

January 18, 1990

LB 161, 1136-1171, 1181-1194

Mr. President, finally, I have a reference report referring LBs 1136-1171. (See pages 373-74 of the Legislative Journal.)

Mr. President, announcement, the Speaker would like to hold a chairmen's meeting tomorrow morning at eight-fifteen in Room 2102. The Speaker is calling a chairmen's meeting tomorrow morning at eight-fifteen in Room 2102. That is all that I have, Mr. President.

PRESIDENT: Do we have some new bills, Mr. Clerk?

CLERK: Mr. President, new bills: (Read LBs 1181-1194 by title for the first time. See pages 374-77 of the Legislative Journal.) That's all that I have at this time, Mr. President.

PRESIDENT: We'll move on to General File, LB 161, Mr. Clerk.

CLERK: Mr. President, LB 161 was a bill that was originally introduced by Senators Rod Johnson, Scofield, Coordsen, Baack, Weihing, Schellpeper and Elmer. (Title read.) The bill was introduced on January 5 of last year, Mr. President. It was referred to the Agriculture Committee for public hearing. The bill was brought to the floor with committee amendments attached. It was considered on April 5, Mr. President. At that time Senator Johnson made a motion to bracket the bill until January 1 of this year. I have pending the committee amendments. They have not been adopted yet, Senator.

PRESIDENT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. President and members, the committee amendments are relatively straightforward. It is simple but I would like to share them with you and indicate that hopefully they are noncontroversial. There are four parts to the committee amendment. The first requires the Department of Agriculture to use other agencies when enforcement is necessary in the question of water quality. The Department of Agriculture is the lead agency in implementing this bill, but in many cases we have expertise, especially with water quality and other areas including the Department of Environmental Control, through their work; the Department of Health for the Safe Drinking Water Act and the State Resources Office and there is just a variety of different agencies that I think the department could turn to for assistance and I think the important thing is to make sure that

January 19, 1990

LB 272A, 1117, 1135, 1172-1242
LR 242-245

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We are happy to have with us this morning as our Chaplain of the day, Mr. Gerry Harris, who is the Executive Secretary of the Gideons, and lives in Lincoln. Would you please rise for the invocation.

MR. GERRY HARRIS: (Prayer offered.)

PRESIDENT: Thank you, Mr. Harris. We appreciate your coming and giving us the benediction, not the benediction, the invocation this morning. Roll call, please.

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

PRESIDENT: Thank you. Do you have any messages, reports, or announcements?

CLERK: Mr. President, I have a Reference Report referring LBs 1172-1242, and LRs 242-245, signed by Senator Labedz, as Chair of the Reference Committee. Senator Coordsen gives notice of hearing for the Business and Labor Committee for February 5 and January 29. (Re: LB 1135, LB 1117.)

I have a report of registered lobbyists for the week of January 18, and, Mr. President, an Attorney General's Opinion addressed to Senator Landis regarding LB 272A. (See pages 421-24 of the Legislative Journal.) That is all that I have, Mr. President,

PRESIDENT: We will move on, Senator Lamb, are you in position to handle that confirmation report. Okay.

SENATOR LAMB: Mr. President, and members, I would offer to the body the confirmation report for Mr. Myers.

CLERK: Senator, yeah, Lawrence Myers, the Nebraska Power Review Board.

SENATOR LAMB: Yes, Mr. Myers appeared before the Natural Resources Committee about two days ago and he is a reappointment. He was appointed, I believe, late last year and there was no opposition to his reappointment, and the committee voted unanimously to recommend that Mr. Myers be appointed to

February 15, 1990 LB 42, 50, 143, 159, 240, 240A, 259A
350, 350A, 465, 692, 742, 844, 866
905, 919, 1080A, 1082, 1141, 1183
LR 8, 239, 256

CLERK: (Roll call vote taken. See page 830 of the Legislative Journal.) 2 ayes, 28 nays, Mr. President.

