

March 9, 1982

LB 652, 522, 653A,
890A, 903A

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Marsh to close on your amendment.

SENATOR MARSH: Thank you, Mr. Speaker. We have stayed pretty quiet today as we have listened to debate on this bill, and if some of you noticed, I stayed very quiet this morning. As a parent of a highly gifted student who is currently tutoring highly gifted students through the Lincoln Public Schools, I cringe at what LB 652 is attempting to do without regard to its affects in the future. I also feel that religion is a very important part of my life and those around me. Because of that, I think we need minimum in spite of what Senator Koch says that high school is asking too much of a teacher, I believe that a teacher should have completed high school. I hope that in your heart you also agree that that is a very minimum qualification. Please try to have the minimum be part of this legislation which is moving quickly now to termination.

SPEAKER MARVEL: The question is the adoption of the Marsh amendment. All those in favor vote aye, opposed vote no. A record vote has been requested. Record. All those in favor of going under Call vote aye, opposed vote no. Have you all voted? Record.

CLERK: 18 ayes, 16 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators return to your seats, unauthorized personnel leave the floor.

CLERK: Mr. President, while we are waiting for the members to check in, I have a report from Public Works regarding a confirmation hearing.

I have a gubernatorial appointment from the Governor.

Senators Cullan, Kahle, Vard Johnson, and Nichol would like to print amendments to LB 522.

Mr. President, a new A bill, 903A offered by Senator Carstens, (Read title); LB 890A by Senator Vickers and Koch, (Read title); and LB 653A by Senator Koch, (Read title). (See pages 1078-1079, Legislative Journal.)

SPEAKER MARVEL: All legislators must be in their seats according to the rules. Senator Schmit, Senator Lamb. Vard Johnson, Senator Lamb, Senator Labedz. Senator Marsh, can we call the roll now? There are three absent at the moment.

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LR 249, 250
LB 378A, 890A, 202

CLERK: Mr. President, some items to read in very quickly. New resolutions, LR 249 (read); LR 250 (read). (See pages 1171 and 1172, Legislative Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Goodrich regarding LB 202. That will be put in the Journal.

And, Mr. President, Senator Lamb announces Special Order item for Thursday, March 18th.

SENATOR LAMB: Next will be #7, General File, LB 378A, Senator Cullan.

CLERK: Mr. President, LB 378A offered by Senator Cullan. (Read title).

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I move the advancement of LB 378A. This is the A bill to carry out the appropriation of cash funds from the \$500 application fee, application fee which we adopted in the original bill. It involves absolutely no general funds, only those fees collected. I ask for advancement of LB 378A.

SENATOR CLARK: Any discussion on the advancement of the bill? If not, all those in favor vote aye, opposed vote nay. Have you all voted?

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the advancement of the bill? Record the vote.

CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. LB 890A.

CLERK: Mr. President, 378A, I have a unanimous consent request from Senator Cullan to expedite that bill.

SENATOR CLARK: No objection. So ordered. 890A.

CLERK: Mr. President, LB 890A (read title).

SENATOR CLARK: Senator Koch...Senator Vickers.

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LB 890A

SENATOR VICKERS: Mr. President and members, LB 890 is the bill that would instigate a penalty on those people who after one notice from the Department of Revenue fail to fill in the information regarding school district that they resided in and we discussed that both on General File and Select File. There is an appropriation requirement for that for the simple fact that the Department of Revenue has to change their computer to kick out those returns that come in with the information not filled out. Also there would be an appropriation for the notices that they would have to then send out to those returns that were kicked out. Recognizing at the same time that I don't have the A bill in front of me at this present time, but there is also the possibility of income from the \$20 penalty that would be assessed on those individuals that after the first notice still fail to fulfill the requirements. So in the end, I guess it would seem to me that probably it would come out a wash especially after the bill had been in operation a year or two because of the original cost of switching over the computer the original A bill is I think about \$14,000 higher for that particular purpose. So with that simple explanation, Mr. Chairman, unless there are questions I would move the advancement of LB 890A.

SENATOR CLARK: On the advancement, Senator Stoney.

SENATOR STONEY: Mr. President, a question of Senator Vickers if he would respond please.

SENATOR VICKERS: Certainly.

