

Second Session of the 91st Legislature please vote aye, opposed nay. Record vote has been requested. Voting on the adoption of the permanent rules. Have you all voted? Record, Mr. Clerk.

CLERK: (Read record vote as found on pages 202-03 of the Legislative Journal.) 36 ayes, 1 nay, Mr. President, on adoption of permanent rules.

SPEAKER BARRETT: Motion is adopted. For the record, Mr. Clerk.

CLERK: Mr. President, new bills. (Read LBs 1033-1036 by title for the first time. See pages 203-04 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. A very brief announcement. Many of you in this body will remember former Senator William Hasebrook. A note of interest, his wife did pass away last evening. Memorial services are scheduled for Wednesday, January 10 at four o'clock at Westminster Presbyterian Church here in Lincoln. Mrs. William Hasebrook. Senator Byars.

SENATOR BYARS: I would move that we recess until 1:30 p.m.

SPEAKER BARRETT: Thank you. You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned. (sic)

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Just a gentle reminder, ladies and gentlemen, that we have now gone through about 15 minutes to just barely get a quorum. On the third day of the session it might be a good idea to remind you that at this pace we will have lost this week, five days, about two and a half hours. If this continues during the 60-day session, we will have lost nearly two days. It seems to me that we could perhaps do a little better job of getting back to the floor at one-thirty, getting to the floor at nine o'clock in the morning. I would ask for your cooperation. Mr. Clerk, proceeding to General

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,

Mr. President, I have a hearing notice from the Government, Military and Veterans Affairs Committee, for the Business and Labor Committee and for the Retirement Systems Committee, all signed by their respective Chairs.

Mr. President, Enrollment and Review reports LB 678 to Select File, E & R amendments; LB 678A, Select File with E & R; LB 720, Select File with E & R and LB 720A, Select File with E & R also, all signed by Senator Lindsay. (See pages 265-66 of the Legislative Journal.)

And I have a reference report, Mr. President, referring LBs 1049-1079. (Also LB 1034. See page 265 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. Those in favor of the motion to recess until one-thirty please say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you, sir. With a quorum present, we will proceed back to our discussion of LB 742 at which time we were discussing the committee amendments to LB 742. We will return to the speaking order. Correction, we're on a motion to advance the bill. The speaking order beginning with Senator Dierks, if you would care to discuss the motion to advance the bill to E & R, Senator Dierks, followed by Senators Landis, Moore, Smith, Schmit and Bernard-Stevens. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body, I just rise to support Senator Robak's LB 742. I think that... I think these people have a track record that is good and I think we need to honor that. I believe that we do allow people on our roads sometime that maybe shouldn't be there. I don't know how we can stop some of that, but this is some legislation that will allow people to drive again that their track record is proven, they can handle this situation. And they have been kept from this right by the bureaucracy and I think it's time for the bureaucracy to give the right back to them. So I would support 742 and I would urge other people here to do the same thing.

January 10, 1990

LB 662, 662A, 692, 832, 850, 861, 881
896, 952, 965, 1015, 1034, 1055, 1099
1100, 1101
LR 229

that, I hope you will let me know because we are going to take these concerns seriously and draft amendments as required to move this bill and get it to work as quickly as possible out there in the communities. Thank you. I ask you to move the bill.

SPEAKER BARRETT: Thank you. The question before the body is the advancement of LB 662. Those in favor of that motion please vote aye, opposed nay. Voting on the advancement of the bill, have you all voted? Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 662.

SPEAKER BARRETT: LB 662 is advanced. The Chair is pleased to take a moment to recognize a guest of Senator Bernard-Stevens. Under the north balcony, we have from ESU 16, Ogallala, Mr. Ken Wilcox. Ken, would you please stand and be recognized. Thank you. We are glad to have you with us. Mr. Clerk, matters for the record.

CLERK: Mr. President, Senator Weihsing has amendments to be printed to LB 692. I have notice of hearing from Revenue Committee. (Re: LB 850, LB 1015, LB 832, LR 229CA, LB 952, LB 881, LB 965, LB 1034, LB 1055, LB 861, LB 896. (See page 272 of the Legislative Journal.)

Mr. President, new bills. (Read for the first time by title: LB 662A, LB 1099, LB 1100, LB 1101. See pages 273-74 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Senator Kristensen, for what purpose do you rise?

SENATOR KRISTENSEN: Mr. Speaker, I would move that we adjourn today until tomorrow morning, January 11th at 9:00 a.m.

SPEAKER BARRETT: Thank you. You have heard the motion to adjourn until tomorrow morning at nine o'clock. A machine vote has been requested. Those in favor of the motion to adjourn please vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 17 ayes, 13 nays to adjourn, Mr. President.

January 30, 1990

LB 81, 239, 249, 299, 662, 832, 850
864, 871, 894, 915, 1034, 1047, 1059
1061, 1074, 1146, 1199
LR 8

CLERK: (Read record vote. See pages 573-74 of the Legislative Journal.) 9 ayes, 25 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: The amendment fails. Anything for the record, Mr. Clerk? The call is raised.

CLERK: Yes, Mr. President, Senator Scofield has amendments to LB 662 to be printed, Senator Korshoj to LB 81. See pages 574-75 of the Legislative Journal.