PRESIDENT: The motion fails. Anything for the good of the cause, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, Senator Kristensen has amendments to be printed to LB 159; Senator Withem to LB 259A. (See pages 830-32 of the Legislative Journal.)

A new resolution, LR 256 by Senators Wesely, Withem, Bernard-Stevens. (Read brief explanation. See pages 832-33 of the Legislative Journal.) That will be laid over.

An announcement from the Speaker regarding afternoon sessions next Tuesday, Mr. President; a reminder of the membership. Confirmation report from the Nebraska Retirement Systems Committee. That is offered by Senator Haberman.

Bills have been presented to the Governor, Mr. President, as of 10:43 a.m., those read on Final Reading this morning. (Re: LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742.) LR 8 presented directly to the Secretary of State.

A new A bill, LB 1080A by Senator Schellpeper. (Read for the first time by title. See page 834 of the Legislative Journal.)

Mr. President, Revenue Committee reports LB 844 to General File, LB 919 to General File, LB 1183 General File, and LB 1082 as indefinitely postponed. Those all signed by Senator Hall.

Mr. President, priority bill designations, Senator Byars has chosen LB 905; and Senator Lamb LB 866.

Mr. President, Education Committee, whose Chair is Senator Withem, reports LB 1141 to General File with committee amendments attached, signed by Senator Withem; and Education Committee reports LR 239CA to General File with committee amendments attached. (See pages 834-36 of the Legislative Journal.)

Finally, Mr. President, Senator Rogers would like to add his name to LB 866; and Senators Weihsing, Goodrich, and Coordsen to

to General File. I have no amendments to the bill.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, members. The bill was brought to Senator Wehrbein before the Revenue Committee, 919 does, as the Clerk stated, it basically eliminates an affidavit that had to be manufactured every year, in and out, with regard to cemetery property and the fact that it was exempt from property taxes. The county board still renews it. If there was a change in the use of the property for some purpose, for example, there was land adjacent to the cemetery that was not being used, but yet belonged to the cemetery, if that were to be used, that would still then, at that point in time, have to have an affidavit filed, and of course that would no longer be tax exempt. The bill just eliminates the affidavit. I would urge the advancement.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All in favor vote aye, opposed nay. Senator Hall.

SENATOR HALL: The Speaker is going to vote yes. So then I would urge the bill be ad....Thank you, Mr. President.

PRESIDENT: Record, Mr. Clerk, please.

CLERK: 25 ayes 0 nays, Mr. President, on the advancement of LB 919.

PRESIDENT: LB 919 advances. LB 1183.

CLERK: LB 1183, Mr. President, offered by Senator Byars. (Read title.) The bill was heard by Revenue Committee, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Byars, please.

SENATOR BYARS: Yes, Mr. President and members. The legislation that is brought to you today would change the penalty for willful nonpayment of corporate taxes from a Class IV misdemeanor to a Class IV felony. And the reasoning behind this legislation is that it would bring into line...this penalty into line with the penalty for nonpayment of income tax in the State of Nebraska. It has appeared to me the nonpayment of one is

just as serious as the nonpayment of the other. Political subdivisions in this state are dependent on property tax for their support, and the necessary services that are provided by cities, counties, school districts rely on the premise that corporations, companies and everyone else will honor their taxing obligations, this the assumption that all subdivisions base their budgets and their level of services which they provide. It is unfortunate that if a large corporation, or several smaller ones for that matter, should willfully refuse to pay, the impact can be absolutely substantial and felt immediately by the subdivisions. This bill, in effect, would provide a bigger stick to encourage all of the corporations to behave as good corporate citizens. The key word in this legislation is willful, and I think that we need to keep that in mind. Now, all of you know my strong support of business, and I think businesses and corporations in Nebraska behave as good corporate citizens over 99 percent of the time. They honor their obligations, they pay their taxes, and they respect the law of the state. But it is conceivable that one corporation could literally bring the subdivisions to their knees by defying the laws of the state. And when this happens the consequences to every citizen of this state would cause very little inconvenience to that corporation. I'm hopeful that the change in penalty, as I'm proposing, would cause second thoughts. And I would move LB 1183.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Senator Byars. Senator Byars, you have fewer friends than Senator Baack.

