

January 13, 1989

LB 30-34, 361, 410-460

CLERK: Mr. President, I do, thank you. I have a reference report referring LBs 374-409, signed by Senator Labedz as Chair of the Reference Committee.

In addition to that, Mr. President, I have received a communication from the Chair of the Reference Committee referring the communication received from the University Board of Regents regarding the University Health Care project. That has been referred to Appropriations Committee for public hearing.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 30 and recommend that same be placed on Select File; LB 31, LB 32, LB 33 and LB 34, all on Select File, Mr. President, all with E & R amendments attached. (See pages 223-26 of the Legislative Journal.)

Mr. President, new bills. (Read LBs 410-449 by title for the first time as found on pages 226-49 of the Legislative Journal.)

Mr. President, in addition to those items I have notice of hearings from the Agriculture Committee offered by Senator Rod Johnson as Chair; from the Business and Labor Committee offered by Senator Coordsen as Chair; from the General Affairs Committee. That is offered by Senator Smith as Chair. And, Mr. President, a notice of hearing from Senator Warner as Chair of the Appropriations Committee.

SENATOR HANNIBAL: Mr. Clerk.

CLERK: Mr. President, new bills. (Read LBs 450-459 by title for the first time. See pages 236-38 of the Legislative Journal.)

Mr. President, finally, I have an announcement the Urban Affairs Committee has selected Senator Korshoj as Vice-Chair of the committee.

Senator Rod Johnson would like to add his name to LB 361 as co-introducer. (See page 238 of the Legislative Journal.)

(Read LB 460 by title for the first time. See page 238 of the Legislative Journal.)

February 22, 1989 LB 64, 339, 357, 361, 371, 416, 444
482, 502, 559, 730, 782
LR 34, 35

LB 416, LB 502, all correctly engrossed, all signed by Senator Lindsay as Chair. (See page 829 of the Legislative Journal.)

Senator Landis has amendments to LB 361; Senator Nelson to LB 357. (See pages 830-31 of the Legislative Journal.)

Mr. President, Senator Warner would like to announce the room changes for hearings scheduled for March 1 and March 3.

Mr. President, the Natural Resources Committee reports LB 339 to General File with amendments, LB 730 to General File with amendments; Urban Affairs Committee reports LB 444 to General File with amendments; Banking reports LB 482 to General File, LB 64 indefinitely postponed, LB 559 indefinitely postponed, LB 782 indefinitely postponed; and General Affairs reports LB 371 to General File with amendments; all signed by their respective Chairs. (See pages 831-34 of the Legislative Journal.)

Mr. President, new resolutions, LR 34 offered by Senator Weihing. (Read brief explanation.) LR 35 by Senator Rogers. (Read brief explanation. See pages 835-36 of the Legislative Journal) Both of those will be laid over, Mr. President.

Mr. President, Senator Schellpeper has amendments to LB 357 to be printed. (See pages 836-39 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: Senator Robak, would you like to adjourn us until tomorrow at nine o'clock which is February 23rd.

SENATOR ROBAK: I move that we adjourn until tomorrow, February 23rd, at nine o'clock.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. You are adjourned until tomorrow at nine o'clock.

Proofed by:

Sandy Ryan
Sandy Ryan

March 13, 1989

LB 95, 140, 257, 280, 289, 311, 330
336, 387, 395, 438, 444, 478, 561
588, 603, 606, 643, 683, 705, 710
721, 736, 739, 744, 761, 762, 767
769, 780, 807

indefinitely postponed; LB 478, indefinitely postponed; LB 561, indefinitely postponed; LB 387, indefinitely postponed, all those signed by Senator Chizek as Chair of the Judiciary Committee. (See pages 1081-82 of the Legislative Journal. Journal page 1082 shows LB 721 as indefinitely postponed.)

Mr. President, a series of priority bill designations. Senator Hall would like to designate LB 762 as a committee priority. Senator Hartnett designates LB 95 and LB 444 as Urban Affairs priority bills. Senator Hartnett chooses LB 603 as his personal priority bill. LB 739 has been selected by Senator Hannibal; LB 606 by Senator Schimek; LB 761 and LB 289 by the Natural Resources Committee, and LB 807 by Senator Schmit, personally. LB 769 by Senator Labedz; LB 705 by Senator Ashford; LB 438 by Senator Wehrbein; LB 710 by Senator Scofield; LB 643 by Senator Bernard-Stevens; LB 588 by Senator Chambers; LB 739 by Senator Hannibal; LB 330 by Senator Pirsch; LB 767 by Senator Smith; LB 736 and LB 780 by General Affairs Committee; LB 395 by Senator Peterson. Senator Lamb selected Transportation Committee's LB 280 as a priority bill. LB 311 has been selected by Senator Landis as his personal priority bill; LB 683 by Senator Schellpeper.

