

Commission for Postsecondary Education, again, filed pursuant to statute; a report from the Nebraska Games and Parks Commission filed pursuant to statute; the annual report of the Division of Telecommunications; a communication from a series of Natural Resources Districts, Mr. President, with respect to payment of attorneys fees incurred during this past year. (See pages 88-89 of the Legislative Journal.)

Mr. President, I have a series of appointment letters from the Governor, appointments to the Board of Health, to the Rural Health Manpower Commission, the Foster Care Review Board, the Job Training Council, the Oil and Gas Conservation Commission. Those will all be referred to Reference for referral to the appropriate Standing Committee, Mr. President. (See pages 89-97 of the Legislative Journal.)

Finally, I have received a communication with respect to the siting for the low-level radio active waste disposal facility. That communication was received from US Ecology, Mr. President. (See page 88 of the Legislative Journal.) All of those reports will be on file in my office subject to review by members upon their request. That is all that I have, Mr. President.

PRESIDENT: Thank you. (Gavel.) Ladies and gentlemen, we're ready to begin the introduction of bills and some of you I understand would like to hear what the bills are about, so while I don't wish to spoil your fun and visitation with each other, kindly hold it down so that those that wish to listen to the introduction of the bills may do so. We anticipate that this will probably go on until about noon and, of course, free to do whatever you would like to do. Thank you. Mr. Clerk, the introduction of bills.

CLERK: Mr. President, new bills: (Read by title for the first time, LBs 818-878. See pages 97-109 of the Legislative Journal.)

I have amendments to be printed from Senator Rod Johnson to LB 163, LB 39, LB 37. (See pages 110-14 of the Legislative Journal.)

Mr. President, new bills. (Read by title for the first time, LBs 879-922. See pages 114-23 of the Legislative Journal.)

Mr. President, I have new resolutions: (Read brief description

January 4, 1990

LB 881-957, 997-1010
LR 229

If I may, Mr. President, I have a Reference Report referring LBs 881-957, and LR 229. (See pages 175-77 of the Legislative Journal.) And, Mr. President, new bills. (Read LBs 997-1010 by title for the first time. See pages 177-80 of the Legislative Journal.) Mr. President, that's all that I have at this time.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Proceeding to the next item on...from the Rules Committee. Chairman Lynch.

SENATOR LYNCH: Mr. President, members, the next one is number nine identified on your list. It specifies that a motion to suspend the rules is not divisible. The reason for this, without reading it all but putting it hopefully in laymen's terms so we can understand it, is that when a motion to suspend the rules is attempted it's intended to accomplish only one thing. You don't suspend the rules to accomplish three, four, five or six different things. But, if the amendment that would accomplish one thing would, for example, suspend Rule 1, Section 2, Rule 2, Section 3, Rule 3, Section 4, because it's necessary to do that to identify those sections of the rules that serve that single purpose, you cannot divide the question and take any one of those three rule changes independently. I think, Mr. President and members, that explains the purpose and intent of this rule change and would suggest that we support it.

SPEAKER BARRETT: Thank you, Senator Lynch. Discussion on the proposal...proposed change number nine? Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, let me tell you what the real purpose of this rule change is. There have been attempts at various times to suspend the rules so that there can be no debate or discussion or amendment on bills, and I have indicated that I would divide that question. So the purpose of the rule is to prevent that from happening. So however many things are put into a rule suspension will have to be taken as a package. In some instances you may have a situation where people will think and believe that you should be able to suspend the rules for the purpose of taking a vote without any additional debate, amendment and so forth. And maybe that is all right. Naturally, I'm opposed to it because

February 20, 1990 LB 39, 290, 339, 618, 688, 771, 899
900, 941, 980A, 982, 990, 1009, 1032
1041, 1066, 1073, 1080, 1173, 1195, 1195A
1200, 1219, 1236, 1240
LR 257

SPEAKER BARRETT: Any discussion? If not, shall the committee amendments be adopted? All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. To the bill as amended. Senator Lindsay.

SENATOR LINDSAY: Mr. President, I think the bill, as explained, as I mentioned, the amendment became the bill, and that is what we're dealing with now. I think I've explained that, some of the other senators, I think, have also discussed that. What I'd do is just be available to answer questions.

SPEAKER BARRETT: Any discussion? Any questions? If not, those in favor of the advancement of the bill to E & R initial please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 688.

SPEAKER BARRETT: LB 688 is advanced. Matters for the record, please.

CLERK: Mr. President, the Speaker announces selection of Speaker priority bills that include LB 39, LB 290, LB 339, LB 618, LB 771, LB 899, LB 900, LB 941, LB 982, LB 1009, LB 1032, LB 1041, LB 1066, LB 1073, LB 1173, LB 1195, LB 1200, LB 1219, LB 1236, and LB 1240.

