

RECESS

PRESIDENT: The Legislature will come to order and register your presence.

CLERK: Mr. President, Senator Higgins and Beutler would like to be excused this afternoon.

PRESIDENT: Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: Quorum being present, do you have any messages on the desk, anything to read into the record?

CLERK: Yes, sir, I do. Senator Maresh would like to announce that Senator Fitzgerald has been elected as vice chairman of the Business and Labor Committee. Senator Marvel would like to announce a chairperson's caucus for Monday, January 13, 1981, at 9:00 a.m. in Room 1520. It is a chairperson's caucus at 9:00 a.m., Room 1520, Monday morning.

Mr. President, Senators VonMinden, Senator Hoagland would like to be excused all day tomorrow.

PRESIDENT: We are ready for the introduction of new bills, Mr. Clerk, proceed.

CLERK: Mr. President, new bills: Read LB 37-48 by title for the first time. (See pages 85-88 of the Legislative Journal.)

Mr. President, Senator Hefner would like to have the Miscellaneous Subjects Committee meet upon adjournment this afternoon underneath the South balcony. That is the Miscellaneous Subjects Committee upon adjournment underneath the South balcony.

Mr. President, I have the communication from the Secretary of State addressed to the Speaker and members of the Legislature regarding the bonds and oaths for the following elected officials: Public Service Commissioner, Eric Rasmussen; Jack Romans; Treasurer of Workmen's Compensation Court, James Monen; Regents: Robert Simmons and John Payne; State Board of Education, Frank Landis, James Monahan, Walter Thompson, Helen Greene; and for Judge of the Nebraska Supreme Court, Lawrence Clinton, Hale McCown and C. Thomas White. That will be inserted in the Legislative Journal. (See pages 88-90.)

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CLERK: Well, certainly, I...excuse me, Senator, for interrupting.

SPEAKER MARVEL: Go right ahead.

CLERK: If you have resolutions that you want to offer?

SENATOR MARFSH: No, I do not but I say there may be people that are thinking of having a resolution later on that this might be a good time to introduce the resolution.

CLERK: That is right, absolutely. Certainly, that is true.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: I would just like to add to Mr. Marvel's comments about the rules changes. If you are interested in the changes that are going to take place, remember I sent out a summary of rules changes. If you misplaced that copy, ask me and I have more copies that I can share with you so that you can anticipate some of the key questions that will come up Monday and if you do have any questions about rules changes please ask me and I will try to answer them for you and work with you in anticipation of Monday's rules debate.

PRESIDENT: Any further questions? Thank you, Speaker Marvel. We have next on the agenda...Mr. Clerk, proceed with the reading into the record.

CLERK: Mr. President, I have a report from the Executive Board regarding the Chaplain. The report is done in compliance with their meeting of January 8. The following motion was adopted. (Read report as found on page 96 of the Legislative Journal.)

Mr. President, Senator Koch would like to have his name added to LB 40 as coinroducer.

PRESIDENT: On Senator Koch, any objections? If not, so ordered.

CLERK: Mr. President, Senator Cullan would like to announce that Senator Wesely has been selected as vice chairman of the Public Health and Welfare Committee.

PRESIDENT: Senator Landis, we have next on the agenda, LR 1, that resolution and I was wondering if you wanted to take it up at this time or, I see that Senator Chambers is not here.

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LB 40, 75, 100

Your committee on Constitutional Revision and Recreation reports LB 75 to General File with amendments; LB 100 indefinitely postponed.

Your committee on Revenue reports LB 40 to General File with amendments. Signed Senator Carsten as Chair, Mr. President.

SPEAKER MARVEL: Senator Beyer, would you like to adjourn us until Tuesday, February 24th, 9:00 a.m.

SENATOR BEYER: Mr. Speaker, I move that we be adjourned until nine o'clock, tomorrow, February 24th.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried and we are adjourned until tomorrow, February 24th, 1981 at nine o'clock.

Edited by:

Marilyn Zank  
Marilyn Zank

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LB 197A, 40, 192, 231,  
340, 341, 411, 541

consideration of 197A and advancing it also. Thank you.

SENATOR CLARK: Senator Marsh. The question before the House is the advancement of 197A. All those in favor vote aye, opposed vote nay. Have you all voted? The advancement of 197A. Record the vote.

CLERK: 27 ayes, 2 nays on the motion to advance the A bill, Mr. President.

SENATOR CLARK: Motion carried. The bill is advanced. We will now take up LB 40.

CLERK: Mr. President, if I may right before we get to that, Banking, Commerce and Insurance gives notice of gubernatorial appointments as approved by the committee.

The committee on Judiciary reports LB 541 to General File with amendments; 192 General File with amendments; 231 General File with amendments; 411 General File with amendments; 340 General File with amendments; 341 General File with amendments. (Signed) Senator Nichol, Chair.

Mr. President, LB 40 was a bill introduced by Senators Koch, DeCamp and Goodrich. (Read title.) The bill was first read on January 8, referred to the Revenue Committee. The bill was advanced to General File. There are committee amendments pending by the Revenue Committee, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I move for the adoption of the committee amendments. The committee amendments to LB 40 would require that the tax could not be continued, the Omaha city half-cent sales tax could not be continued after December 31, 1981 unless the majority of those voting in an election approved of the extension. I think the philosophy of the committee after we heard this bill realizing full well that the people of the City of Omaha did vote to accept the half-cent sales tax for a specific period of time, now this bill as it was presented is a permanent tax that would be put on. The committee felt that it was improper, I believe I am speaking for the committee, for this Legislature to impose upon the people of the City of Omaha a permanent half-cent sales tax without their consent or rejection and it was in that light that this amendment

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was adopted and sent to the floor for your consideration. Now I want to also make another comment or two. With an election coming up in May, if this amendment is to be adopted and is to be presented to the people at this May's election, we need to adopt this amendment, move the bill along and I would suggest expedite it so that it may be approved or disapproved by the body or the Governor by at least next Monday, and with the cooperation of the Speaker and this body and the Governor, the time frame could be taken care of. It is within that context and presentation that I again move the adoption of the committee amendment, Mr. President. Thank you.

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

SENATOR DeCAMP: Mr. President, simply to say at this time I am going to vote for the amendment. I am doing it with the understanding that the bill by its action here today kind of test the water in a number of directions. I personally have some reservations about additional votes on it. We have had votes and votes and polls and more polls in the City of Omaha and supposedly this half-cent sales tax is of such critical importance that the issue has been responsibly addressed I think by the local officials. So additional votes I have reservations about and I have reservations about the workability of them. I am voting for the amendment because it came out of Revenue Committee that way, and with the full understanding that putting this amendment on is a test the water issue and on Select File, if that is the mood and the way to go and the necessity then appears to move it very fast on Select File, we can look at it there. However, I do believe, as Senator Carsten I think alluded to, if you do put this version in, this vote of the people again, you are committing yourself to an extremely rapid time frame on processing of this bill and I am not sure that time frame can be met but I guess it depends on just what occurs on the floor. I repeat, finally then, I am voting for the amendment at this time and, of course, I am voting to advance the bill since it is my own bill and I am suggesting that once again this is an issue vitally linked with any number of other taxation matters before the Legislature.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am going to oppose the amendment and I am going to oppose the bill at this time, the reasons being the

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same reasons that Senator DeCamp gave you and Senator Carsten. I think it is premature to advance this bill. LB 284 is hanging on the Board. We have other bills that need to be addressed simultaneously. Each will have its own particular bearing upon the other and very honestly I think that if this issue is resolved favorably with the City of Omaha it will be impossible to address the other issues on their own merits. I recognize the particular problem in which Omaha finds itself in. I want to remind members of this body, and some of you who were not here a number of years ago, that it was my vote that overruled the Governor's veto and gave Omaha the half-cent additional sales tax when they were so desperately in need. I did so at that time based upon the premise and the solemn promise that it would be just for a short period of time and then we would have our problems all worked out in Omaha and we would never come back to you again. It seems that that long and that forever has faded away and Omaha is back here again. I happened to read in the paper several days ago that even with the half-cent sales tax that the City of Omaha will be four million dollars short of meeting their anticipated needs. I don't think it is going to solve the problem to give Omaha an additional half-cent sales tax unless some other really major changes are brought about. I have discussed some of them with you from time to time. It has been discussed on this floor from time to time. I think that it is absolutely irresponsible for us to advance this bill, notwithstanding the fact that it may go, without addressing the entire tax issue. Any time that you have a one and a half percent tax assessed by the City of Omaha it greatly and dramatically impacts upon the taxes collected by the State of Nebraska. At the time that we originally discussed this issue, I pointed out that it would eventually erode away the sales tax base of the state. I reluctantly voted for the tax at that time because of the emergency in which Omaha found itself. Omaha seems to find itself in a perpetual state of emergency without the internal resolve to resolve that emergency. That was why on LB 524 I proposed an amendment which would have brought Omaha out of the sales tax business at the highest possible price. It would have placed them in a position of equality with every other city in the State of Nebraska and I think that was a fair amendment...way to go. That bill did not meet with the approval of the Revenue Committee. I think to advance this bill is to continue inequality of a type which you cannot possibly condone year after year. I ask that the bill not be advanced and that the amendment not be adopted.

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SPEAKER MARVEL: Senator Goodrich.

SENATOR GOODRICH: Mr. President, members of the body, I am going to rise and support not only the bill but the amendment itself. There has been some reference of late to an amendment that I have waiting to be considered but I don't want to do it on General File. I don't even want to do it at all unless it becomes necessary. My amendment, if it becomes necessary, would literally extend the tax for one year on the condition that a favorable vote was passed in the Omaha area and then if that vote passed it would become a permanent tax, a permanent authority for the tax, rather. Now, I am not offering that now because it is premature. I am saying if we get this bill moved to Select File we can then count the days that it takes to pass the bill from that point on to get it for the Governor's signature and then count the days that it takes to pass an ordinance putting this on the ballot in the Omaha area, and if there are sufficient days left, then before the ballots are printed, that deadline, in other words, then we will be in a position to do nothing but send the bill right straight on through just as it come out of committee. That is fine. We are not afraid of a vote of the people in the City of Omaha. As far as what Senator Schmit said, Senator Schmit and I have had many discussions on a comprehensive reorganization of the taxing structure of the State of Nebraska which is the bill, 524, which he alluded to in his remarks he just delivered. If and when we get something like that accomplished, which I have pledged to Senator Schmit that I would cooperate with him and I have had many cooperative type of conversations with Senator Schmit, and I stand full well pledged to support that kind of a concept because I think it is needed in the State of Nebraska. But in the meantime, we cannot let the largest city of the State of Nebraska go into financial chaos because of a lack of authority to extend this particular tax until such time as we can get the entire tax structure reorganized in the State of Nebraska. I urge you to adopt this amendment and move this bill forward and then, at Select File, we will be in a position to count the days needed here, count the days needed in Omaha, and determine whether or not there is sufficient number of days left to accomplish the vote of the people in May of this year as opposed to delaying the vote because I do not know for sure nor does anybody else how many days it is going to take to get this bill from this point to the point where it has the Governor's signature. I wholeheartedly urge you to adopt the amendment as the committee has recommended it and then let's advance this bill, expedite it. We can take a look at it on Select

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File to see if we need to do anything different. Other than that, let's go with the bill the way it is now.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, now the fun begins for the session. Senator Schmit has very frankly told you that this issue should be linked with others and I think he is probably correct in terms of what will actually happen. I don't know whether it should or not unless it is going to be linked with something that is going to go down to defeat but the Legislature down through the years on this issue has voluntarily allowed itself to be tricked, duped and suckered. I say allowed itself to do so because taxes are like dope. There is no such thing as sampling it and letting it go. You become addicted to it. Omaha is addicted to the sales tax and they are going to keep it. They will make deals. They will trade. They will trick. They will cry. They will grovel. They will beg. They will plead. They will lie. They will do anything to get the tax. They have done it so far. They equipped Mayor Veys with knee pads so he could come crawling down here again. The Lincoln Star has tried to restore some dignity to Omaha by telling the Legislature, "Save that city from itself. They lied to you". And they have, and they are lying again and you will buy it. This bill, Senator Schmit, is going to go. Omaha is going to be given the tax again. Now when they talk to you, and when I say, "they", I am talking about the ones who support this bill, when they talk about a vote by the people, that amendment was drafted in such a way that the people thought they were voting to end the tax in 1981, not to extend it. That is what they thought they were voting for. Let there be a pure issue given to them which will never occur now because the juggernaut is on the rails and it is going to run right through this Legislature like Reagan is going to run through the country, and in the same way that Reagan is going to ruin the country, this bill is going to ruin the Legislature. You all are going to come back here one of these days, the farmers who don't pay income tax but makes tons of money, yes, Senator Kahle, that is what I said, are going to load all kind of programs on the sales and income tax and let those landed gentry in the western part of the state get away scot-free, and when you try to get the Omaha Senators to vote for your proposition, they are going to say there is already a cent and a half tax on top of the state sales tax so no, no, no, a thousand times no. This is a political issue as it always will be. I like the way that...I think Senator DeCamp is the one...let me

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see who offered it this time. It was Senator Merz, the adjunct to Omaha last time. Senator DeCamp. Senator DeCamp, the new Terry Carpenter of the Legislature. I read in the paper this morning where he told us he is the most powerful Senator down here and, Senator DeCamp, this bill will prove it. He is doing for Omaha what the Omaha Senators cannot do for themselves. He is going to get this bill through the Legislature. Omaha will get the sales tax exemption...I mean, extension and, Senator Schmit, we will know that you will have to try harder because you are no better than number two and you may not even be that, but at least you are not number one. Now what am I trying to say here this afternoon to the members of the Legislature. I am telling you that I am opposed to this bill. I have always been opposed to the increase of the sales tax in Omaha. I have been opposed to cities having the power to offer a sales tax. There is no need in constantly talking about the erosion of the tax base, then doing everything for political reasons that accomplishes the very thing that people are saying should not happen. The bill is not good. It is a travesty but I am glad that Senator DeCamp has on his spurs. "Booted and spurred with a heavy stride" like Paul Revere and he is going to ride this Legislature as Revere rode his horse through the colonies, not saying, "The British are coming", "DeCamp and the sales tax are coming". Mayor Veys ought to be saying, "Thank you, John DeCamp". I almost said something else. That is what he should be saying in Omaha right now. That is what the business people and all the rest of them who want this bill should be saying right now. DeCamp is going to do it to the people of Omaha. I am thinking again about the times that I go through the grocery lines and I watch people who don't have much money having to pay an additional amount as a tax on food. That doesn't mean anything to the legislators here. I listened to Senator Marsh on another issue saying, "Give this little bit to the older people because this money being taken from them shouldn't have been taken in the first place", and that is exactly how I feel about the tax on food.

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: But my position on that does not prevail. It is difficult to adopt a principle which is pure and which, as they say in law class, is surrounded by a bright, clear line so that you know precisely what you are dealing with and then follow that principle down the line. There are other considerations that come to play, that come to bear on the issue, and, personally, I think all of you who speak

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on this bill are wasting your time unless you are doing like I do which is to get things into the record. You cannot beat Senator DeCamp. He has made up his mind on this as he made up his mind on the guest statute and I defy you, as a group or individually, to defeat that young man sitting down at the corner desk there on the front row. The only difference between him and Terry Carpenter right now, the only difference is that Carpenter is dead and Carpenter used to sit here.

SPEAKER MARVEL: Your time is up.

SENATOR CHAMBERS: Other than that, it is exactly the same. Senator DeCamp, more power to you although you don't need it.

SPEAKER MARVEL: Before we go to the next speaker, underneath the...I thought he was underneath the North balcony...is the champion well driller from Falls City, former Senator Merz. Let's give him a hand. Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, I would like to ask Senator DeCamp a question because I am really going to trick him. I have this letter, Senator, from Mayor Veys which you probably saw a few days ago which compares the two possibilities for Omaha. One is the continuance of the half percent sales tax and the other is an increase of 4.1 mills in the property tax and the last sentence the Mayor says, "The above examples clearly demonstrate that the one half percent sales tax has a lesser dollar impact on the citizens than if the city implemented the increased real estate tax option." My question then is, if that is true, who picks up the difference?

SENATOR DeCAMP: Senator Lamb, the difference is picked up by Senator Newell and Senator Lamb. Omaha, outstate, so on and so forth, we all utilize the metropolitan area of Omaha. It is our banking and financial center. It is our industrial center from terms of wholesale and warehouse supply. We all utilize it. We all benefit from it and to the degree that we go to Omaha and purchase things in Omaha we all pay a little portion of it because we are all benefiting from the existence of that metropolitan area.

SENATOR LAMB: In your considered opinion then, Senator DeCamp, you believe that the outlying areas outside of Omaha should be picking up this difference in the tariff? And this is being heard out at Neligh, of course.

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SENATOR DeCAMP: Senator Lamb, I believe under the existing tax circumstances for the immediately foreseeable future until we may change the entire tax system that the proper and wise thing to do at this time is to pass this bill and continue the existing situation until we change the entire tax system. So, indeed, yes, when I go to Omaha and when I participate in buying food in Omaha or goods, I, John DeCamp, from Neligh, Nebraska, feel that it is improper that I should pay that half-cent when I am in Omaha buying in Omaha and utilizing Omaha.

SENATOR LAMB: Thank you.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I oppose LB 40 in either the form adopted by the committee or without the election provision. LB 40 represents an extra raid on the state tax base by the City of Omaha and I oppose it for that reason. LB 40 allows for log rolling and special interest lobbying of a wide variety of topics including the veterinary college, personal property tax formula and other issues and I oppose it for that reason. Years ago this body was persuaded to give to the City of Omaha this extra authority because of a list of monetary demands made against the city, or so they were told. When the time came to analyze how the money was used, it became clear that it was used at least in part for personal property tax relief and I oppose the bill because having been dealt with fast and loose once by the City of Omaha this Legislature should not countenance a return to our chamber for another helping of like nature from this body. As a father I had to decide whether or not I would utilize that strategy with my children of allowing the child to experience life, both positive and negative, whether or not you allow the child to touch the flame in hopes that once he does he will learn that it is wiser not to put his hands on the oven or touch the flame or the electrical socket or whatever. In fact, I thought that was the wiser of the approaches to assume and I did and I report to you that my 11 year old son has learned not to stick his hand in the flame and it took him only one time to learn that and I would call upon the body to match his wisdom and vote against LB 40.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I rise in support of LB 40 and the committee amendment thereto that would ask for another election by the city folk concerning the authorization of a one half percent sales tax continuation. It is an interesting situation it seems to me

because here we have a tax that the people in the City of Omaha voted for last year and approved it overwhelmingly. It is quite unusual, in my opinion, for taxpayers actually to vote in favor of a tax but our taxpayers in our city did vote. They said simply, "Look! We are prepared to pay a one and a half percent sales tax to finance the City of Omaha". Now I say that when you get to a situation like that where the citizenry itself says we are prepared to have this kind of a tax that we would be very foolish in not allowing the citizenry that kind of a tax. I am perfectly prepared to vote for LB 40 without another vote of the people because I rely on the kind of vote the people did last year. However, our Revenue Committee felt that the better part of discretion was to require another city-wide election on the half-cent sales tax continued authorization, and if that passed, then, of course, the half-cent sales tax would be permanently in place, at least until such time as the Legislature in its wisdom saw fit to make a change. Now a lot of people speak about the lack of wisdom in imposing a sales tax at all for cities claiming we encroach on the state sales tax base and claiming that as Senator Chambers says that a sales tax essentially is unjust and the like. The truth of the matter is that in our country today, in our country today, we are taxing investment, we are taxing savings and we are doing that through a high income tax rate but we are not taxing consumption. If I look at western European nations and if I look at Japan, which have a far more favorable productivity rate than this country, a far more favorable growth rate than this country, I will discover that in those countries they impose a ten to fifteen percent value added tax which is a sales tax and that kind of a value added tax in the end has had the effect of taxing consumption and causing people to save their money before they buy goods. It has had an effect on the credit industry dramatically. It has promoted savings and it has tended to inhibit consumption. Now I think that this Legislature is very wise, is very wise, in having a state sales tax and in allowing a local option sales tax because those kinds of taxes get at one of the roots of our problem, overconsumption and underinvestments, and to the extent that we make consumption a little more difficult through a sales tax to finance government, I think the better off we are in the 1980s and in the kind of economic condition that we presently face. So in my opinion it is good policy. It is a wise policy for the Legislature to allow cities and school districts, if necessary, Senator Sieck and Senator Vickers, to finance themselves through a sales tax because a sales tax just happens to be dealing in one of those issues that is very important to the economic well-being of our society and of our country. Now one reason

why the City of Omaha has used a sales tax frankly is because the sales is its strongest tax source. You know we are a big sales community. That is where we make our money. We make our money on sales. We are also an income rich community. We are a property poor community. We have got twenty-six percent of the state people and we have only got nineteen percent, though, in the state's assessed valuation of property. That is our worst tax source, the property. Our strongest, our strongest area, however, is in sales. In Omaha we generate thirty-one percent of the state's sales tax take, thirty-one percent of it. So as you can appreciate the sales revenues to our city is an important source of wealth. Now it seems to me that it makes a lot of sense for our city government to be able to take...to tax its wealth, in effect, to finance city government and that is what our one and a half percent sales tax does, but to the extent that we are deprived of that revenue source, then we have to fall back literally on our very weakest tax source, property. As you know from things I have said on this floor in the past, we, in Douglas County, pay the highest property taxes in this state. Right now we are paying two and a half percent of actual value annually in property taxes and that is the highest rate in the state, and for us to be required to go above that point by virtue of our not being able to depend on a local option sales tax and having to go on the property tax basis frankly puts our homeowners and our commercial establishments and even our agricultural land, what little bit of it we have in Douglas County, in a bad fix and it is a bad sense of government and it is a bad thing for us to do. So I believe that we are quite wise in permitting the City of Omaha to continue to look to the sales tax as a major revenue source. Now that does not mean that the sales tax of the city has to be permanently in place. I see no reason why in the future years we cannot deal with some replacement tax options. We do have Senator Schmit's revenue sharing concept and Senator DeCamp is beginning to adopt some of the thoughts in that package and so are other folk adopting some of the thoughts in that package, but as long as we provide local government an opportunity for some local option tax, whether it would be through an earnings tax or some other tax that they themselves have full and complete control over, then maybe we can ultimately get to the position of replacing the sales tax. But basically that would be unwise at this time for the City of Omaha and I think it would be also unwise at the time for our overall economy simply because you and I need to tax investment and savings less and consumption more.

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SPEAKER MARVEL: You have twenty seconds.

SENATOR V. JOHNSON: I appreciate your support of LB 40 and the amendment.

SPEAKER MARVEL: Senator Stoney. Is Senator Stoney in the room? Senator Labedz.

SENATOR LABEDZ: I call the question.

SPEAKER MARVEL: The question has been called for, do I see five hands? Okay. All those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 26 ayes, 1 nay to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Carsten to close.

SENATOR CARSTEN: Mr. President, members of the Legislature, we sure kicked this around quite a bit and I am not sure we talked about the amendment too much. Once again I want to remind you what the amendment is, that it permits the vote of the people to extend the half-cent sales tax, and if we do it expeditiously here, it can be done in their May ballot this year. I think that it does put the decision up to the people of Omaha, and if they turn it down, why that is fine with me but it is not certainly our responsibility to mandate anything on those people so with that I close, Mr. President, and urge you to adopt the committee amendment.

SPEAKER MARVEL: All those in favor of the adoption of the committee amendments as explained by Senator Carsten vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 28 ayes, 5 nays, Mr. President, on the adoption of the committee amendments.

SPEAKER MARVEL: The committee amendments are adopted. What is the next amendment? Senator DeCamp, do you want to explain the bill before we go into other discussion?