Mr. President, I have a series of amendments to be printed. LB 744 by Senator Withem; LB 336 and LB 257, those by Senator Withem. (See pages 1083-88 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Haberman regarding an issue raised by Senator Haberman. (See pages 1088-90 of the Legislative Journal.)

Mr. President, Natural Resources Committee will have an Executive Session at eleven-fifteen in the senate lounge, and the Banking Committee will have an Executive Session at eleven o'clock in the senate lounge. Banking at eleven o'clock, Natural Resources at eleven-fifteen. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, Mr. Clerk. Proceeding then to Select File, LB 140.

CLERK: Mr. President, 140 is on Select File. Mr. President, the bill has been considered on Select File. On March 2nd the Enrollment and Review amendments were adopted. There was an amendment to the bill by Senator Chizek that was adopted.

April 3, 1989

LB 280, 444

SENATOR SMITH: Yes, it is. That is what I was told too. I mean, I checked that out and that's what I was told. They don't need new people, they just need to enforce it. The other thing is, is this limited to one person or can this be extended to any number of people in their family, because that is also what I was told as another way that they were getting around this was by having, at this point in time, seven autos licensed in their name, but it could be extended to other members of the family so that you could have a large number of automobiles, actually, in a year that you could sell for resale.

SENATOR LAMB: I believe it says person which means...

SENATOR SMITH: So that hasn't been addressed yet.

SENATOR LAMB: Senator Schmit has 10 children, that would probably apply to each one...

SENATOR SMITH: So he could have 60 cars a year even though he's not a licensed dealer, then if he has 10 children and his wife and himself.

SENATOR LAMB: I think that's the way it works.

SENATOR SMITH: See, that's the problem that they are dealing with right now and I would like to address that as a concern. I think I'll put together an amendment for you on Select, okay?

SENATOR LAMB: Fine.

SENATOR SMITH: Thank you.

SPEAKER BARRETT: Thank you. Other discussion? Seeing none, Senator Lamb, would you care to close? I would just ask that the bill be advanced to Select File.

SPEAKER BARRETT: The question is the advancement of LB 280 to E & R Initial. All in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 280.

SPEAKER BARRETT: LB 280 is advanced. LB 444, Mr. Clerk.

CLERK: Mr. President, LB 444 was a bill that was introduced by Senator Ashford. (Title read.) The bill was introduced on January 13, referred to Urban Affairs, advanced to General File. I have committee amendments pending by the Urban Affairs Committee, Mr. President.

SPEAKER BARRETT: Chairman Hartnett, please, on the committee amendments.

SENATOR HARTNETT: Yes, Mr. Speaker and members of the body, what the committee amendments do are technical in nature, I guess. The proposed amendment would revise the bill to exempt it from the existing home rule charter provision which provides the rights to contract and it would then also extend any period of the year as deemed necessary advisable by the city or village. The amendment would exempt a city council or village board which would act as the museum board from any prior requirements as the length of term or numbers or members of the board. The member provides that the power of the museum board may be exercised by the party with the city and is contracting for the use of the museum as set forth in the contract. This bill was brought to us by the people at Western Heritage Museum and it simply deals with...a reason for the home rule charter simply deals with, provides provisions with the City of Omaha. And with that, I would ask for the adoption of the committee amendments.

SPEAKER BARRETT: Thank you. The Chair is pleased to take a moment to introduce another group visiting in our north balcony. This is the second installment of the students visiting us this morning. They are visiting as a result of a Nebraska Farm Bureau seminar. Would you students from all over the state please rise and be welcomed by your Legislature. Thank you very much. We're glad to have you here. Any discussion on the adoption of the committee amendments? If not, those in favor of the adoption of those amendments please vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee the amendments.

SPEAKER BARRETT: The committee amendments are adopted. To the bill as amended, Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker and members of the body, the bill would amend several sections of statute within the general sections dealing with local city and county museums, Sections 51-501 and Section 51-513. This portion of statute was first adopted by the Nebraska Legislature in 1957. This bill, LB 444, would relate directly to the situation of a city contracting for the use of existing museum and would propose to eliminate the ambiguity in statute with regard to that situation. It was introduced specifically to address the situation of the City of Omaha and the Western Heritage Museum. The bill provides that the city which proposes to contract for the use of a museum already established shall not be required to hold an election for public approval of the right to contract for the use of the museum. The city council or village would serve as a museum board. This bill also exempts public museum property from execution and taxation in the same manner as other public property. And as I said, it simply deals with one situation. It kind of clears up some vague language and it simply allows a city, in the case of Omaha, for a special taxing authority if the city council in Omaha wants to use it, and that's really what the bill does and it deals with one specific thing, the Western Heritage Museum. With that, if there is any questions, I would ask for the advancement of the bill.

