

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.)

January 30, 1989

LB 63, 104, 116, 193, 198, 209, 221
294, 458, 459

county, school district and other governmental subdivisions, and then in the Section 2, we specify city or village and put them under the State Investment Office. Was there a reason why we didn't treat the school districts and the counties and the other subdivisions as we did the cities and villages.

SENATOR LANDIS: In fact, no one had the presence of mind to ask the League of Municipalities why they had drafted the bill that way. There were no county representatives and I think we looked at the new language, not the old language. You raise a fair question. On the other hand, the counties haven't asked to be in the bill either, so...

SENATOR PIRSCH: Okay, thank you. That answers my question. Thank you.

PRESIDENT: Thank you. Senator Landis, please.

SENATOR LANDIS: I will waive.

PRESIDENT: All right. Senator Weihing, would you like to close on the advancement to E & R Initial?

SENATOR WEIHING: In order to clarify what can be done with regards to the cities and villages in the use of their surplus funds, I request that this be advanced to, this LB 221 be advanced to the next stage of legislation here.

PRESIDENT: Senator Lynch, he was closing. Okay, the question is the advancement of LB 221. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 221.

PRESIDENT: The bill is advanced. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Revenue, whose Chair is Senator Hall, reports LB 198 to General File, LB 209 to General File, LB 459 General File, LB 458 General File with amendments, LB 63 indefinitely postponed, LB 104 indefinitely postponed, LB 193 indefinitely postponed, LB 294 indefinitely postponed, all signed by Senator Hall. Judiciary Committee, whose Chair is Senator Chizek, reports LB 116 to General File,

February 3, 1989

LB 153, 154, 209, 338A, 378A, 412A, 440
441, 459

Committee, on this bill and I certainly appreciate the support of Senator Schmit and Senator Schellpeper as co-sponsors of the bill. Again, we are simply clarifying the definition of gross receipts under these statutes and specifically stating that access charges shall not be subject to a sales tax. With that, Mr. Speaker and members, I would move the advancement of LB 209.

SPEAKER BARRETT: Thank you. You've heard the closing and the question is the advancement of LB 209 to E & R. All in favor vote aye, opposed nay. Record, please.

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of 209.

SPEAKER BARRETT: LB 209 is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, your Committee on General Affairs, whose Chair is Senator Smith, to whom was referred LB 440, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 154 General File with amendments; LB 441 General File with amendments and LB 153 indefinitely postponed, those signed by Senator Smith as Chair of the committee. (See pages 589-90 of the Legislative Journal.)

I have gubernatorial appointments referring an individual to the Parole Board and to the Game and Parks Commission. That will be referred to Reference Committee.

New A bills, Mr. President. (Read LB 338A, LB 378A and LB 412A by title for the first time. See page 590 of the Legislative Journal.) And that is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The next bill, LB 459.

CLERK: 459, Mr. President, was offered by the Revenue Committee and signed by its members. (Title read.) The bill was introduced on January 13, referred to Revenue, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Thank you. To the Chairman of the Revenue Committee, Senator Hall.

SENATOR HALL: Thank you, Mr. President, members. This, Senator

Schmit, is another one of those technical bills, but I would have you note that this one is only 12 pages long and it does four things are. It was brought to us by the Revenue Committee and it makes changes in the income tax law, LB 773, that we passed in 1987. These are basically omissions that were left out of the draft of 773. None of them are of any type of substantial nature and if you would open your bill books to the committee statement, I think the summary purposes and changes is basically the best way to walk through what these four things. First, in Section 1, it repeals the language dealing with the liability of corporate officers which was unnecessary after the passage of LB 523 in 1987. Section 2, we changed the issue of individual retirement accounts which was spelled out specifically as IRAs and we changed that to include qualified retirement plans so that the application would be to all types of retirement plans. In Section 3 we take and include fiduciaries with corporations as institutions to be taxed under federal taxable income rather than adjusted gross income as is the case with individual taxpayers. This is how they have always been treated and the draft of 773, fiduciaries, were just left out. Section 4, it deals with the issue of joint and several liability and it clarifies that all individuals who file jointly are...have joint and several liability for the taxes due and it has an effective date of January 1, 1989. Senator Hannibal asked me on the floor prior to the bill coming up with regard to Section 4, the issue of joint and several liability, was that a substantial change, if any? No, it is not, as currently the practice and it has been the practice. It is just to clarify language that was in 773 but the department felt was not clearly spelled out and in order to just ensure that the practice remained the same it is included in LB 459. With that, Mr. President, I would yield to any questions if there are any.

