

January 12, 1982

LR 204

LB 375, 417, 772-774

CLERK: Mr. President, a new resolution, LR 204, offered by Senators Vickers and Barrett. (Read. See page 232, Legislative Journal.) That will be laid over, Mr. President, pursuant to our rules.

Mr. President, Senator Schmit would like to print amendments to LB 375 in the Legislative Journal.

Mr. President, new bills, LB 772 (read title); LB 773 (read title); and finally, Mr. President, LB 774 (read title). (See pages 232 and 233, Legislative Journal.)

PRESIDENT: Ready then for agenda item #7, General File, commencing with LB 75, Mr. Clerk.

CLERK: Mr. President, I have a request from Senator Labeledz to pass over LB 75 and 75A.

PRESIDENT: Any objection, so ordered to be passed over. Then we will be ready for LB 417.

CLERK: Mr. President, LB 417, (read title). The bill was first read on January 20 of last year, referred to the Public Works Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Public Works Committee.

PRESIDENT: The Chair recognizes Senator Kremer for the committee amendments.

SENATOR KREMER: Mr. Chairman, members, the committee report is in your book. I will read it verbatim because it is exactly what the committee amendments amount to. Would allow the transportation of any object up to sixteen feet in width if proceeded by a pilot vehicle or a flag person. It treats storage and the stockpiling of grain in the same way as from the field directly to the market. It goes on and limits the movement of combines in excess of fifteen feet to trips of twenty-five miles on our public highways. I move the adoption of the committee amendments.

PRESIDENT: Senator Cullan, do you wish to speak to the committee amendments? Senator Cullan.

SENATOR CULLAN: Yes, Mr. President, Senator Kremer, thank you very much for speaking to the committee amendments. I would like to request of the Chair that two of the committee amendments be...that the issue be divided or perhaps two of the committee amendments can be withdrawn. They are

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LB 126, 421, 431, 571, 578,  
652, 658, 773, 804, 855, 941

PRESIDENT LEUDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend T. Daniel Casey, Pastor of Central Church of the Nazarene, of Omaha. That happens to be Senator Pirsch's Pastor.

REVEREND CASEY: Prayer offered.

PRESIDENT: Roll call. Senator Beutler and Senator Pirsch, do you want give us your lights? Senator Pirsch, do you want to....Senator Pirsch. Record the vote.

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

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any other messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and re-engrossed LB 431 and find the same correctly engrossed. That is signed by Senator Kilgarin.

Your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 941 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 658 indefinitely postponed; 804 indefinitely postpone; and 855 indefinitely postponed. All signed by Senator DeCamp.

Mr. President, I have a series of Attorney General's Opinions. The first is to Senator Beutler regarding LB 126, one to Senator Vickers regarding LB 571, one to Senator Cullan on LB 421, one to Senator Howard Peterson regarding LB 652, and one to Senator Koch regarding LB 578. (See pages 735-743 of the Legislative Journal.)

Mr. President, Senator Newell would move to place LB 773 on General File notwithstanding the action of the Constitutional Revision and Recreation Committee. That will be laid over.

Mr. President, I have a report to the Legislature from the Little Blue Natural Resource Districts regarding payment of attorney fees. (See page 744 of the Journal.)

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LR 198  
LB 259, 375, 378, 706, 717,  
766, 769, 773, 842, 947

CLERK: (Read the record vote as found on page 752 of the Legislative Journal.) 21 ayes, 22 nays, Mr. President.

SPEAKER MARVEL: The motion failed. The Clerk has some things to read into the record.

CLERK: Mr. President, Senator Cullan would like to print amendments to LB 375 in the Legislative Journal and 378. (See pages 752 and 753 of the Journal.)

Mr. President, Senator Hoagland asks unanimous consent to add his name to LB 259 as co-introducer.

SPEAKER MARVEL: No objection, so ordered.

CLERK: Mr. President, I have an announcement from the Speaker regarding the Special Order scheduling and also priority designations by Senator Chambers and Chronister.

Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 717 and recommend that same be placed on Select File with E & R amendments attached. (See page 754 of the Journal.)

Your Committee on Constitutional Revision and Recreation whose Chairman is Senator Labedz reports LB 766 advanced to General File with committee amendments; LB 947 General File with committee amendments; 769 indefinitely postponed; 773 indefinitely postponed; 842 indefinitely postponed and LR 198 indefinitely postponed. All those signed by Senator Labedz as Chair. (See pages 754 and 755 of the Legislative Journal.)

SPEAKER MARVEL: Senator VonMinden, your light is on, for what purpose do you rise?

SENATOR VON MINDEN: For information, sir. Mr. Speaker, fellow legislators, the past few weeks different Senators have brought in treats for us such as sugar and popcorn and apples, and Senator Peterson said he would bring in some honey. I also brought a treat for you this morning. At 11:30 the Abu Bekr Shrine Chanters from my District will be performing for you. They are 45 strong and I can vouch and tell you they are 45 male voices that is something you have never before. So stick around at 11:30 and appreciate the treat I have for you. Thank you.

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LB 684, 773

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

CLERK: 16 ayes, 0 nays, Mr. President, to go under Call.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats, record your presence. Unauthorized personnel please leave the floor. There are two excused, Senator Vard Johnson and Senator Cullan. While we are waiting, also it is my privilege to indicate that Senator Cope's 71st birthday is today. Happy Birthday, Senator Cope. Senator VonMinden, will you please register your presence? We are looking for Senator Schmit, Senator Kahle, Senator Marsh. Kahle, Schmit and Marsh. Will all members please take your seats so we can proceed with the roll call vote as soon as we locate two legislators. Okay, we are now looking for Senator Kahle. The motion is to place the bill on General File, LB 684, and this takes 25 votes. Proceed with the roll call.

CLERK: (Read the roll call vote as found on page 813 of the Legislative Journal.)

SPEAKER MARVEL: All legislators will be in their seats.

CLERK: 25 ayes, 20 nays, Mr. President.

SPEAKER MARVEL: The motion carries. The Call is raised.

CLERK: Mr. President, Senator Newell would move to place LB 773 on General File notwithstanding the action of the Constitutional Revision and Recreation Committee.

SPEAKER MARVEL: The Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President and members of the Legislature, I rise to bring LB 773 to the floor for this Legislature's consideration. The bill is a constitutional amendment that would authorize the people of the state to vote on the question of whether or not food should be taxed. As you know, I brought this legislation in legislation as legislation to this body on numerous occasions because it is an ongoing and very drastic and serious need of the people of this state. More people have written and urged that this legislation be offered to them as an opportunity to end one of the most regressive and unfair taxes that this Legislature levies. Now simply the arguments are that the state...the Governor's office has indicated that there would be no fiscal impact to the

state and yet we have been unwilling, unsympathetic to thousands of Nebraskans who need this kind of relief from their taxes, from their tax bills on food, we have been unwilling to offer this legislation to the people. I am offering this proposal in the hopes that this Legislature would with their wisdom send this to the people and allow them to vote on it. If the people of the state choose not to eliminate the sales tax on food, then I will consider the issue dead. I will consider the people of this state as having spoken on this very important issue. But to have the committee kill this proposal before it ever had a chance to be discussed on this floor, before the people had an opportunity to vote on this very important issue, is wrong and unjust. Frankly, the issue here is a very simple issue. The cities of Lincoln and Omaha did not oppose the bill. The state, the Governor's office and the Revenue Department say there will be no fiscal impact. I think that the people of this state deserve an opportunity to decide this issue once and for all, and that opportunity has been denied them by the committee. For that reason and for that reason alone, I urge this Legislature to bring this bill to the floor for its full consideration and passage.

SPEAKER MARVEL: The Chair recognizes Senator Labedz.

SENATOR LABEDZ: Mr. Chairman, I have a problem. The Vice Chairman and myself both voted to advance the bill. There were others that passed. I would ask any member of the committee now and I saw Senator Howard Peterson is not in his chair, if there would be anybody that would defend their vote because they passed. I can't stand up here and say that I am opposing the motion to advance the bill to the floor.