SPEAKER BARRETT: Thank you. Discussion? If not, those in favor of the advancement of LB 444 to E & R please vote aye, opposed nay. Have you all voted? Record, please.

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

SPEAKER BARRETT: LB 444 is advanced. LB 162.

CLERK: LB 162, Mr. President, was introduced by Senator Rod Johnson. (Title read.) The bill was introduced on January 5, referred to Agriculture, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: The Chairman of the Agriculture Committee, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President, members, I bring you, this afternoon, LB 162 which asks the state to provide financial funding for a program that has had a history in this state for a long time. It was actually adopted by the state and funded by

April 7, 1989

LB 95, 162, 162A, 247, 280, 325, 444
762, 780

SPEAKER BARRETT: I, again, would recommend we recess after reading in some matters.

PRESIDENT: All right. Mr. Clerk, matters for the record.

CLERK: Mr. President, Attorney General's Opinion addressed to Senator Dierks, and one to Senator Schmit. Enrollment and Review reports LB 780 to Select File with E & R; LB 95, Select File with E & R; LB 762, Select File with E & R; LB 280, Select File with E & R; LB 444, Select File with E & R; LB 162, Select File; LB 162A, Select File. (See pages 1580-83 of the Legislative Journal.)

Mr. President, the last item is a request to have Senators Scofield, Peterson, Elmer and Schellpeper add their name to LB 325 as co-introducers. That's all that I have, Mr. President.

PRESIDENT: Thank you. Senator Korshoj, would you like to recess us until one-thirty, please.

SENATOR KORSHOJ: Mr. President, I move we recess until one-thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Thank you.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. At 1:37 p.m., 32 members present. Congratulations. Senator Korshoj, we will look to you for a blow-by-blow momentarily. Mr. Clerk, may we proceed to a continued discussion of LB 247. Will you bring us up to speed?

CLERK: Mr. President, the next amendment I have to LB 247 is by Senator Moore.

SPEAKER BARRETT: Is anyone authorized to handle the amendment? Senator Moore, please, would you report to the Chamber to

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LB 84, 444, 814, 817
LR 123-126

CLERK: Thank you, Mr. President. I have amendments to be printed by Senators Hartnett and Korshoj to LB 814. (See page 2124 of the Legislative Journal.)

Mr. President, a series of interim study resolutions, LR 123 by Senator Hefner, LR 124 by Senator Beyer, LR 125 by Senator Beyer, LB 126 by Appropriations. (See pages 2124-27 of the Legislative Journal.)

Senator Lindsay has amendments to LB 444 to be printed. Government Committee would report LB 817 to General File. That is signed by Senator Baack as Chair. I have two Attorney General's Opinions, Mr. President, one to Senator Beck and one to Senator Dierks. (See pages 2127-31 of the Legislative Journal.) That is all that I have.

Mr. President, the bill has been returned from Final Reading. I now have pending the amendment as offered by Senator Lamb and others, AM1711.

SPEAKER BARRETT: Further discussion on the amendment. Senator Moore, your light is still on. Thank you. Senator Abboud, would you care to discuss the amendment? Senator Hall. Senator Lamb. Senator Withem. Thank you. Senator Korshoj.

SENATOR KORSHOJ: Question.

SPEAKER BARRETT: There has been some earlier debate on the motion. Are there five hands? Do I see five hands? I certainly do. The question is up to the body, shall debate cease? Those in favor vote aye, opposed nay. Record, please.

CLERK: 29 ayes, 1 nay to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Lamb.

SENATOR LAMB: Well, Mr. President and members, I think the issue has been pretty well discussed, and from the lack of debate on this last motion, I think most people agree to that, and so at this time I would just ask that the amendment be adopted.

SPEAKER BARRETT: Thank you, and the question is, shall the Lamb, et al, amendment be adopted to LB 84. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

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LB 137A, 162, 162A, 280, 305, 309, 309A
310, 311, 444, 467, 727, 815
LR 213

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Okay. Senator Moore.

SENATOR MOORE: I move we advance LB 280 to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Enrollment and Review reports LB 162 as correctly engrossed; LB 162A correctly engrossed; LB 311, correctly engrossed, all signed by Senator Lindsay. (See page 2313 of the Legislative Journal.)

New A bill, LB 137A by Senator Warner. (Read by title for the first time. See page 2314 of the Legislative Journal.)

