

January 14, 1981

LB 176-184

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I feel guilty about offering this amendment, and it won't offend me at all if you reject it. In the most serious setting there should be a bit of humor to show that human beings are involved and not mere automatons. The sentence now says, "those individuals and groups not included, introduced, may be inserted in the Journal by request", and since the Journal is composed of pages it would be difficult to insert an individual let alone a group in the Journal. So my amendment was to say "recognition of those individuals and groups" could be inserted in the Journal, or the word could be "acknowledgement" whichever seems more appropriate, but maybe I ought to just leave this like it is, so I ask unanimous consent to withdraw this amendment.

SPEAKER MARVEL: Senator Newell, your light is on. Hearing no objection, so ordered. Senator Beutler, do you have an amendment?

SENATOR BEUTLER: I am sorry, I have lost track here. Senator Chambers had one more amendment, or....

SPEAKER MARVEL: No, it has been completed.

SENATOR BEUTLER: Yes, I think I do have three amendments that are being reproduced right now but I did notify Pat that they were filed.

SPEAKER MARVEL: Are the amendments ready to be processed?

SENATOR BEUTLER: Yes, they are.

SPEAKER MARVEL: Okay, the Clerk is going to read some bills while we are waiting for the next item.

CLERK: Mr. President, the committee on Urban Affairs gives notice of public hearing for January 28. (See page 170 of the Legislative Journal.)

Mr. President, new bills: LB 176 (Read title). LB 177 (Title read). LB 178 (Title read). LB 179 (Title read). LB 180 (Title read). LB 181 (Title read). LB 182 (Title read). LB 183 (Title read). LB 184 (Title read). (See pages 170 through 173 of the Legislative Journal.)

Mr. President, Senators Wiitala, Pirsch and Labedz and Kilgarin ask to be added as co-introducers to LB 61.

SENATOR CLARK PRESIDING

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LB 5, 49, 72, 73, 74, 124,
128, 176, 279, 419, 462, 476.

to whom was referred LB 128 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 462 to General File. (Signed) Senator Fowler as Chair.

Your Committee on Business and Labor whose Chairman is Senator Maresh to whom was referred LB 176 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, 279 General File. (Signed) Senator Maresh, Chair.

Mr. President, your Committee on Constitutional Revision and Recreation whose Chairman is Senator Labeledz to whom was referred LB 5 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 476 to General File with amendments; 49 indefinitely postponed and 419 indefinitely postponed; LB 72 General File with amendments; LB 73 indefinitely postponed, and LB 74 advanced to General File with amendments. (See pages 559 and 560 of the Legislative Journal.) (Signed) Senator Labeledz, Chair.

SPEAKER MARVEL: The next order of business is LB 124.

CLERK: Mr. President, LB 124 offered by the Miscellaneous Subjects Committee and signed by its members. (Read title.) The bill was first read on January 13. It was referred to the Miscellaneous Subjects Committee. The bill was advanced to General File. There are no amendments, Mr. President.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I move to advance LB 124 to E & R Initial. This is a Miscellaneous Subjects Committee bill and this bill consists of four sections. The first section, if you are following along, establishes legislative intent in relation to liquor control. It also establishes that it is the Legislature's intent to control and regulate all liquor transported into the state with the same regulations affecting liquor produced within the state. The second section establishes conditions which must be met before a retail or a bottle club liquor license can be obtained from the Liquor Commission. An applicant must be fit, willing and able to provide the service proposed as described in the application. An applicant must conform to all provisions, requirements, rules and regulations. The premises for the proposed service are or will be required by present or future public convenience and necessity.

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LB 462, 176

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

SPEAKER MARVEL: Motion is carried. The bill is advanced. I understand...Senator Newell, 176.

SENATOR NEWELL: Mr. President, members of the body, LB 176 is a bill that deals with unemployment compensation and because there are a number of other bills that it would impact, other bills it would impact, especially one that will have to be passed by this body, we need to prepare an amendment. That did not come to my attention until just recently and I was unable to do that and so I would ask Senator Maresh, who is the Chairman of the Labor Committee, if he has any problem with maybe allowing some additional time to try to work out the proposed amendments?

