

February 20, 1990 LB 39, 290, 339, 618, 688, 771, 899
900, 941, 980A, 982, 990, 1009, 1032
1041, 1066, 1073, 1080, 1173, 1195, 1195A
1200, 1219, 1236, 1240
LR 257

SPEAKER BARRETT: Any discussion? If not, shall the committee amendments be adopted? All in favor vote aye, opposed nay. Record, please.

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

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

SENATOR LINDSAY: Mr. President, I think the bill, as explained, as I mentioned, the amendment became the bill, and that is what we're dealing with now. I think I've explained that, some of the other senators, I think, have also discussed that. What I'd do is just be available to answer questions.

SPEAKER BARRETT: Any discussion? Any questions? If not, those in favor of the advancement of the bill to E & R initial please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 688.

SPEAKER BARRETT: LB 688 is advanced. Matters for the record, please.

CLERK: Mr. President, the Speaker announces selection of Speaker priority bills that include LB 39, LB 290, LB 339, LB 618, LB 771, LB 899, LB 900, LB 941, LB 982, LB 1009, LB 1032, LB 1041, LB 1066, LB 1073, LB 1173, LB 1195, LB 1200, LB 1219, LB 1236, and LB 1240.

Mr. President, new A bills, (Read LB 980A and LB 1195A by title for the first time. See page 867 of the Legislative Journal.)

A reminder, Mr. President, the Urban Affairs Committee will meet in Exec Session at three o'clock this afternoon. Revenue Committee will hold an Exec Session at one-twenty in the Senate Lounge; Revenue, one-twenty in the Senate Lounge, Mr. President. Senator Haberman has amend...or would like to add his name to LB 1080 and to LB 990 as co-introducer.

Mr. President, new resolution offered by Senator Chambers. (Read brief synopsis of LR 257. See pages 867-68 of the

February 23, 1990 LB 285, 313A, 980A

PRESIDENT: How many more buttons do you want to punch?

SENATOR COORDSEN: Only by instruction. Aha, I think we may be saved from otherwise unpalatable fate. Thank you.

PRESIDENT: Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Coordsen's amendment.

PRESIDENT: The Coordsen amendment is adopted. Now we're on the advancement of the bill. Is there any discussion on the advancement of the bill? Senator McFarland, did you want to speak on the advancement of the bill?

SENATOR MCFARLAND: I would just move that the bill be advanced, Mr. President.

PRESIDENT: You have heard the discussion. All those in favor of advancing the bill vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 313A.

PRESIDENT: The bill is advanced. LB 980A.

CLERK: Mr. President, 980A, offered by Senator Lamb, is a bill for an act relating to appropriations to amend laws of 1989, LB 813, Section 27. (Read title.)

PRESIDENT: Senator Emil Beyer, please.

SENATOR BEYER: Mr. Speaker and colleagues, this bill saves money, but it has to follow along with LB 980 that is a clarification of our commercial drivers' license bill of last year, LB 285. LB 980, in part, provides the applicants for a passenger car operator's license no longer have to obtain a driver's license abstract before taking advantage of the procedure that allows qualified individuals to avoid taking the written test on license renewal. Because of this change, the Department of Motor Vehicles will realize approximately 30,000 in savings in their administrative costs. LB 980A would reduce the appropriation to the department's enforcement of standards,

February 23, 1990 LB 313, 664, 666, 757, 869, 925, 948
949, 956, 980A, 1068, 1089, 1111-1113, 1132
1162, 1222, 1233

motor vehicles, motor vehicle driver program by 30,000 for Fiscal Year 1990-1991. With that, I would ask your adoption.

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

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 980A.

PRESIDENT: LB 980A is advanced. Something for the record, Mr. Clerk, please.

CLERK: Mr. President, thank you. Senator Wesely has amendments to LB 1113 to be printed; Senator Hall to LB 313. Health and Human Services Committee reports the following: LB 1222 to General File with amendments and LB 664, LB 666, LB 757, LB 948, LB 1068, LB 1089, LB 1111, LB 1112, LB 1132, LB 1162, LB 869, LB 925, LB 949 and LB 1233, all of those reported indefinitely postponed. Signed by Senator Wesely as Chair of the committee, Mr. President. That's all that I have at this time. (See pages 968-74 of the Legislative Journal.)

PRESIDENT: We'll move on to LB 956, please.

CLERK: Mr. President, 956 is on Select File. The first order of business are adoption of the...or consideration, I should say, of Enrollment and Review amendments.

PRESIDENT: Senator Landis, can you handle that, please?

SENATOR LANDIS: I move the adoption of the E & R amendments.

PRESIDENT: You have 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 Conway. Senator, this is your amendment that is on page 569 of the Journal.