LB 309 is reported to Select File with E & R attached; LB 309A, likewise; LB 467, E & R attached; LB 727, Select File with E & R; LB 305, Select File; LB 310, Select File with E & R; LB 815, Select File. (See pages 2311-12 of the Legislative Journal.)

Mr. President, new resolution, LR 213, introduced by Senators Crosby, Ashford and Langford. (Read brief description of LR 213 as found on pages 2314-15 of the Legislative Journal.) That will be laid over. That's all that I have at this time, Mr. President.

PRESIDENT: We will move on to LB 444.

CLERK: Mr. President, 444, the first item I have are Enrollment and Review amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: I move we adopt the E & R amendments to LB 444.

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

CLERK: Mr. President, Senator Lindsay would move to amend.

Senator Hall, you're going to handle that?

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, and members, this is an amendment Senator Lindsay asked if I would carry. He is not here, he's out of town. It's an amendment that was a bill he brought before the Revenue Committee. As a matter of fact, I filed this same amendment to a bill coming up immediately following, or two bills down to another Revenue bill and it deals with a clarification. We have had a number of issues that were changes with regard to what the administration over at the Revenue Department felt was a determination on terms as to what was taxable in our sales tax provisions. We had a number of different things that came in. We advanced most of those early. This is one that did not. It was caught in the General File backlog. Senator Lindsay offered it as an amendment to this bill and I offered it to 653 which is following. I would urge adoption of the amendment. It deals with sales tax and a clarification as to how it is addressed on memberships.

PRESIDENT: Thank you. Senator Labedz, please. Senator Haberman, please.

SENATOR HABERMAN: Mr. President and members of the body, a question of Senator Hall, please.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Yes.

SENATOR HABERMAN: Senator Hall, does this amendment address sales tax on tickets that are sold to museums or zoos or anything like that?

SENATOR HALL: No, Senator Haberman, it deals only with memberships and sales tax as to whether or not they apply. The definition by the Revenue Department is that sales tax on a daily ticket or admission would be subject to sales tax. On a membership it would not be applicable. But that clarification was not clearly spelled out. There was a determination by the Department of Revenue that they should begin to collect sales tax on those memberships. The bill that Senator Lindsay brought before the Revenue Committee would clarify that so that it would not be applicable and this amendment would...is, in essence,

Senator Lindsay's bill.

SENATOR HABERMAN: Do they...with this membership, do they get any tickets or passes for the zoos or the museums, or whatever?

SENATOR HALL: This...their...the clarification that he offers makes sure that there are other provisions that fall under that membership that...so that it is not just clearly say an annual pass, if you will. There has to be...I think the provision is for voting rights with regard to decisions that are made by the Board of Directors.

SENATOR HABERMAN: Thank you, Mr. President.

PRESIDENT: Were you through, Senator Haberman? Okay, Senator Landis, please.

SENATOR LANDIS: Senator Hall, let me try this one more time. Memberships to Joslyn, something like that...

SENATOR HALL: Correct.

SENATOR LANDIS: ...would be tax exempt...

SENATOR HALL: Correct.

SENATOR LANDIS: ...if the Lindsay amendment passes?

SENATOR HALL: Correct.

SENATOR LANDIS: Thank you. We have done enough, I think we have done enough tax credits and tax exemptions this year. We have done well by Joslyn, a couple of hundred thousand bucks for the purchase of art. It's still there to be done but this is a little piling on, a little tax exemption late in the day. It's a sleepy Thursday. I don't know, I'm just not of a mind. I'll tell you what, there's a sche...there is a run of issues here that includes such things as health clubs, entertainment, recreation, and museums and once you start by analogy the claim will be made we are more like this institution than the ones that are being taxed. I always find it unfortunate the lines have some arbitrariness to them but I would just as soon protect the base rather than to move from one arbitrary line to a new arbitrary line. Thank you.

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LB 444

PRESIDENT: Thank you. Senator Crosby, please.

SENATOR CROSBY: Well, I have a couple of questions, Senator Hall, because Senator Landis brought out some things that I hadn't thought about. Is a membership...when you buy a membership at Joslyn is that like dues or a donation?

SENATOR HALL: Senator Crosby, that would be like dues under this definition.

SENATOR CROSBY: And do you...what benefits do you get maybe from it, aside from...?

SENATOR HALL: Oh, I happen to be a member at Joslyn. I know that I get additional opportunity to go to some viewings and some lectures and things like that that I never take advantage of. But things that if somebody walked in off the street, paid their \$3.00 to enter the museum, or whatever the cost is, would not have eligible...or be eligible for as well as voting rights that is basically the "determinating" factor that the Department of Revenue has used to decide whether or not it's taxable for sales tax purposes.

