

March 17, 1989

LB 54A, 422, 429, 665

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Microphone not activated) ...everyone. Good morning. For the opening prayer this morning we have a real live Irishman from Philip Neri parish in Florence, Omaha, Dan Lynch, Senator Dan Lynch's parish. We're glad to welcome today from Ireland, ancestors in Tipperary, Father Fitzgerald from St. Philip Neri in Omaha. Please rise for the invocation. (Gavel.)

FATHER FITZGERALD: (Prayer offered.)

SPEAKER BARRETT: (Gavel.) Thank you, Father Fitzgerald. We're happy to have you with us. Roll call.

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

SPEAKER BARRETT: Thank you, sir. Any corrections to the Journal, Mr. Clerk?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any reports, announcements or messages?

CLERK: Mr. President, Health and Human Services reports LB 422 to General File; LB 429, General File with amendments; LB 665, indefinitely postponed. Those are signed by Senator Wesely. (See page 1196 of the Legislative Journal.)

Mr. President, I have a new A bill, LB 54A by Senator Weihing. (Read LB 54A by title for the first time. See page 1197 of the Legislative Journal.)

Notice of confirmation hearing from the Transportation Committee offered by Senator Lamb. (See page 1198 of the Legislative Journal.)

Mr. President, received a report from the Department of Personnel pursuant to statute. That will be on file in my office. That's all that I have Mr. President.

SPEAKER BARRETT: Thank you. Before proceeding into the first item on the agenda, the confirmation report to be offered by Senator Withem, just a reminder that we will momentarily be proceeding into the Mother of the Year presentation which has

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LB 54A, 340, 403, 404, 437, 487A, 488A
566, 599, 787

decision that the tribe could make, if they chose to do so, with or without it. The key is whether or not you're going to provide any additional time and what level of funding you're going to provide and whether or not an appropriate site can be acquired, and all of those things could be addressed in a different fashion. And this portion of the amendment is not necessary, or for that matter adds anything to the bill.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Baack.

SENATOR BAACK: Yes, Mr. Speaker and members, in an effort to be accommodating I'll just simply withdraw this and we'll deal with the issue of the return date, straight up front with Senator Warner's amendment. We'll just do that. I'll just withdraw this portion of the amendment.

SPEAKER BARRETT: Thank you, sir. It is withdrawn. To the next motion, Mr. Clerk.

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

SPEAKER BARRETT: Proceed.

CLERK: Senator Weiing has some amendments to LB 54A to be printed. Revenue Committee reports LB 566 to General File; LB 403, indefinitely postponed; LB 404, LB 599, LB 787, indefinitely postponed. New A bills. (Read LB 487A, and LB 488A by title for the first time.) Senator McFarland would like to print amendments to LB 437, Mr. President. (See pages 1324-25 of the Legislative Journal.)

The next amendment I have, Mr. President, to LB 340 is by Senator Baack. Senator, I have AM837 in front of me.

SENATOR BAACK: Yes, that's correct.

SPEAKER BARRETT: Senator Baack, please.

SENATOR BAACK: This is simply a clarifying amendment at the request of the Department of Roads, which sets out a definite procedure for the Department of Roads in case they're in the middle of a construction project and come across some unmarked remains. And it just sets forth a procedure that they will follow so that they can get it done as quickly as possible and

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over a day to look at the list, to read some bills that you're not familiar with or to refresh your memory on some bills that have been handled earlier in the session. Consent calendar on Thursday, adjourn early in the afternoon for the long weekend. Any questions? Thank you. Mr. Clerk, the first bill.

CLERK: Mr. President, LB 54A was a bill introduced by Senator WeiHING. (Title read.) Senator, I do have an amendment from you to the bill. The amendment is on page 1324 of the Journal.

SPEAKER BARRETT: Senator WeiHING.

SENATOR WEIHING: I thought this was an...Mr. President and members of the Legislature, is the one we had on Select File? Very well, I'll see how this is. What this amendment does, Mr. President and members of the Legislature, LB 54A as originally drafted reflected the costs of LB 54 prior to Select File amendment. Now the amendments adopted to the bill on Select File substantially reduced the cost of the bill. Now this amendment would lower the '89-90 appropriations from \$58,705 to, down to in the General Funds, down to \$6,975 in General Funds and the fiscal year '90-91 that appropriation would drop from 57,000 to 351 in General Funds to \$5,807. Now this is about a tenfold, approximately a tenfold reduction than what the original was and I would appreciate that we accept this amendment, move it.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the adoption of the amendment please vote aye, opposed nay. Voting on the amendment offered by Senator WeiHING. Have you all voted? Please record.

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

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: To the bill as amended, Senator WeiHING.