SENATOR DeCAMP: Mr. President, members of the Legislature, I am not sure there is really all that much explaining to do. You know we have talked about this kind of almost as an annual event about like Christmas. We prepare for it. We have it and we talk a little bit about it afterwards and it comes back next year. My original proposal this year was

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that, look, we recognize finally that the state is willing to say to Omaha, okay, right or wrong, good or bad, wise or unwise, you have a need for this one-half cent sales tax. Your situation is unique. You are the metropolitan area of this state. We yield and we make it a permanent think so that it isn't an annual event, and if at such time the entire tax system of the state is redone, then we will look at it as we will a little later on 284 and I guess that is the issue. It is not that complicated, is it? We are talking about the Omaha sales tax. We are talking about extending it. Now we are talking about a vote in May and I, quite frankly, to be real honest with you, I don't think the bill can get 33 votes to pass quick enough to make that function but I am just alerting you to that now. That is the issue though, isn't it? And you are all familiar with it. The issue isn't Johnnie DeCamp. Heck, no, that is the last of the issues but my good, good, good and very, very clever friend, Senator Chambers, made Johnnie DeCamp the issue. Why was he clever? Because he knows the lay of the land on this particular piece of legislation. He knows, for example, that both Lincoln newspapers are strongly opposed, as almost are every single Lincoln Senator. He knows Omaha is desperate and he knows it is a close enough vote so that if he can make the issue Johnnie DeCamp instead of the Omaha sales tax, well, who knows. You might even peel off two or three or four or five votes particularly if you build him up big enough so that somebody would love to put a pin into his balloon. The issue isn't Johnnie DeCamp on this particular bill. The issue isn't Johnnie DeCamp at all. And, Senator Chambers, with respect to our good friend and former colleague, Senator Carpenter, I would simply say that Senator Carpenter's techniques and my techniques are one hundred percent totally different and I think diametrically opposed in most cases, completely different approaches to legislation, completely different attitudes, completely different everything. He used to like to throw two hundred and fifty darts and be happy if he could get ten or fifteen of them stuck in the wall and play with them all session. I guess I prefer to throw ten or fifteen pretty well thrown darts and work at them pretty carefully and hope that that is what is done. Our attitudes were completely different, and on the Omaha sales tax, I have consistently stated year in and year out it is a statewide issue. It has been because we all do participate and because Omaha as our metropolitan area is an important integral part of the state, just like the big hand of the clock is a very important part of the entire clock in telling the time, and Omaha is, with its population base and its relationship to our agricultural base, a critically important part. I believe on the basis of the evidence that has been presented over the years and

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on the basis of the votes of the people of Omaha that this is a reasonable way at least for now to approach this issue, and, indeed, it is related and I have never said it wasn't to the other issues. It is related to 284. Why? Because how much money is distributed there determines how much the needs are in other areas and in Omaha. And it is related because it is a part of the state tax base. Nobody has ever questioned that on the floor. But check yourselves across the length and breadth of the United States. How many other major metropolitan areas have a separate sales tax? That has become the traditional way in metropolitan area after metropolitan area of financing city government because city government is very unique, different from our agricultural base. You do not have the requisite property tax base there and we recognize that with this admission or granting of the extension of the sales tax. By the same token, Senator Chambers, hard as it is to say, it is necessary that everybody participating in the use of Omaha, be they the poorest person or the wealthiest, participate to some degree in paying some of the taxes and this is, indeed, a way in which everyone participates in paying the expenses of financing the City of Omaha.

SPEAKER MARVEL: Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. Speaker.

SPEAKER MARVEL: We have two, four, six, we have seven speakers.

SENATOR LABEDZ: I will be very brief. I will try. For one thing I did want to mention the fact that Senator Chambers mentioned that Johnnie DeCamp was the sponsor of the bill but later on Senator Koch and our Omaha Senator, Glenn Goodrich, also has their name on the bill. I would like to urge the members of the Legislature to support LB 40 and I would like to go over just a few things that is facing the City of Omaha. For one thing the operating budget for Omaha is approximately \$110 million and the half percent sales tax produces about \$11 million or ten percent of the funds needed. In May, 1980 during the election, the citizens approved another year extension of the half percent sales tax by a 68.67 percent. In my District it was 70 percent and I am in contact with a lot of groups in South Omaha. We have discussed this at length and they tell me that they do want the half percent sales tax and they do want it permanently. This vote demonstrated, the 67.6 percent that the Omaha citizens prefer funding city operations through the sales tax rather than increasing the fees or creating new fees or raising the real



estate tax which is currently, as Senator Johnson mentioned, the highest in the state at 2.6 percent of the valuation annually which it to me is outrageous that we are so high now, let alone the fact that we may get an additional increase if this sales tax doesn't...extension or permanent sales tax is not allowed for the City of Omaha. The Council and the administration taking office this June will face many funding problems and we know that. It is going to be a very difficult next four years for it appears that even with this \$11 million we might have at least a \$4 million shortfall. There is justifiable concern that the \$8 million in federal revenue sharing is also going to be gone. A metropolitan city like Omaha has problems that are unique to Nebraska, such as, authorized manpower strength and 570 policemen and 555 firefighters with beginning salaries negotiated at \$17,000, that is the level, an overall level of \$26,000 on the average considering fringe benefits and pensions. The vote that we had in 1980 demonstrated that the Omaha citizens prefer funding city operations through the sales tax rather than increasing fees. LB 40 is crucial to the City of Omaha and I urge the members of the Legislature to advance this bill to Select File and at that time we will be discussing Senator Goodrich's amendment which I will also support. Thank you very much.

SPEAKER MARVEL: The Chair recognizes Senator Higgins and then Senator Newell.

SENATOR HIGGINS: Mr. Speaker, Senators, this is the first time I ever rose to speak to this body that I have got butterflies in my stomach because as a freshman Senator I want you to know I am scared to death of going against Senator DeCamp and Senator Labeledz and I am with Ernie Chambers, so where does that put me. I want to explain something. You have been hearing that the people of Omaha voted for this sales tax and each of you received a sheet showing you the percentage of vote in each district. Well, Senator Higgins has a volunteer in Omaha that called anywhere from two to five people in each of my precincts. First of all I want to explain to you in my district 10,800 people went to the polls and voted for Legislature, president and everything else but only 3,700 of them voted for or against the sales tax. Out of those that voted, 2,400 voted for the sales tax. Now, Senators, when I divide that out, 2,400 does not equal 65% of 10,800 people. In fact, 22% of the people in my district voted for it. So this is a very misleading sheet. I also want to tell you one ward and precinct in my district is composed of nothing but Creighton University where they have fifty Jesuit priests that voted and thirty-seven voted for it and twelve against

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it and they take a vow of poverty and they don't ever have to go out and buy anything. So so much for these figures on the percentage of people that voted for it. I realize Senator Hoagland put this out but I think he got it from a lobbyist who kind of gerrymandered the figures. I would like to remind you in 1978 the Legislature overrode Exon's veto of the sales tax. 1979, you voted again for a temporary tax, both times temporary. Did you know in 1959, Senator Johnson, Senator Vard Johnson, in 1959 (interruption)...

SPEAKER MARVEL: May we please have it quiet in here so we can proceed with the business.

SENATOR HIGGINS: Thank you, Mr. Speaker. In 1959 we had a blizzard that left our streets terrible and the administration then said, "We want a one year two wheel tax so that Omaha can repair its streets". 1981 we don't only have a two wheel tax, it is now sixteen dollars. So much for this temporary tax business. And, again, Senator DeCamp and Senator Labedz and other Senators have said Omaha voted for this sales tax. Remember, Senators, only till the end of this year. They thought that was the end of it. They didn't know they were going to be outfoxed again and that they were going to be told we are coming back again and ask for it again. Last week in a committee hearing, Chief VanScoy was there and we were questioning him on a certain bill, and in his answer he said that he has all the battalion chiefs, just the battalion chiefs have aides that drive them to the fires. So I called...no, not Italian, battalion, so I called City Hall today and I found out there are twenty-three battalion chiefs, fire battalion chiefs in Omaha. Now add to that the deputy chiefs and the regular chief of the Fire Department, maybe we have got almost thirty men driving battalion chiefs and deputy chiefs, et cetera, for fires.

SPEAKER MARVEL: You have got thirty seconds.

SENATOR HIGGINS: And yet our administration threatens us that if we don't pass the sales tax the first thing they are going to do away with is protection. There is twenty-five to thirty men they could be putting on hook and ladders but they are chauffeurs. So I say, "Omaha, you had better clean up your act and you start saving some money before you start picking the people's pockets any more".

SPEAKER MARVEL: I assume some of you would like to go to supper tonight. We have got a little work yet to do

and we need decorum in the House. Senator Newell, do you wish to speak?

SENATOR NEWELL: Mr. President, members of the body, I rise to support LB 40 and I would like to speak briefly about the need for this legislation and for the amendments that the committee adopted. I guess I am somewhat surprised by some of the speeches that I have just heard, surprised for a number of reasons. Some of it is very difficult for me to understand and I am not at all sure why we had some of the speakers speak the way they did, and I am not going to get into that, but I want to say simply this is that Omaha does indeed have a fiscal problem and some people argue that the mayor came down three years ago and said, "You know, this is a temporary sort of thing". Now frankly, many members of the City Council did not say that it was a temporary sort of thing and the reason they didn't is that they knew that it wasn't a temporary sort of thing. I think that when it was talked about as a temporary sort of thing, I think the reasonable thought was that we might change and ask for an earnings tax which obviously isn't very attractive to those suburban legislators like Senator Fenger and Senator Stoney or Senator Wiitala. We have this proposal and the request that it be made permanent, and this issue, the need is so much greater now than it was before because, frankly, Senator Johnson talks about the need and the burden on our property tax. It is, in fact, higher than in any other area of the state. And Senator Johnson talks about the problems of the property tax and the burdens on the property tax, those are all very true. One of the problems that we haven't discussed is basically Omaha's tax rate and what it gets in terms of state aid. A lot of talk has been about how the \$40 million last year in the new state aid formula in education really benefited Omaha. It was far more beneficial to Bellevue than it was to Omaha, Senator Schmit. It was far more beneficial to Beatrice and Grand Island, Lincoln even, Norfolk, than it was to Omaha. It is a unique thing that somehow everytime a state aid formula gets written for any sort of thing Omaha is the exception to a general rule. Now Omaha has other problems and problems this Legislature has created for Omaha. Basically, we have created this tremendous mechanism for orderly growth what we call the SIDs but because of the existence of the SIDs Omaha does not have the benefit of the growth that takes place in property tax area. We have a net growth, Senator Schmit, in property taxes of .2.6 percent, well below the inflation rate and well below whatever happens in Bellwood. Property taxes are not growing. We have an older and decaying city, as you well know. The inner core has not been as healthy

as it should be or could be and those problems are very near and dear to me because I have tried to deal with those. Now I want to say that not everyone has and this Legislature has not always made it easy to try to protect the property tax base but this Legislature has been generous enough to allow Omaha to continue to tax itself with the additional half-cent. Now that half-cent now, when it was first implemented we only needed between three and five million dollars of the full eight million dollars that it would raise per year. Now it raises nearly ten million dollars and Omaha needs nine million dollars from that. Our property tax base has not grown more than 2.6 percent in those three years and it is not going to grow by more than that. We are going to find that if this bill is not passed, with 33 votes the people of the City of Omaha can vote for this or reject it, we are going to find that we are going to be in a major fiscal crisis in Omaha. It is not a minor thing and I used to argue against the bill originally. Three years ago I ended...

SPEAKER MARVEL: You have one minute.

SENATOR NEWELL: ...up voting for it but I argued that it was not based on the premise what the city said. It wasn't because of the police and the fire department's problems. It was because of a lack of property tax growth because we don't have the tax base, because we haven't protected the tax base. That is the real issue here, and if the people of Omaha should not vote for this, if this bill should pass and the people of Omaha rejects this, the gnashing and mashing of teeth will be tremendous because, in fact, Omaha is indeed in a real bind. Let me address very quickly Senator Landis' problems. Senator Landis, we have not, to my knowledge, as a delegation and individuals have not talked to me about the deals on the vet school. Now that is not to say they haven't been proposed but there hasn't been any deals that I know of on the vet school and I would hope that you and other members of the Lincoln delegation, who has traditionally opposed this bill, would think about what kind of position you are putting people like myself in in relationship to the vet school. If you, in fact, want us to vote our conscience, then I think you should look at that...

SPEAKER MARVEL: Your time is up.

SENATOR NEWELL: ...issue as it is and not try to tie it, as others have tried to tie it. Thank you.

SPEAKER MARVEL: The Chair recognizes Senator Schmit and then

Senator Vickers and then Senator Chambers.

SENATOR SCHMIT: Mr. President, members of the Legislature, the problem with the system we have of being able to speak around here is whenever you have a really witty remark to make, by the time you get up to speak, it has lost its punch, and I just want Senator Chambers to know that when he refers to myself and Senator DeCamp as being one and two, I have a strong hunch of one and two from the bottom, Senator DeCamp or Senator Chambers, and not from the top, and it is hard to say from day to day right here if you can even keep that position. I would like to also say that I guess I am a little sympathetic with what Senator Newell says in which you find yourself trapped into a position. I definitely did not want to be put into a position where I had to come out and vigorously oppose Omaha on this kind of a basis. That is why I worked for a long while, many years, in fact, to try to work some kind of an equitable solution to the property tax situation and the sales and income tax situation which faces us today. More than two years ago I gave the Revenue Committee the framework of a bill which would have dealt with the issue. I said then and I have said it every year since that it is almost impossible to deal with a major tax change during a regular session of the Legislature. I have touched upon it in my opening remarks. Senator Newell has touched upon it. Senator Landis has touched upon it. Notwithstanding the merits of each individual piece of legislation, any grown person here knows that there are certain ties that are formed, certain alliances that are formed, and eventually legislation moves or does not move. I feel very good after Senator Higgins' speech. I think she has pointed out some issues which have been totally overlooked time after time after time. I know that Senator Newell says we have not protected the tax base of downtown Omaha. Well, one of the reasons is, Senator Newell, because you have got to encourage business to stay where it ought to have stayed. As a result, business has moved out. The packing industry was the backbone of Omaha for many years and now those are located in many small communities around the state. Along with the packing industry has gone many of those jobs that went along with it, along with the subsequent sales that would have been attributed to the people that brought livestock into Omaha. You talk about what you are trying to do to rebuild downtown Omaha. I would suggest you take a look at the state tax dollars over the past few years that have been funneled into Omaha for a variety of projects and it certainly looks like your own downtown urban renewal area benefited the State of Nebraska. I have not opposed those projects.

I recognize the unique problems of Omaha and I have stood on this floor and supported you time after time. I supported you when you wanted to do things for Omaha that were in fact foreign to the interest of my own area because I recognized the impact of the metropolitan city upon the rest of the state and the necessity for maintaining a strong metropolitan city and I do not think that that should be maintained at the expense of the rest of the cities of the State of Nebraska nor the rest of the State of Nebraska. That is why I proposed a bill which would have given Omaha more dollars, more dollars, for a lesser total tax rate than what you have here today. Under my bill, 524, as I proposed the amendments, Omaha would have had a maximum tax rate in the three and three-quarters percent and possibly only three and a half percent and would have taken home just as many dollars. I suggest you go back and have the people of Omaha vote on that, Senator Newell, and I know you are willing to do that, that they will buy that, and I don't really know, Senator Newell, what the action of this body would have been had the bill gotten to the floor but it was a bill that was so fair for Omaha that I would have had a hard time explaining it in Valley, Nebraska. The overall tax rate would have been less. Omaha's tax collections would have been equal or superior. In addition to that every other single city in the State of Nebraska would have been compensated by an equivalent amount, but because Omaha has a unique problem, I was willing to buy them out at a rate greater than the rest of the cities in the State of Nebraska. I only saw one thing. I saw an editorial that says...spoke at great length about LB 524 and said, "Be Careful" about four times. I told some of my colleagues on the floor there ought to be a "Be Careful" button down here for us to push because it seems that is the only advice they could give us. My principal concern today with the advancement of the bill as is, is that if we advance that bill, we will be setting the stage not for one and a half percent but for two percent, two and a half, three percent. Eventually the city sales tax in Omaha will exceed that of the State of Nebraska. I think as Senator Higgins has said, there is some economy that can be achieved in Omaha. There are some responsibilities that we as a state have to Omaha and we are glad to listen to those.

SPEAKER MARVEL: You have thirty seconds.

SENATOR SCHMIT: We are glad to help with those but I think that we should not try to isolate Omaha from the rest of this state. Other cities have problems also. Lincoln has their own problems. The first class cities have their problems. The second class cities and villages also have their problems. Under my proposal, they would have all been

dealt with in somewhat of an equitable manner and I do not think that LB 40 does that and I ask you again to vote against the bill at this time.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, I also rise to oppose LB 40. Several comments have been made here relative to the need in Omaha for this extension in their sales tax and how the people of Omaha want it, and I was grateful for Senator Higgins in pointing out some of the inconsistencies in the information pointed out to us. First of all, I have been one of the proponents of some sort of proposals to alleviate the property tax problems everywhere in the State of Nebraska, not just in one area, recognizing as Senator Schmit points out that the metropolitan area of Omaha does have some unique problems. But I would advise this body that if we allow this extension of the sales tax to go forward, we are going to have the metropolitan area of this state, at least, it is not going to be quite so concerned about property taxes in the future as the rest of the state are. Senator Newell pointed out that property taxes were a real burden to the City of Omaha. I would suggest that property taxes are a real burden in other places in the State of Nebraska, not just Omaha. Last year we increased the amount of state aid to education and it is true, certain areas of the State of Nebraska got a, percentagewise got a larger increase than Omaha did but the fact of the matter was these other places were getting a very, very small amount before. They are just beginning to catch up a little bit with that increase. Omaha got a sizeable increase. Their property taxes, even though they are under a lid up there now, their schools would have suffered much more had it not been for that amount of additional state aid. Now I had a proposal. It was a little different than Senator Schmit's 524 but I had a proposal that would have increased the amount of dollars in state aid to education which seems that is the responsibility of the Legislature. The Constitution is pretty clear that education is our responsibility. That would, in fact, help the property tax situation everywhere in the State of Nebraska including Omaha. What we are talking about today is the ability of one area of this state to get tax relief over and above another area or the rest of the state. It is being presented to us that the people in Omaha are the ones that are paying this sales tax, that is not necessarily true. Other people pay sales tax in cities other than those people that live in those cities. It was pointed out a little bit earlier by Senator Labeledz that the people of Omaha didn't want to increase fees. They would rather pay an additional sales tax than pay the fees. That is true. So when people in my district go to Omaha what

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they are doing, in effect, is helping pick up somebody in Omaha's garbage. We are paying the taxes through the sales tax because the people of Omaha don't want to have a fee system to pick up their garbage. Now is that fair? I don't happen to believe it is. The situation that we have got before us is a very simple one. To me it is very, very simple. It is the old adage the only fair tax is the one somebody else pays. Quite honestly if I lived in a city, I would want a city sales tax, too. That way the people that lived outside the city limits could come in town and help me pay my taxes. It is simple.

SPEAKER MARVEL: You have one minute.

SENATOR VICKERS: That is what we are talking about. I am opposed to LB 40.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as Senator DeCamp said, this is an issue that has been before us numerous times. A couple of years ago or so I prepared quite an extensive handout to trace the history. It was January 23, 1979 I handed this thing out that would trace the history of this particular proposition but among other things so that I won't read it all or be tempted to and waste all my time, Mayor Veys was upset when then Governor Exon vetoed the tax bill and Mayor Veys said he was not going to let Exon off the hook. He was going to get him and he got Exon right on out of the Executive Mansion on into the halls of the Senate. I wish he would get me like that if I decide that I am going to run for something else. But, Senator DeCamp, for shame, where did he go? Anyway, for shame, Senator DeCamp, saying that I am trying to make him the issue. When he put his name on the bill, he made himself the issue and he did it knowing that he was the only one who could manipulate this Legislature. He is the only one who has enough strength here and there, enough irons in the fire to pull one out here and stick Senator Sleck behind the neck. Why, when he was trying to override the Governor's veto he called a lot of them by name. Cal, I have learned a lot from you. Don't hide, John, I was just paraphrasing you and he could go on down the line. Senator Hefner, you sitting over there talking to the counsel while you ought to be listening to this discussion. You know Omaha needs this tax. Senator Rumery, there you sit. Don Wesely, Senator Wiitala, and he went right around the room like Santa Claus did with his deer and just like Santa Claus' deer took him from the top of the roof to the top of the wall, now dash away, dash away, dash away all,



that is what the Senators did and Senator DeCamp is going to do an encore. He knows good and well there is no way that his hand can be hidden from this whole thing. He is hard to keep track of. That is why he is going to get his vote on this bill but he reminds me of the situation in the New Testament of the prodigal son but Omaha is the prodigal son. He took all of his goods, squandered them. Then came back home and for him they killed the fatted calf and had a big meal and the other son who stayed at home all the time was upset. Well, they were trying to make another point so I will stop the story there but you know the rest of it. Here is Omaha taking its goods and squandering them. Then saying, "We will go down there to the suckers, to the rural Senators, the farmers who walk behind horses and plows, who know how much fertilizer it takes to grow a bushel of corn but don't know how much it takes to get them to vote for a city sales tax". Yeah, you are going to go for it and I am going to laugh about you all session. DeCamp is giving me something at this early stage in the session that nobody else could. Yes, I am against the bill. I live in Omaha. I have been against the bill everytime they brought it up. I have dealt with the tricksters in Omaha. The City Council just voted themselves a raise. Art Bradley, who is head of Parks and Recreation circumvented the requirement to let certain things to bid by buying a little bit here and a little bit there, and although he circumvented the Council and some of them are upset, nobody has said he ought to resign. So that is how they spend money. Then they come down here and get you to go along with them. What has the trading been so far? What has been offered? What has been threatened? What was the bid? What was your price, Senator Peterson? How about you, Senator Hefner? Senator Sieck, Senator Kahle, wherever you are, Senator Lamb, Senator Maresh, what is your price? If we believe that the matter of fact that the tax base of the state ought not be shrunk, what does it cost to get a Senator to go against that fundamental principle on which rests the fiscal integrity of the state? You won't tell me what your price was but I will have a chance to watch the vote and I will know those whose price was paid.

SPEAKER MARVEL: Senator Hefner, then Senator Hoagland.

SENATOR HEFNER: Mr. President, members of the body, there is a few things that I would like to point out to you this afternoon and, Senator Chambers, this is Senator Johnson, not Senator Peterson, just in case you wanted to know. Also the reason I wasn't listening to you was because you was on the same key. You want to change that a little bit.

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But, anyway, I would like to ask Senator Labeledz a question if she will yield.

SPEAKER MARVEL: Senator Labeledz, do you yield?

SENATOR LABEDZ: Yes.

SENATOR HEFNER: Senator Labeledz, what do you do in Omaha now in your garbage pickup? Do you pay for that individually or....

SENATOR LABEDZ: No, we do not.

SENATOR HEFNER: Or does the city furnish that service?

SENATOR LABEDZ: The city does. We do not have a paid garbage pick up. We have curbside pick up now. We put that in to save money.

SENATOR HEFNER: Okay, I want this body to know that Omaha furnishes garbage pick up. Now I would like to ask Senator Wesely from Lincoln a question. Senator Wesely, how does Lincoln handle the garbage pick up?

SENATOR WESELY: Trouble. We have private companies that come around and pick up our garbage for us and we contract with them individually. It is private enterprise that picks up our garbage in Lincoln and we pay for it individually.

SENATOR HEFNER: Thank you, Senator Wesely. In other words you pay cold cash for it?

SENATOR WESELY: That is right.

SPEAKER MARVEL: Go ahead, Senator Hefner.

SENATOR HEFNER: Yes, this is what I wanted to call to your attention here today and this was brought up during the Revenue Committee hearing. I personally asked that question. Why doesn't Omaha do the same thing that Lincoln is doing or even like the little town that I live in? I live in a town of 600 population and we don't get this service. We go ahead and pay for ours, \$5 per month for the individual homeowner, \$25 a month for businesses. Now if Omaha would do this, and, Senator Labeledz, are you listening, if you would do this you would raise approximately \$12 million per year. This would take care of the \$11 million that you're trying to raise by retaining

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the half a percent sales tax in Omaha and so I think that this body should consider this. Here they have an opportunity to raise \$12 million per year but they choose not to go this way and I think another thing that this body should think about is if we let Omaha have a one and a half percent sales tax that makes the total four and a half percent. Okay, what happens if we need to raise the sales tax over the overall state, say we need to raise that from three to three and a half. Then Omaha would go up to a total of five percent. Do you think that the Omaha Senators on this floor are going to support that? I submit to you that they will not. Also several years ago when we allowed Omaha...

SPEAKER MARVEL: You have a minute left, Senator Hefner.

SENATOR HEFNER: ...to go with a one half percent sales tax or a total of one and a half percent, they actually lowered their real estate taxes but we in outstate Nebraska were not able to do that. In fact we had an increase and so I just wanted to call these things to your attention this afternoon.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: I would like to call the question, Mr. Speaker.

SPEAKER MARVEL: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote no. Record the vote. I am sorry. Record the vote.

CLERK: 26 ayes, 2 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate ceases. The Chair recognizes Senator DeCamp to close. Excuse me just a minute. (Gavel)

SENATOR DeCAMP: Mr. President and members of the Legislature, because the hour is late, I will try to be very brief. What we are asking today is not so innovating. We are asking that the same thing that has been debated at great, great length by this Legislature, and something that as it is in existence simply be maintained until such time as the Legislature redoes the entire tax system, number one. Number two, do you really believe that if you squeeze Omaha's nose or pinch them so it hurts this time by killing this bill or stalling it that you aren't going to generate an even bigger crisis that you are going to

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have to deal with.

SPEAKER MARVEL: (Gavel)

SENATOR DeCAMP: I am overwhelmed.

SPEAKER MARVEL: Will you please let the Speaker speak?