SENATOR CROSBY: And then Joslyn is a nonprofit corporation organized under the state laws, right?

SENATOR HALL: It's my understanding.

SENATOR CROSBY: So there would be a difference between that and a health club or something like that, right?

SENATOR HALL: Oh, clearly, this would not be applicable to a health club. It would not be...I mean, Senator Landis's point was if you...if you open the door, let this group of people get their foot in, you know, the health clubs will come and kick it down. You know, that's...

SENATOR CROSBY: Well, but there is a difference.

SENATOR HALL: There's...

SENATOR CROSBY: One is profit making and one is not.

SENATOR HALL: ...clearly a difference. The fact of the matter is that the health clubs are closing right and left and Senator

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LB 444

Landis is way off base but, I mean, that's...

SENATOR CROSBY: Well, I'm not saying that, particularly, but I can see his point because there are a lot of nonprofits around.

SENATOR HALL: Sure.

SENATOR CROSBY: Like in Lincoln the Community Playhouse, there is a donation tied in with if you give a certain amount then you get a certain number of tickets but I think the tickets do...our sales tax is paid on those tickets.

SENATOR HALL: They would clearly be paid on the tickets, just as they would be if someone came to a production of My Fair Lady at the Playhouse, they walked up to the door, purchased their tickets, sales tax is part of that purchase price as it would be for a membership...or an admission to Joslyn Museum, for example.

SENATOR CROSBY: Well, then what about Henry Doorly Zoo membership.

SENATOR HALL: Same thing.

SENATOR CROSBY: So our children's zoo, we buy like a family membership, I think all we get...I'm not sure of this but in years past you would maybe go in, you would buy a ticket when you went to the zoo and show your family membership and you got a little deduction. I'm sure...

SENATOR HALL: See, that would be different than, for example, what the...when you pay your annual dues...

SENATOR CROSBY: Uh-huh.

SENATOR HALL: ...for example, at Henry Doorly Zoo because you do have voting privileges at the annual meeting. And that's the distinction that the Revenue Department needs in order to draw this exemption out.

SENATOR CROSBY: Well, I have one more question and then I will stop. Do you think that LB 262 is...is Joslyn going to figure in the income from 262, the Douglas County...the tourism?

SENATOR HALL: I think, based on the way 262 is written, Senator

Crosby, they would be eligible.

SENATOR CROSBY: Eligible. Okay.

SENATOR HALL: Eligible. That would be up to that...the County Tourism Board that the money would be allocated from. So they would clearly be eligible. I would hope that they would but it would be left up to that group that's currently in place right now.

SENATOR CROSBY: Okay, thank you.

SENATOR HALL: You bet. Thank you.

PRESIDENT: Thank you. Senator Haberman, please, followed by Senator Moore.

SENATOR HABERMAN: Mr. President and members of the body, I'm kind of caught here with my boots off so I sent somebody down to get my file and this is a lot deeper than we think it is. So while I'm waiting for my file to come...here it comes. Oh, boy, I'll give a few minutes of my time to Senator Conway and then he might be gracious enough to give it back to me.

PRESIDENT: Senator Conway, you may take off.

SENATOR CONWAY: Mr. President, I would like to ask Senator Hall a couple of questions. Senator Hall, as the line of questioning was started we got into the membership versus the admittance tickets, singular type of fashion. If...and we'll use Joslyn or any other organization that would fall under this, if you have an annual membership in many of these organizations, does that not entitle you to an admission, in essence, by showing that membership, you have free admission?

SENATOR HALL: In many cases, it...that's virtually all it is. And when it is strictly and solely, Senator Conway, just in annual admissions, then that, under the Revenue Department interpretation, is subject to sales tax.

SENATOR CONWAY: So if we were to do this and you paid, let's say a \$20.00 annual membership, and that gave you a pass that gave you uninterrupted service of admittance to that facility, if you were doing it on a singular fashion, you would be then paying a ticket price plus sales tax even though both of them

accomplish the same thing, admittance to the facility.

SENATOR HALL: That's correct but you would also pay...if there was a...currently, if there was a, for example, a Playhouse, as Senator Crosby used as an example, where you buy an annual membership, you pay sales tax. That's figured into the cost when all it does is provide you admissions to an event. That...the difference in distinction comes out where there is additional provisions that are provided by that annual dues or annual membership. In the case of the Joslyn where she asked me the...what additional types of things are you entitled to, and I'm entitled to go to a number of different of other events, plus I have the ability to make decisions through the voting process with regard to the direction that the Board of Directors will take on issues that come before it. So that's what the Revenue Department uses to draw the distinction.

