

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

March 24, 2005 LB 739

this point.

SENATOR CUDABACK: Senator Cunningham.

SENATOR CUNNINGHAM: Thank you, Senator Cudaback and members. Thank you, Senator Chambers, for the time. As you stated, this was an agreement. We do agree with your amendment to move the bill forward. The first part of it, I guess you've gone through every section of it, so there's no reason to go back through it. Senator Beutler might want to clarify something when he gets up to speak. I might just ask you a question on your intention, Senator Chambers, just to...when you get to that clause of when equity and good conscience demands a finding of good cause, I mean, the way I envision that is more the extreme type cases, not just the everyday cases. Would you agree with that?

SENATOR CHAMBERS: I would not attempt to put a limiting interpretation on this language now because, excuse me, it would not have to be an extreme case. It could be an ordinary case. And sometimes the most ordinary cases are the ones where such a thing as this might be necessary because it could have a little outgrowth that was not contemplated. It will not fit squarely within that list, but justice would require that whatever that consideration ought to be, or would be, should be looked at and factored in. So I would not say it applies only in extreme cases.

SENATOR CUNNINGHAM: Well, maybe that was a wrong way to term it. But you wouldn't anticipate it being just the normal case? I mean, it wouldn't open the statutes up to abuse, in your mind. That isn't what the purpose of this is.

SENATOR CHAMBERS: Senator Cunningham, you sound very nervous, and it indicates to me that somebody out in the lobby is nervous, because you and I understand each other. So I'm going to address as directly as I can. This is not to be limited in the way that people in the lobby want it limited. But I will say this as a general principle when I'm involved in legislation: It's not designed to open the statute to abuse. And if the lobby continues to do what it's doing, this whole thing is going to fall apart because I'm going to withdraw that