

January 19, 1982

LB 881-894

PRESIDENT: All right, we are ready then for agenda item #4, introduction of new bills. Proceed.

CLERK: Mr. President, LB 881 offered by Senators Fenger, Pirsch and Kilgarin. (Read title). LB 882 by Senator Beutler. (Read title). LB 883 by Senator Cullan. (Read title). LB 884 by Senator Cullan. (Read title). LB 885 by Senator Wagner. (Read title). LB 886 by Senator Hefner. (Read title). (See pages 339 and 340 of the Journal).

PRESIDENT: Read some matters in.

CLERK: Mr. President, LB 887 offered by Senator Vickers. (Read title).

PRESIDENT: The Legislature will stand at Ease for a moment. The Chair has been asked to announce that if you members have not received your bill request previously requested, if you have not received it, please call the Revisor's office, Joann, over there at once because you should check on that, if you have not received those bill requests. Thank you. Now proceed, Mr. Clerk.

CLERK: Mr. President, LB 888 by Senator Newell. (Read title). LB 889 by Senator Wesely and Vickers. (Read title). LB 890 signed by Senators Vickers, Koch and Remmers. (Read title). (See pages 340 and 341 of the Journal.)

Mr. President, Senator Carsten would like to be excused at 10:30 today and for all day Wednesday.

LB 891 offered by Senator Haberman. (Read title). LB 892 offered by Senator Haberman. (Read title). Mr. President, LB 893 offered by Senator Schmit. (Read title). LB 894 offered by Senator Schmit. (Read title). (See pages 341 and 342 of the Journal).

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LB 774, 582, 609, 890, 954

CLERK: Mr. President, LB 774 offered by the Education Committee and signed by its members. (Read title.) The bill was read on January 12th of this year, referred to the Education Committee for hearing. The bill was advanced to General File. Mr. President, I have no amendments to the bill.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman. 774 very briefly does one thing, that is in view of the fact we passed 259, 774 must go because it will only be in effect one year, then it sunsets. Because the effective date for 259 is 1983, so we just merely protect people for this one year. After that 259 becomes the whole bill. 774 will sunset. I ask for the advancement to E & R initial.

SENATOR CLARK: Senator Newell, your light is still on. Is there any further discussion of 774, the advancement of 774? If not, all those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is declared advanced. We will now go to the priority bills in the Work Sheet order, LB 522. We are going to read one thing in first.

CLERK: Mr. President, your committee on Revenue whose Chairman is Senator Carsten instructs me to report LB 890 advanced to General File; LB 582 advanced to General File with committee amendments attached; and LB 954 as indefinitely postponed. All of those signed by Senator Carsten as Chair. Mr. President, LB 522 was a bill introduced by Senator Vard Johnson.

SENATOR CLARK: I think he wants to hold that bill up for a little while. He has got some amendments coming up that are not here yet. 616 they want to pass over. LB 609 will be the next bill. LB 609, please.

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LB 839, 890

General File, Mr. President. I have no amendments to the bill.

SPEAKER MARVEL: The Chair recognizes Senator Beyer.

SENATOR BEYER: Mr. Speaker and members, it is getting late in the day. Everybody is talking about the horsing around here. This particular bill would solve certain statutory and constitutional problems present in the Nebraska Racing Commission's performance of its duties. The problem centers around the Nebraska Thoroughbred Breeders and that organization's maintenance of an official Nebraska thoroughbred registry. The registry is maintained for the Nebraska Racing Commission. There is no statutory or constitutional authority allowing for such a delegation of legislative duties. LB 839 would allow the commission to designate an official registrar and maintain an active oversight function of such a registry. The present registry system would remain essentially the same after the passage of LB 839. It would no longer be illegal, however. They also could do it on their own but the Thoroughbred Breeders have been real active in the Racing Association so this is the reason they have had them do it and they can probably do it cheaper than we can as a state. I move for the advancement of LB 839.

SPEAKER MARVEL: The motion is to advance the bill. Those in favor vote aye, opposed vote no. LB 839. Have you all voted? Record the vote.

CLERK: 38 ayes, 1 nay on the motion to advance LB 839, Mr. President.

SPEAKER MARVEL: Motion carried, the bill is advanced. The last bill of the day, LB 890.

CLERK: LB 890 offered by Senators Vickers, Koch and Remmers. (Read title.) The bill was read on January 19, and was referred to the Revenue Committee. Mr. President, I have no amendments on the bill.