SENATOR CONWAY: But through some cost accounting provision, or whatever, there is no value assigned to that admission you would ordinarily pay sales tax on, et cetera...

SENATOR HALL: Correct.

SENATOR CONWAY: ...et cetera. So you really are treating admission differently as to whether you do an annual membership versus an occasional visit and pay an individual ticket to enter the premises.

SENATOR HALL: Again, yes or no. If...if...what has happened is there is...they have determined that in some cases the...the annual membership is nothing more than an admissions, an annual admissions fee, and then they have said now that is subject to sales tax. And most entities have said that's not a problem. No question. We agree. We'll just figure the sales tax into the cost. On a daily basis, your \$1.50 admissions, there is sales tax that's added on top of that that's collected. That's currently done at the zoo right now or at Joslyn, for example, when someone would go and walk in, pay at the gate, that would be figured into their gate admissions.

SENATOR CONWAY: You are at the point though where you kind of wish Senator Lindsay was here, rather than...

SENATOR HALL: No, Senator Conway, I enjoy your questions, I really do.

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LB 444, 540

SENATOR CONWAY: I will give...if Senator Haberman is ready, I would like to give his time back to him. Senator Haberman.

PRESIDENT: You still have a minute and a half, Senator Haberman.

SENATOR CONWAY: Rex.

SENATOR HALL: I think he still has his boots off.

PRESIDENT: In that case, we'll go to Senator Moore.

SENATOR HABERMAN: Mr. President and members of the body, I object to the amendment. Is my 30 seconds up?

PRESIDENT: You have 45 seconds.

SENATOR HABERMAN: Oh, I have 45 seconds?

PRESIDENT: Yes.

SENATOR HABERMAN: Well, members of the body, this amendment is 30 pages and it contradicts itself on page 7 and on page 15. So if you have it, I would like to have you read it, the amendment. I'm not going to take the time to read it because when somebody stands up here and reads off a lot of words, it doesn't sink in. So I would like to suggest that you read page 7 and page 15 and see the difference in what the language says and then oppose the amendment. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Moore, please, followed by Senator Conway.

SENATOR MOORE: Yes, Senator Hall, this amendment is actually your bill...what number is the bill?

SENATOR HALL: It is Senator Lindsay's bill, LB 540.

SENATOR MOORE: LB 540. Senator, you're not the introducer of that bill?

SENATOR HALL: No, I'm not.

SENATOR MOORE: Okay.

SENATOR HALL: I'm not the introducer of this amendment. I'm carrying it for Senator Lindsay.

SENATOR MOORE: I understand that but when I hear Joslyn and zoo I usually just assume it's your bill and so I apologize for that. And I'm wondering...

SENATOR HALL: Your apology is accepted.

SENATOR MOORE: ...if we do this, what could we possibly come back for next year, Senator Hall? The university's status for review? (Gavel.)

SENATOR HALL: I'm sorry?

SENATOR MOORE: Well, no, actually it's one of those things that in principle it's just like I know Senator Hall introduced a bill earlier this year to reinstate the sales tax on farm machinery. And so given that principle of not exempting things, I will vote against this amendment.

PRESIDENT: Senator Conway, please.

SENATOR CONWAY: Question.

PRESIDENT: 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 no. We're going to need the cooperation of most of you in the Chambers. (Gavel.) We're going to need the cooperation of most of you in the Chamber because of our limited numbers so I do ask your cooperation, please. Record, Mr. Clerk, please. Debate has ceased. Senator Hall, would you like to close, please, on...

SENATOR HALL: Thank you, Mr. President, members, the amendment that Senator Lindsay offers and I'm carrying for him to the bill is, as I stated earlier, LB 540 that came before the Revenue Committee. The question here is not, do you want to do anything for Joslyn or do you want to do anything for the zoo? The question is one of what definition do you give to the issue of memberships and sales tax? The Revenue Department has literally no opinion on whether or not this is a provision that they will support or oppose. They have left the policy decision to the body. Our decision is whether or not we basically have a...not

a fine line but a very determined line as to what is applicable with regard to admissions and what admissions are subject to sales tax. All LB 540 does in the amendment is clearly, LB 540, is specify where sales taxes are applicable with regards to admissions. It is that simple. I...it has little or no fiscal impact. I think that it makes good sense to have in place a definition that is clearly definable because, to date, the definition that is there is one that is subject to different interpretation and that's why this issue has been before the Revenue Department for at least the last three years. They have scrambled with it. They have dealt with it trying to determine what their decision or policy decision is. In the past, it has been determined that LB 540, as it is drafted, was their interpretation. With the new department over there, the interpretation has changed. All LB 540 does is keep what traditionally has been the interpretation with regard to admissions and sales tax in place and I would urge your adoption of the Lindsay amendment to LB 444.