PRESIDENT: Senator Conway, please. Do you wish to have it withdrawn? It is withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Wesely and Schmit. I have a note on here, Senator,

February 26, 1990 LB 164A, 260, 313A, 708, 736, 980A, 1032
1090, 1100, 1159, 1236
LR 241, 257

and nonsmokers have a right to resent it." I do hope that this resolution will receive all of the votes present on the floor, Senator Goodrich said he will not vote for it, so I'll say, with the exception of the one who has expressed opposition to what the resolution attempts to do.

SPEAKER BARRETT: Thank you. You've heard the closing. And the question is the adoption of LR 257. All in favor of that motion please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of LR 257.

SPEAKER BARRETT: LR 257 is adopted. The Chair is pleased to note that Senator Wehrbein has 15 guests in our south balcony from Elmwood High School. Fifteen seniors are visiting with us this morning along with their teacher. Would you people please stand and be welcomed by your Legislature. Thank you. We're pleased to have you with us. Proceeding to the record, Mr. Clerk. Have you anything to read in?

CLERK: Mr. President, I do. Thank you. Some amendments to be printed to LB 708 by Senator Chambers. Enrollment and Review reports LB 1090, LB 1032, LB 1236, LB 164A, LB 313A, and LB 980A to Select File some of which have E & R amendments attached. General Affairs Committee, whose Chair is Senator Smith, reports LR 241CA to General File; LB 736, indefinitely postponed; LB 1100, indefinitely postponed; LB 1159, indefinitely postponed, those signed by Senator Smith. That's all that I have, Mr. President. (See pages 979-80 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Item 6, Mr. Clerk, LB 260 on General File.

CLERK: Mr. President, LB 260 was a bill introduced by Senators Conway, Baack and Schmit. (Read title.) The bill was introduced on January 9, last year, Mr. President, at that time referred to the Revenue Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Revenue Committee, Mr. President. (Standing Committee amendments are on page 724 of the Legislative Journal for the First Session, 1989.)

SPEAKER BARRETT: Senator Hefner, would you please handle the

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LB 164, 980, 980A

aye. Opposed nay. It is advanced. LB 980A.

CLERK: LB 980A, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, Senator Lamb, Senator Ashford. Senator Ashford, do you want to move the advancement of the bill? Senator Lamb, do you want to move the advancement of the bill, please.

SENATOR LAMB: Yes, Mr. President, since Senator Ashford is reticent, I'll move that LB 980A be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 164.

CLERK: Mr. President, 164 is on Select File. First item are Enrollment and Review amendments.

PRESIDENT: Senator Ashford, do you want to move the adoption?

SENATOR ASHFORD: I would move the E & P amendments, Mr. President.

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

CLERK: Mr. President, Senator Ashford would move to amend the bill. (The Ashford amendment appears on page 966 of the Legislative Journal.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President, members, this is three brief amendments that are inserted in the bill to conform LB 164 to LB 164A. Essentially, the amendments do two things. One is, it makes it absolutely clear that it is the intent of the Legislature that no General Funds be expended for the renovation, restoration or tenant improvements described in the Joslyn Castle Reuse Study and, secondarily, it creates the Joslyn Castle Trust Fund and the Joslyn Castle Operations Cash Fund which are referred to in LB 164A which was advanced last week. So that's all that these amendments do, and I would just move the amendments.

PRESIDENT: Thank you. Senator Moore, please, the amendment.

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LB 164, 164A, 259A, 260, 260A, 313, 313A
348, 542, 594, 642, 678, 843A, 855
855A, 953, 953A, 965, 980, 980A, 1032
1136, 1236
LR 239

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

March 30, 1990

LB 688, 960, 980A, 1055

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: Mr. Speaker, while I'm out here speaking in behalf of the women, you have women up there who have to tell you to shut me up, but I understand. (laugh)

SPEAKER BARRETT: Thank you. Senator Landis.

SENATOR LANDIS: I'd move to adjourn until nine o'clock on Monday morning.

SPEAKER BARRETT: We have a motion to adjourn until nine o'clock Monday morning. Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I do, very quickly, amendments to be printed to LB 980A by Senator Schmit; Senator Hall to LB 1055; Senator Lamb to LB 960, Senator Lamb to 960. That's all that I have, Mr. President. (See pages 1762-64 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The question is, shall the Legislature adjourn until nine o'clock, Monday morning. All in favor vote aye, opposed nay. Have you all voted?

SENATOR LANDIS: Mr. Speaker, I'd like a roll call vote.

SPEAKER BARRETT: Thank you. A roll call vote has been requested. Members, please return to your seats for a roll call vote. Senator Landis, would you desire to have people check in or not? Thank you. Members, please record your presence. Any members outside the Legislative Chamber, please return and record your presence. Senator Langford, please check in. Senator Beck, would you please check in. Senators Abboud and Baack. Senators Lamb, Lindsay, Lynch. Senators Nelson and Rogers, the house is under call. Senators Abboud, Goodrich, Haberman, Labedz, the house is under call. Members, return to your seats for a roll call vote. The Clerk will call the roll on the motion to adjourn until nine o'clock Monday morning. Mr. Clerk.