SPEAKER MARVEL: The Chair recognizes Senator Vickers. Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. A couple of years ago this Legislature when we were talking about school finance felt that we should record...it's really a part of Senator Burrows' bill that he carried once, trying to find equity in how we support public schools. At that time we felt that we should record when we pay our income tax to the district so that we could get figures trying to determine

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the wealth of each district in terms of the incomes that were generated, and Senator Vickers had a major state aid bill that he wanted to introduce but when we went over to the Department of the Revenue we were unable to gather any data which was worth much because so many people had forgotten to place the school district up there in the corner of that document you file. So what we are saying is that the commissioner will expect that the district is recorded so that we can get that data and then possibly relook at our school finance formula in terms of sales, income and corporate tax with some property tax. So that is what this bill is doing is it is a shell placed there, the number of the district up in the corner.

SPEAKER MARVEL: Senator Kahle, your light is on.

SENATOR KAHLE: Mr. Speaker, just one word. I support this issue. I think it is high time we find out where our income is coming from and which district it should be credited to. Thank you.

SPEAKER MARVEL: Senator Remmers.

SENATOR REMMERS: Mr. Speaker and members of the Legislature, I would encourage you to advance this bill. I, too, am interested in some financing of the schools and we just cannot come up with formulas that are equitable over the state until we have a good handle on the income within the various school districts. I think it is very important that we get this information.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Senator Koch, please, if he would yield. Is it normal, Senator Koch, to provide a penalty such as this for overlooking a blank on a tax return?

SENATOR KOCH: Is it normal?

SENATOR SCHMIT: Is it a normal....have we done that in the past?

SENATOR KOCH: I am not aware of this but I know the IRS sometimes does some things to us that historically penalizes.

SENATOR SCHMIT: Is there a statutory penalty in any part of the state law for failure to fill in a blank on a tax return?

SENATOR KOCH: I am not sure.

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SENATOR SCHMIT: Well, Mr. President and members of the Legislature, I concur with the three introducers of the bill that it is information that is desirable to gather and may be in fact necessary to have at one time in the future, but I do not concur with the \$20 penalty. It has been my experience and I think you will recall just a year ago when we raised the license fees for the small restaurants from about 20 bucks to 45. I don't know how many hundred phone calls I got because of the fact that it was a tremendous increase in the fee. Now we are saying here that an individual who may pay very little income tax may wind up paying more of a penalty for having failed to make a notation in that little box than he would have paid tax. On the other hand, the man who pays thousands of dollars, a \$20 penalty is not significant. I think that you ought to take a good look at this. I will not vote for the \$20 penalty. I think you ought to have some method of encouraging the proper filling out of forms. I believe we fill out millions and millions of forms in this state and nation year after year and for the average individual citizen to be expected to fill out every single form accurately and to the point is expecting quite a little. And so...and then we come along and we say, we are going to slap you a \$20 penalty if you overlook that little slot. Well, you might... we could do the same thing with fifty other pieces of information on that form. So, Mr. President, I concur wholeheartedly with the bill. I do not concur with the penalty. I will not vote to advance the bill with a \$20 penalty for failure to fill in one single slot on the tax return form.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Speaker, I would give Senator Newell one minute first and then I will close.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Yes. Mr. President and members of the body, you know, I think Senator Schmit has an excellent point and for that reason I did not vote for this bill out of committee. On the other hand, I think that this information is so valuable that some amendments can be proposed on Select File that would make this not only an incentive to try to fill in that information but not quite as negative an incentive as the proposed penalty. So I would urge the advancement of the bill and with an understanding that there can be and will be some amendments to try to work this out, and I will be happy to talk to Senator Schmit and others

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about those proposed amendments.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Senator Clark, how much time is left on this?

SENATOR CLARK: About eight minutes.

SENATOR VICKERS: Okay, thank you, Senator Clark. Senator Clark and members, the intention I think has been pretty well laid out. The fact of the matter is there are many of us in this body that have felt for a long time that using property valuation only was not necessarily the best measurement of wealth of a school district, and that we should take into consideration the income produced within school districts especially when it relates to the state aid formula the way we disperse state aid money to the schools and the fact that people are not filling out that form, not filling out that box, makes the data that we can get right now virtually worthless. I wish you would read the bill and recognize that the \$20 penalty is not going to be assessed except that after one request by the department so that it won't be assessed to everybody. There will be a chance for people to fill in the form if they have forgot it once. So for that reason, the fact that it isn't assessed on everybody, I would urge the adoption...or the advancement of LB 890.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President and Senators, the elderly that are low income have to fill out a form in order to get their state income tax refund. Now are we going to penalize them \$20 if they fail to put in the school district? I would like to ask Senator Koch that question.

SENATOR KOCH: Senator Higgins, I probably didn't make it very clear, but you are not going to be just arbitrarily fined. The Tax Commissioner will notify you and then if you fail...in other words, you will be notified if you forgot to put your district. If you fail then to put your school district, then you can suffer the \$20 penalty.