PRESIDENT: Thank you. The question is the adoption of the Lindsay amendment. All those in favor vote aye, opposed nay. Senator Hall.

SENATOR HALL: Mr. President, just to give Senator Lindsay the benefit of the doubt, I would ask for a real simple call of the house because it looks like this will very likely be the last vote we take today, and a roll call vote.

PRESIDENT: Okay. The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 15 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence and those not in the Chamber, please return promptly so that we may wind this up here in a few minutes. Like to catch a couple more bills if we could, please. Record your presence. (Gavel.) Please look up to see if your light is lit and turn it on if it isn't. Looking for Senator Chambers, Senator McFarland. Senator Ashford, would you like to check in, please. Thank you. Looking for Senator Schmit and Senator Goodrich. And Senator Goodrich is here so we're ready. No, we're not ready. Senator McFarland, Senator Chambers. Senator Chambers is on his way so...and he is here. So did you ask for a roll

call vote, Senator Hall? Roll call vote on the adoption of Senator Lindsay's amendment. Please return to your seat so that the Clerk may call the roll. Mr. Clerk.

CLERK: (Roll call vote read. See pages 2315-16 of the Legislative Journal.) 18 ayes, 13 nays, Mr. President, on the amendment.

PRESIDENT: The motion fails. The call is raised. Do you have anything else on it, Mr. Clerk?

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Senator Moore.

SENATOR MOORE: I move that we advance LB 444.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 640.

CLERK: Mr. President, the first item on LB 640 are Enrollment and Review amendments.

PRESIDENT: Senator Moore.

SENATOR MOORE: I move we adopt the E & R amendments to LB 640.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted. Anything further on it?

CLERK: Mr. President, Senator Baack would move to amend the bill. (The Baack amendment appears on page 2057 of the Legislative Journal.)

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Yes, Mr. President and members, the amendment that I offer does two things. One thing it...one of the things it does it adds the emergency clause to the bill because that's needed to get some of these things in place before any recalls might take place in the state. The other is that it puts a provision into the election statutes that would allow the Secretary of State a method of selecting...of holding a special election for county hospital boards and for technical community college boards in case there is...is...it happens that the board

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LB 137, 182A, 301, 302, 444, 541, 630
640

goes below a quorum, because right now there is no provision in our statutes for the...for the Secretary of State to hold special elections for those two entities. There are provisions for providing for all other entities but those two don't have any. The specific example happened in Ord recently where they...their hospital board fell below a quorum. They...there was a real process in trying to determine how they were going to get back to a quorum. Because they were under a quorum, they couldn't appoint other members. This provides a procedure for doing that. That's what the amendment does. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the adoption of the Baack amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Baack's amendment.

PRESIDENT: The Baack amendment is adopted. Anything further on the bill?

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Moore.

SENATOR MOORE: I move we advance LB 640 to E & R for Engrossing.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 653.

CLERK: Mr. President, may I read some items for the record?

PRESIDENT: Yes, you may.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 182A and find the same correctly engrossed; LB 301, correctly engrossed; LB 302, correctly engrossed; LB 541 and LB 630, correctly engrossed. (See page 2317 of the Legislative Journal.)

Mr. President, Senator Hartnett would like to add his name to LB 444 as co-introducer, and Senator Haberman to LB 137.

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LB 95, 258, 280, 289A, 444, 640, 761
762, 767, 767A, 780

I have a Reference Report referring gubernatorial appointees. Enrollment and Review reports LB 95, LB 280, LB 444, LB 640, LB 762, LB 767, LB 767A, LB 780, all are reported correctly engrossed. Enrollment and Review further reports LB 258 and LB 289A to Select File, Mr. President. (See pages 2364-69 of the Legislative Journal.)

The next amendment, Mr. President, is by Senator Kristensen. Senator, I have amendment number 1723, AM1723, Senator.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President. Mr. Clerk, is that the one that is printed on page 2149?

CLERK: Yes, sir.