SENATOR WEIHING: As the bill is amended, some of the offensive items in it, offensive to restaurateurs has been taken away, that of posting the signs such as was originally placed within the bill and the \$50 fine which was originally within the bill,

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those have been taken away and I wanted to point that out, that the concern, the major concerns that have been expressed by the restaurant people have been amended from the bill. Now as the bill stands, and as the A bill stands here, we've had a significant reduction in the original cost as was developed for that bill. It has been reduced about tenfold. The appropriations included in LB 54A would be used by the Department of Agriculture to notify the food service establishments of the provisions in LB 54 and to conduct random testing of cooking oils or fats to verify the accuracy of disclosure statements posted by food service establishments. So I propose to move 54A onto Select File.

SPEAKER BARRETT: Any discussion? Seeing none, shall LB 54A be advanced to E & R Initial? Those in favor vote aye, opposed nay. Shall LB 54A be advanced?

SENATOR WEIHING: Mr. President, I reluctantly ask for a call of the house.

SPEAKER BARRETT: A call of the house has been requested. Shall the house go under call? All in favor vote aye, opposed nay. Record. Record.

CLERK: 13 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Senator Weihing, did I understand you to say you will accept call in votes?

SENATOR WEIHING: That will be fine.

SPEAKER BARRETT: Call in votes will be accepted.

SENATOR WEIHING: Yeah.

SPEAKER BARRETT: Thank you.

CLERK: Senator Robak voting yes. Senator Wesely voting yes. Senator Morrissey voting yes. Senator Byars voting yes.

SPEAKER BARRETT: Record, please.

CLERK: 27 ayes, 0 nays to advance LB 54A, Mr. President.

SPEAKER BARRETT: The bill is advanced and the call is raised. The Chair would like to take a moment to introduce a friend of the family of Senator "Cap" Dierks, Mr. Bob Sweet from Oshkosh, Nebraska, who is a medical student at Omaha and also a constituent of Senator Dennis Baack's, under the north balcony. Bob Sweet, please, take a bow. Thank you. We're glad to have you visiting us this morning. LB 437, Mr. Clerk.

CLERK: 437 was introduced by Senator McFarland. (Title read.) The bill was introduced on January 13, referred to the Revenue Committee, advanced to General File. I have no committee amendments, Mr. President.

SPEAKER BARRETT: Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. Speaker, fellow Senators, LB 437 is a bill that would amend the Employment and Investment Growth Act commonly referred to here in the body as LB 775. It would amend it in this way and I'll just read the statement, I had an introducer's statement. It would not allow taxpayers to claim incentives, refunds or tax credits under the act, LB 775, if there are a number of employees at the end of each year of the entitlement period is less than the number of base year employees. You'll recall that the LB 775 credits are usually distributed on a seven-year cycle and they have a...they report in the initial year or the base year what their employment is at that time. This bill, LB 437, if passed, would apply only to applications filed on or after January 1 of 1989. It would not apply retroactively to the people and corporations that have already had their applications approved by the Department of Revenue in 1977 and '78. The intent of the bill is to prevent companies from reducing existing jobs while still claiming incentives and credits under the act. Although companies are required to qualify under the act, there is no provision to prevent a reduction in the current workforce. The problem with LB 775 with regard to loss of jobs became very apparent a few...a year or two ago with the Mutual of Omaha situation. As you all know, in 1987 LB 775 was debated very thoroughly on the floor of this Legislature and the primary argument that was used for its advancement was that this act is going to create jobs in Nebraska. There is an incentive to job creation and if you create 30 jobs and invest \$3 million you can get tax credits for that purpose and it was jobs...sold as a jobs creation bill. What wasn't mentioned as often was that there was also a provision in the bill that allowed you to get \$20 million, or to

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LB 54A, 335, 335A, 395, 705
LR 63, 65

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George Norris Legislative Chamber for the final work day of this week. The opening prayer by our chaplain this morning, Reverend James Carmon of the Old Cheney Alliance Church here in Lincoln. Reverend Carmon. (Gavel.)

REVEREND CARMON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend Carmon. We hope you can come back again another day. Roll call.

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

SPEAKER BARRETT: Thank you. With a quorum present, any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any announcements, messages or reports?

CLERK: Mr. President, Enrollment and Review reports LB 54A to Select File; LB 335, Select File with amendments; LB 335A, Select File; LB 705, Select File with amendments, and LB 395, Select File, those all signed by Senator Lindsay as Chair of Enrollment and Review. (See pages 1398-99 of the Legislative Journal.)

Mr. President, study resolution offered by Senators Wesely, Schellpeper, Goodrich, Crosby, Dierks and Byars. (Gave brief description of LR 65 as found on pages 1399-1400 of the Legislative Journal.) That will be referred to the Executive Board. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 63. Also, pleased to announce that Senator McFarland has some guests in the north balcony. We have six students from Lincoln, specifically Victory Fellowship Church School, and their teacher. Would you folks please stand and be recognized. Thank you. We're glad to have you. Again, a reminder, we are proceeding into consent calendar at this point, LB 706. A reminder that bills can be struck from the consent calendar with three signatures. A very specific reminder that

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LB 54A
LR 2

we'll probably end up passing LB 361 this year. Regardless of what happens to 361, LR 2 is simply the most common sense thing to do to allow the voters of Nebraska, those 411,000 voters that voted for Amendment 4 they should have a chance to vote on LR 2 and restate what it is they said in 1984. With that, Senator Lamb, has the balance of the time.