SENATOR HIGGINS: In other words, Senator Koch, what is it going to cost the Tax Commissioner to notify everybody? You know, I don't think I put the school district in when I file. I really don't think I do.

SENATOR KOCH: Well, the \$20 fee....

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LR 240
LB 890, 408

SENATOR HIGGINS: I probably would if I knew it was going to cost me \$20, but in other words if an elderly person files and they don't put in their school district to get their sales tax refund even though they are not going to pay an income tax, they will get notified, you have got to tell us what your school district is.

SENATOR KOCH: Right. They will notify them and they can do that by phone. They can give the number right there can't they?

SENATOR HIGGINS: If they know it. I would put mine down if I knew it.

SENATOR KOCH: In your case, just put OPS, we all know what that is. That is District #1.

SENATOR HIGGINS: Okay, Senator.

SENATOR CLARK: Senator Schmit. Senator Vickers, do you want to close on the advancement? All right, the question before the House is the advancement of 890. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: Have you got something to read in, Pat?

CLERK: Very quickly, Mr. President. Senator Kahle again would like to have a meeting of the Government, Military and Veterans Affairs Committee underneath the north balcony upon adjournment. That is the Government Committee underneath the north balcony. Mr. President, Senator Kremer would like to print amendments to LB 408 in the Journal. (See pages 1027 through 1032 of the Journal.) And Senators Koch and Vickers would like to withdraw their names as co-sponsors to LR 240.

SENATOR CLARK: No objection, so ordered.

CLERK: That is all that I have, Mr. President.

SENATOR CLARK: Senator Wagner, would you like to adjourn us until 9:30 on Monday.

SENATOR WAGNER: Mr. Speaker, I move that we adjourn Monday until 9:30.

SENATOR CLARK: You heard the motion, all those in favor say aye. Opposed. We are adjourned until 9:30 Monday morning.

Edited by:

Marilyn Zank
Marilyn Zank

8393

LB 577, 579, 601, 605, 642, 644, 651, 662,
677, 678, 696, 697, 718, 718, 719, 720,
728, 729, 739, 743, 764, 767, 767A, 775,
776, 778, 784, 792, 796, 807, 824, 825,
828, 839, 845, 869, 877, 890, 892, 931,
941, 951, 952, 961, 962

March 9, 1982

SPEAKER MARVEL PRESIDING

REV. MORRIS VENDEN: Prayer offered.

SPEAKER MARVEL: If I could have your attention for a moment before we proceed. The chairmen had a meeting today and it was agreed that we would attempt to control debate as we have not done too well in the last few months and that we would try, for instance, with 652 to have the debate and the vote on advancement after one hour and that we try to have the pros and the cons of these issues so it doesn't take forever to get the point across. This time we're in a position where we either try to limit debate or many of the other issues will simply go down the drain. So the Chair would appreciate, the chairmen would appreciate your cooperation in trying to give people an opportunity on both sides and not spend all day in the discussion. Record.

CLERK: There is a quorum present, Mr. President. Yes, sir, I do have some items to read in. Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 579 and find the same correctly engrossed; 662 correctly engrossed; 677 correctly engrossed; 718 correctly engrossed; 719 correctly engrossed; 728, 729 correctly engrossed; 764 correctly engrossed and 778 correctly engrossed. (See page 1060 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 720 and recommend that same be placed on Select File with amendments; 767 Select File with amendments; 767A Select File; 807 Select File with amendments; 941 Select File; 877 Select File; 577 Select File; 792 Select File; 605 Select File; 931 Select File with amendments; 796 Select File; 845 Select File; 644 Select File; 739 Select File; 696 Select File; 828 Select File; 642 Select File; 678 Select File; 775 Select File; 776 Select File; 951 Select File; 961 Select File; 952 Select File; 784 Select File; 651 Select File; 716 Select File with amendments; 743 Select File; 601 Select File; 869 Select File with amendments; 697 Select File; 825 Select File; 892 Select File; 962 Select File with amendments; 839 Select File and 890 Select File with amendments. Those are all signed by Senator Kilgarin as Chair, Mr. President. (See pages 1057-1059 of the Legislative Journal.)

Mr. President, I have a motion from Senator Labeledz to place LB 824 on General File pursuant to Rule 3, Section 18(b). That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Okay, we go to item #4 and we're talking about LB 924 and I would caution you to do your best to get

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LB 839, 890, 962

PRESIDENT: Motion is to advance LB 962 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. It is getting weaker. Motion carries and LB 962 is advanced to E & R for Engrossment. LB 839, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 839.

PRESIDENT: Motion is to advance LB 839 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 839 is advanced to E & R for Engrossment. And the last one on this list is LB 890. Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 890.