SENATOR BYARS: Well, I'm aware being a relative newcomer to the body, that it's much more difficult to gather friends when you're new. But I know that somewhere out there I have friends who have yet to be recognized as friends.

PRESIDENT: Almost looks like wishful thinking. Oh.

SENATOR BYARS: Thank you to all of my friends.

PRESIDENT: Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 1183.

February 20, 1990 LB 656, 662, 771, 939, 1055, 1079, 1183
1187, 1202, 1221, 1236

PRESIDENT: The bill is advanced. You have an amendment on 915, so we'll not take it up. Something for the record, Mr. Clerk?

CLERK: Mr. President, I have a confirmation report from the Banking, Commerce and Insurance Committee, that's signed by Senator Landis. Revenue Committee reports LB 1202 to General File; LB 939, General File with amendments; LB 1055, General File with amendments; LB 1079, indefinitely postponed. Those signed by Senator Hall. Health and Human Services Committee reports LB 1187 to General File. That is signed by Senator Wesely. I have a series of amendments to LB 1221 by Senator Withem; Senator Smith has amendments to LB 1236; Senator Nelson to LB 656; Mr. President, Senator Wesely to LB 662. And, Mr. President, finally, an announcement from the Speaker. (Re. LB 771.) And that's all that I have, Mr. President. (See pages 874-79 of the Legislative Journal.)

PRESIDENT: Senator Rogers, you haven't said much today. Would you like to adjourn us until tomorrow at nine o'clock.

SENATOR ROGERS: Mr. Speaker, I move we adjourn until tomorrow morning at 9:00 a.m., February 21st.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are adjourned. Thank you.

Proofed by:

Debbie Smith
Debbie Smith

February 23, 1990

LB 844, 853, 855, 855A, 903, 919, 960
960A, 1022, 1086, 1167, 1183, 1216

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Duane Doremus of the Faith Lutheran Church in Hebron, Nebraska. Would you please rise for the invocation.

PASTOR DUANE DOREMUS: (Prayer offered.)

PRESIDENT: Thank you, Pastor Doremus, for your prayer this morning. We appreciate it. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 853 and recommend same be placed on Select File, LB 1086, LB 1216, LB 1167, LB 903, LB 844, LB 919, LB 1183, LB 960, LB 960A, LB 855, LB 855A. Those were reported to Select File, some of which have E & R amendments attached. (See pages 942-44 of the Legislative Journal.)

Mr. President, a series of Attorney General's Opinions, one to Senator Wesely on LB 1022; and Senator Haberman has an opinion regarding Judicial Nominating Commission procedures; Senator Wesely has an opinion on Federal Fair Housing Amendments being proposed; and Speaker Barrett an opinion regarding gubernatorial confirmation procedures. (See pages 944-56 of the Legislative Journal.)

Finally, Mr. President, I have a report of registered lobbyists for the week of February 17 through February 23. That is filed pursuant to statute, and that is all that I have, Mr. President.

PRESIDENT: We will move on, please, to the confirmation reports.

CLERK: Mr. President, the Banking, Commerce and Insurance Committee, chaired by Senator Landis, reports on the

February 28, 1990 LB 919, 983, 1183

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 919 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill say aye. Opposed no. Motion carried. LB 919 is advanced. Before proceeding to the last bill on the agenda, I would like to advise the body that LB 983 has been added to this list of Select File consent calendar bills. We will take up LB 1183 next to be followed by 983. Mr. Clerk, LB 1183.

CLERK: LB 1183, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move the adoption of the E & R amendments to LB 1183.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of the adoption of the E & R amendments please say aye. Opposed no. The ayes have it. Motion carried. They are adopted.