SPEAKER MARVEL: Is there anyone who wants to speak against the motion?

SENATOR LABEDZ: (Mike not activitated)...from the committee wants to speak against the motion, could the Chair ask anyone whether they would like to oppose the motion?

SPEAKER MARVEL: Senator Chambers, do you want to represent the other side?

SENATOR CHAMBERS: Yes. Mr. Chairman and members of the Legislature, this is a bill designed to offer to the public a constitutional amendment so that they can vote on whether there should be a sales tax based, on my understanding, on food or not. Now if such a bill were to be

put to the public and the public were given an understanding of what the bill consists of, namely that a staple which everybody needs in highly inflationary times when all kinds of programs are being cut, they would be likely to vote for such a proposition. This would be the only opportunity the people are really given to vote on this particular issue. Even though the Legislature in the past agreed that for every nickel taken from people as a tax on food would be returned at the end of the year in the form of a credit or whatever they want to call it, that promise has not really been kept. So this bill would give the public an opportunity to vote on whether or not they thought the state had been fair with them and based on that, I don't see how the Legislature....well, maybe I am for the bill.

SPEAKER MARVEL: Senator Carsten, do you want to speak against the bill?

SENATOR CARSTEN: Mr. President and members of the Legislature, I have from time to time sat on the Revenue Committee and have had this bill not in a constitutional amendment but in a statutory proposal many times. Time after time we have had people come in and testify in opposition to the bill verifying their testimony with receipts that they had conscientiously kept over a year's time proving that they were making money on the credit. The people do have an opportunity to get this credit and as was expressed in the hearing, there are those that don't because of fear of having to fill out a form and as I expressed in the committee, if some of these organizations that help the poor, the elderly and so forth, would spend as much of their money in helping those people in this area to quell those fears, we would not need this legislation or any other. I would be opposed to raising this from the committee. The committee did defeat the bill and I think that the committee structure should still stand. Thank you, sir.

SPEAKER MARVEL: The motion is to raise the bill notwithstanding the action of the committee. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote. Senator Newell.

SENATOR NEWELL: Mr. President, I would like to have everyone in the body have an opportunity to vote on this so I would ask for a Call of the House, and then a roll call vote.

SPEAKER MARVEL: Shall the House go under Call is the

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LB 593, 611, 619, 660,  
675, 685, 697, 773, 794,  
834, 840, 861, 873, 897

first motion. The motion is, shall we go under Call?  
All those in favor of that motion vote aye, opposed  
vote no. Record.

CLERK: 16 ayes, 10 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats. Unauthorized personnel please leave the floor. Senator Burrows, do you want to record your presence? Senator Cope, will you please record your presence? Senator Kremer, will you please record your presence? Senator Newell, will you please record your presence? Senator Dworak, will you please record your presence? Senator Chambers. Senator Vickers, will you please record your presence? How many have we got? Senator Newell, everybody is here? Shall we proceed with the roll call? Okay.

CLERK: (Read the roll call vote as found on page 814 of the Legislative Journal.) 19 ayes, 28 nays, Mr. President.

SPEAKER MARVEL: The motion lost. The Clerk has got some items to read in.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 685 and find the same correctly engrossed, and LB 834 correctly engrossed.

Your Committee on Public Works reports LB 611 advanced to General File, 660 advanced to General File, 794 advanced to General File, all signed by Senator Kremer. (See pages 811 and 812 of the Legislative Journal.)

Your Committee on Ag and Environment reports LB 593 advanced to General File, 619 General File, 697 General File, 861 General File, 897 General File, 675 General File with amendments, 873 General File with amendments, and 840 indefinitely postponed, all signed by Senator Schmit as Chair. (See page 812 of the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Fowler to introduce a new bill.

CLERK: Mr. President, Senator Fowler would move to suspend Rule 5, Section 5(d) so as to permit the introduction of Request #1665.

SENATOR FOWLER: Yes, I think this is a joint of Senator