SENATOR DeCAMP: Finally with respect to the garbage tax because this issue has been raised repeatedly, check how most major metropolitan centers actually handle this particular problem. What is the most important thing of all fundamentally in Omaha? Before you start police or anything else, you have got to have a city you can at least live in sanitarywise. As a practical matter, there is a serious question as to whether a private collection system would work there even though it does work in cities like Lincoln. They are distinctly different. Finally on that same subject, we are talking \$3 million that might be raised from the garbage and thirty percent, thirty percent, Senator Chambers and others, thirty percent who would not by any study done, by any reasonable measures even be able to afford to pay the garbage tax. Now to Senator Chambers and the others who are concerned about the poor, by golly, here is one of the most direct things where you can do something and that is simply clean up the garbage which is the system they have. You are not going to have that if you change the system now here today. I realize this is a tough issue. It has been here before. Hopefully we will get it completely resolved one of these days but on March 23rd at 4:20 in the afternoon, whether you hate Johnnie or love Ernie, whether you think Loran Schmit is right or wrong, whether you think Marge has legitimate arguments even though she wasn't here for the previous four years of debate on this subject and the issues in depth, I would suggest we advance the bill off General File. You have heard that before, haven't you?

SPEAKER MARVEL: You have one minute.

SENATOR DeCAMP: I would suggest you advance the bill off General File and we do take the temperature of the water and see the mood and see what we do next on Select File. Even if you may have reluctance ultimately to vote for it, it is time to at least get this issue moving. So I urge you to advance the bill, and, Mr. President, because my little cursory count has indicated we might be a trifle close on votes or even short, I would ask for a Call of the House and probably are going to have to resort to a roll call vote, and maybe a prayer, although...

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LB 40, 157A, 253, 317,  
427A, 472A, 478, 543

SPEAKER MARVEL: The first motion is, shall the House go under Call? All those in favor vote aye, opposed vote no. Record.

CLERK: 16 ayes, 5 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators return to your seats, record your presence, unauthorized personnel please leave the floor, and as soon as everybody is in their seats, we will proceed with the roll call vote.

CLERK: Mr. President, while we are having members check in, Senator Lamb would like to print amendments to 317; Senator Hoagland to 253.

I have a corrected committee statement for LB 543 from the Banking Committee.

An announcement from the Administrative Rules and Regulations committee.

Appropriations Committee gives notice of executive meetings Monday, March 23 at adjournment and for March 24, 25 and 26.

New A bills, LB 157 A, (title read); LB 472A, (title read); and LB 427A, (title read).

Senator Hoagland would also like to print amendments to LB 478, Mr. President.

SPEAKER MARVEL: Senator Burrows, do you want to record your presence? Senator Pirsch, do you want to record your presence? All legislators must be in their seats before we can start the roll call. Call the roll. The motion before the House is the advancement of the bill. Senator Barrett, for what purpose do you arise?

SENATOR BARRETT: Mr. Speaker, I respectfully request the roll call be reversed.

SPEAKER MARVEL: Okay, go ahead, Mr. Clerk.

CLERK: (Roll call taken in reverse commenced.)

SENATOR WIITALA: I would just like to say I have no objections.

SPEAKER MARVEL: Okay, a roll call vote has been requested. Go ahead. Proceed with the roll call.

CLERK: (Roll call taken in reverse. See vote on page 1075,

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LR 46  
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Legislative Journal.)

SPEAKER MARVEL: We aren't through the roll call yet.

CLERK: 20 ayes, 21 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion lost. Do you have anything else to read in?

CLERK: One other item, Mr. President. Mr. President, a new resolution, LR 46 offered by several members. (Read. See page 1081, Legislative Journal.) That will be laid over, Mr. President.

SPEAKER MARVEL: Okay, Senator Hefner, do you want to move we adjourn until nine o'clock tomorrow morning.

SENATOR HEFNER: Mr. President, I move that we adjourn until nine o'clock tomorrow morning, March 24th.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. We are adjourned.

Edited by:

  
Mary Turner

March 31, 1981

LB 40, 181, 284A, 437

SENATOR DeCAMP: Mr. President, I urge you to advance the bill. It is of course the money aspect of this thing and I would just say on Select File as Senator Cal Carsten pointed out, we have to decide on the numbers and that may be \$70,000,000. It may be \$71,000,000, 72.5, I don't know. But I think all of you people that feel very strongly one way or another, we should sit down here in the next twenty-four to forty-eight hours and see if we can't reach a consensus of just what kind of numbers you want to put in here.

SENATOR CLARK: The question before the House is the advancement of LB 284A. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the advancement of 284A? Record the vote.

CLERK: 33 ayes, 0 nays, Mr. President, on the motion to advance the A bill.

Mr. President, Senator Labeledz offers explanation of vote.

I have a new resolution signed by the membership, LR 50. (Read LR 50 as found on pages 1224-1225 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, I have an Attorney General's opinion addressed to Senator Marsh. That will be inserted in the Journal. (See pages 1225-1226 of the Journal.)

Mr. President, Senator Cullan would like to print amendments to LB 437; Senator Wesely to print amendments to LB 181. (See page 1227 of the Journal.)

Mr. President, LB 40 was a bill introduced by Senators Goodrich, Koch and DeCamp. (Title read.) The bill was first read on January 8. It was referred to Revenue. The membership considered the bill on March 23. At that time committee amendments were adopted, Mr. President. On a motion the bill failed to advance on March 23. I now have an amendment from Senator DeCamp to strike the committee amendments as adopted.

SENATOR DeCAMP: Mr. President, members of the Legislature, the only reason I suggest we strike the committee amendments is because they proposed this be on the ballot as I understand it, in May in Omaha and that now is a technical and legal impossibility. So I am suggesting we strike those amendments and then I would hope that maybe in light of the

way things are flowing and the way things are working we could advance this bill off and get it processed so that we could clear up a number of the other questions that are hanging over everybody's heads. I know last time we attempted to advance the bill, it of course, failed and if it fails one more time, for example, if it failed today, I think the understanding was that the bill would move to the bottom of General File. I really believe that no matter whether you are a lover of Omaha or an outstater who never gets there or anything else, you have to pretty well concede on the basis of at least the information that has been presented to you at various times, that probably this tax is necessary at this time to continue the financing of the city. There are alternate methods as has been discussed such as an earnings tax. I don't believe there is the emotion or support for that particular proposal. So at least as of today, I would suggest we advance the bill, and I know there are some proposals for some other little changes such as a sunset or a termination in two or three years or whatever. I sure think that Omaha and everybody that looks at the issue would be receptive to looking at these, but as of today at three forty-one in the afternoon, I just hope we could move this off so that it does not move to the bottom of General File.

**SPEAKER MARVEL:** Senator Labeledz, do you wish to be recognized?

**SENATOR LABEDZ:** I will be very brief, Mr. Speaker, thank you very much. Members of the Legislature, I did want to tell you that this afternoon, I see Senator Chambers just entered the chamber, I met with approximately a hundred and ten women this afternoon and I spoke to them on some legislation that we have before us in the past few days and the city's sales tax which is of great importance to me. I told them my stand on the Omaha city sales tax and how I felt about it and how my district voted on it. Then I asked them to raise their hands and tell me whether or not they supported the Omaha city sales tax extension and then putting it on the ballot to keep it permanently and Senator Dworak was in the room at the time and approximately half of the people raised their hand and I at first was a little bit disappointed because only about 50% agreed with me on the Omaha city sales tax with about approximately about a hundred and ten women present. Senator Dworak also talked to them and explained why he was opposing the Omaha city sales tax and I must go back to the point where I was talking about it and told them about the 4.10 mills that we had available to raise our property tax or the garbage pick up fee and, incidentally, with 100,000 households at five dollars per month, we would raise \$500,000 for one month or \$6,000,000 a year. Omaha's contract with Watts now is only \$4,650,000. At any rate, getting back to the vote, after



Senator Dworak spoke to them, I then went back and asked all the women that were from Omaha to raise their hand and again, I got little more than 50% and then I asked them to raise their hand if they supported the Omaha city sales tax extension and of all the women that were there, everyone of them raised their hand from Omaha that they supported the Omaha city sales tax with the exception of one person and I felt this was very, very important that I bring this to your attention because there are so many times that we believe that the majority of the Omaha taxpayers do not approve of the Omaha city sales tax. Believe me, they do. In my district it was over 70% and I am still following that lead of the taxpayers and the voters in my district. Thank you very much.

SPEAKER MARVEL: Senator Vickers, do you wish to be recognized?

SENATOR VICKERS: Yes, Mr. Speaker. Thank you, Mr. Speaker and members. Well, here we go again, the train is on the track. If you are in the road, you had better get out of the road because you are liable to get runned over. I guess I don't think anything has changed from what it was a few days ago or a week ago. Those of us that are on one side of the issue are still there. Those of us that are on the other side, they are still there. From my perspective, this bill should have come up, taken a vote and been done with it. Senator DeCamp mentioned that there are some issues that we need to get resolved, therefore, we should get this out of the road and move on. I would remind this body of what we are doing and the Speaker and I had a visit about this this morning. What we are doing, is we are giving a second chance to some priority bills that did not make it the first time, while others of us priority bills are waiting. Maybe they are going to get dealt with and maybe they won't. Our rules say that that is the reason for a priority bill. Our priority bills will be dealt with this session. Senator DeCamp is worrying because if this does not move this time it is going to drop to the bottom of the General File category. Well from my perspective, it should have been there already. I think every issue that can't make it should drop to the bottom and work its way back up and that bothers me. Obviously I am opposed to LB 40. I indicated that the last time it was up. Every time myself or anybody else from outside of Omaha go to Omaha to pay the sales tax you are helping somebody pick up their garbage. It is just that simple and I don't particularly care for that. I was opposed to LB 40 a week ago. I am going to be opposed to LB 40 today and I will be opposed to LB 40 if it comes up again the last day of May which is where it should have came up after everybody else's priority bill had had its day in court and I am

very upset about this entire process whether I am for the bills or against them. I think everybody has a right to have their priority bill heard first before we start hearing priority bills the second time and I would urge this body to individually mention to the Speaker that perhaps we should look at this entire concept of the way we are dealing with the priority bills. I believe it is wrong. I believe what we are doing is making a mockery of out of our system and that upsets me.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Are we speaking on the motion to.....what is the issue?

CLERK: The DeCamp amendment, Senator, which strike...

SENATOR NEWELL: Strike the committee amendments, okay. I would like to speak on the main bill.

SPEAKER MARVEL: Senator Koch. Senator Koch, do you wish to speak to the DeCamp amendment?

SENATOR KOCH: Yes, I do, Mr. Speaker, and I placed a call to the election commissioner of Douglas County this morning and I was advised that there can be a vote if the proposal is in law and received by April 13th and I would suggest that that is appropriate. We could expedite LB 40 and make the determination and let the people vote on it in their general election. It is an issue of politics in the City of Omaha and I think it is appropriate to have it voted on at that time.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. Speaker and colleagues, I was at that meeting as Senator Labeledz related. I don't think she quite told all the story. There were approximately half of the people in the room from the greater Nebraska area including Lincoln. None of those people, not one hand went up in support of the Omaha sales tax. Now I think people from greater Nebraska ought to take note of that, that their people do not want it and I also told them my reasons for opposing the sales tax for Omaha. Number one, it erodes the state's tax base. You know when we passed that constitutional amendment that created sales tax and income tax to be used to support the State of Nebraska, we precluded any property tax to be used for state purposes. Property tax is reserved for those local subdivisions of government. Income tax and sales tax is reserved for running state government and whether we like it or not, we are eroding the legitimate support of the State of Nebraska which is our primary responsibility. The second

reason I opposed it is because people driving to Omaha from Coleridge, from Columbus, from Beatrice or wherever, are not terribly excited about paying for those local subdivisions, those local services that are enjoyed exclusively by Omaha people. Third, the real solution is to stop spending. That is the solution that the Omaha City Council and the Omaha government will not recognize. That is the true solution, not pouring more money on it. Fourth, I sincerely believe the tax is regressive. Those people with the least ability to pay are paying a greater percentage of the support of government than rightfully they should. Whether a man is a millionaire or a man is near the poverty level, each man buys a quart of milk. Each man pays the same tax. That is regressive. That is putting an increased burden on those without the ability to pay and I know some in here will argue that the millionaire will buy steak and the man near the poverty level will buy hamburger and there is a certain element of truth in that but then we have to look at the proportion of the millionaire's budget that goes to food as compared to the proportion of the man near the poverty level's budget that goes to food and see that the man near the poverty level pays a greater percentage of his spendable income, a greater percentage of his spendable income for necessities of life, those things that he needs to survive than the person with high income. If you will recall the history of this and many of my colleagues here have been in the Legislature with me these past seven years and many longer. The first year it was just to bail them out of a unique situation and I think we all remember it, an unrecurrent circumstance, a situation that occurred at no fault of anybody's but if you just give us this subsidy one year, we will clean up our house, this will bail us out and we will go from there. And then we had to have a year extension and then another extension and now we are dealing with perpetuity. So I very strongly oppose this measure and I think a nonOmaha senator would have to look at this very seriously as to what you are asking your people, your constituents, those who have elected you to represent them, what you are going to cost them and the eroded state tax base, what you are going to cost them as far as goods and services they may purchase in the City of Omaha.

SPEAKER MARVEL: You have thirty seconds. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, it is kind of interesting to me, and I hope that time won't be taken from me, it is interesting to me how some things work out in this Legislature when we talk about fairness, justice and so forth. I look at the priority bill system too and I see how often Senator DeCamp's name comes up on these various bills and I notice how coincidentally two of the trading stock

bills were handled this afternoon and then we come up with this one. And I wonder how we can always pretend that these things just accidentally happen and nobody calls attention to it and we pretend that the legislative process is deliberative, fair and equal in its treatment and handling of everybody. There is no such thing as fairness in this Legislature over all and I hope some of the new senators pay attention to it. Either you are going to wind up as I have wound up, often on the outside, appearing to be out of step or you are going to throw your lot in with those who play the games and twist and distort the system for their personal use. I oppose this whole idea of setting these priority things and probably was the only one to do it and am one of the few who don't have a priority bill because I knew it was a hoax and a sham. I knew that the bills of certain people were going to get priority consideration even over the priority bills of others. And there are senators who will sit in this body and let this kind of thing happen year after year after year. The same unfairness that marks legislative proceedings in general marks the handling of this bill, LB 40, and marks the bill itself. It is a disregard for those who do not have the numbers to deal with the system which is so unfair and unjust. It seems to me that instead of offering resolutions like the one that was just offered about Mr. Reagan and the others hoping that they will get well, you ought to start analyzing why the types of thing happen like it did yesterday. When an administration is brutal in its handling of the poor and the dispossessed, when the rights of those who have no spokesman are overrun and trampled into the ground, you are sowing the seeds of violence and not one of you in this chamber should be surprised at what happened yesterday and you should expect it to continue happening. This system does not work for the poor. You compel those who have no opportunity to make this system work even as those who operate the system say it is supposed to work to seek other reprehensible totally unworthy means to accomplish ends that they think are proper. But when you have a bellicose administration, one that says, "Use violence in other parts of the country to enforce the will of the United States," then you affect the attitude and mentality of certain people in this population and if you show them that the attitude of the leaders is to use force and might because they have it, then these other people feel that they will use what force and might is available to them. Believe it or not, I am talking about LB 40 because we have the lilliputian version of the Reagan administration right here in Nebraska. I wonder how long it will take to open the minds and hearts of the people in this Legislature so that you will stop reacting only when a special interest group, and when I say special interest group I mean one which has money, like Mr. Kalmanovitz out in California who can get the legislators to trot out there because they pretend to be concerned about a hundred seventy jobs but when

I tried to tell the Public Works Committee about a highway project that is going to destroy the black community, I can't get any serious consideration for that because it does not count. It does not mean anything but it means something to me and it means something to the people that I represent. I understand what happened yesterday and the rest of you understand too. I am not surprised and neither are you. This is a nation which will treat its own citizens far worse than a foreign country would think about treating the citizens of this country. Were I treated in all instances no worse than the hostages were treated in Iran, my condition might be improved perceptibly. Now you are going to take a bill because Senator DeCamp wants it.

SENATOR CLARK PRESIDING

SENATOR CLARK: You have one minute left, Senator Chambers.

SENATOR CHAMBERS: And because other measures have now been taken care of through trading, and we all know it, you are going to run this thing through. I will tell you what. I wish that Senator DeCamp and the other people on the Public Works Committee that I talked to will come to Omaha this summer and help me pick up some pieces that you won't prevent from being broken in the first place. That is what I wish you would do. But you play games in the Legislature because you reinforce for each other in this room what you want to hear and you pretend that what you hear in this room is what is happening out there in the streets but it is not. Why won't you come through the street and face the people that you do so much damage to? Because you fear that the same thing that happened to the President might befall you and it is not because people primarily are criminals. It is because people are made to feel that this is the only thing that public officials will respond to and until the attitudes of the public officials change, until the circumstances that breed violence on the part of citizens are dealt with, you can expect this kind of thing over and over and over and you know it.

SENATOR CLARK: Your time is up, Senator Chambers. Senator Haberman. Senator Haberman, do you want to talk? Senator Hefner.

SENATOR HEFNER: Question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. The question before the House is cease debate. All those in favor say aye, vote aye, all those opposed vote no. Voting on ceasing debate. Have you all voted? Record.

CLERK: 18 ayes, 6 nays to cease debate, Mr. President.

SENATOR CLARK: Motion lost. Senator Carsten. Senator Eutler. Senator Labedz. That is all the lights I have on. All right, Senator Marsh.

SENATOR MARSH: Thank you very much. Mr. Chairman and members of the Legislature, when my legislative district elected me to represent them in the Legislature it was to use my judgement on issues which affect the 29th Legislative District and the State of Nebraska. LB 40 perpetrates a hoax on 48 districts of the state. Now some of those representatives do not wish to admit this as such, but the facts are, we are asking our district to pick up part of Omaha's problem. This is not to say that we should not be concerned about what happens in Omaha for it is a concern for all of the state. However, remember the first time we were asked to give permission for the extra sales tax in Omaha. It was only to be of one year's duration and the senator who brought it in and the senators who supported it said it was to be of one year's duration. Mayor Veys said it was to be of one year's duration. He would be able in that length of time to clean up the act. Unfortunately neither he or other members of city government have made a serious effort to do that. Rather, it was easier to convince a majority of the members of this body to renew the contract, oh, on a limited basis, but still to renew the contract. Extra dollars for sister Omaha because sister Omaha would not bite the bullet such as the rest of the state was having to do. Omaha has some problems. Lincoln has some problems. So does every district in our state. We also have lots of pluses and I have an administration in my city which is making hard decisions. They are not easy for my city's administration. I do not intend to make it sound easy for the City of Lincoln but we should not be helping to the extent of renewing for time in memoriam for the City of Omaha when that community has not made a full faith effort. We are asked to do it. Your community is asked to do it and I am representing part of this community. My vote has to be a no vote on this issue, not because I wish to be mean or vindictive, but because it is not fair to the rest of the citizens of the State of Nebraska for one community to continue indefinitely to have this special privilege. In actuality, a vote of the people is simply some salve for some of the members of the Legislature saying, "If the people want it, why not let them have it?" Are you willing for all the rest of the communities to have that same special consideration? Are you willing to see what happens to our state's....

SENATOR CLARK: You have one minute left.

...basis for funding state government? Are you playing fair with the persons who elected you to represent them in this legislative body when you cast your vote for LB 40? I am aware of why the series of bills has come up the way it has today. Most of the members of this legislative body are also aware. I continue to oppose LB 40 and I ask the members of this body to give a very serious thought before your vote is cast.

SENATOR CLARK: Senator DeCamp, do you wish to close on your amendment to the committee amendments? It has been on all the time. Do you want to talk again on it? All right, it is on the amendment to the committee amendments, amendment to the bill, I'm sorry.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, we may as well get something straight here again. I am sent here by a group of people to do a job and I am going to do it. As long as there is breath in my body I am going to do what I was sent here to do and I am not going to be stopped by anybody. Now you can vote to crush the issues I support and you can vote for those issues that I am opposed to but you are not going to silence me and I am going to speak every time the rules allow me to speak when I feel like I should. Now, I am opposed to the amendment that Senator DeCamp is offering because it will lead to a situation where the sales tax in Omaha will be permanent. That is what they are interested in doing. They don't want an election by the people. They don't want this thing submitted. All they want to do is hurry you up to vote on this thing and make by your vote an illegitimate thing into a legitimate one. Who can bring a clean thing out of an unclean thing? The Legislature cannot but it can try to give the appearance that something is clean. This is an unfair system that is in operation here today. There are a few people who when the rest of us are not around, have meetings and make deals and impose things on the rest of the body and the body goes along and accepts it because maybe some of the people at that meeting are going to help you make some of your bills move. How much can a bill mean to you? I think integrity, self-respect and dignity are more important than any individual piece of legislation passing and I think the system that we are operating under has been corrupted. It is like the Krugerrands, the fool's gold. They are now taking lead and coating it with gold and selling it as the real thing. Well the Krugerrand itself to me is tainted and now we have the fool's gold Krugerrand philosophy controlling the way bills are set in this Legislature. But I made reference to an issue in Omaha that I said was unfair to the community that I live in and it is not proper for me to just allude to it

without giving you at least a little background on it. It is to build what they call the Storz Connector and attach it to a freeway. The freeway starts nowhere and ends nowhere but it accomplishes what urban renewal would be designed to accomplish if they had it in Nebraska. Without urban renewal you cannot move large numbers of black people off the land but you can start a large highway project and use considerable powers of eminent domain to do so. Then you can allow Boys' Town and other large private moneyed interest groups to come in and steal the land from the people and the same way that the land was stolen from the native Americans. Do you know how much that part of Omaha's project is going to cost, Senator Lamb? It is going to cost over \$5,000,000 in Omaha money on a project that the people in the community destroyed by it don't want and, Senator Maresh, you and others are trying to get bonds from the state, \$4,000,000 worth to build roads. Well you have over \$8,000,000 in state money going to that same project that the community does not want. It serves a very worthwhile and acceptable American purpose because by decimating that community and throwing people out, it will destroy the two districts from which we send people to the Legislature and to the city council. It goes through the middle of the district that I represent. It goes through the middle of the city council district that would send the black person to the city council. So you move people out and if you look at the figures that all of you have gotten, you see that this district that I live in has lost more population than any other one in the state probably. And I have articles from the World Herald that point out that this freeway project is one of the big culprits. The housing is deteriorated. It is insufficient because the highway project has lowered the value of the land....

SENATOR CLARK: You have one minute left.

SENATOR CHAMBERS: ...for residential purposes. You cannot get loans on your houses because they say your house does not have a value to justify the loan. So, when your housing deteriorates, they declare it substandard and you get out too. Go where? What difference does it make? Just get out and the land abuts Omaha's downtown area which is now being built up that they need additional land to expand into and the land is where the poor people that I represent live. And then they come in here, throwing away over \$5,000,000 and telling you to enact a sales tax that will further oppress these people. Don't let me invite some of you senators to the area I represent this summer. Let me dare some of you to come and walk the streets with me. I will walk with you and let us see whether I am lying to you. Let us see if there is a difference in hostility there.



March 31, 1981

LB 40

SENATOR CLARK: Your time is up, Senator Chambers, I am sorry. Senator DeCamp, do you wish to close on your amendment?

SENATOR DeCAMP: Mr. President, members of the Legislature, Senator Chambers and Senator Marsh raised a number of issues and questions I would like to address but I think the first one and maybe the thing that Senator Chambers emphasized more than anything else was kind of a personal antiDeCamp and it was in his original arguments on the Omaha sales tax and it was today. Senator Chambers, I would remind you, I would dare any member of the press and any member of the Legislature now or in the past, go check the record. Check the record and you will find that on any major issue that you have worked on and won in the past, I have been with you. I have worked with you and I think I worked hard on district elections for schools, city and a dozen other things and, Senator Chambers, I have walked the ghetto with you. If you forgot, I was the first one before you ever sat down in these legislative chairs and I think, Senator Chambers, if you will also check the record, you will find that you have probably been the principal opponent of almost every major bill I have ever worked on here. I don't mind it. I don't attack you personally on it. It does not bother me and I know you are doing it sincerely and I respect that and so I will tell you my sincere reasons, believe it or not, for the Omaha sales tax. Omaha, like it or not, and I have said it before, is about a third of the state. It is our banking center, our center of commerce. It is like bread and butter. It is the butter. And if we and the rural areas say, well Omaha doesn't matter and shaft Omaha, all we are doing is shafting ourselves. We are elected, as Senator Marsh said and I would like to move to her subject now, to represent our districts but we are also elected to represent the state and I happen to believe that all things considered, the Omaha sales tax situation is best addressed in this particular manner rather than earnings taxes, rather than some other method that has been suggested. And Senator Marsh makes it sound like a crime that Omaha needs a half cent more than Lincoln on their sales tax to operate their city. And Senator Marsh suggests that Omaha just hasn't tightened their belt. Omaha is squandering their money. Omaha is just plain bad. Well, Senator Marsh, if I were you I would look in the mirror and I would see reflected there, Lincoln, and I love Lincoln. It is about the nicest city in the United States by every study that has ever been done. It also is almost sinking into the ground with all the tax money that is put into this city from students, from state government, from federal government buildings, from half the population, like me, like Sieck, like Haberman, paying your sales tax to run your city and talk about tightening your belt. Go check Omaha's records. Go check the potholes. Go check any of the other things. If

you are going to hurt somebody in Omaha, I'll tell you who you are going to hurt by the sales tax tax elimination. You are going to hurt Ernie's people.