CLERK: I have nothing further on 1183, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 1183 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of that motion please say aye. Opposed no. The ayes have it. Motion carried. LB 1183 is advanced. Mr. Clerk, proceeding to LB 983.

CLERK: LB 983, Senator, I have no amendments to LB 983.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, the member from the 9th, the Sunshine District, moves that LB 983 be advanced to E & R for engrossment.

March 2, 1990

LB 844, 853, 903, 919, 983, 1086, 1105
1109, 1119, 1165, 1167, 1183, 1211, 1217
1228

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. Would you please rise for the invocation by Senator Lowell Johnson.

SENATOR L. JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Senator Lowell Johnson, we appreciate it. Roll call, please.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 844 and find the same correctly engrossed, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1109, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228, all of those reported correctly engrossed. That is all that I have, Mr. President. (See page 1121 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to the confirmation report of Senator Schmit.

CLERK: Mr. President, Senator Schmit as Chair of the Natural Resources Committee would report on the appointment of Duane Liebsack and Barbara Jo Bierman Batie to the Environmental Control Council. Do you want to take them separately, Senator, or together?

SENATOR SCHMIT: Let's take these two together, Mr. Chairman.

PRESIDENT: Okay, Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members of the body...

PRESIDENT: Senator Schmit, excuse me. (Gavel.) May we have it quiet so we can hear Senator Schmit. These are important, so we need to hear it. Thank you.

March 8, 1990

LB 1167, 1183, 1216, 1217

and not voting, 7 excused, Mr. President.

PRESIDENT: LB 1167 passes. LB 1183 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 1183 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1183 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1262 of the Legislative Journal.) The vote is 41 ayes, 0 nays, 2 present and not voting, 6 excused, Mr. President.

PRESIDENT: LB 1183 passes with the emergency clause attached. LB 1216, please.

ASSISTANT CLERK: (Read LB 1216 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1183 (sic) pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1263 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 3 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 1183 (sic) passes with the emergency clause attached. LB 1216, (sic) please. (LB 1217.)

CLERK: (Read LB 1217 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1217 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1263-64 of the Legislative Journal.) 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

March 8, 1990

LB 844, 853, 903, 919, 983, 1044, 1086
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228

PRESIDENT: LB 1217 passes. And the last one on General File today, LB 1228.

CLERK: (Read LB 1228 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1228 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1264-65 of the Legislative Journal.) 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 1228 passes. Senator Barrett, the Chair recognizes you.

SPEAKER BARRETT: Thank you, Mr. President.

PRESIDENT: (Gavel.) May we have your attention for Speaker Barrett, please.

SPEAKER BARRETT: Thank you, Mr. President and members, a very brief announcement. The Nebraska Press Association is presenting to the Legislature this morning, eight original paintings which have appeared in the Nebraska newspaper magazine from 1975 till about 1985 or thereabouts. Some of you have seen them in the Rotunda. The Press Association representatives are here now to make the presentation. The originals will be hung in the Capitol for an undetermined length of time. I would ask the body's indulgence, I would suggest we stand at ease for a maximum of five minutes for the presentation of these original paintings. Thank you, Mr. President.

PRESIDENT: All right, if no objection, we'll stand at ease for five minutes, but while the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183 with the emergency clause attached, LB 1216, LB 1217 and LB 1228. (See page 1265 of the Legislative Journal.) Guests of Senator William Barrett, Dr. Jim Horner and UN-L leadership class, I believe there are about 18 of you in the south balcony. Would you folks please stand and be recognized. Thank you for visiting us this morning. We're going to be at ease for about five minutes and

March 8, 1990

LB 369, 551, 571, 642, 844, 853, 903
919, 983, 1019, 1031, 1044, 1086, 1090
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228
LR 275, 276

CLERK: I have nothing further, Mr. President.

PRESIDENT: Okay, Senator Hefner, what do you think?

