

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

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strictly up to the employer who may not want to bring that contingency into being, namely, the providing of benefits. And anything you want to say, in the time I have left, whatever it is, you can have it.

PRESIDENT MAURSTAD: Time. Thank you, Senator Chambers. The question is the adoption of FA342 to the committee amendments to LB 936. Those in favor vote aye; those opposed vote nay. Have you voted? Mr. Clerk, please record.

CLERK: 1 aye, 19 nays, Mr. President, on the amendment.

PRESIDENT MAURSTAD: The amendment is not agreed to.

CLERK: Mr. President, the next amendment, Senator Beutler, AM3034. (Legislative Journal page 1250.)

PRESIDENT MAURSTAD: Senator Beutler, you're recognized to open on your amendment to the committee amendments to LB 936.

SENATOR BEUTLER: Mr. Lieutenant Governor, members of the Legislature, this particular amendment has to do with the recapture provisions in the bill. The bill, essentially, provides, if I'm remembering it correctly, that with respect to employees, level of investment and the different criteria set out, you have to maintain them for a certain period of years. And, if you do not maintain them for that period of years, then the government goes back and recaptures the taxes that you should have paid. Now, with respect to LB 775 there was a court case last year. The provisions of LB 775 didn't provide for interest on those recaptured amounts when you failed to come through and meet your obligations. And the Department of Revenue, under LB 775 provisions, attempted to levy an interest payment in addition to recapturing the lost income tax money, the theory being that the person or the company that failed to meet the requirements shouldn't benefit by not having to pay any income taxes for that extended period of time when they were trying...trying to qualify for the incentives. In other words, the government was arguing, if you don't follow through with your obligations and we go back and recapture the taxes from past years, you ought to pay reasonable interest on those taxes that you never paid, because that should have been our money at