Banking Committee whose Chair is Senator Landis reports LB 1146 to General File, LB 1199 General File, LB 1061 General File with amendments, those signed by Senator Landis. (See pages 576-79 of the Legislative Journal.)

Mr. President, your Committees on Education and Revenue to whom was referred LB 1059 reports the same back to General File with committee amendments attached, signed by Senators Hall and Dierks as vice chair of the committee. (See pages 597-81 of the Legislative Journal.)

Revenue Committee reports LB 239 indefinitely postponed, LB 249, LB 299, LB 832, LB 850, LB 894, LB 1034, those are reported indefinitely postponed, all signed by Senator Hall. (See page 581 of the Legislative Journal.)

Health and Human Services offers a corrected committee report to LB 871. General Affairs Committee reports LB 1074 to General File and LB 864 indefinitely postponed. And Health and Human Services reports LB 1047 to General File. (See page 581 of the Legislative Journal.)

Last item I have, Mr. President is a request by Senator Nelson to add her name to LB 915 as co-introducer. (See page 582 of the Legislative Journal.)

PRESIDENT: No objections? So ordered.

CLERK: That's all that I have, Mr. President.

PRESIDENT: Senator Emil Beyer, would you please adjourn us until tomorrow at nine o'clock.

think, on the Clerk's desk that deals with the committee amendments. And, I don't know, I don't have any problem introducing the bill, first, and then going to that motion, because it's a motion to divide. If I could, I'd like to at least explain the bill, in general, and then move to the motion, if that's appropriate.

PRESIDENT: That would be fine.

SENATOR HALL: Thank you. Mr. President, members, LB 1055 is one of five bills that was introduced before the Revenue Committee this year that dealt with the issue of gambling and gambling taxes. LB 1055 was one of three bills in particular that dealt with the issue of parimutuel wagering, or horse race wagering. There were two specific bills that, in general, LB 1034, which was the industry bill, and then 1055 which was the bill that I introduced as well. Senator Lynch introduced another bill that dealt with the overall gambling tax at a flat rate of 2 percent. The other bills were bills that I introduced that dealt with the issue of pickle and bingo taxes. What the Revenue Committee did was consolidate portions of some or most of these bills into the committee amendments we now have before us. And the committee amendments do become LB 1055 in their total. So the issue here is the white copy of committee amendments that you see in your bill book, and reference from here on out on this bill will be to that white copy. What we do in the committee amendments is, as I stated, combine the pickle, bingo and parimutuel tax issues into the three different areas, put them together, and we do that for purposes of just dealing with gambling on a level basis. Much criticism over the years has been directed at the fact that the State of Nebraska treats gambling different, depending on what type of gambling it is. Some forms of gambling have been viewed as better forms of gambling than others. What we tried to do as a committee was address this issue, put them together, deal with them as we felt would be appropriate on the floor. Granted, they aren't treated as equally as Senator Lynch would have had it in his original bill, which was a flat tax, but they are treated, I think, in the committee amendments fairly as we'll present them to you. What we do in the handout that I've given to you, that starts out with the committee amendments to LB 1055, and there were approximately nine different pages to it, I think, we deal with three...the three separate issues that are going to be dealt with in the division. And I'm going to take them in the order that I think the division is going to be taken in. We'll deal

amendments in LB 1055 that deal with parimutuel wagering and the taxing thereof. If you remember, in 1987 we passed a bill that basically wiped out the parimutuel tax for three years based on the competition the industry was feeling, the fact that there were tracks in the State of Nebraska that needed improvement, and there were tracks being built or were built in Des Moines, Minneapolis, and possibly on-line for Kansas City, Kansas. What we did at that time was we allowed for a tax of 2 percent, but that 2 percent would be returned to the tracks in the form of a credit, a credit that had to be used for capital construction or improvements to those tracks. It was the feeling of the body at this time, although I opposed that legislation, that we would allow the industry in the state to have a period of time in which they would pay no tax and regroup, basically, update, refurbish the existing tracks, and give them the opportunity to compete with the new tracks that were coming on line. They were coming on line at a much reduced tax levy than that which was the current structure in the State of Nebraska. We had two bills introduced, well, really three that dealt with the horse racing industry; Senator Lynch's bill that dealt with the 2 percent across the board, LB 1034 which was the industry bill that I introduced on their behalf that the Revenue Committee unanimously killed, and then LB 1055 that I introduced simultaneously with LB 1034 that was, I felt, closer to where the industry should be in terms of taxation. The industry initially looked for an introducer, to be quite honest with you, to extend the benefits that we put in place in 1987. To my knowledge, they could not find anyone. They stooped so low as to come to me as the introducer of their bill. I talked long and hard with those folks because I felt that one of the best arguments that was made at the time was an argument that I made, silly of me to think that, but an argument that said if you are going to have gambling, you ought to tax it, and that clearly is an argument that I would continue to voice, whether it be in the area of pickle cards, bingo, parimutuel wagering, or even in the area of sports betting, which as Senator Chambers knows, I happen to support. This issue is one of...it is the same question we answered in the first two amendments, at what level do you tax them? Now I would like to see a level of tax across the board for all gambling, if they can support it, but it shouldn't be at a level that they can't support because it doesn't do us any good to tax something if they can't pay it. And that is what the horse racing industry has said, we can pay at a level we feel makes sense, and that level in the committee amendments is a level that represents 2 1/2 percent,