SENATOR CLARK: You have one minute.

SENATOR DeCAMP: You are going to hurt them as much as anybody and that is a fact of life. What my amendment does is simply strikes the election because it is too late now. I think Senator Koch has that information out. It will take an additional two weeks for the City Council to process it. It is simply too late. So, I urge you to adopt the amendment and remember that Omaha is a part of this state too, whether you be from Neligh, or Imperial, or anywhere else, or even the near north side.

SENATOR CLARK: The question before the House is the adoption of the DeCamp amendment to LB 40. Those in favor vote aye. Those opposed vote no. Have you all voted? It takes 25 votes. Have you all voted? Record the vote.

CLERK: 28 ayes, 9 nays on adoption of the Senator DeCamp's amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. There is another motion.

CLERK: Mr. President, Senator Chambers moves to indefinitely postpone LB 40.

SENATOR CLARK: Senator Vickers, for what purpose do you arise?

SENATOR VICKERS: Mr. Chairman, I move we adjourn until April 1st at nine o'clock in the morning.

SENATOR CLARK: You heard the motion. It is not debatable. All those in favor vote aye. All those opposed vote nay. Have you all voted on adjourning? Record the vote.

CLERK: Mr. President, Senator Vickers requesting record vote. (Read record vote as found on page 1228 of the Legislative Journal.) 16 ayes, 22 nays on the motion to adjourn, Mr. President.

SENATOR CLARK: The motion lost. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, and I am going to watch my own time this time. I am starting at four twenty-one. I have until four thirty-one to speak. As the offerer of the motion I have ten minutes. My motion is to indefinitely postpone this bill and I am

going to tell the members of the Legislature what we can accomplish if you vote in favor of this motion. The bill will, in effect, be dead but those who really want the bill, those who have been involved in the trading and so forth can move to reconsider and bring it up at a later date. But the wrongful use of the system that is occurring today will have been postponed and put aside. It will not be allowed to go forth as it has now and I think the bill itself ought to be killed because it has no merit. It is a bill contrary to what Senator DeCamp said which will hurt the people in the area that I live and other poor people who don't live in the area that I live in. He wants to talk about having come through my district before either one of us was in the Legislature. That is before anybody knew him. He can come back again now and he doesn't have to come with me but I think any of the senators who come ought to identify themselves as members of the Nebraska Legislature. I will go through any of your districts. When I ran for Governor and went all over western Nebraska driving the roads by myself at night, they knew who I was and they had resentment toward me and some of them would express it but I didn't have the fear to face the people who said that they disliked me and I didn't do it from a distance. I went out there where they were and I talked to them and I said the same thing in their midst hundreds of miles from my home, alone, that I would say from the floor of this Legislature or anywhere else because what I believe I believe wherever I am and I think this bill is perverse. I think it even ties in with fears that some people have that Omaha might try to annex Ralston and that was even brought out prior to the introduction of the bill. So there are a lot of factors that are playing in this issue but the ones who will be lost and hurt are not the individual members of the Legislature but the individuals who are going to have to pay a cent and a half more tax than what the state says would have to be paid for something you buy. I see a lot of these people who are poor and I talk to them. I had made a reference about the danger to certain politicians in this country and that reminds me of, I think it was Nixon, who was talking about Castro and what a terrible fellow he was and how unfair he was on the Cuban people that they needed somebody better than him. As people in this Legislature say to try to say my district needs somebody better than me to represent them. So Castro said, "I will tell you one thing. You cannot ride through the streets of Harlem wearing a bullet proof vest but I can walk through any street of Havana in a t-shirt. Now that should tell us something. When we have to hide from the people that we call ourselves representing, then our actions show that we are not representing the people at all. And bills like this one, LB 40, which will be given serious consideration by this Legislature show what a travesty this system is. A system should have built into it some safeguards to ensure justice and fairness to

those who don't have the numbers to overcome with sheer power the wrongs that are perpetrated against them. But none of us are naive. We know that you don't gather thorns of thistle. We know that you don't go to a rose plant and look for apples. So, when it comes to those ordinary natural things we have very clear and precise understanding of how the laws and rules of nature work. But when it comes to the operation of the human mind and the functioning of human emotions which all of us have and can analyze in our own beings, we suddenly become dummies and do not understand. If I slap you, you know how you would react to that. So, you know how I will react if you slap me. If I mistreat one of you and you don't like it, I know that if I mistreated a thousand of you, the thousand would not like it either. So, we have got to stop playing as though we are in a Hollywood production and when we adjourn here for the day and we forget the deals that have been made, think that the people who are going to be hurt by those deals are going to forget and say it is just another day and we will start all over. These things build up in people. They simmer. They fester and as a short poem by Langston Hughes said, "Will it be like a raisin in the sun? Will it fester and run like a sore or will it explode?" We know what will happen but yet when it happens, everybody pretends to be surprised. The greatest thing that has happened for this Legislature is to have somebody like me here to tell you the truth about how things are in the area that I come from and even areas that you come from. Because regardless of where people are born, regardless of how they make their living, they react in a similar way to unfairness. I even heard Senator DeCamp talking about what kind of things you have to do to get thirty-three votes. You have to make people feel they have been substantially treated fairly or what will happen? They will get even with you with a vote. Well if people do not have a vote but they still have the desire to get even, it means they will use the tools or weapons at their disposal to get even. So, Senator DeCamp expressed the principle for you and you all accepted it on a bill that related to the special interest groups. So, now I say let us apply to the ordinary people who have nothing but their bodies, who have nothing sometimes but blind suicidal courage. It is suicidal to die for no purpose. It is heroic if your death accomplishes something worthwhile toward the freeing of the people that you are fighting to free. I saw where some people who mined deep in the earth had to take to the streets because a very compassionate administration in the most compassionate country in the world wanted to do away with assistance that would help treat a disease that they know these people are going to get by mining deep in the earth. That is compassion, brothers and sisters. It is a standard that ought to be blazoned across the face of the earth to show the

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other undeveloped nations how an industrialized country treats its citizens. I saw another fine example of that compassion. There was a pamphlet with one of these individuals who had black lung and a member of that administration said we are going to destroy this pamphlet and I watched the interview on television and he was asked why. He said because there was an individual's picture on that pamphlet who died from the disease and he had an expression on his face. And they said, "What do you object to?" I object to all of it. He objects to the picture, objects to the fact that the man had died and objected to the expression on his face so the administration in America where we talk about freedom of expression took the pamphlets to destroy them so that those who go deep in the heart of the earth like moles to mine the substances that produce energy for this highly developed, industrialized giant to continue to carry the banner of freedom and compassion and justice to everybody on the face of the earth, a country where people can go to church every Sunday morning and sit with their little children in Sunday School while they are taught high moral precepts, high moral principles, where they can listen to a minister read from the Bible and make their hearts and souls glad while other people die from black lung, die from brown lung. The pamphlet dealt with brown lung, a condition that people gather when they work....

SENATOR CLARK: You have one minute left.

SENATOR CHAMBERS: ....in cotton plants. So, now in Nebraska we have a group of people who are going to have an additional stone placed upon them by the Nebraska Legislature and I am supposed to sit back and swallow spit and allow that to happen, to be friendly with people who have contempt for me and the people that I represent. Why I would be worse than a toothless hound if I did that. This bill is pernicious and you ought to vote in favor of this amendment, not just to kill the bill, but to restore a measure of integrity to the system by which the Legislature itself operates.

SENATOR CLARK: The question before the House is the indefinite postponement of LB 40. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Do you want a Call of the House? A Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed vote nay. Record.

CLERK: 10 ayes, 0 nays to go under call, Mr. President.

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SENATOR CLARK: The House is under Call. All legislators will return to their seats if you can find them now. Quite a few of them have left the chamber. I don't know whether they can find them or not. Will you register in, please. Have you all registered in? Senator Higgins, will you poke my light over there. Senator Kremer, Senator Schmit, Senator Nichol, Senator Haberman. We have six of them excused now. Senator Kahle is the only one we are short. Senator Kahle is here. Do you want a roll call vote, Senator Chambers? A roll call vote has been requested. Call the roll. Senator Chambers.

SENATOR CHAMBERS: I would like to know where those are who have been excused.

SENATOR CLARK: I don't know where they are. They have been excused. There is Carsten, Cullan, Fowler, Haberman, Kremer, Nichol and Schmit have been excused. I don't know where they are.

SENATOR CHAMBERS: Okay, I won't try to bring them back.

SENATOR CLARK: The Clerk will call the roll.

CLERK: (Read roll call vote as found on pages 1228-1229 of the Legislative Journal.)

SENATOR CLARK: Senator Landis, for what purpose do you arise?

SENATOR LANDIS: I arise to move that we adjourn until tomorrow at nine o'clock.

SENATOR CLARK: We have a vote and cannot do this in the middle of a vote.

CLERK: 13 ayes, 27 nays, Mr. President. 13 yes, 27 no.

SENATOR CLARK: The motion failed. Senator Landis.

SENATOR LANDIS: Mr. Speaker, I move that we adjourn until tomorrow at nine o'clock.

SENATOR CLARK: I am going to take a machine vote on it. It is nondebatable. All those in favor of the motion vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 18 ayes, 23 nays on the motion to adjourn, Mr. President.

SENATOR CLARK: Motion failed.

CLERK: Mr. President, I have a motion on the desk. Senator Chambers moves to amend LB 40. Pages 3 and 4, reinstate the stricken language.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, in order that it is crystal clear in the record what I am attempting to do, I am going to read the language that I want reinstated. Starting at line 8 on page 3: "No tax increased pursuant to this subsection shall remain in effect after December 31, 1981; provided, that if there shall be any project of new construction, reconstruction, alteration, or improvement of any building commenced prior to any increase in the sales and use tax provided and on which bids for work were let out based upon the old sales and use tax rate and prior to any increase in such sales or use tax rate, the old rate of sales tax shall apply." Subdivision 3: "Any increase in an existing sales and use tax imposed under the provisions of this section on and after August 24, 1979, shall automatically expire on January 1, 1982, without further action by the municipality which imposed such increase, and such sales and use tax shall revert to and be the same as it was before such increase." Subdivision 4: "Any municipality increasing its sales and use tax rate beyond one per cent on or after April 6, 1978, shall file with the Revenue Committee of the Legislature on or before January 15 of each year a report outlining what steps are being taken by the governing board of the municipality to reduce expenditures or increase revenue to replace the increased revenue generated by the increased sales and use tax rate when such increased revenue will automatically be reduced on January 1, 1982." Now, members of the Legislature, this language to be stricken must be considered not to be important anymore. There was a time when this language was not in the law but somebody thought it was important to put it there. So, they trundled themselves down to the Legislature and they had lunches for the senators, they twisted arms, they pleaded and they got the wording into the statute that they wanted. After they got the language into the statute there were a number of activities that I would describe as shenanigans that occurred from time to time on the floor of the Legislature. There were promises, solemn promises made to the Legislature, as solemn as the promises that would be made today and those promises were violated as the promises made today will be violated. And we find ourselves back in this solemn august body, considering once again the issue that was not to be considered anymore after the first time around. So, if the law was good enough last year, it ought to be good enough this year. No problems were found wrong with it in terms of its constitutionality. The people did not engage in insurrection or revolution. So, the law, in spite of certain objectionable features, must have been considered acceptable. So, now we are in a situation where the Legislature has to turn around and say

that what it did then was not correct. Although it had said that there would be no extension of sales taxes without a vote of the people, that decision has been changed. The Legislature pursuant to the desires of certain politicians in Omaha, politicians who have mismanaged the city's finances, these politicians have persuaded the Legislature to come down here and reverse itself, has persuaded the Legislature that those politicians were wrong the first time, wrong the second time but may be right this time. How many times will you allow yourselves to be bitten? At some point everybody should awaken. And I think the time for the Legislature to awaken is now. We must deal forthrightly with these issues. We must try to remain patient. We must show forbearance and we must give consideration. I have given the example before of a last meal for a condemned person. I realize what my efforts are going to produce in terms of changing minds but I am going to use everything available to me so that tomorrow I can look myself in the face and know that I did all that was within my power to stop this that is occurring now. That is what I must attempt to do and that is what I am attempting to do. And if this bill does move to Select File I am going to try again. If it gets to Final Reading I will try a third time. I will not quit. I will not be deterred. I know what my responsibility is and I know how to discharge it. What I think you ought to listen to with reference to what I am telling you now is that the motion I have up there that I am discussing at this time is not the last motion that I have. And the one that will follow this one is not the last one that I will have. And whatever stratagems are attempted that may succeed on General File will not succeed at every stage of the consideration. And I think there are (machine malfunction, voice fades) who will look at the travesty being done here today and there are people who know that the sales tax is not a good thing. They don't have friends on the floor of the Legislature. They can't sit down with you to the table spread by the lobbyists, the lobbyists paid for by the taxes coerced from those people. But they will have a way of making their ire felt. Sometimes examples are wasted on politicians but they are not wasted on the people at large. When reasonable, rational discussion does not prevail, then the struggle must be moved to a different level and when that different level is reached by the people, then the level by which the government responds must be escalated accordingly. And when the government escalates its response to the people then the people escalate and become more ingenious in their means of circumventing the government's response. And before you know it you have a situation internally that you have externally. You have a situation where you are threatening Russia in the Persian Gulf in Russia's backyard where you cannot move troops. You do not have as



many troops. The Navy is not equipped. There were planes that had to be taken from some carriers to be moved to the Persian Gulf thereby weakening other areas that are to be protected by the behemoth of the north. Then you have El Salvador which also is going to require the presence of American troops and then after taking care of the Persian Gulf and making commitments in El Salvador, we have a trinity formed by Poland and Russia has been threatened there also. Now, America does have huge tanks and huge weapons but there has not been coordination between the Army and the Air Force so as a result of that, there are no aircraft large enough to carry these tanks and weapons. So, they can't be transported to a far-off battlefield. The only way they can be used is to have the war at home. And if we are fortunate enough to have Mr. Haig do what he said he is going to do which is to take control, before the year is over these young people may be in a war. And while things are being taken care of all over the world, we will have the miners in the street. We will have the people who work in the cotton factories in the street...(interruption)

SENATOR CLARK: Senator Chambers, are you on your amendment? I don't recall anything about El Salvador or Russia being....

SENATOR CHAMBERS: Yes, I am giving examples to illustrate my point as we do in discussion and debate.

SENATOR CLARK: Let's stay on the amendment.

SENATOR CHAMBERS: We will have...I will discuss it the way that I find necessary. We will have people in the streets of this country protesting against taxes in the same way that farmers went to Washington to protest.

SENATOR CLARK: You have thirty seconds left.

SENATOR CHAMBERS: ...drove their tractors over police vehicles and over police officers and when all of these things converged, then people would begin to sit back and say, why? And the answer will be simple because the people were not listened to. Those who had power thought they would always have it and those who felt the power to crush others thought it could never be turned on themselves. But the day of the boomerang, my colleagues, will certainly be upon us at some point. My motion...Mr. Chairman, I am just restating the motion so it will be clear what it is. It is to strike, I mean to reinstate the stricken language on pages 3 and 4 of this bill.

SENATOR CLARK: Senator DeCamp.

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428.

SPEAKER MARVEL: Meanwhile in the south balcony from Senator Dworak's District, 49 students, 4th, 5th, 6th Grades, from Humphrey Public School, Humphrey, Nebraska, Mrs. Debbie Trabert, Miss Nancy Gallop, Miss Mamie Anderson are teachers. In the south balcony, will you raise your hands so we can see where you are?

CLERK: Mr. President, Senator Richard Peterson voting yes. Senator Wagner voting yes. Senator Goodrich voting yes.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 31 ayes, 8 noes on the motion to reconsider, Mr. President.

SPEAKER MARVEL: All provisions relative to procedure having been complied with, the question is, shall LB 5 pass? All those in favor vote aye, opposed vote no. 30 votes. Have you all voted? Have you all voted? Senator Beutler. Record the vote.

CLERK: (Read the record vote as found on page 1244 of the Legislative Journal.) 30 ayes, 10 nays, 6 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The motion is carried. Do you have some items to read in?

CLERK: Yes, sir, I do. Mr. President, your committee on Judiciary whose Chairman is Senator Nichol reports LB 428 to General File, and LB 335 to General File with amendments, and 353 General File with amendments, all signed by Senator Nichol. (See pages 1244 and 1245 of the Legislative Journal.)

The Appropriations Committee will meet in Executive Session today upon adjournment in Room 1003.

Mr. President, Senator Wesely would like to print amendments to LB 261 in the Journal. (See page 1245 of the Journal.)

SPEAKER MARVEL: I would like the attention of the Legislature, if I could. Yesterday afternoon after rather extensive debate on LB 40 the time ran out and, therefore, it is the judgment of the Chair that the time for that particular bill should be completed. Some of you have questions about the way the priorities are set. I welcome you, first of all, to visit the office and

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discuss the matter, anytime you have a question, discuss the matter with my secretary, Mrs. Hughes. It is a rather complicated but fair procedure that has been set up, and, therefore, because the agenda could not have been completed yesterday, there wasn't any way you could get the agenda changed in time for printing since as soon as the noon time approaches, then it is necessary to go in and start work on the agenda if you are going to get one anywhere near ahead of time. I have one more comment I wish to make, and then see if there are comments from the group, and that is that all bills are considered on their own merit. They are not considered for any other reason, and with those comments the Chair rules that LB 40 shall complete its mission before we go to other items. Senator Vickers.

SENATOR VICKERS: Mr. Speaker, question of the Chair, if I may.

SPEAKER MARVEL: Yes, sir.

SENATOR VICKERS: Are you saying that we are going to go back to debate on LB 40 at this point in time? Is that what you are saying?

SPEAKER MARVEL: Yes, sir.

SENATOR VICKERS: What about the priority bills on second hearing according to the agenda that will come up this afternoon?

SPEAKER MARVEL: As soon as this one item is completed, we go on down on the agenda as you have before you.

SENATOR VICKERS: Well, Mr. Speaker....

SPEAKER MARVEL: The rules indicate, and I have pleaded with the body in the past, please let's keep moving, and to the best of my ability in connection with fairness as well as connection with times, that is what we have tried to do.

SENATOR VICKERS: Well, Mr. Speaker, I wouldn't want to indicate that you are not attempting to be fair. I think that is true. But since you are limiting those bills on second hearing this afternoon to 30 minutes... is that correct, according to the agenda?

SPEAKER MARVEL: Yes, second hearing 30 minute limit on the back of the sheet, yes, sir.

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SENATOR VICKERS: Wouldn't it be fair to assume that LB 40 had its 30 minutes?

SPEAKER MARVEL: Well, that's one way to look at it, yes.

SENATOR VICKERS: If we are going to be fair, and that is what you are attempting to do, I assume, then in the interest of fairness, how can you say that those bills that are on the second hearing this afternoon only get 30 minutes, yet LB 40 has already had its 30 minutes and then some?

SPEAKER MARVEL: When we discussed with the chairmen of the various committees this whole area, and you, I think, will agree that when we are talking about priorities, we are talking about something new as far as the Legislature is concerned. I have worked in this area as thoroughly as I can...as I could, and I indicated to the chairmen that I welcome any recommendations, indicated to you the same, brought my secretary in, we sat underneath the balcony and went into quite substantial detail in a sincere attempt to explain to you how we, at least, were trying to work the system, which is my responsibility, and the chairmen indicated at the meeting that I was the one to make the decision, not a collective group. So I am following their advice or their recommendations.

SENATOR VICKERS: I appreciate that, Mr. Speaker.

SPEAKER MARVEL: And it is very difficult to try to set up priorities so that everybody involved gets the same consideration, I guess I would say, which I guess is your point.

SENATOR VICKERS: I appreciate that, Mr. Speaker, and you indicated to me in our visit that we had yesterday that your concern was that if you brought these bills back up early that there would be less debate for the second hearing because the body would still remember the debate from the first time. Now as you remember, you and I had a discussion about that and you did indicate that there probably should be a time limit. And I am suggesting to you that in the interest of fairness if the bills are going to be limited to 30 minutes, then I think the record should be checked and I think you will find that LB 40 has had its 30 minutes, and in the interest of fairness again, with the fact that priority bills are still on General File waiting to be heard the first time, and since our rules indicate that priority bills...that's the way the rule indicates that all priority bills will be

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heard, again in the interest of fairness, Mr. Speaker, I would ask you the question, do you really believe that the way we are operating on these second hearing bills, extending the time frame, that all priority bills will, in fact, be heard this session?

SPEAKER MARVEL: I think, for instance we had...we have had several of these bills and I don't need to go into the numbers, but we have had bills where the debate had stopped in the middle of the discussion and they had to be extended. In fairness to some kind of continuity, they were extended over to the next day.

SENATOR VICKERS: But wasn't that...(interruption).

SPEAKER MARVEL: I still maintain that priority bills will get their exposure if we can continue without complete constant debate. And I can't control that.

SENATOR VICKERS: You cannot control the debate....

SPEAKER MARVEL: No, sir.

SENATOR VICKERS: ....but you can control the order they come up.....

SPEAKER MARVEL: That's what I have tried to...that's what...

SENATOR VICKERS: ....and I am just suggesting that by having the second time come up before they have all been heard the first time, that unless the debate is limited to a specific point in time, a limited time, that there, in fact, will be priority bills that will not be heard. I would allow....I am sure other people would like to speak on this issue, Mr. Speaker, and I would simply end this exchange at this point in time and let other people speak to that issue, reserving the right to perhaps speak to it again later.

SPEAKER MARVEL: Okay, we have....one other point, Senator Vickers, and then we will proceed. We have checked the files, under yesterday's agenda LB 40 did not fall under the 30 minute limit.

SENATOR VICKERS: Could you explain that...it didn't....

SPEAKER MARVEL: I have just explained it as best I can, sir.

SENATOR VICKERS: It didn't fall under...it didn't take

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30 minutes. We didn't have 30 minutes' debate on it. Is that what you are saying?

SPEAKER MARVEL: I don't know, I just was....

SENATOR VICKERS: Well, there wasn't any limit.

SPEAKER MARVEL: This was gotten over the phone, so I am sorry.

SENATOR VICKERS: There wasn't a limit imposed yesterday. Is that what you are saying? There wasn't any time limit imposed yesterday? I agree, there wasn't any time limit imposed yesterday. My point is....

SPEAKER MARVEL: Okay, that's what she meant.

SENATOR VICKERS: My point is that if there is a time limit imposed on bills on second hearing today, then the time limit should have also extended to LB 40, or any other bills that are heard on second hearing later on.

SPEAKER MARVEL: Okay....

SENATOR VICKERS: In the interest of fairness, Mr. Speaker.

SPEAKER MARVEL: Well, I am not going to brag about my fairness, but I think it is quite evident. Senator Chambers, and then Senator Lamb.

SENATOR CHAMBERS: Mr. Chairman, I would like to ask a question about yesterday....

SPEAKER MARVEL: Excuse me....no.

SENATOR CHAMBERS: He said he would allow a comment and I think that is his prerogative. Mr. Chairman, yesterday on Select File we dealt with in order LB 245 and 245A, then 284 and 284A, and then LB 40. Now was this arrangement arrived at as a result of discussion with the committee chairmen, or was it a sole decision by the Speaker?

SPEAKER MARVEL: No, I made the decision, Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker....

SPEAKER MARVEL: But let me qualify this by saying that I made the final decision but in the process I do as I always do and that is to contact as many different types

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of people as possible to get input. I am not conceited enough to think that I don't need some suggestions and advice.