SENATOR STONEY: Senator Vickers, I guess this question relates more to 890 than it does to 890A but it seems appropriate to ask it now. Is there no way that administratively what you are attempting to accomplish could be done without the imposition of a fine and our having to go to the expense of collecting those fines. In other words, isn't there a tab on this form that would have pertinent information that could include the school district also?

SENATOR VICKERS: There is a box on the form right now as you are possibly aware, Senator Stoney, and it is my understanding that about six years ago or in that vicinity the Legislature determined that they would like to have this information based on school districts as to where the revenue was coming from as far as income was concerned. Ever since then that information has been on the forms but the fact of the matter is there is a large number of forms that do not have that information filled out and the Department of Revenue tells me that there is no means that they have to

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effectively cause that box to be filled out. They can treat it as an incomplete form, but if in fact that individual owes no taxes, then there is nothing they can do anyhow.

SENATOR STONEY: Senator Vickers, how does a person obtain the form? Maybe that would help me for my edification.

SENATOR VICKERS: This is the state income tax form.

SENATOR STONEY: And it is sent by the Revenue Department to every individual?

SENATOR VICKERS: Right. Absolutely.

SENATOR STONEY: Why couldn't that information on the form being sent to the individual have his or her school district?

SENATOR VICKERS: It does. It does right now.

SENATOR STONEY: Well, I guess I am not understanding the problem.

SENATOR VICKERS: Okay, maybe I don't understand your question. It has the information concerning the code number that people are supposed to put in indicating what school district they live in but the fact of the matter is the address in most places of the State of Nebraska and the majority of the places in the State of Nebraska does not indicate school district necessarily. So, therefore, the Department of Revenue has no idea what school district you might reside in simply because they know your address.

SENATOR STONEY: I see. Thank you.

SENATOR CLARK: Senator Pirsch.

SENATOR PIRSCH: Thank you, Senator Clark. I also have some questions of Senator Vickers. As I understand it then, the box of the school district has to be filled out by the individual filling out the form?

SENATOR VICKERS: That is correct.

SENATOR PIRSCH: A taxpayer?

SENATOR VICKERS: That is correct.

SENATOR PIRSCH: And they can get this information by or they know this information or how do they get this information?

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SENATOR VICKERS: Do you mean the individual taxpayer as to what school district they might reside in?

SENATOR PIRSCH: Yes.

SENATOR VICKERS: There is information on the form itself or I mean in the explanation of the form that the Department sends out that has a list of school districts and it uses those school districts and it assigns a code number to each of those school districts. Now as to how the individual finds out what school district they live in, and I guess that was your question, Senator Pirsch, I would assume that that is something most people, since most people pay taxes already, already know what school district they live in. If they don't, I am sure that information would be easily available to them if they simply wanted to call their local school or something of that nature.

SENATOR PIRSCH: I guess I am wondering why they are not filling this out unless maybe they just think it is too much trouble to put it in.

SENATOR VICKERS: That I cannot tell you. That is a good question and I wish I knew the answer. If I had known the answer to that, I probably wouldn't have had to have this bill. I can explain briefly the reason for this bill.

SENATOR PIRSCH: No. That is all right. So they will be informed that there is going to be a fine if that box is not filled out of \$20, is that correct?

SENATOR VICKERS: I would hope that the imposition of a fine or the threat, if you will, the notification on the form that we are really serious about you filling this form out, serious enough to the point that we are going to notify you once, after you send it in and fail to fill it out, and then if you don't fill it out after one notification, then we have the authority to impose a fine. Hopefully that will cause more people to fill in the box to start with.

SENATOR PIRSCH: Okay, just for your information, the A bill which is with this for the first year is \$42,500 from the general fund and then it reduces to \$32,500 for the second year and I would assume then it is \$32,500 from then on, every period?

SENATOR VICKERS: Well, of course, that would be conjecture on my part or anybody else as to how many people then would begin to fill out that form so that there would be no notices sent out or less notices. At the same time, Senator Pirsch, even though they are sending out, I think that is taken into

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consideration that they are going to send a notice to everybody that hasn't been filling the form out and that notice, of course, is going to cost for postage. Now if there is one out of one hundred of those people that get a notice that fail to fill in this box after one notice, then they are going to be assessed a penalty which would in fact pay for the postage for all one hundred and this has to be taken into consideration also.