CLERK: (Read roll call vote. See pages 1764-65 of the Legislative Journal.) 10 ayes, 27 nays, Mr. President.

SPEAKER BARRETT: The motion fails, and we are back to a discussion of returning the bill to Select File. Speaking

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

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

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

SPEAKER BARRETT: Senator Schmit, please.

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

this body failed to pay our taxes upon time, we would then be found guilty of a felony and, of course, that means you can no longer hold office, you cannot vote, and a whole number of other serious situations. I understand Senator Byars introduced this bill in response to a pipeline case, and he was trying to encourage the payment of those taxes by an individual company, a very laudable goal, but it looks to me as if we used a four-pound sledge to kill an ant, and I think that we have gone way overboard in this instance. I would hope that the first act of the 1991 Legislature would be to repeal this act, and I would hope that in the meantime that none of us are going to find ourselves victimized by this, and, certainly, when I say that I mean that I hope none of our constituents in the State of Nebraska are going to find themselves penalized by this act. This also carries the emergency clause. Ladies and gentlemen, if that isn't bad enough, I don't know what more you could do. I think it is important to know, and I have checked with most of the county treasurers in my area, in fact with all of them. Most times the people in my district and in your districts, I am sure, will pay their taxes if, in fact, they have the money to pay them. There are times they do not have the money, and I know the bill says, willfully fails. What does that mean? It means that if you do not pay the taxes, you have...you are subject to the penalty because, as has been explained to me, that if you have property you ought to be able to borrow the money to pay the taxes. Ladies and gentlemen, many times in the past 10 years during the difficult times that we were in in agriculture and business, there were individuals who could not pay their taxes. They did not have clearable property. They still had equity but there was no way they could pay those taxes and I do not believe we should have this kind of a statute on the books. I think it is terrible, more than that, I think it is an abomination that this has never, ever been publicized in the press. People do not even know the bill has been passed. They do not know what we have done to them, and as a result very likely will find themselves in a situation of deep embarrassment, and perhaps even worse because of the passage of this bill. I do not condemn the introducer of the bill. I understand he was trying to call attention to a very serious problem, a problem where a specific company had indicated they would not pay certain taxes due. I understand that that problem has been resolved, will be resolved, but during the period of time that we have gone through in the last three, or four or five years, we have introduced and passed into law many bills that impacted upon the way individuals are required to be taxed,

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

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

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

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

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

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

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

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

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LB 315, 369, 369A, 551, 551A, 577, 920
931, 953, 980, 980A, 994, 994A, 1018
1043, 1063, 1063A, 1090, 1090A, 1241

year. Senator Chambers and Senator Bernard-Stevens, no doubt, will fight that change in the rules but, hopefully, there will be enough of us here and, as far as I'm concerned, they can filibuster that till the end of the session starting in January, but that's exactly what should be done.

PRESIDENT: One minute.

SENATOR LABEDZ: Thank you, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 980, LB 980A, LB 994, LB 994A, LB 1043, LB 953, LB 369, LB 369A, LB 1018, LB 1090, LB 1090A, LB 315, LB 551, LB 551A, LB 920, LB 931, LB 1063 and LB 1063A. Senator Wesely, please, followed by Senator Langford.

SENATOR WESELY: Thank you, Mr. President and members, I would rise in opposition to the bracket motion and give you a little history on...that hasn't come out yet on this bill and let you know why I do support it. This bill came in after I had introduced a bill on venture capital last year, Venture Capital Company Act. We were looking at this concept of providing incentives for investment in the state across Nebraska at a 25 percent credit level and with a number of other restrictions with the idea that what we're having across the state is a need for capital, a need for venture capital in particular, and a number of studies have indicated that. The Banking Committee worked with me and we did put out LB 577 to accomplish that goal. Senator Chambers then came in with LB 1241 which was a bill that he worked with with the administration and it tied in conceptually with what that other bill was. So, originally, what we did in the Banking Committee was we merged, with Senator Chambers' cooperation, LB 577 and LB 1241 so that the whole State of Nebraska would be benefiting from venture capital initiative. And this compromise that was reached in the Banking Committee was one that I was very excited about and appreciated very much Senator Chambers' cooperation. But what's odd is that after we reached this compromise and the committee advanced the bill as amended, then Deb Thomas from the Governor's office came in after the deadline for picking priority bills and told Senator Chambers that the Governor could not tolerate the additional coverage of the whole state, that she wanted only north Omaha to be the focus of the bill. And, of course, I was not happy with that situation and felt that I had not been dealt

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 56, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,