

You look alike, that's what threw me. Senator Lynch, would it be okay with you if we go ahead? We're waiting for Senator Schmit only. Would it be agreeable with you if we go ahead without him, or do you wish to wait?

SENATOR LYNCH: Go ahead and proceed.

PRESIDENT: Okay. The question is the adoption of the Withem amendment. Did you wish a roll call vote, Senator Lynch? Roll call vote? Okay. Mr. Clerk.

CLERK: (Roll call vote read as found on page 194 of the Legislative Journal.) 27 ayes, 17 nays, Mr. President, on adoption.

PRESIDENT: The Withem amendment is adopted. The call is raised. Did you have something for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, new bills: (Read LBs 1017-1020 by title for the first time. See pages 194-95 of the Legislative Journal.)

PRESIDENT: Ladies and gentlemen, I've been handed a note by Speaker Barrett. Senator Don Thompson of McCook, Nebraska, Speaker Emeritus of the Nebraska Unicameral passed away in McCook, Nebraska, yesterday afternoon at 4:00 p.m. His funeral is scheduled for Wednesday, January 10 at 2:00 p.m. at the Peace Lutheran Church in McCook, Nebraska. The Herman Funeral Home in McCook is in charge of arrangements. Memorials may be sent to either the Peace Lutheran Church or the Herman Funeral Home in McCook, Nebraska. Do you have some new bills, Mr. Clerk?

CLERK: Mr. President, (Read LBs 1021-1030 by title for the first time. See pages 195-97 of the Legislative Journal.) That is all that I have at this time, Mr. President.

PRESIDENT: I have a note here that there is a group visiting us today from Burke High School in Omaha. Is that group here? Perhaps they have not come in yet. I'll announce them when they do come in. Senator Coordsen, we're about ready to begin the festivities of bringing the Governor here. Would you have a motion, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the body, I move that a committee of five be appointed to escort the

January 9, 1990

LB 259, 845, 972, 973, 993, 1014-1048, 1057-1059  
LR 236

Haberman.

SENATOR HABERMAN: Mr. President, I move to recess until 1:30 p.m.

SPEAKER BARRETT: Mr. Clerk, would you care to read anything in before we vote on the motion to recess.

CLERK: Mr. President, new bills. (Read LB 1057-1059 by title for the first time as found on pages 232-33 of the Legislative Journal.)

A series of requests to add names, Senator Beck to LB 1026, Senator Kristensen to LB 1035, Senator Conway to LB 993, Senator Wahrbein to LB 973, Senator Wehrbein to LB 972, Senator Weihing to LB 845.

(Reference Committee Report referring LBs 1014-1048 and LR 236 appears on pages 233-34 of the Legislative Journal.)

Mr. President, explanation of vote offered by Senator Kristensen. (Re: LB 259.) That's all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. A reminder especially to committee chairs. Committee chairmen, please take note. If you are planning hearings, public hearings next Tuesday, notices of that fact should be filed with the Clerk today. File the notice of public hearing today if you are planning to begin hearings next Tuesday. Those in favor of the Haberman motion to recess until one thirty say aye. Opposed no. Carried. We are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Any messages, reports, anything for the record, Mr. Clerk.

CLERK: One item, Mr. President, I have a hearing notice from the Banking Committee for hearings scheduled on Tuesday,

January 17, 1990

LB 257, 871, 888, 890, 894, 909, 917  
924, 932, 946, 954, 978, 990, 992  
1018, 1028, 1046, 1047, 1079, 1080, 1085  
1104, 1107, 1115, 1118, 1162-1169  
LR 240

Services Committee, all signed by their respective chairs. (Re: LB 1104, LB 992, LB 894, LB 1028, LB 932, LB 909, LB 1079, LR236, LB 1115, LB 1107, LB 890, LB 924, LB 990, LB 1118, LB 978, LB 1018, LB 871, LB 1046, LB 1047, LB 917, LB 1085, LB 954, LB 946, LB 888, LB 1080. See pages 358-59 of the Legislative Journal.)

Mr. President, new bills. (Read LBs 1162-1169 by title for the first time. See pages 359-60 of the Legislative Journal.)

Mr. President, a new resolution by Senators Moore and Hall. (LR 240.) It would propose an amendment to Article VII, Section 10 of the State Constitution. That will be referred to Reference Committee, Mr. President. That's all that I have, Mr. President. (See pages 361-62 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File, number 2, LB 257. Mr. Clerk.

CLERK: Mr. President, 257 is on Select File. The first order of business are Enrollment and Review amendments, Mr. President.

PRESIDENT: Senator Baack, would you handle that, please.

SENATOR BAACK: Sure, I would move that the E & R amendments be adopted.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Pirsch. I have a note that she wants to withdraw, Mr. President.

PRESIDENT: Senator Pirsch, are you present?