SPEAKER BARRETT: Thank you. Discussion on 459. Apparently not, Senator Hall. Any closing statement?

SENATOR HALL: Mr. President, I would just urge advancement of the bill.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 459 to E & R. Those in favor please vote aye, opposed nay. Please record.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of 459.

SPEAKER BARRETT: LB 459 is advanced. LB 458.

CLERK: 458 offered by the Revenue Committee. (Title read.) The bill was introduced on January 13, Mr. President, referred to the Revenue Committee, advanced to General Committee. I do have Revenue Committee amendments pending.

SPEAKER BARRETT: To the committee amendments, Chairman Hall.

SENATOR HALL: Thank you, Mr. President and members. Again, this is a technical bill that was brought to the committee by the Revenue Department. This one is half as long as the last one, it is only six pages, and it deals with, again, the issue of income tax and how it is determined. There were a couple of omissions again that...with regard to 773 but these are much more technical and if you will bear with me I will try to explain them to the best of my ability. But the committee amendment was brought to us by John Cederberg who is a partner in Touche-Ross and who was quite actively involved in the development of 773. John was there at the birth of 773 and has continued to follow the progress of that legislation and the impact that it has had on his industry. He brought three different amendments to the committee, two of which the committee, through consultation with the department, determined that were not necessary at this time. They dealt with things such as foreign mutual funds that no one could determine if anyone in the State of Nebraska even had investments in there, but probably was a good point on his part. It's just that there was no need at this time to enact that into statute, at least that was the opinion of the Revenue Department as well as the opinion of the committee. But the one committee amendment that we did adopt with the blessings of the Revenue Committee dealt with the alternative minimum tax, federal alternative minimum tax proposal that would allow Nebraskans to use this in determining their alternative minimum tax and basically what it does in a nutshell, it avoids counting the state income taxes twice when you calculate the tax. It's a very long and drawn out process with regard to showing you that. It would take about four or five pages in a handout and Mr. Cederberg did have that, walked us through it and left us as confused as before he made the presentation, but it is a positive aspect for the taxpayers of Nebraska in that it does allow them the use of the federal minimum tax that we have not had in the past and it corrects a problem with regard to basically being taxed twice

February 8, 1989

LB 43, 80, 82, 92, 92A, 106, 113
116, 158A, 165, 166, 171, 172, 175A
177A, 177, 194, 200, 208, 238, 261A
267, 277A, 284A, 296, 312A, 312, 321
322, 353, 357, 369, 458, 459

PRESIDENT: Senator Nelson, would you object to the bracketing?

SENATOR NELSON: No. I just tried to get some attention on my mike. I didn't run up there at the front and no one asked me. I didn't say yes, I didn't say no, and it is all right with me to pass over the bill until February 22. As I've said many times, I'm willing to listen, I'm willing to learn, I'm willing to amend the bill as it is, but we're talking about a serious thing so I'm very willing.

PRESIDENT: May I ask, are there any objections to bracketing this bill until February 22? If so, now is the time to say so. If not, the bill is bracketed until February 22. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 92 and recommend that same be placed on Select File; LB 459 Select File; LB 458 Select File; LB 116 Select File; LB 267, LB 208, LB 92A, LB 158A, LB 175A, LB 177A, LB 261A, LB 277A, LB 284A, LB 312A, all on Select File. Those are signed by Senator Lindsay. (See pages 647-51 of the Legislative Journal.)