SENATOR HEFNER: Mr. President, I move for the advancement of LB 571.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB...we are going to skip 1019, I understand. That takes us up to General File. Items for the record, please, Mr. Clerk.

CLERK: Mr. President, I do have a number of items for the record. The first is I have an explanation of vote from Senator Haberman. For bills read on Final Reading this morning, bills read on Final Reading this morning, Mr. President, have been presented to the Governor as of 11:12 a.m. (Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228. See page 1273 of the Legislative Journal.)

New resolutions, LR 275 by Senator Wehrbein. (Read brief explanation.) LR 276 by Speaker Barrett, Senators Withem, Coordsen, Labedz, Warner, Hall. (Read brief explanation.) That will be laid over as well. (See pages 1273-75 of the Legislative Journal.)

I have a report of registered lobbyists for this week, Mr. President, required by statute. Amendments to be printed to LB 1090 by Senator McFarland, LB 1019; LB 551 by Senator Lynch; LB 1031 by Senator Baack and others, and, Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 369 and find the same correctly engrossed. That is signed by Senator Lindsay as Chair of the E & R Committee. That is all that I have, Mr. President. (See pages 1275-83 of the Legislative Journal.)

PRESIDENT: Thank you. We will go on to General File and LB 642, please.

CLERK: Mr. President, 642 was a bill originally introduced by Senator Ashford, along with Senators Weihing, Crosby, and Chambers. (Read title.) The bill was introduced, Mr. President, last year. It was referred to Judiciary,

March 13, 1990

LB 688A, 844, 853, 903, 919, 983, 1031
1044, 1086, 1090, 1105, 1119, 1165, 1167
1183, 1216, 1217, 1228

Withem to LB 1090. (See pages 1345-49 of the Legislative Journal.)

New A bill, LB 688A by Senator Lindsay. (Read by title for the first time. See page 1344 of the Legislative Journal.)

Motion to reconsider with respect to Senator Coordsen's amendment to LB 1031, Mr. President. That is offered by Senator Beyer. (See page 1344 of the Legislative Journal.)

And a communication from the Governor to the Clerk. (Read communication Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217 and LB 1228. See page 1344 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Senator Baack will be adjourning us in a moment, but I've been asked to announce to you again, to remind you that the New Horizons begins at nine o'clock tomorrow morning here, however, your adjournment will be of a different nature. Senator Baack, please.

SENATOR BAACK: Yes, Mr. President, I move we adjourn until tomorrow morning, or tomorrow afternoon, March 14 at one-thirty.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are adjourned until one-thirty tomorrow afternoon, but don't forget New Horizons tomorrow morning at nine. Thank you.

Proofed by:


Judy Smith

I am strongly in opposition to deceptive advertising, and I hope that we have adequate statutes on the books to prevent that. But I am somewhat apprehensive about bills which target a particular, single entity, such as the campground facility, because I think it may be a little bit of an overreaction, I'm not sure,...

PRESIDENT: One minute.

SENATOR SCHMIT: ...I hope not. In any case, I would suggest that we all read this bill very carefully before it comes up. I thank Senator Nelson for what she's trying to do, but I want to make it very certain, that I think that we may be using a four pound sledge to swat a fly. And, if we're going to bear down on one area, insofar as deceptive advertising is concerned, I am sure there are many other areas out there that we could address. I just want to call your attention to the fact that this body, a week or so ago, passed, without a dissenting vote, LB 1183, which makes it a felony not to pay...for a corporation or company not to pay their taxes on time. And each day you don't pay your taxes is a separate offense. And so I just want to caution you that it might not be a bad idea to read this bill very carefully. And, if you have questions afterward, check with Senator Nelson who has done a lot of work on this bill.

PRESIDENT: Thank you. Senator Nelson, please, followed by Senator Landis and Senator Chambers.