SENATOR CHAMBERS: Mr. Speaker, it's going to be my unpleasant duty again to strip away all of the things that are appearing to be said that really aren't touching the issue, and say that there is a lot of political maneuvering connected with all three of these bills. And LB 40 was given two hearings and a distinction between LB 40 and those other bills is that LB 40 was given a vote and it failed to advance. Now, I checked to see if LB 284... 245 had failed, and it had not failed to advance. And if you want to check the Journal, on page 1075 you will see that LB 40 was given a vote and it did not advance and that distinguishes it from these other bills. And if others won't say why these arrangements are being made, I will say it. Were this not the bill for the Omaha sales tax and were it not tied in with deals on these other two bills, it would not have come up yesterday right behind the two of them and it would not be given a second hearing or a third one today. Now if the Speaker is really trying to be fair, what is going to have to be done is to revamp this whole system, do away with the priority bills as they exist now, including 40, and none of them that have been considered should be considered. And we should put all of the bills, their numbers, in a bowl and draw them out, and say we will not deviate from the order in which those numbers are drawn from the bowl, we will not allow any second hearings unless a bill goes to the bottom and comes up in the natural order. But when we piecemeal in this fashion, we get ad hoc decisions. Judgments are taken that the body has no awareness of until it is sprung on them at the last minute, it makes the whole system seem arbitrary and unpredictable, and that can never create a system of fairness. And one other thing, now there could not be to my way of thinking a fair way to establish a precedent for one highly political bill and after it's handled, then draw a line and say, no other bill gets that consideration. Every bill on second hearing ought to have unlimited discussion in the same way LB 40 did because LB 40 failed to advance, and now it has a second hearing, then a third one, and yet any other bill that is on second hearing will be limited to 30 minutes. And maybe after this few that are there now for a second hearing will get their 30 minutes, then any bill that doesn't move the first time will go to the bottom. Is that what the rule is? I don't even know. So when you have a system that you can put together on the spur of the moment, you can make it anything you want it to be.

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I like Speaker Marvel, but I am not going to go for something that I think is unfair and improper because I like Speaker Marvel. I am concerned about how the system is functioning. And I say again, you can look at Senator DeCamp's name how many times it comes up, and that by itself would raise a question in the minds of the public. It certainly has raised one in my mind. And the way LB 40 is being handled now, the question that is in my mind has not been answered sufficiently by the Speaker or anybody else. And what I am going to do if the Speaker won't change his mind is make a motion to overrule the Chair so that we can get some kind of system, order and fairness. And remember, members of the Legislature, I have no priority bill that I am bucking for. I have none on the list anywhere.

SPEAKER MARVEL: Do you make that as a motion, Senator Chambers? The correct motion I think is that the Speaker's agenda be overruled, and that takes 30 votes. Okay. Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, I rise to oppose the motion to overrule the Chair, and I do this without commenting on the bill. I think... well, maybe I will comment on the bill. We are talking about LB 40 which I am opposed to, but I really believe you cannot let filibustering kill a bill in this body or else this body is down the drain. Our procedures are no longer valid. Anyone of us can do that. So yesterday LB 40 was on the agenda. It was discussed. Time ran out. So there is no, in my estimation, the Speaker is correct, because there is no other way we can operate except to come back to that same bill today. Because if we let filibustering kill the bill, we can all do that, and we will never...we can stop any bill from being passed. This body has no way to limit debate except by pressure from each of us on each other. We don't have a cloture in this body, in our rules, an effective rule. So if any of these bills are killed or taken off the agenda just because we continue to put up amendments and argue about it, this body is going to come to a complete standstill. Now Senator Vickers addresses a valid point in that some of the other bills on the agenda have a time limit. I am opposed to that. I have always been opposed to that, unless there is a provision on there which says you can at the end of that time vote it either up or down, because you can do the same thing that happened to LB 40 yesterday. You can argue the thing to death. You can filibuster and it is not an effective way to resolve the issue. So although I oppose LB 40, I support bringing it back and



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having the issue argued until we vote it up or down, and if we don't do it that way, I think we are in deep trouble. I support the change in the Speaker's order. I oppose the motion to overrule the Speaker.

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Speaker, members of the body, I think everybody here knows that I am from Omaha and that I am opposed to LB 40. But I do think for the good of all the people in the City of Omaha, black and white, that we ought to give this bill a full hearing and even though I know I may be on the losing side, I don't think it was fair yesterday when we debated it, and our colleague ended up not debating LB 40, but he ended up talking about El Salvador, should guns be used, etcetera, etcetera, etcetera. That's not what I call a fair hearing on any bill. And even though I am going to vote against LB 40 with Senator Chambers, I support the Chair and I don't know how to do this as a freshman Senator, we haven't got a bill here, but I would sure like to make a motion to quit wasting time and get on with it. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I would support the Chair too. I would like to make one other suggestion. I remember my mother telling me one time that she was President of a ladies group in her young...as a young lady, and they would meet every so often. Someone would make some comment they didn't like, the luncheon or some adverse comment, so they established the rule that whoever didn't like that month's meeting was on the serving committee next month, and most of the complaints disappeared. So I would suggest maybe, Mr. Speaker, that you give some thought that those who do not like the order maybe they could meet this evening or some convenient time and submit to the body their suggestion for the order of the priority bills that are left, and if we all accept that, that is the end of the argument and if we do not all accept it, then we proceed with your order for the rest of the session and be done with the argument.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, I was a little bit upset yesterday when the Speaker was being attacked and I thought it was unfair. As a member

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of a caucus which we hold occasionally, recently the chair people met. We made a determination that in the Speaker's judgment if a bill had significant possibilities as far as the state is concerned and I do consider Omaha a significant part of this state, that he could use his judgment to place a bill before us that we felt should be treated either positively or negatively. We also advised the Speaker, once a bill, and I think from that time forward, that once a bill had had a fair discussion on the floor it would drop to the bottom of the priority bills, and I am certain that Senator Marvel is going to uphold this. We also suggested to Senator Marvel if he is getting too much pressure about establishing an agenda, we elected him Speaker unanimously, which I think is an indication of our trust in this man and his integrity. We also said, you put the agenda out and if we don't like it, we all have a chance to override your agenda, and that's 30 votes, and so someone today is taking that opportunity, and it's probably Senator Chambers, and those of us will make a determination whether the Speaker is wrong or whether he is right. But I think that for us to be taking the Speaker on when he's in a position he can't debate, is not ethical nor is it fair, and I am going to support the Speaker.

SPEAKER MARVEL: Senator Dworak. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I am going to surprise you, Senator Chambers, by giving you some information. You keep having the innuendo and it has gone way beyond the innuendo now that somehow I am manipulating everything and my name is on too many priority bills. The surprise is this, not one of the priority bills did I select as a priority bill, and I voted against the priority system that's been advanced so far and been dealt with. When I voted against the priority system, I suggested that those issues that are statewide issues will have the pressure behind them to be dealt with, and they will work in the normal course, and with your priority games you are creating an aberration. I didn't pick Omaha sales tax as a priority bill, others did. I didn't pick those other bills that are advancing as priority bills, just like Muni power pool and so on and so forth. I worked on a number of these issues over the years. Worked on them all summer. I think they are substantive issues. If the crime is having my name on the bill and working on the issue, well, I plead guilty. So, with respect to the priority, I think it is ultimately on any issue going to get down to the substance of that issue. The second thing, the time limit that Senator Vickers proposes and talks about

fairness, I would submit to you that if you put a time limit on anything, all you do is give Ernie or Johnny, Rex, a target to shoot for and a new way to kill a bill without ever addressing the issue. Take your 30 minute time limit, Ernie puts three amendments up, he gets 10 minutes opening on each one, he talks about El Salvador or Ronnie Reagan, or Timbuktu, or whatever he wants. He killed the bill without ever addressing the issue of the Omaha sales tax. That's not the way legislation is handled. Don't set a false system as your way of processing things with artificial time limits and game playing. Finally, Senator Chambers brought up and made it sound something evil and criminal and sinister that there is a relationship between different issues in here, that LB 284, distribution of \$70 million may really secretly, and we all know it and we're working deals on it, may be related to the Vet School, may be related to the Omaha sales tax. Senator Chambers, you have been here eleven years. We've served together all those years. You know better than any man in this body how intimately issues are related, how sometimes a death penalty can be related to two or three or half a dozen different issues. You know it far better than anybody. To deny there is a logical relationship between multi multimillion dollar issues involving the entire state is to simply not face the facts. Senator Marvel has put the issue up. I think we should address it, and I think the Chair is going to have to be supported in this and a lot of other difficult decisions that are now going to be coming down the pike as we move into the last 20 or 30 days, whatever it is. If we will cooperate, if we will work together, we can process every single bill this Legislature has, either up or down or some form, we can deal with the issue. We cannot do it if over one or two issues, we as individuals allow ourselves to make that the sole reason for our existence either passing or stopping something. My crime, Senator Chambers, is trying to keep getting the things going. I plead guilty. You, on the other hand, ought to face the facts, and everybody else in the body ought to, as you stated on the floor repeatedly that when you disagree you are going to obstruct in every way possible by offering amendments or everything else, I haven't said it, you stated it. You promised it on LB 111. You promise it whenever you get mad at me on something. I just don't think that is the way to go.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I would also like to speak against the motion and

in support of the Speaker. I don't know why we are suffering this momentary loss of self-confidence. I think things are going along as smoothly as they ever have in this Legislature in the three years I have been here. And I don't see why we are quivering here. But let me...I did want to speak just for a minute and put this priority bill, this new priority bill system rule, in just a little bit of perspective. The priority bill system rule wasn't designed to solve all problems. It was not designed to take away from the Speaker his prerogative to decide in many instances what are the most important things to the state. That is his obligation under the rules now working in conjunction with the Executive Council to decide which issues are most important to the state and to get them up on the agenda. The priority bill system impugned on that prerogative only to the extent that we wanted to see that individual Senators and individual committee chairmen had some absolute input into that system. And the Speaker's obligation, the Speaker's one and only obligation under that rule is this, the Speaker shall structure the agenda of the Legislature so that all priority bills are given an opportunity to be voted upon for final passage prior to the end of the annual session. I think that the Speaker does have the obligation to be careful and to see that all priority bills are going to be heard. But at this point in the session, I don't think anybody can say that there is an absolute danger that that is not going to happen. Now beyond that obligation, under this rule the Speaker has no obligation, and what happens is we resort to what happened with all bills a year ago and for all time before that. What happened last year and what happened every year before that? The Speaker set the agenda working together with other people in the Legislature and a decision was made as to what was important, what was most important. That same process will take place with regard to the priority bills. The only obligation the Speaker has is to be sure that all of them are heard at least once, and so far as I can see the Speaker is fulfilling that obligation, and certainly at this point in time it is premature to say that he is not. Thank you.

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Speaker. Yesterday...and first I want to go into something that Senator Chambers just mentioned. He talked about having a lottery on priority bills and this surprised me also because he has always been against bingo and any type of lotteries, state lotteries or any type of gambling, and now he wants the

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Legislature to go into pulling priority bills out of a bowl, which to me is a lottery. Also, yesterday, and I am not saying that I don't believe that Senator Chambers has a right to speak, has a right to put on amendments, but yesterday I respect the Chair, I think the majority of us respect the Chair, but when Senator Clark was Chairing, he asked Senator Chambers to please stick to the amendment, and he replied, I will speak when I please, if I please and as long as I please, in something of that order, and went on speaking, as Senator Higgins said, about El Salvador and the shooting of our President, which I thought was out of line and I commend Senator Clark for speaking up and trying to. I only wished I had that courage to stand up and ask that the Speaker shut off the microphone. Last year we had the same problem on the Omaha city sales tax, if you recall. I had to get up on this floor and ask for decency and integrity by the members of the Legislature because there were amendments there to bracket the Omaha city sales tax until the final day of the Legislature. I ask you not to do this, not to hold up the Omaha city sales tax. Vote it up or down. We respect your wishes, but at least be fair with the Omaha city sales tax and give us a chance. I can recall on an abortion bill when there were 13 to 14 amendments put on, the people out there not only in the City of Omaha but in the State of Nebraska are watching us. I get this all the time when I talk to people, and I am just going to say it like they say it, "You people down there are nuts". And I am beginning to wonder if sometimes they aren't right. All we are asking for is vote this thing up or down. I have a suspension of the rules up there. Right after Senator Chambers' motion, we will take up my suspension, and then vote the Omaha city sales tax up or down. That is all we are asking. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Well, Mr. Chairman, now that I have heard all the whining, I am going to respond. Senator Labeledz, I do have....I don't think it takes courage to say what you have on your mind. It just takes a little self-respect and belief in what you have to say. You don't listen very well because when Senator Clark asked me about the things I was talking about, I said, I am giving examples to illustrate my point as we do when we are debating. So some people not only don't listen well but they don't accurately reflect what was stated. Now, I can begin to sense the direction that this vote is going to go, but if you think that is going to squelch me in any way, then you have made a mistake. When we talk

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about obstructionists, remember how the conservatives back with Senator Beutler tried to do at the beginning of the session to delay and delay so that you could do away with the unlimited bill proposition. Remember that, Senator Lamb, Senator Kahle and some of the others? It depends on who is using the process, doesn't it? Senator DeCamp and I did vote against this procedure of priority bills because I have been here 11 years and I know that we say all these things in advance, but it never works when we get down to the crunch the way it is outlined in the beginning. Now, I would have to ask the question that has puzzled some of the reporters, and they ask it, who moved to adjourn yesterday? Senator DeCamp. And he honestly explained why he moved to adjourn when he had opposed it before. The people that supported the bill were gone so he didn't want to stay here and discuss the bill until my motion was disposed of. He moved to adjourn. He cut off the discussion of his bill. So that should put one or two things in perspective. When he indicated that Omaha might make up one-third of Nebraska, the Omahans should keep that in mind so when he talks about distributing the money to the political subdivisions, he has already told you what the formula breakdown ought to be. Now, Senator DeCamp did not need to offer these particular bills as his own priorities because he knew that would be taken care of, and for him to stand up there naively and innocently, apparently naively and innocently, pretend that these bills were just pulled out of the hopper and they had nothing to do with his influence down here, is something that nobody on this floor accepts. Now, the complaints that are being made as to how I proceed are going to be made again and again and again. But what I wish you would do is try to be correct and accurate when you attribute things to me. I have not said I will obstruct in every instance where I disagree with something. I have simply voted against a lot of propositions. But if the issue is serious enough, I tell you this, I will use every means available to the rules to defeat that proposition. Now, I am not the one who put a 30 minute time limit on these other bills that get a second hearing and thereby make it possible to kill them with three amendments. The Chairman did it, and you want to support him. So support him on that too. You have got to distinguish between personalities and substance and that's what I do. The difference between me and a lot of people in here is, I say what I have got to say on the floor of the Legislature and for the record. Now, there were some of you running around here grumbling on the floor about LB 40 being moved up, and you know who you are. So don't come to me with any more complaints about

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how Senator DeCamp manipulates this and how Senator DeCamp maneuvers that. Johnny, I say, do it to them one more time, and again and again and again. And don't any of you bring that stuff to me. You get what you deserve, and I think in this instance we are not getting what we deserve, at least I am not getting what I feel I deserve. If the Speaker takes a position that I disagree with, that is not going to stop my mouth and make me sit down and go grumbling off to somebody else. I am going to oppose it at the time that that judgment is taken. And in this instance I think it is not proper. Remember, LB 40 did get a vote and it did not move. LB 40 was being discussed and there was only one amendment that I had up on the board and it was being discussed. And then the introducer, Senator DeCamp, moved to adjourn. And he played the system because he admitted to the reporters the only reason he did that was because he didn't have the supporters he needed here. So let's stop being so sanctimonious and self-righteous and pretending that I am the only one who knows how to make use of the rules and the system to accomplish a goal that I have in mind. Mr. Chairman, I think you and I both know the direction this vote is going to go, but that crushing defeat which will be administered on this issue may not really be a defeat for me. It may not really be striking against me at all. It may be showing the public something about this system and something about this Legislature. And when we can stand up here and talk about how we like somebody and trust somebody and therefore whatever that somebody does is right, then I think we are abdicating our responsibility because we are making judgments on a false and improper basis. Now, I have spoken as much as I think I can on this bill....on this motion. I don't expect to change anybody's mind. But I am advising you to remember very well what is stated this day because we have a lot more days before us before this session is over and I am going to get a copy of the debate that we had on this issue, and I think that if we have a situation where maybe an 882 is going across and somebody sees it's unconstitutional and tries to wake the Legislature up, you will suspend the rules and stop that person. If there is a 205 again and I am opposed to it, suspend the rules and stop me. Then when your issue comes up, we will suspend the rules and stop you too. But I'll tell you who the winners will be, the politicians in Omaha, the bankers, the loan brokers, the other special interest groups who do have the power and the means to move the Legislature in the direction they choose. But no matter how many times I am voted down, and no matter by what overwhelming majority, and no matter how irritated you get with what I say, I intend to say what I

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have to say and I will be heard, if not by the members of this body, by those who are outside the body. So my motion, so it's clear to the body, is that the Speaker's agenda with reference to LB 40 be overruled.

SPEAKER MARVEL: You have heard the motion. All those in favor of...all right, the motion is this. I want to get it clear so we weren't confusing. You vote yes if you wish to overrule. You vote no if you wish to leave it the way it is. Is that....now does everybody understand what the vote is? Okay, Senator Marsh, do you wish to be recognized?

SENATOR MARSH: Yes. Thank you, Mr. Speaker. For the record I would like to say that there was some discussion among the Chairpersons that if a bill came up and it was a priority bill and it did not have the votes to pass, it was my understanding that that would go to the bottom of the priority list. Therefore, I was very surprised to have a bill come up once, not have sufficient votes, and still come up another time.

SPEAKER MARVEL: Are you ready for the question? Senator Vickers.

SENATOR VICKERS: Mr. President, members, I...since I asked the questions that precipitated this discussion, I think I should at least say a few words in defense of those questions that I was asking. In defense of Senator Chambers, some people have indicated this morning that Senator Chambers was completely off the subject yesterday and was talking about other things. It seems to me that that is exactly what has been going on here this morning. I didn't raise this issue, and I don't think Senator Chambers raised this issue to discuss the Omaha sales tax. That is not the issue as far as I am concerned. The issue is one of fairness. Now, the Speaker I happen to think is doing an excellent job. I happen to think that... I hope at least that he considers me a friend. I consider him one of my close friends. But, nevertheless, in this one particular instance I think he is wrong and I have to stand up and say so. The issue is that our rules that we adopted say, as Senator Beutler read to you, that all priority bills will be heard, will be given an opportunity to be heard this session. It is true, our rules do not say what happens about the second hearing on those bills? But in the interest of fairness it seems to me that all priority bills should be heard once before we start hearing priority bills a second time. Now as Senator Marsh just indicated, and Senator Koch indicated it earlier, the



committee Chairmen have made a decision that...if I understand it correctly, that henceforth all priority bills that fail to advance will fail to the bottom of the pile and I am suggesting to you that that's the case. Then in the instance of fairness, is it fair to have these three particular bills be heard a second time when the rest of them won't be? Believe me, there will be other priority bills that will fail to advance. Now as far as the question about the time limit is concerned, Senator DeCamp indicated that I was the one that suggested that. I didn't. I didn't suggest a time limit. When Senator Marvel and I were discussing it yesterday, he told me that that was one of the problems that he had was holding down debate on the second time, and I said, you know, maybe you could put a time limit. But the 30 minutes that are on the agenda for the two bills that we are going to discuss this afternoon have a time limit. And, Senator DeCamp, I didn't put that time limit there. I agree with you, time limits aren't a good idea but if we are going to have a time limit on some bills, then in the instance of fairness we should have a time limit on all bills that are heard the second time. I think that is the issue. The issue is not whether Senator Marvel's doing a good job or not. The issue is one of fairness as far as the priority bill system is concerned. If you, in fact, whether or not you are for any of the bills that are being heard the second time, if you, in fact, believe that all bills should be heard as the rules say they should be heard, then it seems to me that that means that all bills shall not be heard the second time until that is done. However, if you want to make a certain exception for certain bills, then I guess you need to vote along with the Speaker. That is the issue. It's just simply one of fairness as the rules state.

SPEAKER MARVEL: Okay, the motion is if you wish to overrule the Chair, vote yes. If you don't wish to overrule the Chair, vote no. Senator Carsten.

SENATOR CARSTEN: Well, Mr. Speaker, I had my light on.

SPEAKER MARVEL: I'm sorry.

SENATOR CARSTEN: Mr. Speaker and members of the Legislature, I am going to rise in support of the Chair and I will tell you why. As I recall our Chairman's meeting and as Senator Marsh did explain, we had the discussion whether these bills would go to the top or the bottom. But as I recall that meeting, the end result was we gave the authority on priority bills in the hands of the Speaker

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as he saw fit as to their importance where they should come up. Now I may be in error, Mr. Speaker, but that is my recollection, and in that light I am going to vote to sustain the Chair's agenda. We have given him this authority and I believe that we should follow that decision. For just a couple of minutes, Mr. President, I want to make another couple of statements. I don't know how I am going to vote on this bill yet this morning, if you want to know the truth. I have been quite perturbed the last two or three days with what is going on in this body. Last night I asked myself, what has happened to the merits of bills and what has happened to people's word and integrity. And I am at a loss to find an answer. But I think that we need to look at ourselves seriously and look at the bills for what they are and quit trying to tie one to another in spite of the fact that they may have some relationship. Thank you, Mr. President.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman, I do move the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. Senator Chambers, do you wish to close?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I say again I know that there are going to be a multitude of red lights up there, but I think the issue is mixed. The vote is not one to completely repudiate the position that I have taken, nor will it be one to completely uphold the one that the Speaker has taken. But this is what you call the etiquette of discussion that we have gone through this morning where people have churning waters that are not visible when you look at the surface. And many people would rather appear to be good than to actually be good. So they get on the side that they feel is carrying the day and they feel very comfortable, but it is not going to always be like that. If you have a position, no matter whether anybody agrees or not, strength is gained by doing difficult things, and nature does not hit the wind to the shorn lamb. Nature equips her children to survive in a hostile environment. So if we accept the challenges that are put to us, we can only gain more strength. And when the time

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of any test occurs, we will be able to meet that test without running and whining for others to hold my hand, turn on the light because I fear the things that go bump in the night. There is such a thing as integrity. There is such a thing as honesty, and a person's word should have some meaning even if it does not. Now, I don't think we have a system in operation here at all. The worst things that had been alluded to when this so-called priority system was established are occurring right now and I was willing to concede that they would probably only occur if we had a different person as a speaker, and I emphasize that no rule should be adopted with the present individual who holds the position in mind. But now we are running into the very kinds of things that I was sure would happen. One person makes a determination and everybody feels compelled to follow along. But I was not sent here to be a follower. I was sent here to do what my mind tells me is the proper thing to do. And again to emphasize, this bill that is being given this favorite treatment has had a vote and lost. It was given unlimited time on discussion yesterday, will be given unlimited time today. But every other bill will be given a 30 minute time limit and we don't know whether other bills will be given a second reading or not. So it is arbitrary and in the hands of one person. I think that is a mistake. And before it is over, the rest of you are going to see what a mistake it is too. I think when tiredness creeps in, or when timidity comes in, you cannot allow yourself to lose heart and give up the fight because it seems difficult. There was a statement in the book...I think it was from 1984, "There was truth, and there was untruth, and though you clung to the truth even against the whole world, you were not mad." Members of the Legislature, I am not mad. But if we look at the way some of the things are being done this session, there is a type of madness going on, and whom the gods would destroy, they first make mad. I am going to go through with this vote and I want it as a record vote. And, Mr. Chairman, because the time has been taken already, I am going to ask for a Call of the House and a roll call vote. Then because everybody wants this bill to go ahead and get out of the way, I will discuss the motion that I have on it when it comes up because I know they are going to go through it. Then the body can do what it wants to at this stage. I feel it would be unfair for me, since the body is going to be unfair and give this bill an additional hearing, it would be unfair for me at this third point to put a roadblock here and bottleneck the bill. That would stop everything that is behind this particular one, and at this point I think there are issues more important and principles more significant than how I feel about this

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LB 17, 40, 47, 84, 151, 220,  
245, 245A, 313, 478

particular bill. I will get another shot on Select. But I hope you mark well what you are doing this morning, and I hope the impact of it will not be lost on you. So, Mr. Chairman, I am making that request for a Call of the House and a roll call vote.

SPEAKER MARVEL: Shall the House go under Call? All those in favor vote aye, opposed no. Okay, record.

CLERK: 17 ayes, 11 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Senator Beutler, Senator Newell, Senator Schmit, Senator Hoagland. Mr. Sergeant at Arms, will you see if you can find Senator Schmit, please?

CLERK: Mr. President, while we are waiting for Senator Schmit, I have an Attorney General's Opinion that is addressed to Senator Carsten and one addressed to Senator Haberman. (See pages 1247 through 1252 of the Legislative Journal.) Senator Pirsch would like to print amendments to LB 17, and Senator Landis and Howard Peterson to LB 478, and your Enrolling Clerk respectfully reports that she has presented to the Governor for his approval the following bills: 47, 84, 151, 220, and 313.) (See pages 1252 through 1256 for amendments to LB 17 and 478 in the Legislative Journal.) And your Committee on Enrollment and Review respectfully report that they have carefully examined and engrossed LB 245 and find the same correctly engrossed, and 245A correctly engrossed.

SENATOR CLARK PRESIDING

SENATOR CLARK: Do you want to continue, Senator Chambers, or do you want to wait for Senator Schmit? Call the roll.