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker, Senator Newell is correct. I think this bill should be held up to see what we do on a conformity bill and it would be premature to act on this now. I tried to hold the bill in committee but I was overruled and it was advanced so I am glad that Senator Newell wants to cooperate and see what happens on these other bills.

SPEAKER MARVEL: Can the two of you get together with whoever else is interested so that we can maybe visit about this on the first of the week, Monday?

SENATOR NEWELL: Mr. President.

SPEAKER MARVEL: Yes.

SENATOR NEWELL: We will try to do that. The difficulty we have is the other bills coming along we have not prepared even the amendments necessary and so I will be working with Senator Maresh to try to work this out.

SPEAKER MARVEL: There is an objection so you will have to vote on holding the bill over. Do you want to move to hold the bill over?

SENATOR NEWELL: Yes, who objected?

SPEAKER MARVEL: Senator Hefner.

SENATOR NEWELL: I don't know what Senator Hefner's objection is. Yes, I guess we can make the move. I will move to hold it over since we don't have the amendments prepared and we

haven't been able to work that out. Maybe I could just talk to Senator Hefner real quick and find out exactly what his problem is.

SPEAKER MARVEL: Senator Hefner, do you want the floor?

SENATOR HEFNER: Yes, Mr. President. I don't believe that this bill needs to be held up. I think we, the committee, voted it out to the floor and I think we should go ahead and vote it up or down. The Business and Labor Committee has many unemployment compensation bills in committee yet. The Business and Labor Committee saw fit to move this bill to the floor and so I think it is the intention of the Business and Labor Committee, at least the majority of those, to go ahead and act on this bill. I think there is a motion on the desk to indefinitely postpone the bill and I think now is the time to act on it. Therefore, I would request that we vote against the motion to lay it over. As you noticed on General File we have a terrific amount of bills to act on, and if we are going to wait until we get the amendment to this bill or that bill, we just will not be able to act on very many bills this session. Therefore, I would urge you to vote against the motion to lay it over.

SPEAKER MARVEL: Senator Cullan, do you wish the floor? The motion before the House is to lay over LB 176.

SENATOR CULLAN: Mr. President, members of the Legislature, I will be frank with you. I don't much like LB 176, and unless Senator Newell can do a heck of a lot to it I am sure I am not going to vote for it but I think it is a little premature for us to kill it. I think we ought to give him a chance to work out the difficulties with the bill. The Chairman of the Business and Labor Committee made that recommendation to us. I think out of courtesy to the Chairman and to the introducer, we ought to allow Senator Newell to try and work out whatever objections he can with the leadership of the Legislature which, of course, in this particular area is Senator Maresh. So I see no reason for us to run along and give Davy too tough a time here on this Friday morning so let's give Senator Newell and Senator Maresh a chance to do a little something here.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I have got even a better idea. I have got the kill motion up there. I hate to ever try to take advantage of anybody. We can spend forty-five minutes of the morning arguing over whether we are going to go ahead or not and waste the forty-five minutes. I think if Elroy

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LB 176, 279

Just withdraws his objection, we can pass over it and get her squared away and I would ask Elroy to withdraw it. Is that okay, Elroy? See, everybody is happy.

SPEAKER MARVEL: Okay, the bill will be laid over until Monday. What is the next, 279

CLERK: Mr. President, LB 279 was introduced by Senator Chronister. (Read title.) The bill was read on January 16. It was referred to the Business and Labor Committee. It was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: Senator Chronister.

SENATOR CHRONISTER: Mr. Chairman, and members of the Legislature, the intent of LB 279 is quite simple. Now you may say, we have all heard that before, but in this case, it is absolutely true. LB 279 would amend a section of the Nebraska Employment Security Law to bring it into conformity with provisions of the Federal Unemployment Tax Act. Therefore, under LB 279, a Nebraska employer would receive consistent treatment under both the state and the federal unemployment contribution laws. The new language is taken directly from a 1977 amendment to the federal unemployment statutes that were effective in 1979. It provides that when two or more related corporations concurrently employ the same individual and pay such individual through a common paymaster, each related corporation will pay state unemployment contributions on the basis of wages actually paid by such related corporation to such individual. Each related corporation will not be considered to have paid amounts to such individual actually paid by another related corporation. According to the present federal and state law, unemployment taxes are paid on the first \$6,000 salary per person per year. Under federal law, when one person works for two related corporations and draws, say, \$10,000 per year from each corporation, then for federal purposes the unemployment tax is paid on only one maximum of \$6,000 salary per year. However for state purposes, the unemployment tax is still being paid on \$6,000 salary for each related corporation. If the occasion ever arises that the individual requires these unemployment benefits, he receives the benefits from only one related corporation although both related corporations have paid their contributions. It is inequitable for the State of Nebraska to collect twice and pay only once. No one has offered any opposition to the bill at public hearing. A representative of the Department of Labor testified that the Department was not opposed to this bill. The federal regs contain rather detailed definitions