Mr. President, your committee on Transportation whose Chair is Senator Lamb reports LB 369 to General File with amendments. That is signed by Senator Lamb. Your Committee on Enrollment and Review reports LB 43, LB 80, LB 82, LB 106, LB 113, LB 165, LB 166, LB 171, LB 172, LB 177, LB 194, LB 200, LB 296, LB 312, LB 321, LB 322 and LB 353 all are reported correctly engrossed, Mr. President. That is all that I have at this time, Mr. President. (See page 651 of the Legislative Journal.)

PRESIDENT: Very good. We'll move on then LB 238.

CLERK: Mr. President, 238 was a bill that was introduced by Senator Hall. (Title read.) The bill was introduced on January 9, referred to Business and Labor, advanced to General File. I do have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, are you going to handle those committee amendments?

February 13, 1989 LB 92, 92A, 344, 459

PRESIDENT: Senator Lindsay, would you like to move to advance the bill?

SENATOR LINDSAY: Mr. President, I move that LB 344 be advanced to E & R for Engrossment.

PRESIDENT: Thank you. You have heard the motion. All in favor say aye, opposed nay. It is advanced. LB 92, please.

CLERK: Mr. President, on LB 92, I do have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 92 be adopted.

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

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 92 as amended be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 92A.

CLERK: Mr. President, on LB 92A, I have no amendments pending, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 92A be advanced to E & R Final.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 459.

CLERK: Mr. President, on LB 459, I have E & R amendments, first of all, Senator.

PRESIDENT: Senator Lindsay.

February 13, 1989 LB 458, 459

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 459 be adopted.

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

CLERK: I have nothing further on the bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move LB 459 as amendment be advanced to E & R Final.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted. That was the advancement, excuse me. It is advanced. Thank you. LB 458.

CLERK: Senator, I have E & R amendments on 458.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 458 be adopted.

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

CLERK: Mr. President, Senator Nelson would move to amend the bill.

PRESIDENT: Senator Dierks, are you going to handle that?

SENATOR DIERKS: Mr. President. Mr. President and members of the body, I visited with Senator Nelson and she asked that I withdraw this amendment.

PRESIDENT: Is there any objection? If not, Senator Nelson's motion is adopted, amendment is withdrawn. Thank you. Anything else on it, Mr. Clerk?

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

PRESIDENT: Okay, Senator Lindsay, please, on 458.

February 15, 1989 LB 57, 58, 70, 74, 94, 97, 115
116, 126, 133, 142, 156, 175A, 177A
208, 229, 230, 233, 251, 255, 256
261A, 263, 267, 273, 281, 284A, 295
338, 378, 391, 398, 416, 443, 458
459, 499, 502

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please rise for the opening prayer. Our Chaplain for the day is Father Daniel Sieker, of Blessed Sacrament in Lincoln. Father Sieker.

FATHER SIEKER: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Sieker. Please come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Corrections to the Journal.

CLERK: I have no corrections, Mr. President.

SPEAKER BARRETT: Any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 502 and recommend that same be placed on Select File, LB 281 Select File, LB 416 Select File, LB 443 Select File, those signed by Senator Lindsay as Chair. Mr. President, your Committee on Enrollment and Review reports LB 74 as correctly engrossed; LB 116, LB 175A, LB 177A, LB 208, LB 261A, LB 263, LB 267, LB 273, LB 284A, LB 338, LB 378, LB 391, LB 398, LB 458, LB 459, and LB 499, all reported correctly engrossed, all signed by Senator Lindsay. (See pages 746-47 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, LB 256. See page 748 of the Legislative Journal.)

March 2, 1989

LB 48, 398, 458, 459

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

CLERK: (Read record vote as found on pages 940-41 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 398 passes. LB 458.

CLERK: (Read LB 458 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 458 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 941 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 458 passes. LB 459.

CLERK: (Read LB 459 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 459 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 942 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 459 passes. I understand we're skipping LB 499. We'll jump to LB 48.

CLERK: Mr. President, I have a motion on the desk. Senator Schmit would move to return LB 48 to Select File for a specific amendment, that amendment being to strike the enacting clause.