CLERK: (Read the roll call vote as found on page 1246 of the Legislative Journal.)

SENATOR CARSTEN: Mr. President, may we have the motion restated. I am not quite sure that anybody knows....

SENATOR CLARK: The Clerk will restate the motion.

CLERK: Mr. President, the motion is to overrule the Speaker's agenda by removing LB 40.

SENATOR CLARK: If you want to support the Chair, you vote no.

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If you are against the Chair, you vote yes. Is that right?

CLERK: Yes, sir.

SENATOR CLARK: All right.

CLERK: Now, Senator....shall we start again? (Continued reading the roll call vote as found on page 1246 of the Legislative Journal.) 7 ayes, 36 nays, Mr. President.

SENATOR CLARK: The Speaker has been supported. Speaker Marvel, do you want to recess us until 1:30. Go ahead.

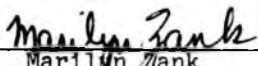
SPEAKER MARVEL: Go ahead, Rex.

SENATOR HABERMAN: My question is, where are we going to be on the agenda after lunch, Mr. Speaker? Are we going to be on LB 40? Thank you.

SPEAKER MARVEL: I move we adjourn until....or recess until 1:30.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed nay. We are adjourned....recessed until 1:30.

Edited by:

  
Marilyn Zank

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RECESS

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come to order please. Will you check in? While we are checking in I would like to introduce as guests of Senator Harry Chronister, Mrs. Carolyn Rupprecht from Schuyler, Nebraska. She is under the South balcony. Will you stand and be recognized please? Record please.

CLERK: There is a quorum present, Mr. President.

SENATOR CLARK: We are going to take up LB 40. The Speaker would hope we can get this one out of the way in thirty minutes. We don't know whether that can happen or not but we are going to attempt it. We have a motion on the desk to start with.

CLERK: Mr. President, we last considered LB 40 yesterday. At that time the committee amendments were adopted to the bill. Well, no, the committee amendments were adopted on March 23. The bill failed to advance on March 23. There was an amendment adopted yesterday by the membership to strike the committee amendments previously adopted. I now have pending, Mr. President, a motion from Senator Chambers to reinstate the stricken language found on pages three and four of the bill.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, pursuant to what I said this morning that although I think the system is not working properly, I will not do anything to hold up everybody's bill at this stage of the consideration. Senator DeCamp gave me a surprise this morning so I am going to give him a surprise this afternoon. But before I give him that surprise, I want to say this. I had told the body when the bill first came up that Senator DeCamp was going to get this bill and that he could not be stopped. So in order that that may go ahead and occur and because a three-wheeled vehicle is being constructed and the first two wheels have moved along and it cannot roll smoothly without the third wheel, I am going to ask unanimous consent to withdraw my amendment.

SENATOR CLARK: Your amendment is withdrawn. What is the next motion?

CLERK: Mr. President, the next motion I have is offered by Senators Labeledz, Newell and DeCamp to suspend Rule 6, Section 3,

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Rule 7, Section 3 and vote on the advancement of LB 40 without further amendment.

SENATOR CLARK: Senator Labedz.

SENATOR LABEDZ: Yes, I request unanimous consent that that motion be withdrawn.

CLERK: Mr. President, Senator Newell asks unanimous consent to add his name to LB 40.

SENATOR CLARK: Senator Newell. No objection, so ordered.

CLERK: Mr. President, I now have a motion from Senators Koch and DeCamp, on page 3, line 8 after the "period", insert "no tax increase pursuant to this subsection shall remain in effect until after December 31, 1983." Senator DeCamp wishes to withdraw, Mr. President.

SENATOR CLARK: No objections, so ordered.

CLERK: I have nothing on the bill, Mr. President.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I don't know if there is enough people here or if there is enough people even if everybody is here but I'd move the bill be advanced.

SENATOR CLARK: Do you want a Call of the House?

SENATOR DeCAMP: Yes.

SENATOR CLARK: A Call of the House has been requested. All those in favor vote aye, opposed vote nay. Record. Record, Pat.

CLERK: 23 ayes, 0 nays, Mr. President, to go under Call.

SENATOR CLARK: The House is under Call. All Senators will return to their seats. All unauthorized personnel will leave the floor. The Sergeant at Arms, will you attempt to get everyone in and everyone checked in please? We are looking for Senator Kremer, Senator Schmit, Senator Barrett. Senator Higgins is the one we are looking for right now. We found her. If everyone will get in their seat please, we can go ahead and take the vote. The question before the House is the advancement of LB 40. All those in favor vote...is there any discussion? There is none. All right, all those in favor vote aye, opposed vote nay. Senator Newell.

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LB 40, 22A, 158A

SENATOR NEWELL: How many people are excused at this point?

SENATOR CLARK: Seven. Six, one of them came in. Everyone is here that isn't excused. Senator Wagner.

SENATOR WAGNER: Mr. Speaker, you need to clear that board.

SENATOR CLARK: I will clear the board. Senator Newell, your light is still one, do you want to turn it off? The question before the House is the advancement of LB 40. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: Record, Senator? Senator Dworak requests a record vote, Mr. President. (Record vote read. See page 1258, Legislative Journal.) 27 ayes, 16 nays, 3 excused and not voting, 3 present and not voting, Mr. President.

SENATOR CLARK: The motion passed. The bill is advanced. The Call is raised.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, General File, item #7.

CLERK: Mr. President, LB 22A (Read title). The bill was referred directly to General File, Mr. President, as are all A bills.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, this is the A bill that accompanies the motorcycle training bill that I had introduced and is now resting on General File, rather, on Final Reading. As you recall, the funding mechanism of the bill was an increase in motorcycle registrations only and the distribution of that money for the purposes of the act and the administration of the act is the way in which the bill is carried out. I would ask the approval of the body in sending this along to E & R Initial.

SPEAKER MARVEL: All those in favor of advancing the bill as indicated by Senator Landis vote aye, opposed vote no. Okay, record.

CLERK: 26 ayes, 1 nay on the motion to advance 22A, Mr. President.

Mr. President, 158A, was introduced by the Speaker on request of the Governor. (Read title).



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LB 298, 40, 167, 208,  
384, 483, 253

and support things for somebody else but don't mess in my little bird nest. So I'd just like to include us all in it if we are going to go. I don't like to see somebody excluded just because they are working on it. I can work on something between now and next year, too.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record.

CLERK: 25 ayes, 12 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced.

CLERK: Mr. President, if I may while we are waiting, Education reports LB 208 to General File with amendments.

Senator Labeledz would like to print amendments to LB 483; Senators Goodrich and Newell and DeCamp and Koch to LB 40; Senator Vickers to LB 384; and Senators Hoagland and Warner to LB 167.

SPEAKER MARVEL: The next business is LB 253.

CLERK: Mr. President, LB 253, (Read title). It was read on January 16, referred to Ag and Environment. On March 24 the committee amendments were adopted. At that time the bill failed to advance. There was also an amendment from Senators DeCamp, Hoagland and Wesely which was adopted at that time. Mr. President, Senator DeCamp has amendments found on page 1162 that I understand he wishes to withdraw. You want to withdraw those on 1162, is that right, Senator?

SENATOR DeCAMP: Yes, the longer page ones is the ones I want.

CLERK: Okay, and then, Mr. President, I have an amendment from Senator DeCamp that is on page 1177 of the Journal.

SPEAKER MARVEL: We are now on the DeCamp amendment, page 11, what?

CLERK: 1177.

SPEAKER MARVEL: 1177.

SENATOR DeCAMP: Mr. President, members of the Legislature, you may remember...this is the litter bill. You may remember Senator Fowler and Wesely and Vickers and Chambers and,

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LR 50  
LB 40, 22A, 158A, 317A,  
298, 253, 253A, 271,  
132, 466, 174, 351, 125,  
167

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by  
Senator Rumery.

SENATOR RUMERY: Offered prayer.

SPEAKER MARVEL: Roll call. Please record your presence.  
While we are in the process of the roll call may I indicate  
to you that today is Senator Kahle's birthday. We wish you  
all the best. Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything under three?

CLERK: Mr. President, your committee on E & R respectfully  
reports that we have carefully examined and reviewed LB 40  
and recommend the same be placed on Select File. 22A, 158A,  
317A, 298, 253, 253A. . . .

SPEAKER MARVEL: Just a minute...(Gavel) okay.

CLERK: .....271, 132, 466 all placed on Select File, (signed)  
Senator Kilgarin, Chair.

Mr. President, LB 174, 351, 446, 125 and LR 50 are ready  
for your signature.

SPEAKER MARVEL: While the Legislature is in session and  
capable of transaction business, I am about to sign and  
do sign LB 174, 351, 446, 125, and LR 50.

CLERK: Mr. President, I have two communications from the  
Governor. (See page 1290-91 of the Legislative Journal).

Mr. President, Senator Newell moves to return LB 167 to  
Select File for a specific amendment. That will be printed  
in the Journal.

Your Enrolling Clerk respectfully reports that she has on  
this day presented to the Governor for his approval the  
following bill.

Mr. President, I have a report from the Department of  
Administrative Services from the State Building Division.

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LB 40, 87

from Senators Nichol and Higgins found on page 1343 of the Journal.

SPEAKER MARVEL: Senator Higgins, do you want to take the amendment?

SENATOR HIGGINS: Mr. President, the amendments basically do the same thing as they did before. We just changed a couple of words in it. They keep the preference for noncivil protective custody for placement in a clinic, a hospital, a home or a detoxification center for the chronic alcoholic or derelict. They allow the officers to use a phone survey to find if there are any facilities that will take the derelicts. It also allows an officer to contact only those facilities that past history or a pattern has shown will be likely to accept the individual. And it makes clear that civil protective custody can be used if no other facility is available to provide a place where the intoxicated derelict can sleep off his intoxication until he is reasonably sober. This is basically what the amendments are, and, Senator Nichol, the Chairman of the Judiciary Committee, and I worked them out together yesterday.

SPEAKER MARVEL: The motion is the adoption of the Higgins-Nichol amendment to LB 37. All those in favor of that amendment vote aye, opposed vote no. This is an amendment to LB 87. Have you all voted? Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the Higgins-Nichol amendment.

SPEAKER MARVEL: Okay, the motion is adopted.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER MARVEL: Senator Kilgarin. LB 87.

SENATOR KILGARIN: I move LB 87 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. LB 40.

CLERK: Mr. President, I have no E & R amendments to LB 40. I do have an amendment from Senator DeCamp and Koch found on page 1262 of the Journal.

SPEAKER MARVEL: Senator DeCamp, do you want to...?

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SENATOR DeCAMP: Mr. President, I almost hesitate to even suggest this. There is some controversy, there's some discussions going on on the subject of whether this should have a sunset and if it should have a sunset, specifically what date it should be. And from the people I have talked to I have a distinct feeling that they will work out something before too very long. However, at this particular point in time, despite the fact that we have no smoke filled rooms or clandestine meetings arranged, just some informal discussions, there is some disagreement. And I just almost think it would be better if we went on to some of the other bills there and let them talk among themselves here a little while before we take it up. And I would kind of ask to do that for a little while here at least.

SPEAKER MARVEL: Okay, the request...there is a unanimous consent that the bill be laid over. Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I think we can take care of Senator DeCamp's request by simply placing a motion to indefinitely postpone the bill on the desk and that will automatically lay it over until tomorrow. So I would just...I will put that motion on the desk now and that will take care of it.

SPEAKER MARVEL: There are other amendments. Senator Cullan, there are other amendments prior to yours. Senator DeCamp, are you making a motion on this bill?

SENATOR DeCAMP: No, I don't need to any more. That's kind of taken care of. I make no motion. We can go onto the next bill. That's got a motion on it. Yes, withdraw that amendment.

SPEAKER MARVEL: Okay, there is before us now a Goodrich-Newell amendment. Will you...the DeCamp amendment was temporarily withdrawn. We now have a Goodrich-Newell amendment.

SENATOR NEWELL: Mr. President.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Senator DeCamp, as I understand it, is going to offer his amendment, which...and if Senator DeCamp's amendment is successful, Senator Goodrich and I, after we parley, will decide what we will do with ours but we will work on Senator DeCamp's first.

SPEAKER MARVEL: Okay, Senator DeCamp, you have an amendment?

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SENATOR DeCAMP: Yes.

CLERK: Mr. President, Senator DeCamp moves to...Senator DeCamp and Koch move to amend the bill. The amendments... well, the amendments...Mr. President, the DeCamp amendment would read as follows: (Read the DeCamp amendment as found on page 1354 of the Legislative Journal.)

SPEAKER MARVEL: Senator DeCamp, do you want to explain your amendment?

SENATOR DeCAMP: Mr. President and members of the Legislature, many people in this body have suggested they were not going along with the indefinite extension of the Omaha sales tax. I, therefore, prepared an amendment originally in response to that that suggested December 31, 1983, be the deadline. Basically, you are talking about what, another two and a half years from now. In discussions with some Revenue people and others, they indicated that any new revenue-sharing plans that would be developed in 1983 and so on and so forth would create problems unless we had some coinciding of dates. So July 1 is the date the state operates on. So I moved it another six months to July 1, 1984. Whether that is reasonable or unreasonable, I certainly don't know but it kind of half-way makes sense to me the way everybody explained it. And Omaha was squabbling among themselves on it here just a little while ago as to whether it was going to be indefinite or whether we were going to have a sunset in there. I suggested to them as gently as I could that there were a number of people in the body, including people sitting less than a foot away from me to my right, for example, who might support the proposal if it had a sunset but would definitely not support it without a sunset. So I am putting the sunset in. I am suggesting that at least at this time it makes some sense and urging you to accept the amendment.

SPEAKER MARVEL: Okay, the discussion is on the DeCamp amendment as explained by Senator DeCamp. Now who wishes to....Senator Goodrich, do you wish to speak to the DeCamp amendment?

SENATOR GOODRICH: Okay, what I will do just for the sake of the people that are asking questions back here, is I will explain what is going on here. The DeCamp amendment, as I understand it, and, John, you can correct me if I am wrong, it just extends the authority until July 1, 1984. Correct? That is all in the world it does.

SENATOR DeCAMP: That is absolutely correct, and I might

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add, Senator, you said it correctly, I should have said it, it extends the authority if a new city council, a new mayor, or an old mayor and an old city council decide they don't want to use that authority, they don't have to have that sales tax. All we are doing is, the Legislature is giving them the authority, it's up to them to decide whether they need that money or want to use it, so remember that.

SENATOR GOODRICH: Thank you, John. Hello, okay, thank you, John. Now what we have got is two philosophies on this extension of the sales tax for the City of Omaha, one of which is the proposal that John is coming up with which is a straight extension until July 1, 1984, of the authority to levy it with no election, no nothing. We just do it down here. The other alternative we would have if this one was not acceptable to the body, would be that we could extend it say for one year and then, in fact, this one is hanging up there, extend it for one year and then let the people of Omaha vote on it. If they vote on it, it becomes a permanent extension of authority. So it's those two converging philosophies, or whatever you call them, that are going to have to be decided here today. You can't... in other words, there is not much sense in having both of them, you either go one way or you go the other way. As far as the amendment that is up there now, I will go along with it. It is literally....it's a case of bringing the thing back before us every so often. I don't really think we need to, but if that is the consensus of the body is to do it this way, that is fine with me. Let's do it.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, as Senator Goodrich basically outlined our alternative position, and my personal position is if the sunset gets on then I would urge Senator Goodrich with me to withdraw our amendment which would basically allow for it to run indefinitely. The sunset provision is one that I will support rather reluctantly because, frankly, the City of Omaha's financial condition is such that we may be in here about that same time looking for some other solution to our long-term problems. It is with great hesitation that I accept the sunset at all, except that I think that it might...Senator Peterson and others have indicated that it might help the bill along, and I guess at this point in time we have to deal with the political realities and not what would be preferable, and so I rise to support this sunset, but I

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think that we have to look briefly at Omaha's long term problems. It is very possible that within a year Omaha may be between one and two million dollars short even with the extension of the half cent city sales tax. It is very possible that in the interim if there are not significant economies in city government, we will find ourselves looking to some alternative sources of revenue like the garbage collection fee. That is a possibility ever with the extension of the half cent city sales tax. Omaha's financial situation is ~~imminous~~...~~imminent~~ I think is the better word and very, very difficult in terms of the extended future. We may, in fact, find ourselves back in the Legislature looking at alternative sources or authorization for alternative sources within a short period of time. But for the political realities of the day, I will support the extension of the termination in 1984 because I think it will bring us the necessary votes, or, at least, keep the kind of support we need to continue the sales tax which we are so dependent upon. I urge your adoption of the DeCamp amendment.

SENATOR CLARK: Senator....do we have an amendment on the desk to the DeCamp amendment?

CLERK: Mr. President, Senator Hoagland moves to amend the DeCamp amendment by striking '84 and inserting 1988.

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, you know, I am just really tired having been down here for three years and seeing the sales tax issue time and time again be used to hold Omaha hostage for other kinds of legislation. And I think that this amendment is just another attempt to bring the sales tax back in before this body in two or three years, so once again the Omaha sales tax issue can be held hostage to issues like the Vet College, to issues like the distribution for \$70 million and so on and so on and so forth. Now I think either the Omaha City Council ought to have the authority to levy an additional half cent sales tax or not. And to keep Mickey Mousing around and bringing it back session after session is really unconscionable, it is unfair to the people of the City of Omaha, and it generally contributes to the vote trading and the log rolling and the packaging that takes place on the floor of this Legislature. And I am not prepared to concede without a vote and without a fight that this body is unwilling to give us a lengthy substantial extension of the Omaha sales tax. And my amendment up here on the desk right now would extend the sales tax until 1988,

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and it would put it beyond the reach of this Legislature for eight years, and I think it ought to be beyond the reach of this Legislature for eight years because it really, I think these kinds of motives in acting and dealing with legislation are just plain wrong. Either the Omaha sales tax should stand on its own merits or not. But this business of continued votes of the people, of continued sunset clauses is just not right and I am not willing to concede that this body is going to act with those kind of motives until we have tested it with a vote. Thank you, Mr. Speaker.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, you know, Senator Newell was up here a few minutes ago lamenting the problems of the City of Omaha, and I am sure that they are indeed serious problems, but you have to kind of wonder in light of yesterday's election results how serious the people of Omaha are about their financial problems. If you will take a look at this morning's World Herald, you will indicate that their priorities are more parks, more tennis courts, more swimming pools. They approved a bond issue for more recreational facilities, when they have in theory the serious problems that Senator Newell alluded to, and while that may not present a very serious problem for Omaha in the near future as far as property taxes are concerned, it is certainly an indication that they are not very willing to take care of their problems as far as property taxes are concerned. Now their priorities, I guess I can't understand their priorities. In Hemingford when the city wants a new tennis court, you know, they put in a swimming pool not too long ago and they've done some of those kinds of things, but they kind of look and see if they have the money and they don't come to the Legislature asking for special taxes and things that the rest of the state don't have all the time. So I guess I am not as sympathetic as some of the other members of the Legislature might be with Omaha's problems when you look at the action of the people of the City of Omaha just as late as yesterday. As far as extending it to 1988, maybe there should be a little more accountability and they ought to come back down to the Legislature on occasion. I would hope that we could put together some kind of a revenue sharing program at some point in time, perhaps even give Omaha more money than we are giving other parts of the state, and get rid of this sales tax and quit eroding the state tax



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base. But let's not believe that Omaha's in as dire a shape as Senator Newell would paint for us today.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and Matriarch Labedz, I only have a couple of questions to ask at this point, and if I have any substantial debate, it will occur on the bill itself. I would like to ask...Senator Newell, are you supporting Senator DeCamp's version of the amendment? Oh, I will ask him, here he comes. Senator DeCamp, I can phrase the question and you can answer it when you get there. If the idea of coinciding dates relates to a July date rather than December, why not make the date July 1st, 1983, rather than July 1st, 1984?

SENATOR DeCAMP: I don't know. But somebody explained to me they need the extra year.

SENATOR CHAMBERS: But if...(interruption).

SENATOR DeCAMP: And I thought that was saleable.

SENATOR CHAMBERS: But if it was to coincide dates in terms of a July rather than a December date, it could as easily be July of '83 as July of '84, couldn't it? If the month is really...(interruption).

SENATOR DeCAMP: That would be an amendment you could offer.

SENATOR CHAMBERS: No, but I am asking based on the information you received.

SENATOR DeCAMP: Based on the information I received, July 1, 1984, seemed reasonable.

SENATOR CHAMBERS: But July rather than December was really the focal point. Whatever would be done.....

SENATOR DeCAMP: Yes, for me.

SENATOR CHAMBERS: ....would be done in July rather than December.

SENATOR DeCAMP: That was kind of the idea, yes, depending upon what the Revenue Committee is going to do and what the Legislature is going to do in the future.

SENATOR CHAMBERS: Okay, thank you.

SENATOR DeCAMP: But they wanted to have some predictability

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long term and July 1, 1984, seemed to be reasonable.

SENATOR CHAMBERS: Now where is....Senator Hoagland, I would like to ask you a question, but while you are coming, I would ask Senator Newell one. Senator Newell, I read where you were quoted in the news media, and I didn't see where they printed a retraction, that even with the extension of the half percent sales tax Omaha would probably need an additional half cent. Did you say that...of sales tax?

SENATOR NEWELL: Yes, I did.

SENATOR CHAMBERS: Where will that other half cent come from if it is to come from anywhere? Would the Legislature have to grant that authority?

SENATOR NEWELL: It would. I am, basically....

SENATOR CHAMBERS: That's all I wanted, and then you can....

SENATOR NEWELL: Well, if you want me to answer the question, I would be more than happy to answer the question, but I think....

SENATOR CHAMBERS: Let me get Senator Hoagland before my time runs out, and then if I have time I will come back to you.

SENATOR NEWELL: Well, simply said, I said that we might need an extension in the near future because of the financial problems of the city. Now....

SENATOR CHAMBERS: Oh, you didn't mean an additional half cent on top of this one?

SENATOR NEWELL: No, I said that I thought that the half cent extension that we are asking for now, which is the extension of what we already are authorized, may, in fact, not be adequate, and that we are going to have to look at some other source. I did not necessarily say a half cent...another half cent above that. I said some other sources of revenue.

SENATOR CHAMBERS: Okay, so we see from what Senator Newell has said that the half cent is not enough, and if Omaha is going to have to face some hard economic decisions, why not do like Abraham Lincoln said about the Civil War, "Until a crisis is reached and passed, the issue of the Union's togetherness will never be resolved". So apparently Omaha

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is going to at some point have to reach a crisis, and if the Legislature irresponsibly postpones it while these new people are given a false sense of security, made to think that this half cent that you might grant them is adequate, then they find out it is not and then they have to come and add another half cent to the top of that, I think it is an unfair thing to do to them. But here is what I would like to ask Senator Hoagland. Senator Hoagland, this relates to your "let my politicians go" amendment. By extending the sales tax to 1988, did I understand your intent to be to prevent Omaha from being wrapped up in these other bills where votes could be obtained from the Omaha Senators in exchange for the Legislature going along with Omaha getting a sales tax extension?

SENATOR HOAGLAND: I think essentially, Senator Chambers, I don't like Omaha year after year after year being held hostage by the sales tax issue, and I think we should get it out of this body. Either Omaha is entitled to levy a half cent sales tax or not. Let's make that decision up or down, one way or the other.

SENATOR CHAMBERS: I am going to surprise Senator Hoagland. Rural members of the Legislature, I support Senator Hoagland's amendment. I think you may as well extend it to 1988 or even 1990 to have it rounded off very nicely. His amendment is reasonable if the real intent is to help Omaha out of a financial plight. And I am going to see if that is what the intention of the Legislature is. I hate that Senator Schmit is not here because he said these bills are not linked together and I agree that they should not be. As you all know, I am opposed to the sales tax being extended. I am opposed to the sales tax on food whether it is by the state or the city and an increase in the city's tax automatically increases the amount of the tax on food. So there is no way that I in conscience can support an increase in the sales tax. But to get some equities balanced and brought into focus here, I think Senator Hoagland's amendment will accomplish that purpose. So in disregard of how I might vote ultimately on the bill, I am supporting his amendment to the DeCamp amendment.

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Speaker, members of the Legislature, as you all know I am a Senator from Omaha and I am opposed to the sales tax. But last night in Omaha we had an election and it looks like Omaha is going to have some new leadership in the City Council, and I think the present leadership...I think the President is named Steve Rosenblatt,

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he did not run for reelection and it is well understood why. The predicament Omaha is in, he and the other members of the City Council are largely responsible for. Now I am still not going to vote for the bill because the people in my district are against it. But I think in all fairness to the new people on the City Council, I think they are going to be more conservative. I don't think they are going to allow a Parks and Recreation Director who is going to go out and buy golf carts and they don't even ask for his resignation when he does it in such a manner to buy them without putting them up for bid. I don't think the new City Council is going to come out with embossed stationary like the present City Council has. And if the gentleman I think is going to be elected Mayor is elected Mayor, I am sure he isn't going to come out with two-colored stationary with a very expensive rag content.

