

LB 313
April 11, 1973

SENATOR DUIS: Yes, sir.

SPEAKER: Yes, I believe that is correct and I'm very sorry if there was a misunderstanding but I did explain at the very start that we were taking it paragraph by paragraph but there would be nothing to prevent you at a later time in a proper place from coming back to that. So now we'll go to paragraph 3.

SENATOR MARESH: Mr. Speaker, the next amendment is on page 4, line 13, we retained--in line 13 we retain the 90¢ per hour and we struck the rest of that new material in line 14, 15, and 16. I move that this be adopted.

SPEAKER: Motion has been made to adopt the third paragraph of the committee amendment. Is there any further discussion? Senator Syas. Clerk will read.

CLERK: Reads amendment.

SPEAKER: Senator Kelly, were you asking for the floor?

SENATOR KELLY: Mr. President, members of the body, just a couple prefaces and I'll get on with the point. Senator Carpenter is just excellent in his ability at politics because he said that nobody on Labor Committee knew how to work with a few exceptions and I'm well aware that I'm that exception. The rate--what the minimum wage would be, the state law should keep the people that are under the state minimum wage competitive with the federal minimum wage. If and when the federal minimum wage is changed so that those businesses and those employees in Nebraska have those benefits or those detriments that are set by the federal government, the businesses in Nebraska should have exactly the same advantages and the same disadvantages so that they can compete against each other. The amounts of the minimum wage is still just a minimum and the rules of the ballgame, we're not setting maximum, the free enterprise system will do that, but on with the amendment at hand, is that under the federal law people who receive gratuities get a credit of a percentage of the gratuities they receive that they are supposed to report to the Internal Revenue Service and this gratuity is included in the amount that they receive as wages that is figured to know whether they are receiving the minimum wage or not. Instead of following the federal rule in this instance, the committee chose to use a simpler system by setting the minimum at a lower rate and then allowing the employee to keep all of their gratuities that he or she receives. Now I would prefer to see it lined up on the percentage basis with the federal and that if you kill this amendment, you people who are against the minimum wage, go right ahead because you're going to reduce the minimum wage for those people.

SPEAKER: Senator Syas. Did you wish the floor, Senator Syas? Anybody else care to speak while Senator Syas is organizing himself? Senator Dickinson.

SENATOR DICKINSON: Mr. Speaker, members of the body, I just want to reiterate on what Senator Kelly has said and I got interrupted here and didn't hear quite all of it, but what this does and then going back to what Senator Carpenter alluded to in the early part of the difference between a business that's subject to federal regulations and one which is subject to state regulations, this sort of works in reverse. Here we're going, the suggested bill, the proposed bill goes over and above on a, for the state minimum above the federal minimum so you'd put this business in exactly reverse and as Senator Kelly has been explaining. And I think this should not be and I support this amendment as it is.