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SPEAKER WITHEM: I'm doing two things. I'm remembering what my intention was and my intention was to make it at an annual basis that they would have to do it. I'm rereading the language and the language does not say that.

SENATOR CHAMBERS: Would it be fair to allow a company to keep this money because the employee did not file on September 1? That's the ultimate question. But here is the one I'm going to ask you preliminarily to that. There is nothing in your amendment which says that anything will happen if the employee fails to file by September 1. It does not say that the company shall keep the money. Isn't that correct?

SPEAKER WITHEM: But by being silent on that issue they would. Nothing else would happen with the money if they...if the individual didn't. They would end up keeping it because that's what the underlying law is.

SENATOR CHAMBERS: But the money we all know is due and owing to the employee. We know that. Isn't that right?

SPEAKER WITHEM: Well, that is...that would be my policy pronouncement and my view on this, but we do not know that, no, because current law indicates that the employee gets to keep all of it. The employer gets to keep all of it, any overwithholding.

SENATOR CHAMBERS: But since we are modifying that and what we do with this specific language dealing with this area that we're carving out, it seems to me that this language will control in this situation. But what you seem to be telling me is that this simply is superimposed on the existing law, or the existing law is superimposed on this amendment, and if the employee would file the claim September 2, the employee loses all that money and the company gets the windfall, in addition to the windfall we're giving Union Pacific anyway.

PRESIDENT ROBAK: One minute.

SPEAKER WITHEM: I would agree with that, but I would remind you that current law indicates that they get to keep all of the overwithholding.