SENATOR NELSON: I want to respond to Senator Schmit. I didn't realize that Woods Landing is in your district. Do you go clear to Yutan? Well, I have to apologize? I...boy, you're bigger than I thought. (Laughter.) Senator Schmit, I honestly think that you would be very embarrassed if I showed how some of the elderly and not necessarily all the elderly, and I can tell you a case of a multiple sclerosis victim in our area, this was brought to my attention, they thought they were signing something \$995, we only stay \$1 a night, and some of the gifts and so on that tried to entice them. And the Attorney General's Office, if you want me to, I can provide any number of outright being misled, deceptive advertising and salesmanship. They hire firms to come in to handle their selling, they are offered gifts that are absolutely nothing, and some of the cases the gifts are not provided. So, if Senator Landis wants the rest of my time, he can have it. And I can provide all of this information for you.

go ahead, vote against them at that time and sort them out. But it's important right now, since this will be the last day for General File, apparently, that we go ahead and advance these bills as they are. And, for that reason, I will be supportive of the motion. Thank you.

PRESIDENT: Thank you. Senator Schmit, please. (Gavel.) And Senator Schmit would like to have it quiet so you can hear what he has to say. Thank you.

SENATOR SCHMIT: I doubt that anyone is going to listen, Mr. President, because they wouldn't listen prior to the time that I'm speaking, and so, therefore, although I support the motion to move the bills to Select, I want to point out to the body that it isn't going to make much difference, although I hope you do support the motion. But, if you would have taken my advice and moved the bills to Final, you might possibly have made an end run. But as it stands now you're only going to be on second base, and any good pitcher can freeze you out. But you do have one chance in a dozen or so I suppose. But the point is this, we all know why we are here, we all know what happened, we all know that there is deep discussion and dissension among the bills. Senator McFarland says that all...there are some important bills. Senator McFarland, all bills are important, just as all babies are beautiful. If it's your bill it's an important bill. The point is that some of them are going to fail on Final Reading, some are not. But most of them are not going to get there. We've done this before, we've done it a number of times, and of course we understand that. We can suspend the rules. We could easily have gone from General File to Final Reading, and then you might have been on third heading for home. As it stands now I doubt that most of you are going to get there. And that may be a good thing also. But I just think that whatever you do, you have to recognize that it's just one more base that you've covered, and that the ball game isn't over, you're going to have to start working together if you want those bills to be read on Final Reading. I want to say also that over the years we have moved a number of bills this way, and I would add sometimes with frightening consequences. As I have seen sometimes with the so called consent file, there are bills that have moved on consent file this year that ought to have died in committee and which will come back to haunt us. There is one bill in particular, LB 1183, which I have an amendment floating around here somewhere to repeal, because it is such a bad bill. It moved on

knowledge, and I certainly would not for the record, these are not consent calendar bills, and for the public to say, or for the legislative body that these bills had not been debated on the other two, General or Select File. I really wasn't knowledgeable of any bill there that wasn't debated. Am I right? Was it kind of a slip of the tongue when we were talking this morning?

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: Senator Nelson, if you will check the record, I believe you will know that I said the bills that are included on Final Reading today, many of them would have been subject to motion and would have been debated had it not been for this motion. The other point which you might be referring to is the comment I made in reference to some consent file bills that moved without debate all the way to Final Reading. I specifically mentioned LB 1183, which was advanced without a red vote or without debate...

SENATOR NELSON: Sure, that's...

SENATOR SCHMIT: ...all the way across the board.

SENATOR NELSON: ...that's....I appreciate your comment on 1183, and I'm not here to argue with you at all. But I just really thought all the bills that were mentioned this afternoon on Final Reading were debated. I concur with you on consent calendar, and some of these may have only had five minutes debate or three or five. With that, I guess I'm in the same boat as some of the rest of you right now.

PRESIDENT: Thank you. May I introduce a couple of guests we have under the south balcony this morning. They are guests of Senator Haberman. Ruth Liedle, would you please stand, and Bev Owens. And these ladies are both from Lincoln. Would you please welcome them to the Legislature. Thank you for visiting us this morning. Senator Schmit, please, followed by Senator Morrissey.