SPEAKER MARVEL: I would remind you that we are still speaking to the Hoagland amendment.

SENATOR HIGGINS: I am, Mr. Speaker. So what I would like to say is this, even though I am going to vote against LB 40 because the people in my district are opposed to it, I would support Senator DeCamp's amendment to have this run to 1984, or I would support Senator Hoagland's amendment to compromise so that the newly elected City Council, this sales tax would be sunset when the new City Council four years is up, which would be about 1985. So that is all I would like to say, except for....Senator Cullan, you mentioned the fact that the people in Omaha voted a bond issue for more parks and recreation. My apologies to members of the press, but if you lived in Omaha you would know the selling job that the World Herald does on those kind of things, and it is just another one of those cases where the people got sold a bill of goods. Thank you, Senators.

SPEAKER MARVEL: Senator Kahle. We are still speaking to the Hoagland amendment.

SENATOR KAHLE: Mr. Speaker and members, I certainly object to the Hoagland amendment. I think even that July, 1983, is too long a time to be putting this forward. My main reason is that we are in the Revenue Committee going to make a desperate effort to get the so-called revenue sharing, 524, or whatever you want to call it, put together perhaps this summer and hopefully ready for next year's session. Now, if you are going to extend the Omaha sales tax to 1983, we are not going to have the pressure put on the Revenue Committee and the proponents of that type of legislation that we would have if they aren't in a bind. So that is the

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reason I think that time should not be lengthened out. One other thing I would like to say while I have the floor and I think it relates to what we are talking about, is the fact that many people over the state and some of our press people wonder why in the world, for instance, I, as a rural Senator, am concerned with the Omaha sales tax, and why we just don't let Omaha vote what they want and let it go at that. My whole interest in this is that I do think that we need more sales and income tax into the tax picture across the State of Nebraska in every community. And I feel that if we allow Omaha to solve their financial problems before we get the rest of them solved across the state, that we are not going to have the strength in this Legislature to do anything. That is the reason I am so interested in the Omaha sales tax and I am not interested in extending the time that far. I think that 1983 is too far. I agree with Senator Chambers' first statement that 1982 would be a better date. It would put us under pressure to get the job done. The longer time we give ourselves to do something, the longer it takes. I think a good example is this very Legislature. We are not in too big a hurry yet but just wait a couple weeks. Thank you.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I rise in opposition to the Hoagland amendment. I rise in opposition to the DeCamp amendment. When I came down here in 1979, one of the first issues that I had to deal with as a member of the Revenue Committee was the extension of the Omaha half cent sales tax. At that time the Mayor of the City of Omaha had told the Legislature the year earlier that we only needed a half cent sales tax for one year and that was it to take care of a temporary situation. He was wrong. Whether he lied to the body or whether he just misrepresented the facts unwittingly and unknowingly, it is frankly totally and absolutely unimportant. He was wrong. Omaha needed to have the additional one-half cent sales tax and that became quite clear to me as a member of the Revenue Committee in 1979 as I looked at our half cent sales tax bill at that time. The longer I am a member of this Legislature, the clearer it does become that Omaha needs to have the additional...needs to have the authority to levy an additional half cent sales tax and with that authority will so levy the additional half cent sales tax. The City of Omaha is financially in extremis. It has the highest property tax in Douglas County, the highest property tax levy in the State of Nebraska. It is taxing its taxpayers far more extensively than any other portion of the state, and that is notwithstanding our having a one and a

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half cent sales tax. We are in a bad fix financially. Now the reason I oppose the amendment is because it means simply that whichever way we go, whether we go with the Hoagland amendment or whether we go with the DeCamp amendment, the issue has to come back some time for re-review by this body. Now, frankly, local taxing authority can be reviewed by this body any time. You don't need a sunset provision to do it. But I guess one of the reasons that we want to put a sunset provision in here, frankly, is that we want to have an opportunity to look at Omaha again, and maybe to jerk Omaha around again, maybe to link the Omaha sales tax bill with other bills. And I have watched it this session. I watched it two years ago, and I think it is wrong. I think the sales tax needs to be looked at on its merit and if it doesn't have the merit in this body, then it should fail, and the city should just, you know, go down in flames. But it should fail if it doesn't have the merit. If we Omaha Senators and if we Omaha City Councilmen, and if we, the Omaha Mayor, can't convince this body of the merit of the half cent sales tax, then it should be defeated, and it should not be linked to anything. It should rise or fall on its own merit or lack thereof. Now I happen to think it has substantial merit, and I have been genuinely surprised at Omaha Senators that have voted against the half cent sales tax authorization, but they will make their peace later on with their voters and with the city. In fact, I must admit I have a certain anarchistic sense to watch this go down to defeat and to then see precisely what happens in our own community, to see what happens to services we are going to have to start charging user fees for, to see exactly how the people will respond, to see what our Chamber of Commerce really does then, as we begin to talk about an earnings tax and other things. But there is a right and there is a wrong and the right simply is to take the only metropolitan area in this state and give it the authority to impose the tax that the voters themselves have approved of imposing, and to let that authority go so long as the elected officials, the City Council, chooses to exercise it. And it is not to bring this issue back, as Senator Schmit would say, one more trip over the washboard for the noise and the glory, it's not to bring this issue back in 1984 or in 1988 or in July of 1983, but just to have the authority so our City Council can act. You know the reason I have been so hostile to the revenue sharing concept, the reason I have been hostile to the revenue sharing concept is because it doesn't give the local municipalities the authority to tend to their own business. It says every local government has got to come down here year in and year out and reargue the formula and reargue the money that is going to come down.

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And if local government doesn't have the ability to levy its own taxes and set up its own rates to raise its own revenues, then local government is nothing more, nothing more than an adjunct of state government and of state legislators. And I think that that is wrong with respect to our cities, because cities are unique creatures, cities need the ability to raise their own taxes and to tend to their own business. And all our city has ever done and all its voters have ever done is say to this Legislature, please, please, let us be able to use a sales tax so that we can finance government, and let's be able to use it as long as the City Council wants us to use it and not at the will of the Legislature. That is a fair request. I think both the Hoagland amendment and the DeCamp amendment should be defeated.

SPEAKER MARVEL: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman and members of the Legislature, I would rise to oppose the Hoagland amendment mainly on the basis that it seems to me that if the Revenue Committee is going to do a study of taxes thoroughly for this state, we need to be free to look at all avenues including sales taxes for cities and for us to put a date as far out as is suggested in this amendment certainly would tie our hands. I even am inclined to oppose John DeCamp's amendment to 1984. I would be much more favorably inclined to go to 1983, which gives the Revenue Committee time to make the study but at the same time doesn't preclude our saying, well, we want to do something with all the city sales taxes across the State of Nebraska. And I just would urge this body to defeat the Hoagland amendment and then hopefully maybe we can amend the DeCamp amendment to 1983.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I have a rather labyrinthine plan for myself with respect to voting on LB 40, and I guess I want to share with you my strategy here on my votes. First I am going to vote for the Hoagland amendment to the DeCamp amendment, and then if that passes, I am going to vote for the amendment to be attached to the bill, and then I am going to vote against the bill. But I am going to vote for the Hoagland amendment because it does exactly what several of the previous speakers have mentioned. Sales tax in Omaha is like a fish on a hook and that fish is Omaha and the hook that's in its mouth is placed there by the very

wise fishermen from the greater Nebraska area. I think Omaha deserves straight up an answer on the sales tax issue. They came in and they talked at the time about a temporary bandaid, but now we are talking about a permanent prosthetic device for Omaha's financial woes. That's what is really at stake here, and Omaha deserves an answer to that, and we should be prepared to give it to them in the form of LB 40. I think the State of Nebraska deserves the full consideration of the Omaha Senators as well as all other Senators on issues like the Vet College without their hands being tied behind their back and looking at the entire range of that issue, and determining the merits of that issue. It is not only LB 40 that gets tied up because of this but, in fact, other issues do not get to be considered on their merits as well because of their relationship to the Omaha sales tax. The taxpayers of this state deserve to have the distribution of the \$70 million of the personal property relief fund to be distributed on an equitable basis and to have that basis determined in the free play and marketplace of ideas rather against a background of coercion which is inherent with the kind of legislation that is being done with LB 40. I think we all deserve better than this kind of parade and double shuffle that gets done year after year on the Omaha sales tax issue. And I am prepared to live or die on the results of LB 40. I am not a fan of the Omaha sales tax. I have always voted against it. I intend to vote against it again. But if I am in the minority, if it is wise state policy, I am prepared to stand by that policy change and give to Omaha that authority. I think we should make that policy change and live with it. To that end then, I will vote for the Hoagland amendment because it moves off the sunset until 1988 and then I will vote for that amendment onto the bill. If the amendment is not satisfactory, that will work as well because the bill no longer....does not at this point have a sunset provision, and then I am going to be in a position to be able to determine the value of that policy pro or con for a good long period of time as will everyone else. And if there are 25 who are like-minded with me, then Omaha will not have a sales tax. And if there are 35 that are like-minded with John, then Omaha will have a sales tax and I am prepared to have that answer. I think the City of Omaha is prepared for that and deserves, and I think the State of Nebraska is prepared and deserves that kind of responsible legislation from this body.

PRESIDENT: Before we call on the next speaker, the Chair would like to announce a committee to escort the Mother of the Year, the Junior Mother of the Year, the committee when the Sergeant at Arms announces their arrival, which should



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be quite soon. First Senator Koch will escort the Mother of the Year, Mrs. Jackson. Senator Nichol will escort Mrs. Stoddard, the Junior Mother of the Year, I guess they call it. And Senator Marsh, will you escort Mrs. Henderson and the rest of her committee. So when the Sergeant at Arms announces that, why we will proceed to the special ceremony. We will proceed then with the next speaker in the order of speaking which is Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Speaker...Mr. Chairman. I am in agreement with Senator Johnson. It makes me very sad to realize that Omaha is not going to get LB 40 in its original form. I think too that the people of Omaha support overwhelmingly the extension of the Omaha city sales tax and in my estimation when it did go to the vote of the people, it would have shown that. As I reminded you the other day, there was about 50 or 60 people here visiting from Omaha and out of that group there was only one person that raised her hand and said that she opposed the Omaha city sales tax. I believe that Senator Johnson was right. We are bringing this bill...or this issue, back year after year and to extend it to 1984 is better than nothing, to 1988 is even better than that. But I am very reluctant to vote for either amendment because I think Omaha deserves the support of this Legislature to be able to put it on the ballot. LB 40 in its original form would have been ideal. It would have made a lot of people, not just the city officials, but the City of Omaha, the people themselves do deserve a right to vote on whether or not we are going to have an Omaha city sales tax. It is frightening to believe though that LB 40 would not pass without one of the amendments, and it puts me in a predicament knowing that the people would prefer to vote and yet we are going to have to settle for 1984 or 1988. I would much rather have seen us vote on LB 40 in its original form. So I urge the members of this Legislature to think twice about what we are doing to the people of Omaha. It deserves a vote of the people. In two years, and as Senator Higgins mentioned, we are going to have new administration in the City Council, at least, only one member was elected incumbent and there will be new leadership in the City of Omaha, and, therefore, I still think that LB 40 in its original form was the best way to go, and very sadly I will have to vote for one of the amendments, but think twice what we are doing. We are taking away again the right to vote from the people, and they deserve that in Omaha. Thank you.

PRESIDENT: The Chair recognizes Senator Newell.

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SENATOR NEWELL: Mr. President, I would call the question. A call for the question.

PRESIDENT: Do I see five hands? I do. The question is, shall debate cease? All those in favor of debate ceasing vote aye, opposed nay. Have you all voted? The question is, shall debate cease? Record the vote.

CLERK: 26 ayes, 7 nays to cease debate, Mr. President.

PRESIDENT: Debate ceases and, Senator Hoagland, you may close on your amendment to the Decamp amendment.

SENATOR HOAGLAND: Mr. President and colleagues, I just want to make a few remarks in closing. First of all I want to incorporate wholeheartedly Senator Vard Johnson and Senator Landis' remarks. I think they stated my concerns better than I did. It is really time to fish or cut bait on the Omaha sales tax. Now, you know, I am just...I am not on the Revenue Committee and I don't deal with these elaborate bills like 284 and LB 40. I am just a simple-minded urban lawyer that works on water and appropriations last year and I am not privy to all these different considerations that are being made. But in the three years I have been here I have really seen enough about the way the Omaha sales tax bill has been whipsawed that I am just very, very upset, and I think it is unfair to treat legislation that way. I think it is unfair to treat measures that are important to one sector of...or one geographical area of the state hostage for other things elsewhere in the state. Now this is at least the third session that Omaha has been whipsawed on this issue. This Legislature twice before has said it is all right for the Omaha City Council to have the authority to levy an additional half cent sales tax. The city has been down here session after session and made a case for it, and the Legislature twice has agreed with that case and in previous sessions has said, you ought to have the authority to levy the half cent sales tax. Now in addition to that, the people of the City of Omaha in a poll and in an election in May of 1980, and I have once again distributed those results, have substantially approved the percentage in the range of 68 to 70 percent of those people voting on the issue at the polls in May of 1980, have said they want an extension of the Omaha city sales tax. The city leaders in Omaha, the Chamber of Commerce, the newspapers, you know, virtually anybody that has taken a hard, cold look at this issue is in favor of giving the Omaha City Council, the elected representatives in the City of Omaha the authority to do this if they want. I think it really is time to fish or

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cut bait. Now I would remind my colleagues from cities like Lincoln and Grand Island and North Platte and Hastings and Kearney and Fremont that as the Omaha city sales tax issue is used to whipsaw Omaha on issues like the distribution of the \$70 million in personal property tax exemption fund, why those cities are being hurt also, because those cities suffer proportionately like Omaha does when unfair distribution systems are set up by the Legislature. So it really doesn't help the taxpayers in those areas either to keep bringing this issue back session after session after session. Now, finally, let me bring to your attention an editorial that was in the Lincoln Journal on April 5th, and here is what the editorial writer states in the conclusion. He says, "One way or the other, however, this polka should end. Either the special taxing authority should be scratched or the Legislature should acknowledge that it has been permanently snookered and get on with it." Now one way or the other I would like to test this body and see whether or not there is not the sentiment for a substantial and lengthy extension of the Omaha sales tax because, frankly, as Senator Johnson has indicated and as Senator Landis has indicated, I am really tired of our getting whipsawed year after year after year. Now let's be fair to the City of Omaha. Let's vote it up or vote it down on the merits and not for other reasons. I urge you to adopt this amendment. Thank you.

PRESIDENT: The question is the Hoagland amendment to the DeCamp amendment. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 11 ayes, 25 nays, Mr. President, on Senator Hoagland's amendment.

PRESIDENT: The motion fails.

CLERK: Mr. President, if I may, right before the ceremony... yes, could I...

PRESIDENT: Go ahead, Mr. Clerk.

CLERK: Senator Howard Peterson would like to print amendments to LB 512. Your Committee on Ag and Environment whose Chairman is Senator Schmit reports LB 547 to General File with amendments and LB 105 as indefinitely postponed, both signed by Senator Schmit. (See page 1355 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Sergeant at Arms, Ray Wilson.

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SERGEANT AT ARMS: Mr. President, we have much love in our midst this morning. We have the Nebraska Mother of the Year, the Young Mother of the Year, and the Chairperson of the Mother of the Year Committee. These will all be escorted by your announced committee.

PRESIDENT: Will the committee escort the Mother of the Year and the Young Mother of the Year. Do you have some matters to read in, Mr. Clerk?

CLERK: No, sir, I do not.

PRESIDENT: All right, we will proceed then with LB 40 with the DeCamp amendment then. Another amendment to the amendment. Would you read the amendment, Mr. Clerk?

CLERK: Mr. President, Senator Howard Lamb moves to amend the DeCamp amendment. (Read the Lamb amendment as found on page 1355 of the Journal.)

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, in visiting with some of my colleagues about the so-called deadline or sunset date, it seemed that a number of people were interested in a shorter date, an earlier date, so this amendment is an attempt to test the waters to see what the consensus of this body is in regard to the proposed termination date or reaffirmation date. I think as we get these dates longer and longer they become less and less a sunset provision and I would think that if there is going to be a sunset provision, it should be relatively soon. I offer you this earlier 1982 date.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President and members of the body, when you speak about the sales tax and I know the needs of Omaha as well as almost anyone in here, I have read the newspapers like all of us have about the shortfall of dollars, each time we provide to the cities the sales tax I would remind you that the state in some way is hampered from carrying out services to the total state. I understand Omaha is the only metropolitan city, but I also understand what I think is efficient government as opposed sometimes to inefficient government and I would remind you that Omaha does provide services free to people that many of us pay for in our own communities. I would remind Senator Lapedz that she handed out this bill of 1982, but the community in which I live, the City of Belton, recently went to a

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vote of sales tax for that community and they have a millage rate for the city of about 25 mills. The people resoundingly defeated that issue of sales tax. It was a political issue in the last election of the Council and Mayor. So I want you to know, Senator Labeledz, that I happen to look at that poll with some jaundiced eye. I agreed to carry the sales tax for Omaha without duress, and contrary to what some people say it wasn't because I was afraid Omaha is going to annex Ralston, and I want the record clear. I did it because I was willing to help them resolve their financial problems for a period of time, but in good conscience I cannot support a tax which I think is a privilege we give that city forever and ever. In view of the fact that we are looking at difficult dollars here in our own budgets and trying to cut services, with the federal rescissions that are taking place, I think for us to give a tax like this forever to someone, whether it be Omaha, Lincoln or some other great city of this state, we could not qualify it nor justify it. This state may have to call upon the citizens before very long to increase our own sales tax rate with an equal amount of income and corporate tax. And you and I know that it will get hot in the kitchen. I know and I have preached this for a long time that sales tax is painless and it does reduce property tax, but some people here did not believe me and ask Senator Warner, he went through the same traumatic experiences I did. I can never forget the fact when LB 33 was defeated the people of Omaha signed petitions by the hundreds and said, we don't want any additional sales tax because that is a burden we cannot take, yet that bill was of significance to the whole state in how we financed public schools. You have to forgive me if I come back to that subdivision of government because it takes the biggest bite out of property taxes all the time yet it performs a service for boys and girls in the State of Nebraska which is truly needed. I am going to support Senator Lamb's amendment. I did it the last time we talked about sales tax. I put the sunset on it. I don't think it is unreasonable for the city officials of Omaha to come to the Revenue Committee every two years and tell us or advise us of their financial problems. That is not unreasonable. The sunset provision in this body is not unusual. We sunset commissions. We sunset agencies. We sunset many other kinds of activities. So I don't feel that we are working a hardship on Omaha by saying that you are going to have to request the sales tax again if you want it. One final concluding remark, and I know all of you are getting hungry or something, but I happened to read in the World Herald not too long ago where Senator Newell had a discussion with Mr. Richardson and others about the plight

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of Omaha's financial problems. They stated in there and it is in headlines that are rather large saying that Omaha could likely have come to the Legislature and asked for another half cent sales tax within a matter of a few years, or they would come to the Legislature and they would ask for an earnings tax. So that is going to happen, and I believe by giving Omaha a half a cent sales tax for the next two years without any guidelines is fair and reasonable. I also think it is fair and reasonable for them to come back here occasionally and say to those who are elected at large and by districts, we need help, will you help us one more time. When I look in the paper and I see remarks such as were printed in the paper the other day, and you have a copy in front of you, I didn't distribute it....

PRESIDENT: You have a half minute, Senator.

SENATOR KOCH: ....I get enough criticism from people without taking it from highly elected officials. I have often referred to this as a tunnel of wind but that is an inside joke. I have sometimes called it a zoo, but I have never stated it publicly. But when a high official of a great city refers to this body as a zoo and you have to take two to get one, I think he is rather naive. That is not the case here. We are not trading. We are looking at each issue on its own merit. All of us do that, and occasionally we compromise each other and I have done this with Senator Lamb and others because they have a point of view that I don't quite always understand but I am willing to take that risk because I respect his character and his reputation. I do that with each and every member of this body and so I am sorry that the high official of the metropolitan city referred to us in what I thought was a very undignified manner, yet I would say to him in good joke that sometimes good things happen at zoos and he hasn't always wanted to support that one in Omaha because sometimes animals have better instinct and act better than a lot of other people I know. I am going to support Senator Lamb, sunset it, half a cent, two more years. Let them come back and ask us again. Thank you.

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the body, I have been here this is starting the seventh year and I very seldom, if ever, have spoken about Omaha's sales tax. I want to support Senator Lamb's amendment, and if we can get at it at a shorter period of time, I would support such an amendment. I think too long we have been dictating to

Omaha what they should do. I think we have too long been solving the problems, the financial problems, of Omaha. I think we ought to leave Omaha alone, let them solve their problems if they have them, let them go to their own people if they have financial problems, let those people who vote solve the problem. I was not in favor of district elections, but no, the Legislature says, by golly, you are going to do it the way we say not the way your people want it. And I think we should allow the people in Omaha to run their own city. If they run it in the ground, okay, they can change their public officials. If the public officials ~~coming in~~ don't want a tax, let them live with it. If they find out after they get there they have to have one, let them put it to a vote of the people in Omaha. I am getting a little tired of trying to solve Omaha's problems. I live 450 miles from Omaha, if you go around by the way of the Interstate exactly. What do I know about it? Not all that much. All of you with the exception of some 13 or 14 live outside of the City of Omaha and here we are about 35 or 6 or 7 of us trying to tell Omaha how to solve their problems. I hope some day Omaha takes care of their own problem and handles it and quits coming down here and saying, won't you help us out, won't you bail us out with this? Let them handle their own problems.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, things have reached a turn now where I can't just look at the amendments, I have to look at the broader reality. Senator Lamb, my heart is with what you are doing, but I have got a message to the delegation that comes from Omaha and Douglas County. I have watched you whine, snivel and beg these people to give you things and you don't get it. I think a line has to be drawn and you say I have been pushed this far and I will be pushed no further. You ought to defeat this amendment and any other amendment to LB 40 and push for the bill as it was introduced. And if you lose the bill, you will salvage something of your self-respect and dignity for the city that you say means so much to you. Now that city is trying to destroy my community so it doesn't mean anything to me. But unfortunately I continue to be lumped with this delegation, and when the rest swallows spit, they think that is what I am doing too. So what you ought to do is draw the battle line, or accept the battle line that has been drawn, Senator Goodrich, Senator Labedz, Senator Newell, and say we are going to fight for the sales tax bill as it was introduced with no compromises and without being a hostage. And if that means that the rural Senators will not vote for it, tell them

to shove it, and I don't use that kind of language. And then don't vote for that distribution plan that they want. You have enough votes to control things that happen here, but you tuck tail and run every time they threaten you, and that is why when you make the threat that you are going to work as a unified delegation, they don't believe you because they have seen you crumble too many times. So you ought to join as a solid phalanx even if it means losing the sales tax this year. Lose it, but lose it for fighting for what you thought was worth fighting for, and don't grovel any more. Let the line be drawn this moment, and don't you vote for any of these amendments, and fight for the bill. And I will tell you what I will do, because I think the dignity of the delegation is worth something, and if we can find some way to inspire the Senators from Douglas County to rally as a group and you would stick, then I would vote with you. If you will not compromise another bit on this bill, even though I don't like the sales tax, I think there is something far more significant at stake now and it is the representation that the city gets down here from the people who were sent here. Swallowing how I feel about the wrong that has been done the people that I represent by the officials of Omaha, I will vote with you on LB 40 if you reject every amendment and every compromise. And then if you will agree that if they don't vote for this bill, and when I say they, those from greater Nebraska or wherever they come from, you will not vote for any distribution formula that they come up with, and show them that you will be a force to be reckoned with as a unified phalanx in the way that they cower and intimidate you all the time. So I am opposing Senator Lamb's amendment admitting that I like it. I don't want the sales tax, but I would rather see the city have some kind of decent representation even if it means taking a reprehensible provision. I would rather see that than to watch day after day the cringing and the crawling and the begging, and the problem is you don't even get anything after you have done it. So I would advise all of the Senators from Omaha, if you are going to take a stand, to take it now. But I am not going to shilly shally. If you don't defeat Senator Lamb's amendment and then defeat Senator DeCamp's amendment, then I am going back over with the Senators from greater Nebraska and I am going to get my hand on the bull whip and lay it on you too because you get what you deserve. And if you won't flex your muscles and use the political power that you have since power politics is what is being played, then you deserve to be walked on like a doormat. And if you are going to put yourself down there, then I am going to add my sighs, whatever they are, on your hind end also.

PRESIDENT: The Chair recognizes Senator Newell.



