

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

April 14, 2003      LB 258, 354

nay. I'm sorry, I meant to push my own button. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK:      35 ayes, 0 nays on the advancement of the bill, Mr. President.

SENATOR CUDABACK:      LB 258 does advance. Mr. Clerk, next legislative bill.

ASSISTANT CLERK:      LB 354 was introduced by the Revenue Committee. (Read title.) Bill was read for the first time on January 14, referred to the Judiciary Committee, reported to General File with no committee amendments.

SENATOR CUDABACK:      Thank you, Mr. Clerk. Senator Landis, Chairman of the committee, you're recognized to open on the advancement of LB 354.

SENATOR LANDIS:      Thank you, Mr. Speaker. Members of the Legislature, I want credit for bringing together a unanimous Judiciary Committee on a particular issue that they reported out 7-zip. This was going to be a...it is the committee bill for the Revenue Committee. We expected to see it in our committee, but it got referenced to Judiciary Committee. We currently have a law that says the Department of Revenue can seek a fee in the event you pay with a check for your taxes and that is an insufficient funds check that gets returned. It's one of a number of fees that are permitted under our state law, and our general admonition to the State Treasurer is that the fee schedule used to identify these fees and then collect for them needs to approximate the cost of providing this service. A service that sprung up in the new technology is the use of electronic payments, so you authorize electronic payments. But if there isn't money in the electronic sweep, you have essentially the same thing as an insufficient fund check, but you don't have a check. You've got this electronic sweep. So the Department of Revenue says, look, we get to collect a fee for a returned check. We should be able to collect a fee for an electronic payment that's not accepted, meaning there isn't money in the account, because it means you've done this labor and work for which you haven't gotten the fee paid, and it's