PRESIDENT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I'm going to offer this motion and I will tell you now that I'm going to withdraw it when I finish making a couple of points and allow you to vote

March 2, 1989

LB 48, 49, 61, 176, 226, 298, 327
349, 391, 398, 408, 416, 458, 459
502

2 present and not voting, 4 excused and not voting,
Mr. President.

PRESIDENT: LB 502 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416 and LB 502. May I introduce some guests, please, of Senator Hefner. Under the south balcony we have Mr. and Mrs. Darrell Henry of Coleridge, Nebraska. Would you folks please stand and be recognized. Thank you for visiting us today. Mr. Clerk, something for the record?

CLERK: Mr. President, your Committee on Education reports LB 226 to General File with amendments, signed by Senator Withem. Agriculture Committee reports LB 49 to General File with committee amendments, signed by Senator Johnson as Chair. That's all that I have, Mr. President. (See page 950 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File. LB 408.

CLERK: Mr. President, the first bill on Select File, LB 408. The first order of business are E & R amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Mr. President, I move we adopt the E & R amendments to LB 408.

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

CLERK: Mr. President, the first amendment I have to the bill is by Senator Barrett. Senator, I have AM306, it's on page 692 of the Journal.

PRESIDENT: Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President and members. Yes, this little amendment is on page 306 or rather 692 in the Journal. It affects only the exchange program, Mr. President. The original bill put a limitation on which would have prevented an exchange student from attending a high school within 150 miles of his own school. We heard from a superintendent in Columbus who said we may have some students who would like to go

March 2, 1989

LB 48, 61, 161, 176, 298, 327, 334
349, 354, 354A, 391, 398, 416, 458
459, 502, 542

adopted...or, excuse me, as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 354.

CLERK: LB 354, Senator, no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 354 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 354A.

CLERK: On 354A, Senator, I have no amendments to the bill.

PRESIDENT: You've heard the motion...Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 354A be
advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. Mr. Speaker, did you wish to say
something about the time of the meeting tomorrow morning before
we adjourn?

SPEAKER BARRETT: Thank you, Mr. President, just a reminder that
we will convene at eight o'clock tomorrow morning for the
purpose of reading, I believe it is LB 92, the big bill. Thank
you. Eight o'clock, tomorrow morning.

PRESIDENT: Okay, Mr. Clerk, do you have something for the
record?

CLERK: Mr. President, I do. Senator Rod Johnson would move
that LB 161 be placed on General File pursuant to Rule 3,
Section 19, and that will be laid over.

Your Enrolling Clerk has presented to the Governor as of
eleven-o-five this morning bills read on Final Reading this
morning. (Re: LB 391, LB 398, LB 458, LB 459, LB 48, LB 61,
LB 176, LB 298, LB 327, LB 349, LB 416, LB 502. See page 956 of
the Legislative Journal.)

Banking Committee reports LB 542 to General File with amendments

March 7, 1989

LB 48, 61, 92, 92A, 147, 147A, 154
176, 298, 327, 349, 360, 360A, 391
398, 416, 441, 458, 459, 502

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain of the day Reverend Steve Janovec of the People's City Mission in Lincoln. Would you please rise for the convocation.

REVEREND JANOVEC: (Prayer offered.)

PRESIDENT: Thank you, Reverend Janovec. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any corrections to the Journal this morning?

CLERK: No corrections, Mr. President.

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

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 147 and recommend that same be placed on Select File; LB 147A, Select File.

Mr. President, Enrollment and Review reports LB 154, LB 360, LB 360A and LB 441 as correctly engrossed, both those items signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 1003-04 of the Legislative Journal.)

Mr. President, communications from the Governor. (Read communications regarding signing of LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416, LB 502, LB 92 and LB 92A. See page 1004 of the Legislative Journal.)

Mr. President, an appointment letter from the Governor appointing Ms. Kathy Campbell to the Child Abuse Prevention Fund Board. That will be referred to Reference. (See page 1005 of the Legislative Journal.)

I have a report from the Job Training area for the Department of Labor, Mr. President. That will be on file in my office. (See page 1005 of the Legislative Journal.)