CLERK: She's excused, I believe, Mr. President, until she arrives.

PRESIDENT: Okay, she is present somewhere. We'll withdraw them and check to make sure that's correct.

CLERK: The next amendment, Mr. President, is by Senator Withem. Senator, your amendment is on page...well, it was printed last year.

February 2, 1990

LB 42, 164, 632, 750, 794, 831, 841  
843, 861, 881, 902A, 925, 932, 952  
956, 1028, 1059, 1219  
LR 250

CLERK: Mr. President, I do. Revenue Committee, whose Chair is Senator Hall, reports LB 831 to General File; LB 932, General File; LB 1219, General File; LB 952, General File with amendments; LB 1028, General File with amendments; LB 750, indefinitely postponed; LB 794, indefinitely postponed; LB 841, LB 861, LB 881, all indefinitely postponed. Signed by Senator Hall as Chair. (See pages 648-49 of the Legislative Journal.)

Amendments to be printed by Senator Hefner to LB 1059; Senator McFarland to LB 632; Senator Ashford to LB 164; Senator Withem to LB 843; Senator Moore to LB 925; Senator Wesely and Schmit to LB 956. (See pages 649-55 of the Legislative Journal.)

Mr. President, LR 250 offered by Senator Withem. (Read brief description of LR 250 as found on pages 655-56 of the Legislative Journal.) That will be referred to the Executive Board.

Mr. President, new A bill, LB 902A by Senator Hall. (Read by title for the first time as found on page 656 of the Legislative Journal.)

Mr. President, Senator Kristensen has designated LB 42 as his priority bill for the session.

And, finally, Mr. President, a report has been filed by the Appropriations Committee pursuant to Rule 8, Section 3, of our rules. I believe copies of the report have been distributed to the members. That's all that I have, Mr. President.

SENATOR HANNIBAL: You have before you a motion to adjourn until Monday morning at 9:00 a.m. All those in...excuse me. All those in favor say aye. Opposed nay. We are adjourned.

Proofed by:

La Vera Benischek  
LaVera Benischek

February 16, 1990      LB 163, 164A, 226, 260, 457, 571, 838  
846, 866, 880, 958, 1003, 1019, 1028  
1039, 1062, 1103, 1106, 1113, 1184, 1205  
1215, 1229

Senator Hartnett.      (See pages 846-48 of the Legislative Journal.)

Judiciary reports LB 838 to General File; LB 880, General File; LB 846, indefinitely postponed; LB 1103 and LB 1205, indefinitely postponed.

I have amendments to be printed to LB 866 by Senators Lamb, Haberman, Rogers and Crosby. (See pages 848-50 of the Legislative Journal.)

Mr. President, priority bill designations. Senator Labeledz has selected LB 457. Senator Hartnett for Urban Affairs has selected LB 1106, LB 1229; Senator Conway, LB 260; Senator Bernard-Stevens, LB 1062; Senator Beck, LB 958; Senator Rod Johnson, LB 1019; Senator Haberman, LB 1039, as one of the Retirement Systems priority bills. Senator Hall's Revenue bills are LB 1028 and LB 1215; Senator McFarland, LB 226; Senator Hefner, LB 571; and Senator Chizek's personal priority, LB 880, and Judiciary Committee's, LB 1003 and LB 1113.

Mr. President, Revenue Committee gives notice of hearing. And one new A bill, LB 164A by Senator Ashford. (Read by title for the first time as found on page 850 of the Legislative Journal.)

And, finally, Senator Scofield has amendments to LB 1184 to be printed. (See page 851 of the Legislative Journal.) That's all that I have, Madam President.

Madam President, when we left LB 163, the Enrollment and Review amendments had been adopted. Senator Johnson had an amendment to the bill that had been adopted. Senator Morrissey had amendments. Senator Hefner had his first amendment adopted. The bill was bracketed, Madam President. I now have pending Senator Hefner's amendment. Senator, this amendment is on page 599 of the Journal. I believe...it's AM2141, Senator, the biodegradable. Right. Okay.

SENATOR LABEDZ: Senator Hefner, on the amendment.

SENATOR HEFNER: Mr. President and members of the body, you will find this amendment on page 599. And what this would do, this would add a tax or a fee on disposable diapers...on nondegradable disposable diapers at the rate of 10 cents per dozen. The tax would be collected by the Department of Revenue

March 5, 1990

LB 1028  
LR 258

this particular person so that he can solicit information to release to the media to benefit the Governor's tax policies and to praise those efforts. The Department of Revenue is not a public relations firm for the Governor's office. It is not a propaganda agency for the Governor's office. It is supposed to administer our tax laws in a fair and objective manner and give to the state senators, who request the information, fair and objective information on that issue. We have a bill before us that will be coming up that talks about full disclosure of the benefits of LB 775. It's a bill that Senator Wesely has introduced for several years now, each time that bill has been stifled. It calls for full disclosure of the benefits and the tax consequences of that particular policy, but yet that bill has not passed the Legislature. Apparently what this Department of Revenue official wants is he wants the good news on 775 so he can use it to broadcast across the...