SENATOR PIRSCH: Not really, because the fines will go to the school district?

SENATOR VICKERS: No, the fine comes to the general fund.

SENATOR PIRSCH: The money will be appropriated from the general funds but will it not be considered a fine which will go back to the school funds, the \$20?

SENATOR VICKERS: No, I don't think so, Senator Pirsch.

SENATOR PIRSCH: I wonder if that would not be the case.

SENATOR VICKERS: I assume that would come into the general fund. Maybe Senator Carsten or somebody else from the Revenue Committee could answer that better but I don't think that is going to be considered a fine as fines are assessed by the courts of this state.

SENATOR PIRSCH: Okay, it doesn't really call it a fine but I wonder if that would not be true. If not, why then that would go to kind of subsidize the \$32,500 in the A bill.

SENATOR VICKERS: That is correct. Senator Carsten tells me the term is "penalty" not a "fine".

SENATOR PIRSCH: Okay, thank you.

SENATOR CLARK: The question before the House is the advancement of 890A. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted? We are voting on the A bill, 890. Once more, have you all voted? I am going to call the vote if you don't want to vote. Record the vote.

CLERK: 25 ayes, 2 nays, Mr. President, on the motion to advance the bill.

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LB 890A, 686, 714, 765,
971

SENATOR CLARK: The bill is advanced. Now we will go back and take 765. Yes, read it in.

CLERK: Mr. President, very quickly, Senator Fenger would like to print amendments to LB 686 in the Journal; Senator Warner to print amendments to LB 971 in the Journal; Senator Fenger to print amendments to LB 714 in the Journal.

Mr. Presiden , LB 765 was a bill introduced by the Business and Labor Committee and signed by its members. (Read title.) The bill was read on January 11 of this year. It was referred to the Business and Labor Committee for hearing. The bill was advanced to General File, Mr. President. I do have committee amendments pending.

SENATOR CLARK: Senator Warner, for what purpose do you rise?

SENATOR WARNER: Mr. President, I just wanted to indicate I filed on behalf of the Appropriations Committee a couple of amendments to LB 970 and 971 and they will be part of a public hearing on Wednesday and Thursday. It is my only way to give some previous notice that those amendments would be offered to those bills and I just wanted to indicate that to the members.

SENATOR CLARK: Thank you. Senator Barrett, on the bill, 765.

SENATOR BARRETT: Mr. President and members, I believe the committee amendment should be taken up first, a very small technical amendment. On page 2, line 18 of LB 765, an error or one penny, the \$400.01 should have been \$400.00, an error of one penny. I would move the adoption of the committee amendment.

SENATOR CLARK: We have an amendment to the committee amendments.

CLERK: Mr. President, Senator Vard Johnson would move to amend the committee amendment to LB 765 by adding a new Section 2 which would read as follows: Strike Section 4 of LB 765 and delete 48-628 found in Section 7.

SENATOR CLARK: Senator Johnson.

SENATOR V. JOHNSON: Yes, Mr. Speaker. Mr. President, members of the body, I will ask one question. Do the same rules obtain this afternoon to this bill as obtained this morning, that is there is only fifteen minutes time allowed?

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LB 573, 633, 668, 708, 751,
875, 714, 790, 766, 890A,
579, 662, 677

SENATOR CLARK PRESIDING

SENATOR CLARK: The prayer will be given this morning by Monsignor Charles Keenan, Blessed Sacrament Church, from Lincoln.

MONSIGNOR KEENAN: Prayer.

SENATOR CLARK: Roll call.

RECORDER MALFUNCTION - (Inaudible)

The following information was taken from the Legislative Journal dated March 17, 1982.

LB 573 placed on Select File as amended. LB 633 placed on Select File as amended. LB 688 placed on Select File. LB 768 Placed on Select File as amended. LB 751 placed on Select File as amended. LB 875 placed on Select File as amended. LB 714 Placed on Select File as amended. LBs 790, 766, 890 All placed on Select File.

LB 579 was passed with the emergency clause. Vote appears on page 1211 of the Legislative Journal. 39 ayes, 0 nays, 3 present and not voting, 7 excused and not voting.

RECORDER NOW OPERATING

CLERK: Read LB 662.

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 43 ayes, 1 nay, 5 excused and not voting. Vote appears on page 1212 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will read LB 677.