Mr. President, new A bills, (Read LB 980A and LB 1195A by title for the first time. See page 867 of the Legislative Journal.)

A reminder, Mr. President, the Urban Affairs Committee will meet in Exec Session at three o'clock this afternoon. Revenue Committee will hold an Exec Session at one-twenty in the Senate Lounge; Revenue, one-twenty in the Senate Lounge, Mr. President. Senator Haberman has amend...or would like to add his name to LB 1080 and to LB 990 as co-introducer.

Mr. President, new resolution offered by Senator Chambers. (Read brief synopsis of LR 257. See pages 867-68 of the

March 2, 1990

LB 96, 98, 118, 304, 307, 317, 428
430, 473, 518, 536, 675, 677, 735
770, 796, 797, 896, 898, 899, 905
920, 998, 999, 1018, 1019, 1031, 1125
1136, 1170, 1198, 1207, 1211, 1220, 1222

PRESIDENT: Okay, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill, Mr. President.

PRESIDENT: LB 1222 is advanced. Mr. Clerk, anything for the record?

ASSISTANT CLERK: Mr. President, I have a series of items. Your Committee on Appropriations, whose Chairperson is Senator Warner, to whom was referred LB 1031, reports the bill to the full Legislature with committee amendments; LB 1125, to General File; LB 920, to General File; LB 1170, to General File with amendments; LB 536, General File with amendments; LB 1220, to General File; LB 896, to General File; LB 898, to General File; LB 899, to General File; LB 96, indefinitely postponed; LB 98, indefinitely postponed; LB 118, indefinitely postponed; LB 304, indefinitely postponed; LB 307, indefinitely postponed; LB 317, indefinitely postponed; LB 428, indefinitely postponed; LB 430, indefinitely postponed; LB 473, LB 518, LB 675, LB 677, LB 735, LB 770, LB 796, LB 797, LB 998, LB 999, LB 1198, LB 1207, all indefinitely postponed; and LB 1211 and LB 905, advanced to General File with committee amendments. (See pages 1131-37 of the Legislative Journal.)

Senator Landis would ask to print amendments to LB 1136 in the Journal. (See pages 1137-38 of the Legislative Journal.) Senator Warner has asked to announce an Executive Session of the Appropriations Committee in Room 1003, upon adjournment today. And I have a request from Senator Ashford to add his name to LB 1018 and LB 1019.

PRESIDENT: No objections, so ordered.

ASSISTANT CLERK: Then, Mr. President, I have a priority motion. Senator Hannibal would move that we adjourn until March 5, 1990, at 9:00 a.m.

March 16, 1990

LB 898, 899

bill. All those in favor of advancing the bill vote aye, opposed nay. We're voting on the advancement of the bill, so for those of you who care to. Record, Mr. Clerk, please.

CLERK: 26 ayes, 1 nay on the advancement of the LB 898, Mr. President.

PRESIDENT: The bill is advanced. May I introduce some guests, please of Senator Warner. In the south balcony we have 26 kindergarten through 6th graders from Emerald, Nebraska, with their teacher. Would you folks please stand and be recognized by the Legislature. Thank you for visiting us today. Move on to LB 899.

CLERK: 899, Mr. President, introduced by Senator Scofield, Weihsing and Baack. (Read title.) The bill was introduced on January 3, referred to Appropriations, advanced to General File. I do have committee amendments pending by the Appropriations Committee.

PRESIDENT: Senator Scofield, are you going to handle that?

SENATOR SCOFIELD: Yes, Mr. President, this bill was found in committee to have a higher and better purpose than what the title indicates and so the amendments strike the original bill and insert a new section and we appropriate \$30,000 to Kearney State College for a feasibility study in a development of a program statement for an alternative to third floor at Founders Hall. Founders Hall was one of those projects last year that was vetoed. There is still a crying need for classroom space at Kearney State. If you've been out there lately, you know that classrooms are very full and, in fact, they are spilling over in the hallways. So the committee amendments make this appropriation to Kearney so that they can do a feasibility study and look at an alternative to the third floor of Founders Hall. And I think this is really a better way to go in terms of the growing needs out there and the enrollments that are occurring. The proposed addition to Founders Hall would have added approximately 27,000 gross square feet for additional classroom and faculty office space for the Social Sciences, and yet that space might be a fairly inefficient space compared to this other alternative. You'll end up with less than 16,000 assignable square feet of classroom and faculty office space. The proposed third floor addition was envisioned by Kearney to dovetail with a future renovation of Copeland Hall which now houses the

