATOR BEUTLER: And why do we make this social policy that construction shall not bear the cost of construction? I mean, why is it that we expect them to pick up the cost for other businesses, or why is it we expect other businesses to pick up their costs instead of assigning to them their costs and then

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

deal...and living with the free market result of construction projects being somewhat higher, I suppose, in the marketplace?

SENATOR CUNNINGHAM: Yes.

SENATOR BEUTLER: Why do we do that?

SENATOR BEUTLER: Well, that's a big question, Senator Beutler. And in the bill, in the array process, it attempts to kind of correct that situation. And it probably isn't going to totally correct the situation, there's no doubt about that, but construction will pay a higher amount in the new array system. And there's another section of the bill. I don't know if you've seen it yet, Senator, but...

SENATOR CUDABACK: One minute.

SENATOR CUNNINGHAM: ...where construction that comes from out of state, they will pay the higher amount, I think it's 5.4 percent, immediately, where before a new business coming in I believe the amount was 3.5 percent that they paid. So new construction, either new starts in Nebraska or construction companies coming into Nebraska, until they've had two years' worth of wages paid, they will pay the higher amount, in this bill.

SENATOR BEUTLER: Okay. So the situation or the difference between the construction category and other categories is corrected, to some extent. By what mechanism do we do that, and can you give us some common-person idea, of the extent to which it's corrected? I mean,...

SENATOR CUNNINGHAM: Well, when we go into the section where we...

SENATOR BEUTLER: ...if...

SENATOR CUNNINGHAM: ...we divide the businesses up by categories into 20 different categories, and it goes by...

SENATOR BEUTLER: Is that new or has that always been the case?

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

SENATOR CUDABACK: Time.

SENATOR CUNNINGHAM: That's new.

SENATOR BEUTLER: That's new?

SENATOR CUNNINGHAM: That's new.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Redfield, followed by Senator Chambers.

SENATOR REDFIELD: Thank you, Senator Cudaback and members of the body. I did want to address some of the issues in Section 7 because that is the amendment that is before us. And the history of this section of the bill actually harkens back to discussion that occurred on the floor of the Legislature last year. We heard concerns from a number of people about those who had lost their jobs or voluntarily quit their jobs because of circumstances that members of the body did not feel actually warranted the punishment of having to delay the acceptance or receipt of unemployment checks. So we tried to incorporate that language in Section 7, and I would hope that we don't take that language out of the bill. I think it certainly benefits workers to a degree that we have not had protections before, and the Department of Labor is very comfortable with having very clear guidelines for them when they're adjudicating these cases. If you look on page 27 of the amendment, you see that the first one here that is a voluntary quit that would be considered good cause is: An individual has made all reasonable efforts to preserve the employment voluntarily but leaves his or her work for the necessary purpose of escaping personal abuse, as defined in law in Section 42-903. The second one: An individual left his or her employment voluntarily due to a bona fide non-work-connected illness or injury that him or her from continuing the employment or continuing the employment without undue risk of harm to the individual. The third one is a new category that we've never seen addressed in Nebraska law. It's: An individual left his or her employment to accompany his or her spouse to the spouse's employment in a different city or new military duty station. Number 4: An individual left his or her

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

employment because his or her employer required the employee to relocate." Five is the construction piece, and this required a great deal of work in trying to come up with a piece that, in fact, did not create an advantage, Senator Beutler, for those in this industry, but at the same time didn't penalize them. You asked why, in fact, we wouldn't ask them to pay the full freight, and actually they do, because of the negative balances in that industry, come in at the very highest rate. But many times it's weather, it's seasons. It's not the company, it's not the management. It's the fact that, in fact, weather intervenes. We live in a northern climate where, in fact, we have winter months where they just can't work on a project, especially road construction. So you asked why we don't penalize the company. Well, that's why we're looking at this here. And the language that is incorporated, which is new: An individual is a construction worker and left his or her employment voluntarily for the purpose of accepting previously secured, insured work in the construction industry, if the commissioner finds that (A) the quit occurred within 30 days immediately prior to the established termination date of the job which the individual voluntarily leaves. All right. Let me give you an example of this. Let's say the construction worker is working on a job and it is outdoors, and they know that the season is closing upon them, and they know that there is a limited amount of time left on that project, so they voluntarily quit to take a job on an indoor project which would provide a more stable check for them in the coming months. Something goes awry and that project is canceled or that too many workers are there; for some reason they are let go. And that's why this is here. It's someone who in good faith has taken another job and thinks that they're going to have employment but is there for a short time...

SENATOR CUDABACK: One minute.

SENATOR REDFIELD: ...or no time, and that project does not go forward. That's why that language is here. The new job offered employment for a longer period of time than remained available on the job, which the construction worker voluntarily quit, and the worker had worked at least 20 days or more at the new job after the established termination date of the previous job,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

unless the new job was terminated by a contract cancellation. And my time is up. I will push my light again. Thank you.

SENATOR CUDABACK: Thank you, Senator Redfield. Senator Chambers, and this will be your third time, as you know.

SENATOR CHAMBERS: Mr. President, I try, when I'm allowed, to be courteous, to be polite. On occasion, Senator Redfield, my conduct may rise to the level of being courtly. This is one of those occasions. Mr. President, I yield my time to Senator Redfield.

SENATOR CUDABACK: Senator Redfield.