SPEAKER BARRETT: One minute.

SENATOR LAMB: Mr President, I rise to support LR 2 and also I'll be supporting an amended version of LB 361. Now, you know I could go either way on these two issues, either both of them...I could vote for both of them, or I could vote against both of them. But not for 361, unless we have LR 2, because this is supposedly the permanent solution, 361, the temporary solution, I'll accept that. However, if LB 361 was the only issue before us I would vote against it because I don't think it's the proper way to go. But I'm willing to accept that and vote for both of them. Some people talk about the chaos that will be created if...

SPEAKER BARRETT: Time has expired.

SENATOR LAMB: ...if something isn't done, that may or may not be true, but at least in my mind it's not a sufficient reason to vote for one of them and not the other one. So, if 361 goes, I'll certainly have to vote also for LR 2.

SPEAKER BARRETT: The question is the advancement of LR 2 to E & R for Engrossing. All in favor say aye. A machine vote has been requested. Those in favor of the advancement of the bill please vote aye, opposed nay. We have a request for a record vote. Have you all voted? Please record.

CLERK: (Read record vote as found on page 1477 of the Legislative Journal.) 35 ayes, 6 nays, Mr. President, on the advancement of LR 2.

SPEAKER BARRETT: LR 2 is advanced. LB 54A.

CLERK: Mr. President, 54A, I have no amendments pending to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: I move that LB 54A be advanced.

SPEAKER BARRETT: The question is the advancement of LB 54A. All in favor say aye. Opposed no. Ayes have it, motion carried, they are adopted. The A bill is advanced. LB 335.

CLERK: Mr. President, I have E & R amendments on 335, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: There are E & R amendments?

CLERK: Yes, sir, E & R.

SENATOR LINDSAY: Mr. President, I move the E & R amendments to LB 335.

SPEAKER BARRETT: Shall the E & R amendments be adopted? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, Senator Wesely would move to amend the bill. (Wesely amendment AM1209 is on pages 1478-81 of the Legislative Journal.)

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members. I've passed out, for your review, amendments to LB 335 that reflect concern I've had since the passage and even while we passed LB 775, that's providing for greater accountability and disclosure to the public as to the cost and benefit of that piece of legislation. The bill that this reflects the amendment, again if you have a chance it's AM1209, it has been distributed. There is a summary of the amendment attached to it, and it is essentially the same version of the...a bill that I had before the Government Committee, LB 432, I believe was the bill number on that. That bill was unfortunately not advanced and had a short life in the Government Committee. But dauntless I pursue this issue, and I will until succeeding, in time, to try and bring to the taxpayers of this state and to the general public a better understanding and recognition of how important LB 775 and LB 1124 are to dealing with the issues of economic development and good tax policy. I want to start maybe back at the beginning and talk a little bit about why I'm so concerned about this whole issue and what I'm trying to accomplish by it. First

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LR 2

CLERK: Nothing further, Senator.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that LB 722, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. Now, to go back. Would you like to put something into the record, Mr. Clerk?

CLERK: Mr. President, very quickly. Your Committee on Enrollment and Review reports LR 2CA as correctly engrossed; LB 54A, correctly engrossed; LB 335, LB 335A, LB 395, LB 705 all correctly engrossed, all signed by Senator Lindsay. That's all that I have, Mr. President. (See page 1576 of the Journal.)

PRESIDENT: All right, we'll go back to LB 247. And do you have something new for us, Mr. Clerk?

CLERK: Mr. President, back to 247. The next item I have is an amendment by Senators Warner, Langford and Kristensen. Mr. President, you'll find the amendment in your bills books, its AM1114. (See page 1540 of the Legislative Journal.)

PRESIDENT: Senator Warner, are you going to handle that to start with?

SENATOR WARNER: Initially.

PRESIDENT: All right.

SENATOR WARNER: Mr. President, members of the Legislature, this amendment deals with the issue of Kearney State, whether or not it should be a portion of the University of Nebraska system, namely the University of Nebraska at Kearney, which in essence I guess is the issue we've been discussing, in a sense, much of the morning. The amendment, as offered, is identical to LB 160, with three exceptions. At the time the bill was introduced, there was not a provision contained in the original draft that addressed the issue of any bonded indebtedness that Kearney State did have, does have, and how that would be handled. And it was not in there for the reason that it just simply had not been put together by bond attorneys. That has now been addressed and is in the amendment that is proposed. Secondly,