PRESIDENT: Motion to adopt the E & R amendments on LB 890. Any discussion? All those in favor of adopting the E & R amendments on LB 890 signify by saying aye. Opposed nay. The E & R amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 890.

PRESIDENT: Motion is to advance LB 890 to E & R for Engrossment. Any discussion? Motion then is to advance. All those in favor signify by saying aye. Senator Newell, for what purpose do you wish to....go ahead.

SENATOR NEWELL: I had a great amendment that isn't here yet and isn't ready yet and....

PRESIDENT: Do you want to hold it up or do you want to bring it back?

SENATOR NEWELL: Maybe I...I want to get a kill motion up there just to hold it over for a day, not that I want to kill it but I want to try to work something on it.

PRESIDENT: Well, we are in the middle of a vote right now.

SENATOR NEWELL: I thought I was recognized.

PRESIDENT: All right, just offer the motion, and then... that's right, that will do it, that will do what you want to do. This is 890, Mr. Clerk. Do you want to read that in, and then we will....okay. Now that is all we have to do on that because that takes care of that. Have you got some things you want to read in? I have got some....we have some....we have some guests to introduce on behalf of Senator Hefner. They are his guests. Tippy Froendt and Brett Froendt,

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LB 259, 890

Seated under the south balcony are four members participating in the multiregional project on the free and balanced flow of information. They are Mr. Ul-Alam from Bangladesh, Mr. Wanakilala from Tanzania, Mr. Namungalu from Uganda and Mr. Ivancevic from Yugoslavia. They also have with them Mr. Amos Jones the U.S. Escort Officer. Would these gentlemen please stand and be recognized by the only Unicameral Legislature in the United States. Welcome to the Nebraska Legislature. I also would like to take the pleasure to introduce some 70 students of the Youth Citizens Seminar representing 62 counties in the state sponsored by the Nebraska Farm Bureau. They are up here in the north balcony. Would they just all kind of wave to us because we don't want them all to stand up at the same time, but would you just wave. Welcome to your Nebraska Legislature Youth Citizens Seminar. Mr. Clerk, do you have anything to read in before we get started on Final.

CLERK: Very quickly, Mr. President, an explanation of vote offered by Senator Dworak, and I have an Attorney General's Opinion addressed to Senator Haberman regarding LB 890. (See pages 1332 and 1333 of the Legislative Journal.)

PRESIDENT: We are then ready for Final Reading. Sergeant at Arms will secure the Chamber. All members will return to your desks. As soon as you are all back at your desks we will commence with Final Reading. All unauthorized personnel will leave the floor. I might just explain to those visiting the Legislature today that the Constitution requires that on Final Reading the bill be read in its entirety and which requires numerous hours of reading at this time of the session when we have a great number of Final Reading bills. So if everybody will please be at your desks, as soon as you are we will start with Final Reading. As soon as everyone gets to his or her respective desk the sooner we can get under way with Final Reading and then we can get to the business of the day...the rest of the business of the day. Okay, Mr. Clerk, we will commence then with Final Reading. The first bill on Final Reading today is LB 259, Mr. Clerk.

CLERK: Mr. President, Senator Haberman would move to return LB 259 to Select File for a specific amendment. The amendment is found on page 1206 of the Journal.

PRESIDENT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, I respectfully ask permission to remove that amendment.

PRESIDENT: You are withdrawing the motion. All right, so

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LB 761, 626, 890

return to their seats and check in, please. Will all senator check in, please. Would you rather I call your names out? Senator VonMinden, Senator Pirsch. Senator Wagner. All right, they are all here. The Clerk will call the roll on the Fenger amendment. Could we have it quiet, please, so the Clerk can hear?

CLERK: (Read the roll call vote as found on page 1574 of the Legislative Journal.)

SENATOR CLARK: The Call is raised. The Clerk has to verify the call.

CLERK: (Read the roll call vote for verification.) 15 ayes, 32 nays, Mr. President.

SENATOR CLARK: The motion failed. I would like to announce six 8th Graders from Albion St. Michaels. Eileen Redler is the teacher. They are under the north balcony. Would you stand and be recognized, please. Welcome to the Legislature. The next amendment.

CLERK: I have a couple items to read in.

SENATOR CLARK: All right.

CLERK: Mr. President, Senator Vickers would like to print amendments to LB 890. (See page 1575 of the Legislative Journal.)

Mr. President, I have a message from the Governor. (Read message as found on page 1575 of the Legislative Journal regarding LB 626.)

Mr. President, the next amendment I have to the bill is offered by Senator Newell.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Pat, would you read the amendment?

CLERK: (Read the Newell amendment as found on page 1576 of the Legislative Journal.)

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President and members of the Legislature, the amendment that I am offering today is an amendment that would return the personal property tax fund to the \$70 million level that it has traditionally been at.