am asking permission for her to do it, and if it would be agreeable with the group, she would sit at the side and paint the permanent fixtures while we are not in session and put the faces in that she chooses to put in while we are in session. And I didn't want to embarrass her and have her come this distance if it was not agreeable with the body. So I would ask permission for her to do that and if there is anybody opposing it, I would like to know it so I would not embarrass her or the group.

PRESIDENT: Does anybody object?

SENATOR NICHOL: I might say that she is professional and I have a sample of her work that has been published on the front of Pen Women so she is somewhat capable and I have one of her postcards you may have if you would like it to see an example of her work. And as I understand it, she would offer this painting to the group that puts paintings in this building. What do you call them? Whatever that group is, if they want it. If they don't want it, then, of course... She lives at Scottsbluff. Her name is Audrey Tollwater. She isn't here in the building at the moment. She is.....

PRESIDENT: Okay, Senator Nichol, if they have some further questions, they can get a hold of you. Thank you, Senator. Senator Cullan, we will then be ready then for LB 8, and I would recognize you at this point.

SENATOR CULLAN: Mr. President and members of the Legislature, in view of the fact that the Natural Resource Commission is just completing its riparian rights study, I would ask permission to lay over LB 8 until such time as I have a chance to review their riparian rights report.

PRESIDENT: Is there any objection, Mr. Speaker, at this time, just talking to the Speaker here whether he has any objection at this point. Does anyone else have any objection to laying it over at this point? He has so ordered then. Do you want to vote on it? LB 8 is then laid over. We will go over to LB 176, Mr. Clerk.

CLERK: Mr. President, I have a request from Senator Newell that LB 176 be placed in the passed over file. He is the introducer, I believe.

PRESIDENT: Senator Newell. Is he here?

CLERK: Yes, he is here.

PRESIDENT: Senator Newell, we were discussing LB 176 and

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LB 176, 169, 198

your request that it be passed over. 176 on General File.

SENATOR NEWELL: Is it....what's happening? It's not being laid over, or what?

PRESIDENT: Well, no, your request to pass over 176 is before us. We just wanted you to...if you want to speak to it.

SENATOR NEWELL: Okay, pass it over. Isn't that automatic? I thought that was automatic that it was passed over.

PRESIDENT: Well, just so we have it in the record that it is passed over, that's all.

SENATOR NEWELL: Oh, yes, I am asking...I put a motion up on the desk, in fact.

PRESIDENT: The point is, Senator Newell, we don't have to vote on it. It is just to make it of record so we have it. Okay, LB 176 is passed over then. LB 169.

CLERK: Mr. President, Senator Hefner had made a motion this morning that LB 169 be withdrawn and pursuant to Rule 5, Section 12, that motion would be required to lay over for at least one day.

PRESIDENT: It will lay over. We are really making progress quickly. We are to the fourth bill on General File, LB 198.

CLERK: Mr. President, 198 was a bill introduced by the Government, Military and Veterans Affairs Committee. (Read title). The bill was read on January 15 of last year. It was referred to the Public Works Committee for public hearing. The Public Works Committee reported the bill to General File. There are committee amendments attached, Mr. President, from the Public Works Committee.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President and members, I don't know if Senator Kremer is here or not, and I assume the amendments that they have presented have not been adopted. Is this correct?

CLERK: That's right.

SENATOR KAHLE: I can't explain the amendments but I would move for their adoption.

PRESIDENT: The motion is to adopt the amendments. Any