SENATOR KRISTENSEN: Thank you. Mr. President and members of the body, I almost shudder to say this but I think this might be one of the amendments to this bill that shouldn't receive a whole lot of controversy. What it is, and it deals with two things in specifics, most of you have probably been contacted by constituents of Senator Morrissey, myself, or Senator Dierks. You have probably seen people with their frustration levels at their highest, not only on the floor, but in the halls, and certainly within the communities that have been picked as potential host sites for this facility. One of the common themes, at least when I go out and do town hall meetings in those areas, is that there is a lot of tensions, a lot of scared people, a lot of people that have some grave concerns about the future of not only just their own personal lives and their farms and their communities but what is perceived about these farms and communities, and about what sort of image and cloud is going to be cast over them in the future, if they are selected, or the fact that they are just under consideration. I had several people come to me, and in particular a couple of ministers who are doing a lot of good work in that area in terms of counseling, and they have received a rash of people searching for some answers and some consoling, and, if for nothing else, just how to cope with this anxiety. The way we cope in here is we call the question, we take our votes, they are either up or they are down, and we can go on with the issues because we know

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LB 378, 378A, 388, 408, 408A, 412, 412A
423, 438, 438A, 444, 449

ASSISTANT CLERK: (Read LB 438 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 438 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See page 2630 of the Legislative Journal.) The vote is 36 ayes, 10 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 438 passes. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 378, LB 378A, LB 388, LB 408 and LB 408A, LB 412 and LB 412A and LB 423. LB 438A.

ASSISTANT CLERK: (Read LB 438A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 438A pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read. See page 2631 of the Legislative Journal.) The vote is 37 ayes, 10 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 438A passes. LB 444.

ASSISTANT CLERK: (Read LB 444 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 444 become law? Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See page 2632 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting.

SPEAKER BARRETT: LB 444 passes. LB 449.

ASSISTANT CLERK: (Read LB 449 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure

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LB 336, 438, 438A, 444, 449, 449A, 541
569, 569A, 574, 574A, 575, 575A, 603
603A, 611

those in favor vote aye, opposed nay. Have you all voted?
Record, please.

CLERK: (Record vote read. See page 2643 of the Legislative Journal.) 45 ayes, 1 nay, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 603 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 336, LB 438, LB 438A, LB 444, LB 449, LB 449A, LB 541, LB 569, LB 569A, LB 574, LB 574A, LB 575 and LB 575A. LB 603A, please.

CLERK: (Read LB 603A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 603A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2644-45 of the Legislative Journal.) 42 ayes, 1 nay, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 603A passes. LB 611, please.

CLERK: Mr. President, Senator Abboud would move to bracket LB 611 until January 3, 1990.

PRESIDENT: Senator Abboud, please.

SENATOR ABOUD: Yes, Mr. President, colleagues, LB 611 is a bill that's been moving along through the process with little fanfare or some fanfare but not a lot of debate. The bill itself has been whittled down to...or at least certain portions have been whittled out and other portions have been left in. But there has been left with some confusion as to what this bill will provide for. It's my understanding that there is no immediate local option for income tax for the local school districts. What it provides for is a state identification to be able to implement a program like that in the future. And, most importantly, it takes away all local state aid options dealing with state aid to education which is a considerable amount of money for local school districts to put our feet to the fire. Now when this session started out I thought that Senator Moore

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LB 209, 319, 323, 336, 354, 354A, 360
360A, 378, 378A, 388, 408, 408A, 412
412A, 423, 438, 438A, 444, 449, 449A
541, 569, 569A, 574, 575A, 575, 630
640
LR 219

While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 219. Mr. Clerk, where did we leave off?

CLERK: Mr. President, before we commence Final once again, I have an explanation of vote from Senator Conway. (Re. LB 209. See page 2648 of the Legislative Journal.)

Acknowledgement from your Enrolling Clerk, that bills read on Final Reading have been presented to the Governor. (Re. LB 209, LB 319, LB 323, LB 354, LB 354A, LB 360, LB 360A, LB 378, LB 378A, LB 388, LB 408, LB 408A, LB 412, LB 412A, LB 423, LB 336, LB 438, LB 438A, LB 444, LB 449, LB 449A, LB 541, LB 569, LB 569A, LB 574, LB 575A, and LB 575.)

Mr. President, the first bill on Final is LB 630, this afternoon.

PRESIDENT: If you'll take your seats, please, we'll begin Final Reading. (Gavel.) If you'll take your seats, please, we'll start Final Reading on LB 630, please. LB 630, Mr. Clerk.

CLERK: (Read LB 630 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 630 pass? All those in favor vote aye, opposed vote nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on pages 2648-49 in the Legislative Journal.) 41 ayes, 1 nay, 3 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 630 passes. LB 640 with the emergency clause attached.

CLERK: (Read LB 640 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 640 pass with the emergency clause attached? All those in favor vote aye, opposed nay, and I am reminded again for the second time today that some of you are not remaining in your seats while Final Reading is being read. Have you all voted? Record, Mr. Clerk, please.