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SENATOR NEWELL: Mr. President, members of the body, for the first time today I rise to support Senator Chambers. I'm in total agreement with my colleague from north Omaha. And I think we all understand the game here and I think that is exactly it. You know, I first thought there was some sincere desire, a very sincere desire to see this sunsetted, and then I've come to realize that that sincerity is really just a poorly guised desire to kind of link this thing together again in 1983. Well, I rise to oppose that. I guess there does come a time, as Senator Johnson said to me so eloquently in the car the other day, there comes a time when you just can't play the game no more and you have to be a little honest and you have to be a little forthright and you say, you know, we will go a couple steps and we will go a long ways, but, you know, we just can't go and go and go forever. Now the goose is sick and I am not sure that there is a lot of folks who have been eating off that table, that Christmas goose that's sick, we will call it Omaha, been eating off that table for a long, long time and they want to keep eating off that table. Well, that table may not be near as attractive as some believe it is. That goose is sick. That goose...that meat may not be all that great and those people who have been feeding off of Omaha and wish to continue to do it with this amendment, try to tie it together, might find that the meal is a little bad, tasteless, unedible. Omaha is in financial trouble. There is no question about it. We need the sales tax. There can't be much debate about that. We are going to have to find other alternative sources in the years to come. There is very little debate about that. We should, in fact, fight for our fair share of distribution under the \$70 million, but we don't because we are being held a hostage, hostage to some people who play games, who offer deals and so forth. I guess we have come to the end of our rope here. This amendment, if there is a desire to have a legitimate sunset, let that be '84, not '83. That's to satisfy those who legitimately believe that this issue ought to come back before the Legislature, those people who wish to use it. I would hope you would reject that and move this bill along.

PRESIDENT: The Chair recognizes Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. I have been here now going on my fifth year and I have sat here day after day trying very hard to agree with some of the things that Senator Chambers has brought up, and today for the first time I believe that I one hundred percent agree with Senator Chambers. I don't agree with some of his remarks because I guess I am a little naive, I hate to think that

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we are being held under control, that there is games being played. All I am asking is that we take LB 40 in its original form. I will vote against any amendments because I think the people of Omaha deserve a chance to vote on this issue. I even approve of some of the remarks that Senator Landis made. I don't approve of the fact that he is going to vote against the bill in the end, but I really and truly believe...and this reminds me of what happened to the Omaha city sales tax a couple years back when a motion was made to hold the Omaha city sales tax until the last day of the session. I had to stand up and say that if there was any decency or integrity left on the floor, we would defeat that motion because I felt at that time that it was being held for a reason. Again, I ask you, do not vote for any of the amendments. I want to see LB 40 with a chance to go across the board as it now stands. And as I said before, it isn't so much that I am standing here trying to support the present administration. We are going to have new leadership, maybe we can do away with it. I spoke to Senator Carsten a short time ago. If we have this study, it may come to the point where we will go into revenue sharing, where we will entirely do away with not only the half percent but the entire city sales tax. Up to that point, I urge you that Omaha wants to see this bill moved across in its present form, and I thank Senator Chambers for his remarks. I hate to think, and I am sure that many of you do think that LB 40 is being held hostage. I don't like the word, never did, and I urge you to vote against the amendments and let's give LB 40 a chance to go across the floor as it was originally introduced, and the people of Omaha will decide whether they want the half percent city sales tax or not. Thank you very much.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, to break the tension I want to tell you three short stories, and they all kind of have a bearing after a fashion. The first little short story... now quit complaining back there, has to do with the greatest political wheeling, dealing, trading session in the history of the country. About two hundred and five or six years ago a group got together, they decided they wanted to come up with a Constitution. They had special interests here, special interests there, some 13 states or whatever it was. There was more vote trading, more trading of this and that than at any session on any floor of any Legislature ever since. In fact, one of the most prevalent examples, one of the most clear examples, was how we had the big states. The big states said, look, population is it. We've got the people we should have the representation. They got it,

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called the House of Representatives. The little states said, well, wait a minute, we've got no people but we are a state too, each state should have just as much representation. They got something called the U.S. Senate, and so on and so forth. Issues linkage, political reality, special interest pressure balancing one side and the other has been the history of this country, and you are seeing some of it here today on one of the issues. You are seeing pressure for this, support needed over here from certain sides to get what one group wants. All it is is a manifestation of the wonders of our political process. It has worked pretty good. The second story has to do with the greatest wheeler-dealer, compromiser that I have seen in the history of this state in the Legislature. Now I will give you a hint. It is not Johnny DeCamp. You see, Johnny deals in this fashion, he brings people into a room, he talks to this side, talks to that side, keeps working together, and that system works pretty good. He would have a good strong base of votes and so on and so forth. But what if you don't? What if your philosophy is way over here, let's say. What if you are a total minority? I mean literally. What if the color of your hide is black, how would you deal with an issue, how would you get your point across? You would do like the greatest compromiser wheeler-dealer does in this Legislature. Ernie forces more compromises than I ever did. Now he does it different. He gets up and he says what he is going to do to you. He uses the process and he uses it well, and I have seen it on bill after bill, whether it be abortion bills or product liability bills. He keeps wearing you down until you go with him, maybe 20 percent, maybe 40 percent. He uses the technique that works best, and he is a master at it, and I applaud him. The third story has to do with when I was a little boy. I was out hunting one time and I found a rabbit or some doggone thing caught in a trap and I tried to free it because I hated to see it suffer. The doggone thing turned around and started biting me in the hand. I kind of feel that way sometimes when dealing with you Omaha folks. You have got about six different leaders going eight different directions. Now maybe I have been tricking you all along. Maybe I just outfoxed Ernie. Or maybe Ernie and I outfoxed you all. Hell, we may have had a deal going here. But I will tell you this, right now for the first time I have seen the Omaha delegation kind of talking all out of the same mouth. And I will tell you something else. You can have LB 40 in its pure form which is my original bill, which I am plum satisfied with, and you can prove that you can work together just once in your life, and I am going to give you the shot here. You will advance LB 40 today if one hundred percent of your Omaha delegation all votes for it in its pure form. That's the only way you

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will get it advanced, I think, in its pure form. That means Larry Stoneys and Marge Higgins and Ernie Chambers and so on and so forth, all your opponents. If you ever work together on something, you can do whatever you want. I ask unanimous consent to withdraw my amendment and let you have your shot. I think you will lose a lot of rural votes because I think they are determined. I think they are determined to have a sunset. But I think you Omaha people are entitled to have your one shot at the bill in its pure form, the way I introduced it, and as I say, I think it will advance only if as a group for the first time ever in your lives you all stick together. I ask unanimous consent to withdraw it.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The unanimous consent would have to come from Senator Lamb. We are dealing with the Lamb amendment to the DeCamp amendment. And the Chair now recognizes Senator Hefner.

SENATOR LAMB: Who, Mr. Chairman?

SPEAKER MARVEL: Excuse me, Senator Lamb.

SENATOR LAMB: Well, if I were assured that if I withdraw my amendment...if I get unanimous consent to withdraw my amendment to Senator DeCamp's amendment, and then if I was assured that he would gain unanimous consent to withdraw his, I would be favorable. So I will take that chance, I will withdraw my amendment to the DeCamp amendment.

SPEAKER MARVEL: Senator Lamb requests that he be allowed to withdraw his amendment. Is there any objection? If not, so ordered. Senator DeCamp. Yes, the DeCamp amendment is withdrawn. Just a minute, do I hear any objection? If not, so ordered. What else do we have? There is an amendment on the desk from Senator Goodrich and Senator Newell.

SENATOR NEWELL: We will temporarily withdraw the amendment.

SPEAKER MARVEL: Any objections? If not, so ordered.

CLERK: I have nothing further on the bill, Mr. President.

SENATOR NEWELL: Mr. President.

SPEAKER MARVEL: Yes.

SENATOR NEWELL: Mr. President.

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SPEAKER MARVEL: For what purpose do you arise, Senator Newell?

SENATOR NEWELL: I would request a Call of the House.

SPEAKER MARVEL: The motion that we are dealing with is the advancement of the bill, and that is a debatable motion and there are one, two....there are nine lights. The Chair recognizes Senator Hefner.

SENATOR HEFNER: Mr. President.

SPEAKER MARVEL: Excuse me. For what purpose do you arise, Senator Haberman?

SENATOR HABERMAN: I rise to move to adjourn until 1:30.

SPEAKER MARVEL: Would you try recess instead of adjourn?

SENATOR HABERMAN: I move to recess until 1:30.

SPEAKER MARVEL: The motion is to recess until 1:30. All those in favor, and a machine vote has been requested, those in favor of adjourning until 1:30 vote aye, opposed vote no. Okay, we will start over again. All those in favor of recessing until 1:30 vote aye, opposed vote no. Anything else I missed? Okay. Record the vote.

CLERK: 5 ayes, 29 nays to recess, Mr. President.

SPEAKER MARVEL: The motion lost. Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, before I start talking I would like to ask the Clerk to read the motion that we have before us now.

CLERK: The motion is to advance the bill, Senator.

SENATOR HEFNER: Okay, that is LB 40?

CLERK: Yes, sir.

SENATOR HEFNER: Okay. I would have to oppose advancing this bill at this time because as I gather now it does not have the sunset provision. And I have been in the Legislature four years, going on five, been a member of the Revenue Committee all these years, and every time Omaha has presented this bill to us they said it was a temporary situation...give us another year, give us another two years or maybe three years, we will find a way out, we will

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get our house in order, we will take care of it, and then we can take this temporary sales tax off. And so I submit to this body if this is the case, then why don't you want to see a sunset clause on here on '83 or '84? I believe it would be only fair that you allow us to have this. And with that in mind, I stand here opposing the bill as it is.

SPEAKER MARVEL: Senator Burrows, do you wish the floor?

SENATOR BURROWS: I would like to call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, all those in favor of ceasing debate vote aye, opposed vote no. Okay, record.

CLERK: 25 ayes, 4 nays to cease debate, Mr. President.

SPEAKER MARVEL: The motion is carried, debate has ceased. The Chair recognizes Senator DeCamp to close.

SENATOR DeCAMP: Mr. President and members of the Legislature, I think the debate on LB 40 and the related issues has been some of the best we have ever had. We have all learned a lot. We have learned about our taxation system. We have learned about each other a little bit. I have said that I withdrew my amendments for one purpose, to give Omaha their shot, their chance to see if they can do as a team all working together what they can't do the way they have always operated in here. And, quite frankly, I repeat it again, the only way you are going to win is if every Omaha Senator decides to support the concept. Now you are going to lose some votes. You might lose me. You might lose...I guarantee you will lose Hefner, probably Kahle, a bunch of others. What you have got is your chance to do what you keep claiming you want which is free yourself from linkage of issues. And I am going to yield one minute at the request of Senator Labeledz to Senator Higgins, because I probably won't vote to advance it if she doesn't.

SPEAKER MARVEL: Okay, there are two minutes left.

SENATOR HIGGINS: (Microphone not on)...what it's like to be between a rock and a hard place like I feel right now. I have said repeatedly that I have to dance with the fellow that brought me and the 9th Legislative District according to my own personal poll shows that they who are comprised of very low income, middle income people, not many of them, 45 percent of them over 65, living on food stamps and welfare, I cannot go against those people when I gave them

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a commitment that I would vote with them and not against them, but I also want to remind you there is an entire City of Omaha to be considered and I don't think Omaha would be in the position it is in today if we would have had some decent leadership four years ago instead of... they call this a zoo, the clowns that they have got in the City Council up in Omaha. They are responsible for putting Omaha where it is. So I am going to have to keep my word to my people. But for the overall good of Omaha, I would like to see the new seven City Council members that are going to be elected next month, and I won't mention the Mayor's race at all, but I would like to see those people who are now elected by district given the opportunity to pull Omaha out of the rocks and maybe show that we can run that city economically and feasibly without coming back to the Legislature every year.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? (Microphone not on)...go under Call. All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 12 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators should be in their seats. Record your presence. And all unauthorized personnel please leave the floor. Senator Fenger, Senator Burrows, Senator Wiitala, Senator Koch, Senator Howard Peterson, Senator Landis, Senator Remmers, Senator Newell, Senator Nichol. There are two absent, Senator Chambers. The rest are accounted for. A roll call has been requested. Clerk, call the roll.

CLERK: (Read the roll call vote as found on pages 1356 and 1357 of the Legislative Journal.)

SPEAKER MARVEL: The House is still under Call.

CLERK: 26 ayes, 17 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried and the bill is advanced. Now, Senator Haberman, would you like to recess us until 1:30?

SENATOR HABERMAN: I would move we recess until 1:30, Mr. President.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. We are recessed until 1:30. And while we are

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LR 54  
LB 167, 72, 205, 378, 40,  
44, 87, 173, 292, 292A,  
317, 536,

SENATOR CLARK: We have about three pages left. Can we get the Legislature to take their seats and vote on the bill. Continue.

ASSISTANT CLERK: Continues to read LB 167.

SENATOR CLARK: Everyone is in their seats please. All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 30 ayes, 13 nays, 5 present and not voting, 1 excused and not voting. Vote appears on page 1375 of the Legislative Journal.

SENATOR CLARK: The motion passed, the bill is passed. We have 40 students from Westlawn Elementary School in Grand Island in Howard Peterson's district. Roger Lee is the teacher. They are in the north balcony. Could you raise your hands please. Welcome to the Unicameral. We will now go to item six.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 11:00 a.m. LB 72 and 205.

Senator Marsh would like to print amendments to 378.

The Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 40 and find the same correctly engrossed, LB 44 correctly engrossed, LB 87 correctly engrossed, LB 317 correctly engrossed, LB 292 correctly engrossed, 292A correctly engrossed, 173 correctly engrossed and LB 536 correctly engrossed.

Mr. President, a new resolution. Read LR 54. That will be laid over Mr. President.



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on General File.

SPEAKER MARVEL: You have heard the motion. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted? Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to suspend the rules and place the bills on General File.

SPEAKER MARVEL: Okay, the motion is carried. The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, I have a motion.

CLERK: Mr. President, Senator DeCamp moves to suspend Rule 6, Section 7(b), so as to consider LB 40 on Final Reading today.

SENATOR DeCAMP: Mr. President, as you know, 40 is ready for Final and I just think it would be good to clear the air and get this one out of the way and I think the cowboys are ready to get this issue settled and just get the bill passed in its present form. And I would urge you just to get it over with. It would take about three or four minutes to read it, or less. We'd get this one out of the way.

SPEAKER MARVEL: The motion is to suspend the rules and take up the bill. Sir?

SENATOR DWORAK: On Final Reading? The motion is to move a bill on Final Reading and it's not on the schedule?

SPEAKER MARVEL: The motion is to suspend the rules so it can be considered on Final Reading. That's the issue.

SENATOR DWORAK: And read...the normal process of Final Reading at three minutes to twelve.

SPEAKER MARVEL: Yes, sir. Senator Hoagland. This is a debatable motion.

SENATOR HOAGLAND: I would just like to rise briefly in support of this motion, Mr. Speaker. I think that...I have talked to a number of persons in the body this morning, and I think that there is a sentiment to suspend the rules and to pass LB 40 on Final Reading, and I would just strongly recommend that we proceed. Thank you.

SPEAKER MARVEL: Senator Barrett.

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SENATOR BARRETT: Mr. Speaker, if it's in order, I move  
that we recess until 1:30.

SPEAKER MARVEL: All in favor of recessing until 1:30  
say aye. Opposed no. The motion is carried. We are  
recessed until 1:30.

Edited by *LaVera M. Benischek*  
LaVera M. Benischek

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LB 40, 129, 296

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony from Senator Fowler's District, it is my privilege to present 25 fifth and sixth grade students from Saratoga School, Lincoln, Nebraska. Mrs. Janice Harry, Mrs. Connie Niett, Mrs. Wanda Dissmeyer are the teachers and you are in the North balcony. Will you raise your hand so we can see where you are? Record the vote.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: The Clerk will read the items.

CLERK: Mr. President, your committee on Judiciary to whom was referred LB 129 respectfully reports the same back to the Legislature with the recommendation it be advanced to General File as previously amended.

Mr. President, Senator Cope would like to print amendments to LB 296. That is all that I have, Mr. President.

SPEAKER MARVEL: We are ready for a change in the agenda and the first motion, if I can have your attention, I would like to make a comment. The first change in the agenda or the first motion should be a change in the agenda in order to take up LB 40. Does anybody want to speak to that motion? The first motion is the change in the agenda in order to take up LB 40. The Chair rules that you have to overrule the Speaker's order. Are you already for that motion? All those in favor of overruling the Speaker's agenda vote aye, opposed vote no. Senator Marsh.

SENATOR MARSH: (Mike off) I am sorry but I do not know what the issue is (inaudible) and I need to have it clarified further before I vote on this issue.

SPEAKER MARVEL: Senator Dworak.

SENATOR MARSH: I am not debating.

SPEAKER MARVEL: The original motion was the motion by Senator DeCamp and the Chair is ruling that in order to proceed with that motion you have to overrule the Speaker's agenda. So what you are now doing is voting one way or the other to either sustain or overrule the Speaker's agenda. That is about as plain as I can make it, Senator Marsh. Have you all voted? Senator DeCamp.

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SENATOR DeCAMP: Mr. President, since this requires 30 votes and there is gobs of people absent, I would request a call of the House and take call ins.

SPEAKER MARVEL: The motion is shall the House go under Call. All those in favor of that motion vote aye, opposed vote no. Senator Dworak.

SENATOR DWORAK: Request a roll call please. Roll call.

SPEAKER MARVEL: Okay, record.

CLERK: Senator, do you want a roll call on the motion to go under Call?

SENATOR DWORAK: No, I want a roll call....

CLERK: On the motion to suspend...overrule the agenda.

SENATOR DWORAK: ...rather than sit here for an infinite amount of time waiting for call in votes.

CLERK: Mr. President, 33 ayes, 1 nay to go under Call.

SPEAKER MARVEL: Record your presence. Senator Howard Peterson, would you please record your presence? Senator Hefner. Senator Newell, would you please record your presence? Senator Cope. Senator Newell, would you please record your presence? Will you all please take your seats so we can proceed with the roll call? Is everyone in their seats so we can proceed with the roll call? The issue is whether or not you wish to overrule the Speaker's agenda to consider LB 40 at this time. This takes 30 votes. So you are seeking 30 votes is what you are doing. Call the roll.

CLERK: (Roll call vote taken. See pages 1464 and 1465, Legislative Journal.) 31 ayes, 12 nays, Mr. President, on the motion to overrule the agenda.

SPEAKER MARVEL: Motion carries. The agenda is overruled.

CLERK: Mr. President, I have a motion on the bill. Mr. President, Senator Newell moves to return LB 40 to Select File for specific amendment, that amendment being to (interruption).

SENATOR NEWELL: I will just withdraw that.

CLERK: All right, I have nothing further on the bill, Mr. President.

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LB 40, 376, 326, 146

SPEAKER MARVEL: Go ahead, read the bill.

CLERK: (Read LB 40 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Record the vote.

CLERK: (Record vote read. See pages 1465 and 1466, Legislative Journal.) 30 ayes, 15 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed. The next order of business is General File, item #7.

CLERK: Mr. President.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, several years ago a major bill came up and I foolishly took it up when a party that was extremely interested in it was in the hospital, my good friend Senator Cope. I vowed that I would never do that again without heavy consultations with the party. Senator Clark has as deep an interest in this legislation as I do. I would ask to pass over it until such time as I and others can get together with Senator Clark and find out what he wants, when he will be back, and till we can work out a mutually agreeable date. With permission of the Chair, I would ask to pass over it.

SPEAKER MARVEL: Any objections? Hearing no objections, so ordered. Next item, 326.

CLERK: Mr. President, LB 326 was a bill introduced by the Public Works Committee.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: (Mike off) Senator Kremer is not here today, I would like to ask permission to pass over the bill.

SPEAKER MARVEL: The request is to pass over LB 326. Any objections? If not, so ordered. Next is item LB 146.

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LB 11, 40, 184, 248,  
334, 334A, 346, 379,  
392, 463, 479

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer this morning will be given by Dr. Al J. Norden, Pastor at the University Lutheran Chapel, 15th and Q Streets since 1951.

DR. AL J. NORDEN: (Prayer offered.)

SPEAKER MARVEL: Please record your presence.

CLERK: Mr. President, Senators DeCamp and Beyer would like to be excused for the day; Senators Hoagland, Wesely, Wiitala and Cullan until they arrive.

SPEAKER MARVEL: Have you all recorded your presence? We still need a vote. Record.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything under item #3.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have examined and reviewed LB 11 and recommend that same be placed on Select File with amendments; 346 Select file with amendments; 334 Select File; 334A Select File; 248 Select File with amendments; 463 Select File with amendments. All signed by Senator Kilgarin as Chair.

Mr. President, an Attorney General's opinion addressed to Senator Richard Peterson regarding LB 184. That will be inserted in the Journal. (See pages 1476 and 1477.)

I have a report from the Department of Administrative Services to do with communications. That will be on file in my office, Mr. President.

And, Mr. President, LBs 40, 379, 392, and 479 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 40, LB 379, LB 392, LB 479. We are now ready for item #4, Final Reading. Will all legislators please take their seats, unauthorized personnel please leave the floor? We cannot proceed until all legislators are in their seats. We are still waiting for all legislators to leave your group and go to your seat so we can proceed with Final Reading. Will the whip in the back of the room please

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LB 3, 40, 249, 366  
LB 35, 379, 381, 392, 479

SPEAKER MARVEL: Record the vote.

CLERK: 14 ayes, 18 nays, Mr. President.

SPEAKER MARVEL: Motion lost. There is still a lot of discussion. Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: Mr. Speaker, I move to recess until 1:30 p.m. today.

SPEAKER MARVEL: Can we hold that just briefly while we advance LB 249 which is below? Senator Kilgarin, are you there? The E & R amendments to LB 249.

SENATOR KILGARIN: I move the E & R amendments to LB 249.

SPEAKER MARVEL: All in favor of that motion say aye. opposed no. Excuse me?

SENATOR KOCH: Record vote.

SPEAKER MARVEL: On 249? Okay, a record vote has been requested. On the motion to advance, Senator Koch? Okay. All those in favor of the... Okay, the motion now is to advance the bill. We have already advanced the E & R amendments and this or a machine vote has been requested. So, we are voting on the advancement of LB 249. All in favor of that motion vote aye, opposed vote no. The motion is the advancement of the bill. Have you all voted? Have you all voted? Record the vote.

CLERK: Mr. President, Senator Landis requests a record vote. (Read record vote as found on pages 1486-1487 of the Legislative Journal.) 25 ayes, 10 nays, Mr. President.

SPEAKER MARVEL: I have a couple of announcements. First of all, we will return to the bill that is pending. If we don't adopt this procedure you simply lose all the momentum that has been created. So somebody asked the question, do we come back to LB 35 and the answer is yes. In case the chairmen have not received a notice, we will meet at 8:15 a.m. tomorrow in Room 2102 and by this afternoon we will discuss a little bit about appropriation bills so lest you think you are going to have a lot of rest, just come on back this afternoon. Okay.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 381 and recommend that same be placed on Select File; LB 3 Select File; 366 Select File, all (Signed) Senator Kilgarin.

Your Enrolling Clerk has presented LB 40, 379, 392 and 479 to the Governor.

LB 40, 132, 200, 266, 280, 284,  
329, 330, 333, 360, 366, 371,  
379, 392, 395, 407, 437, 479, 318.

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SENATOR BEUTLER: Mr. Speaker, I think I would like to have a roll call vote and a Call of the House.

SPEAKER MARVEL: All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 20 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Unauthorized personnel.....yes, go ahead.

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator Carsten regarding LB 284. (See pages 1499 through 1501.) Senator Schmit would like to print amendments to 360, Senator Wesely to 266, Senator Newell to 395, Senator Wesely to 366, Senator Beutler to 132, Senator Vickers to 266. (See pages 1494 through 1498 of the Legislative Journal.)

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 40, 200, 280, 329, 330, 333, 371, 379, 392, 407, 437, and 479 as found on page 1502 of the Journal.)

SPEAKER MARVEL: Senator Wagner, Senator Schmit, Senator Haberman, Senator Chambers. Senator Haberman, Senator Higgins. Senator Koch.

SENATOR KOCH: Mr. Speaker, I move that we adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: We are in the middle of a vote, Senator Koch. Senator Beutler, everyone who is not excused.... everybody is here except Senator Chambers. Shall we proceed with the roll call? Okay, all legislators will please return to your seats so we can complete the roll call. The Chair is not authorized to proceed until you are in your seats. Okay, call the roll.

CLERK: (Read the roll call vote as found on pages 1493 and 1494 of the Legislative Journal.) 23 ayes, 19 nays, on the motion to indefinitely postpone the bill, Mr. President.

SPEAKER MARVEL: Motion prevails. What else do we have?

CLERK: Mr. President, Senator Vickers asks unanimous consent to add his name to LB 266 as co-introducer.

SPEAKER MARVEL: No objection, so ordered.