SENATOR SCHMIT: Well, Mr. President, members, I think Senator Smith said, or someone referred to liking...or Senator Ashford likes to listen to Senator Crosby's remarks, and I do also. Sitting next to my good friend, Senator Scott Moore, he said, who is John L. Lewis, or who was John L. Lewis? He kind of fell

April 5, 1990

LB 720, 720A, 834, 851, 855, 855A, 896
896A, 923, 960, 960A, 980A, 1183

business, I propose to sign and I do sign engrossed LB 720, LB 720A, LB 834, LB 851, LB 855, LB 855A, LB 896, LB 896A, LB 923, LB 960, and LB 960A. Mr. Clerk, LB 980A.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Schmit would move to return the bill to Select File for specific amendment.

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I had hoped very earnestly that this bill would come up yesterday. I believe that this is one example of why perhaps we ought to seriously consider abolishing consent calendar. I was not on the floor at any time during the period of time that LB 1183 was discussed, either on General File or on Select File. I came on the floor during the reading of LB 1183 and was somewhat shocked to follow the reading and discover that this Legislature was in the process of making it a felony, a Class IV felony if any corporation or company failed to pay its taxes on time, and I discussed it just briefly with some of my fellow legislators, and they said, well, this is just personal taxes. But upon a very close reading of the bill, it did not appear to me to be that it only applied to personal taxes, and even then, I would have been opposed to it. My deep concern is that we have by the passage of this bill made it a felony, punishable by a \$10,000 fine and each day is a new offense, ladies and gentlemen, punishable by a similar type of fine, if you do not pay your taxes when due. Now there may be some of us in here who believe that it is easy to pay taxes, either personal or real, but that is not true. It is frequently true that we are not able to pay our taxes on time, and for that reason, we have required that a 14 percent interest charge be assessed against delinquent taxes. That, in itself, is a serious enough penalty in my estimation. What is even more concern to me is that we would indicate by this bill that there is a decision process left up to the local county attorney, I would...I suppose, if the situation is to be prosecuted or not because it says that if such officer willfully fails to pay the tax due to the county treasurer when so notified, he or she shall be guilty of a Class IV...felony, changed from a misdemeanor. It also says that he may be prosecuted. Now, ladies and gentlemen, we have seen enough of the preferential treatment that can happen to certain individuals in the commission of crimes without extending it to this kind of an act. I would suggest that if anyone of us in

pay their taxes and, in fact, the tax collections are enforced. There are a multitude of exemptions to some industries and in companies which are not available to others, and there are a multitude of new taxes being introduced every year by this Legislature. I think that it is important that this body recognize that we pass this bill. I have talked to many of you since the passage of the bill and have found that you were not fully aware of the impact of the bill. I, myself, after the...after hearing it read, felt that there must have been some mitigating factor, and so I did not vote against the bill. I just did not vote for the bill but, ladies and gentlemen, as nearly as I can tell, the bill never had a dissenting vote anywhere across the board and I think it is important that there be a record established that I, for one, certainly do not support LB 1183 and I believe it ought to be repealed, and in the event no one else does so, I will offer such legislation the very first day of the 1991 session. Mr. President, I now ask permission to withdraw the amendment.

SPEAKER BARRETT: Thank you, sir. It is withdrawn. Read the bill, Mr. Clerk.

CLERK: (Read LB 980A on. Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 980A with the emergency clause attached pass? Those in favor please vote aye, opposed no. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1941 of the Legislative Journal.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 980A with the emergency clause attached passes. Senator Schmit, is your light on for any purpose? Thank you. Senator Warner, for what purpose do you rise?

SENATOR WARNER: Mr. President, members of the Legislature, yesterday I filed a notice for a meeting of the Appropriations Committee at twelve. I would like to make it twelve-thirty as opposed to twelve.

SPEAKER BARRETT: So noted, twelve-thirty for Appropriations. Mr. Clerk, have you anything for the record?