

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

January 28, 1997 LB 113

state, but have minimal contracts with the state, would not, if enacted, violate the Due Process Clause of the federal Constitution underneath the principles articulated by the United States Supreme Court. We further conclude, however, that there remains a question as to whether such requirements would be found to place the impermissible burden on interstate commerce, in violation of the Commerce Clause. We also note the enactment of the reporting requirements proposed under 136 may pose a significant and potential costly enforcement problems if out of state retailers do not voluntarily comply with efforts by the Department of Revenue to comply with compliance of such requirements." Yes, Senator Warner is right that the federal issue on this has been moving slowly, as most things do on a federal level. But I think for Nebraska, at this point in time, to enter into a restriction and to tax these, at this point in time, I think would be counterproductive. We're going to see a loss of jobs, and impose a great burden on those companies which are in existence at this time. Thank you. I'll close with that.

SPEAKER WITHEM: Thank you, Senator Jensen. Senator Warner.

SENATOR WARNER: (Microphone not activated)...Legislature. Senator Jensen, I'm just going to flat-out tell you I don't like the letter. In my opinion, what the telemarketing people are telling you is not true, absolutely is not true. I know they're saying it, they have for quite a while. There is no intent that they are...in our opinion, there is no language in the bill that will affect them. They have some kind of a notion, I guess, that the fact that telemarketing is located in this state that that provides a...(inaudible)...for some basis for a sales...for them to be subject to these provisions. If that's true, that's true now without the bill. If the telecommunications contractive creates the connection, then that's the same thing we have now, in my...and it makes no sense. Now, I would anticipate that, yes, there probably would be a court case on this and I agree, it's been fought by companies, generally, across the state, any concept for them to use to continue the unfair, discriminatory advantage that the catalog company has over the Nebraska retailer, I can understand in fighting for that. I don't understand Nebraska people defending those out of state companies to have this unfair, discriminatory advantage