majority of Kearney's Education Department program space and some Education Department personnel are currently housed in Founders Hall. So the need statement that is envisioned here reflects a need for over 37,000 square feet for Kearney's Education Department and that obviously doesn't compare very favorably with that 27,000 square feet that is currently available in Copeland Hall for renovation. So the next planning step associated with Copeland Hall renovation would result in a proposal of not only a renovation of that building, but an addition to the building as well. The committee amendments to 899 would give Kearney State the resources necessary to explore the possibility of a more cost efficient alternative to the addition of a third floor to Founders Hall and a probable addition to Copeland Hall. That alternative should, I think, much more effectively address the space needs at Kearney. So in summary, here is what the committee amendments do. They direct that this alternative project should retain the space priorities similar to those represented by the Founders Hall and Copeland Hall proposals and that is for classroom and faculty office space for Social Sciences and Education. The committee amendments also direct that the space available in Copeland Hall for possible future renovation should continue to be considered in terms of the alternative project. Item 3 would be to identify a potential site for new construction of a classroom building. Probably at this point it would be that vacant lot north of Founders Hall and east of Copeland Hall. And it would finally limit the consideration of new construction to no more than 50,000 gross square feet with the logic for this limitation being that Founders Hall third floor proposal represents approximately, as I said earlier, only the 27,000 square feet. The space needs for Education alone are at least 10,000 square feet in excess of space currently available in Copeland Hall and there exists needs for additional general classroom space on the Kearney State Campus which are not currently addressed in either the Founders Hall addition or the Copeland Hall renovation proposals. So the good news is that Kearney State is growing. The bad news is we're not providing adequate classroom and office space for students there, and so we're using LB 899 to enable us to get started on addressing those space needs at Kearney. I would ask you to adopt the committee amendments.

PRESIDENT: Thank you. Senator Schmit, please, followed by Senator Langford, Senator Warner and Senator Lynch. Senator Schmit.

SENATOR SCHMIT: Well, Senator Scofield, I had hoped when I saw the title on the bill that I would be able to support this bill of yours and it would at least be fifty-fifty, but now I find that we have a new building here masquerading in potatoes, under the cover of potatoes. And it would appear to me that, you know, this seed potato is going to grow to a very substantial size investment. Can you tell the body at this time how much money is eventually projected for this expenditure?

PRESIDENT: Were you through, sir?

SENATOR SCHMIT: No, I asked Senator Scofield a question.

PRESIDENT: Senator Scofield, would you respond, please.

SENATOR SCOFIELD: If they go to this, the 50,000 square feet figure, Senator Schmit, it could be \$3 million eventually.

SENATOR SCHMIT: Well, that's not too bad, around 3 million bucks. So we just spent \$5 million for fun and games. I suppose \$3 million for educational purposes ought not to be out of order. I guess I just...I wonder at the priorities of this body, and I'm not...I hope I'm not accused of being parochial when I find yesterday total lack of support for a facility that supports the entire agricultural sector of the state, I find no enthusiasm for that and I find only one negative vote for the Trailside Museum which is a \$5 million expenditure when we know we have declining revenues and an exploding property tax base and I find another \$3 million expenditure which is going to be probably expanded to five by the time that the actual work is done. Now if you think that won't happen, I recall the case with the medical facility. It started at 29, grew to 47. Yesterday we put another lump on it for 8.5 million into the medical facility. At some point in time, ladies and gentlemen, there needs to be someone that sits back and says, what are we doing? Now we say we have an expanded school body, an expanded student body. I recognize that Kearney is growing, but, ladies and gentlemen, you'd better figure out how you're going to support the institutions that you are building if you will not support the basic industry of Nebraska which is agriculture, and as I look at the people who have voted here in support of LB 898 and I'm sure 899 will have a similar strong vote, you don't really go out and build yourself a six-bedroom house unless you have the income to support it and we are doing that. We are doing it day after day after day. There comes a time, ladies

and gentlemen, when 1,600,000 people in this state can only support a finite amount of government investment; and I can tell you very frankly that once you get west of Highway 77 and maybe south of 30, there's an awful lot of people up there who do not earn that kind of money, probably south of Highway 20. And I know that Senator Scofield is sincere. I know she is concerned. I will hear from Senator Langford about the terrible need out there. Senator Langford, I don't blame you, you have your responsibility to your district, but there is also a responsibility to the State of Nebraska. And I know there will be those who will say that Schmit's got sour grapes in his mouth, and possibly so. But, ladies and gentlemen, you can't cut down the tree and have it bear fruit. We continually cut down the tree and we are not going to have any fruit. I mentioned yesterday on this floor that the power districts have spent \$11 million arguing over whether or not they can relicense the power plant at McConaughy. No one knows about it. You couldn't get \$11 million put into the Water Development Fund if I begged all of you on my hands and knees.