PRESIDENT: One minute.

SENATOR MCFARLAND: ...state and further the Governor's reelection efforts but he doesn't want to know the bad news that would be disclosed if we were to pass LB 1028 or any other bill requiring disclosure of the full information concerning LB 775. I don't think that's an appropriate use of tax dollars funds...or tax dollars payments in funding to the Revenue Department. If this person is a salaried person, if he is a state employee, his duty primarily is with the Department of Revenue and to carry out the functions over there. The duty is not to solicit and be a public relations man for the Governor's office. And I think that brings in the whole question how these bonus payments are being allocated. The allegation has been made if we look at these bonus payments, look at who they have been paid to, you will find the same persons receiving them every year and the reason they are receiving those bonus payments are not because of their any particular competency...

PRESIDENT: Time.

SENATOR MCFARLAND: ...or performance but primarily based upon their political loyalty to the Governor's office.

PRESIDENT: Thank you. Senator Lynch, please. The question has been called. Do I see five hands? I do. And the question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

PRESIDENT: I'll go through this list, continue on through this list to see if you wish to speak about the amendment. Senator Lamb, amendments to the amendment. Senator Wesely. Senator Hall. Okay.

SENATOR HALL: Thank you, Mr. President, members, the amendment that Senator Wesely mentioned is one that was requested by Mr. Cerderberg who happens to also be an accountant for many of the firms that use the advantages that we built into the Business Incentive and Growth Act. I would ask you to, as we go through these, they are very simple. I view the whole legislation as technical changes to that act that we passed in 1987 known as LB 775. If you would look at the one handout that Senator Wesely gave you that is topped, it says, LB 1028 and it says "summary" on it, it will show you really what the changes that we are making are and it adds a number of reporting requirements that are out there that the department currently receives and what we do is we ask them to submit that information to us in these specific categories. They currently have that. In a few cases it is churned together with some other information and the argument could be made that it is there and it is reproduced for the public, but you cannot dissect it out unless we ask for it in this way. They do not have the authority, I guess, or the desire at present to do that. The question has always been raised as to why we feel we need it. I think it's important to understand when you make the kind of investment we did in the Investment Growth Act to find out through reporting requirements that we ask these businesses to give us information that tells us just how they are performing, how the legislation is performing. When you make the kind of investment we did as a state through credits to our tax base, it makes sense for me to see how is it functioning, how is it working. Let's take a look and see how things are going. Is it basically doing what we thought it would do? Is it doing better than we thought it would do? That's all LB 1028 and the amendments provide for. The amendments that Senator Wesely is offering are technical changes to take care of some of the problems that we had. If you look at the committee amendments you'll basically see a mirror image of the committee report. You'll see a mirror image of the handout that Senator Wesely has given you. The only opposition to the bill at the time dealt with a couple things that Senator Wesely is now correcting in his amendment and one of the issues that was brought up was reporting by taxpayer. We, instead, changed that to reporting by class and we did a couple of other things that

SENATOR WESELY: No.

SENATOR LANGFORD: It doesn't cost anything to put out whatever it is you're...

SENATOR WESELY: No. Senator Langford, this is all information that they are already supplying to the Revenue Department now. They'll just send it on to us then on a yearly basis, so it shouldn't...there is no additional staff, or analysis, or anything.

SENATOR LANGFORD: Well, there has to be a cost.

SENATOR WESELY: You can ask Senator Hall, but there is none that we know of and the fiscal note indicated no cost.

SENATOR LANGFORD: Well, we have no fiscal note on your amendment. We only have it on the bill.

SENATOR WESELY: That is because there is no fiscal impact. Senator Hall might be able to answer that.

PRESIDENT: Senator Hall, would you like to respond to that.

SENATOR HALL: If Senator Langford would like me to, I'd attempt it. There was no fiscal impact on LB 1028, Senator Langford, and I would refer you to the lack of a fiscal note or the fiscal note on that bill which shows that currently this reporting is being done to the Department of Revenue. Parts of it are separated out and then sent on to the Legislature. All we do through the passage of the Wesely amendment is then receive more information. In other words, they add some lines to the report, separate out some more information and then submit that report to us as well as they currently do now. They currently submit a report. All we ask through this amendment is for a little more information. It in no way should have a fiscal impact at all.

SENATOR LANGFORD: All right, thank you.

SENATOR HALL: Mmmm, hmmm.

PRESIDENT: And thank you. Senator Bernard-Stevens, did you wish to speak on this amendment to the amendment?