

Commission for Postsecondary Education, again, filed pursuant to statute; a report from the Nebraska Games and Parks Commission filed pursuant to statute; the annual report of the Division of Telecommunications; a communication from a series of Natural Resources Districts, Mr. President, with respect to payment of attorneys fees incurred during this past year. (See pages 88-89 of the Legislative Journal.)

Mr. President, I have a series of appointment letters from the Governor, appointments to the Board of Health, to the Rural Health Manpower Commission, the Foster Care Review Board, the Job Training Council, the Oil and Gas Conservation Commission. Those will all be referred to Reference for referral to the appropriate Standing Committee, Mr. President. (See pages 89-97 of the Legislative Journal.)

Finally, I have received a communication with respect to the siting for the low-level radio active waste disposal facility. That communication was received from US Ecology, Mr. President. (See page 88 of the Legislative Journal.) All of those reports will be on file in my office subject to review by members upon their request. That is all that I have, Mr. President.

PRESIDENT: Thank you. (Gavel.) Ladies and gentlemen, we're ready to begin the introduction of bills and some of you I understand would like to hear what the bills are about, so while I don't wish to spoil your fun and visitation with each other, kindly hold it down so that those that wish to listen to the introduction of the bills may do so. We anticipate that this will probably go on until about noon and, of course, free to do whatever you would like to do. Thank you. Mr. Clerk, the introduction of bills.

CLERK: Mr. President, new bills: (Read by title for the first time, LBs 818-878. See pages 97-109 of the Legislative Journal.)

I have amendments to be printed from Senator Rod Johnson to LB 163, LB 39, LB 37. (See pages 110-14 of the Legislative Journal.)

Mr. President, new bills. (Read by title for the first time, LBs 879-922. See pages 114-23 of the Legislative Journal.)

Mr. President, I have new resolutions: (Read brief description

January 4, 1990

LB 818-880
LR 230

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chambers. We have with us this morning as our Chaplain of the day, Pastor Robert Nowak of the Faith Evangelical Lutheran Church in Lincoln, Nebraska. Would you please rise for the invocation.

PASTOR NOWAK: (Prayer offered.)

PRESIDENT: Thank you, Pastor Nowak, we appreciate your being here this morning and announcing the invocation. Please come back and visit us again. Roll call, please.

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

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

CLERK: Mr. President, I do. I have a reference report referring LBs 818-880, signed by Senator Labeledz as Chair of the Reference Committee. I have also a reference report regarding certain gubernatorial appointments made since the last special session. That's all that I have, Mr. President. (See pages 135-37 of the Legislative Journal.)

PRESIDENT: We'll move on to number four, the temporary rules.

CLERK: Mr. President, I have a motion. Senator Lynch as Chair of the Rules Committee would move that the rules be adopted for today only, January 4.

PRESIDENT: Thank you. Senator Lynch.

SENATOR LYNCH: Mr. President, members, I couldn't have said it any better. I move the adoption of the (inaudible)...

PRESIDENT: Thank you. Is there any discussion? You've heard the motion. All in favor say aye. Opposed nay. They are adopted. We'll move on to the legislative resolutions, LR 230. Mr. Clerk.

CLERK: Mr. President, LR 230 was introduced by Senator Withem. It is found on page 124 of the Legislative Journal. (Read brief

January 10, 1990

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESIDENT: No objections? So ordered.

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

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

keep it on vehicles. And I know this will cost a little more money to the people that buy new and used cars but I only think it's right and just to keep it there. Several years ago we passed an increase in the gas tax and this...I supported that and it is being well used. We have made a lot of improvements in our highways. We still have a long ways to go, as you know, that we have embarked on a speeded up version of constructing new highways, the expressways in Nebraska which is sorely needed. And it's not only for our school buses to travel on, it's also used for cars or station wagons or vans to transport these children to and from schools. And so I would urge you to defeat the Smith amendment.

PRESIDENT: Thank you. May I introduce some guests, please, of Senator Moore. Under the south balcony, we have Gerald Carson. Would you please stand so we may see who you are. Over here. And also with him are the parents of Senator Moore, Dale and June Moore of Stromsburg. Would you also stand? Thanks to you for visiting us this morning. Senator Warner, please, followed by Senator Chambers and Senator Haberman.

SENATOR WARNER: Mr. President and members of the Legislature, just two or three points. Through June 30th of 1991, which is the current budget cycle, the level of the variable gas tax for state purposes, of course, is set by the budget which is set through that period of time. And, as all of you know, as the variable gas tax is determined, it is reduced or the need for the variable is reduced by the amount of sales tax that is collected, in fact, the sales tax on motor vehicles over the last decade, in fact, since the early seventies has been in essence the only growth of appreciable growth that we have had in receipts. But the impact then of increasing the sales tax will be one of reducing the variable gas tax as far as the state is concerned for that period of time. Secondly, there was legislation introduced, I introduced LB 832 this year, as I introduced a similar bill last year, which was to increase the sales tax on motor vehicles from 4 to 5 percent and the reason was in order to have a committee of the Legislature, the Revenue Committee, have before them a public hearing that built the need for additional revenue in order to meet the highway program that this Legislature approved and adopted a year ago, two years ago, I guess now, and show that indeed if that road program that many people have felt was desirable for the state as a whole was to be carried out, additional revenue other than fuel tax was likely to be needed. The first four years of that program was

estimated to take, at the time of its enactment, about 3.5 cents increase in fuel tax, actually it's come out a little bit less than that, but it also is projected that to fully meet the commitment of that road program throughout the state will require somewhere between 6 and 8 cents within about three years. And, obviously, if there is additional funds appropriated by the Legislature in 1991 and in part because of the sales tax on motor vehicles being increased and if the Legislature then wishes to also raise the fuel tax, a portion of that program no doubt could be accelerated, most certainly, it would be able to stay on target. As I recall the hearing on LB 832, there was, obviously, an opposition as there would be to any increase in tax, but, as I recall, the principal argument that was used was that the sales tax on motor vehicles ought not to be different than what the general sales tax is for other items. And, of course, if that was an argument that in part was a factor in the Revenue Committee, and I think they probably indefinitely postponed LB 832, but if, in fact, that was part of the argument that it ought to be uniform and not treated separately, the retention of LB 1059 as it currently is written is in keeping with that concept of being uniform. And then finally Senator Hefner indicated out of the Highway Trust Fund is the distribution to the cities and counties and, as he indicated, 46 2/3 percent of that additional revenue, in fact, is distributed to cities and counties for road purposes and the option, of course, with road...for the cities and counties is to use property tax. So if there is a consistency looked for in 1059 in roads...

PRESIDENT: One minute.

SENATOR WARNER: ...at cities and counties level, very obviously it ties in with the provisions of 1059 as having less reliance upon property tax even though in this case it would be for roads, but nevertheless it would be less impact on property tax to a relevantly small extent, admittedly, but nevertheless that would be a valid argument. There is no question that increase in the sales tax, obviously, will fall upon the higher, more expensive cars in terms of the dollars. The offset through June 30th of 1991 will be a reduction in the equal fuel tax that is paid no matter what kind of a vehicle you have and, obviously, if you have an older vehicle, the odds are its fuel consumption would be higher so it would be a benefit, it would seem to me, to the...to those who are driving older automobiles, less fuel efficient to not be paying about roughly the