SENATOR REDFIELD: Thank you, Senator Chambers. I will continue with the list then. We were talking about the construction workers under Number 5, and I will then go on--there's a distance factor there--and then go on to 6, which is a new category. This is an individual who accepted a voluntary layoff to avoid bumping another worker. We don't currently have any system to protect someone in the workplace where there will be a layoff. And rather than seeing your younger brother or sister in the workplace who has less seniority take the bump, you may be close to retirement age or you may just be a noble, courtly person who decides to take the hit for them. And we don't want them, in fact, to be charged with an in...or a voluntary quit that would penalize them, because if we had had the other worker take it, it would have been involuntary and they would have collected. So this doesn't penalize our fund. Someone is going to collect the unemployment here. If someone is noble, let's let them take it, and I think that's a good piece to have in our bill and I hope we don't strike this section. And then existing language: An individual left his or her employment as a result of being directed to perform an illegal act. We have protections right now. We clearly would never ask anyone in the workplace to have to perform an illegal act. Eight: An individual left his or her employment because of unlawful discrimination or workplace harassment on the basis of race, sex, or age. And Number 9, an individual left his or her employment because of unsafe working conditions. We tried very carefully to craft this. We tried not to leave out important

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

areas. It's very difficult. Senator Chambers is right. We might want to go back and adjust that language on Select File so that we don't create a list that would leave out something important. But certainly, we're open to listening to you as a body, if you have other concerns that you believe should be there. We looked across the spectrum of other states, at language they have it in their statutes, and tried to incorporate what we felt was most valuable to the workers in Nebraska. And I thank Senator Chambers for his time, and I would yield the remainder back to him.

SENATOR CUDABACK: Thank you, Senator Redfield. Senator Chambers, did you wish to use your remainder?

SENATOR CHAMBERS: How much is left?

SENATOR CUDABACK: Two minutes.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I believe Senator Redfield gave a good explanation of what is contained in Section 7. And there is apparently going to be some movement on this bill in a direction that is closer to what some of us on the other side think ought to be considered. It's regrettable that it takes so much time and effort to cause people to see what is there for them to see and perceive at the outset. But sometimes they are so arrogant that they feel they don't have to make a move. They run our Legislature, so the time has to be taken. And every Legislature would be lucky if it had somebody like me who is willing to take that time, and somebody like Senator Beutler...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...who is willing at the same time to help analyze and explain the details of a very complex, difficult piece of legislation which became that way because the business community wanted to lump so much together that they felt all that is in it which they want will be taken, while giving less than they're receiving. But we might be moving toward an accord. Thank you, Mr. President.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 739

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

SENATOR REDFIELD: Thank you, Senator Cudaback, members of the body. I want to go back and address some of the other questions that have been raised in the discussion. Senator Beutler, on page 50, when we're looking at the yield factor, you had a concern whether, in fact--without raising the wage requirement beyond \$9,000--whether, in fact, we would be able to maintain a whole fund. And again, I want to go back to the yield factors. As you look at that chart, you see that if, in fact, the fund were to drop below .30, they would fall at one-and-a-half times, 1.5, so you would see that the business community would have to step up to the plate and continue to ante up at a greater rate than they would at .85. Now if at that time we found that we were in a great depression, and we had so much usage of the fund that the Legislature needed to come back and address it, I'm sure that they would. But as the Department of Labor has looked at these numbers and played them out over the years, they believe that this is adequate. We had talked originally in the committee discussions with all...a number of players whether, in fact, we should continue a surcharge into the future, and had actually incorporated that into an amendment. But as we played out the numbers into the future, we found that the yield factor actually was going to address it, and that the surcharge would not come into play. So that's why we took that piece out. It just wasn't necessary as the numbers show us. Now if, in fact, the Legislature, as I said, faced a great depression, they may have to come back and address that. But remember, in those very difficult times, you're not going to have many employers, either. So you're going to have a deeper problem than what we're facing here today. So I believe that the numbers are telling us that this is adequate under the yield factor, and I also believe that in the preceding pages where you see the experience factors that the 20th step on the array, there is a significant jump there. It jumps all the way up...this is on page 49, line 8. It jumps all the way up to 2.6 for those who have negative balances. So you see that, in comparison to the current system, where we actually penalize those that are not laying off workers to a greater degree than those who are utilizing the system, this array system, I believe, will

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 22, 2005 LB 217, 361, 588, 673A, 739

actually put the cost on the industries who are creating the most cost for the fund. And that seems fair to me. It's more of a user pay system structure. So I think that's a better system and I would yield the rest of my time to Senator Beutler, if he has more questions about that.

SENATOR CUDABACK: Senator Beutler, about 1, 55.

SENATOR BEUTLER: Senator Redfield, I appreciate your explanation and it helps, because I think I had a bit of a misimpression that the indexing that constitutes the yield factor was based on something other than total wages. But being based on total wages makes a big difference. And I'm glad that they've restructured things a little bit more equitably as between certain industries because certainly I think you've probably heard, as I've heard, complaints within the business community about inequities within the system. So if some of that is straightened out, too, that's all to the better, as far as I'm concerned. Thank you.

SENATOR CUDABACK: Mr. Clerk, items for the record?

CLERK: Mr. President, I do have some items. Senator Beutler would like to print amendment to LB 739; Senator Chambers, to LB 739; Senator Brown, to LB 361. New A bill. (Read LB 673A by title for the first time.) Senator Erdman would like to add his name...withdraw his name, excuse me, as cointroducer of LB 588. And Senator Flood, an amendment to LB 217, to be printed. (Legislative Journal pages 979-984.)

Mr. President, a priority motion. Senator Brashear would move to adjourn until Wednesday morning, March 23, at 9:00 a.m.

SENATOR CUDABACK: You've heard the motion by Senator Brashear to adjourn till March 23, 2005, 9:00 a.m. All in favor of the motion say aye. Opposed to the motion, nay. We are adjourned.

Proofed by: gsk, AEG