PRESIDENT: One minute.

SENATOR SCHMIT: You couldn't get 2.9 million voted for the Research Center at Mead on a bet, but we can spend 4.5 million on a museum, and it's a very desirable museum, no doubt about it, and we're going to spend 3 million bucks here going to four or five, and we are not going to have the basic income to support it. Ladies and gentlemen, I think you'd better take a look at it. Some of you will be here when you have to figure out a way to fund it, and some of us will not be and maybe it is just as well if I'm not because it is going to be more and more difficult to do so. I think you're making a mistake, particularly you're making a mistake to amend the bill from a \$30,000 potato specialist, or a \$50,000 potato specialist to a \$30,000 study which we know will grow to a 3 million, 4 million, \$5 million building.

PRESIDENT: Time.

SENATOR SCHMIT: It's not honest. Thank you.

PRESIDENT: Thank you. Senator Langford, please, followed by Senator Warner, Senator Lynch.

SENATOR LANGFORD: Mr. President and colleagues, you know, I

know just exactly how to get Senator Schmit's goat. This is a potato bill for a potato specialist and that went into the mainline budget, so we'll now call this new proposal, Potato Hall. Actually, Kearney has been very innovative in what they've been doing to try to get some kind of space. They've converted a ladies restroom into offices, they've put three professors into one office. There is a cleaning closet that is now an office. They have turned the hallways into classrooms. They have offices in the basement and there is no ventilation at all, so if a student goes down there they have to limit the time that they can talk to their professor so they don't suffocate. Actually the space use is 98 percent at Kearney State College now, and we have been told that that isn't possible to actually schedule classroom use 98 percent of the time but it is being done. The Social Service classes are in, or the Social Science classes, excuse me, are in the Science labs at Bruner Hall. They have done everything they possibly can, early classes in the morning, late classes at night, and it has reached the place now where something has to be done. What they are...they have really been innovative out there, so now they are looking at a building that is...the K-Mart is building a new building and they are looking at renting the old K-Mart building to put classrooms in. I think this is pretty disgusting. They will have to run buses and it will be, in my opinion at least, a disgrace if this happens in one of our state institutions. The building that they are proposing is \$60 a square foot, and I certainly wouldn't insult the building at UN-O, but it is double that amount. I do hope that you will give consideration to this study. It is \$30,000 and it would cut a year off the time that would be required. These buildings don't pop up like Topsy, they have to be planned, so I would appreciate your vote. Thank you.

PRESIDENT: Thank you. Senator Warner, please, followed by Senator Lynch and Senator Schmit.

SENATOR WARNER: Mr. President, members of the Legislature, the...one thing I should say initially, one of the things that the Appropriations Committee did this year that was somewhat different than in the past, that other than what capital construction was in the deficit bill as it was introduced, anything that we have added in the way of capital construction of a major project we put it in a separate bill so that there would not be a problem of someone wishing to vote for one structure but not for another, and so in keeping with that, the

utilization of this particular bill as it has been explained, the original contents are a part of LB 1031 and the bill number was used as the vehicle in order to provide the ability to consider this bill, or this structure by itself. And relative to Kearney Campus, as has been explained last year, there was in the appropriation Founders Hall third floor, which had a, as I...about a \$2.2 million cost for that third floor. Senator Scofield indicated that was 27,000, a little over 27,000 square feet in that addition on the floor. In the case of Kearney, they have the highest utilization of buildings and the lowest assignable square feet per full-time equivalent student of any of our postsecondary institutions of the seven senior institutions. Even with this addition, the number of square feet per full-time equivalent student will be about 90, a little over 90 square feet. This compares with other institutions, and no institution is that low. Other institutions run from anywhere from 160 to 226 square feet. Senator Langford has indicated how they have transferred a variety of space or converted a variety of space into some kind of usable space, even though it was not designed for those purposes because of the necessity. Enrollment has grown and it was recognized that to put on the third floor would not begin to meet or answer the need. Senator Scofield also pointed out of Copeland Hall, which is the next structure that was planned for renovation, but in that renovation it was still going to be short of the necessary square feet for that facility. And so it became apparent that addition of a straight classroom, faculty office structure was far more appropriate way to give more space to students to improve education, to provide the classrooms that's necessary in order for courses to be taught, that this was a much more logical approach, a much more effective way to utilize public funds than some of the other proposals that we had previously looked at. I would urge that the body would adopt the committee amendment. There is no question about the need for the space. There is no question about the issue that is being...the space is being utilized now to the maximum and then some and this is by far more economical way to provide that space than some of the other proposals that originally was looked at, so I urge that the body adopt the amendment and enact the bill.

PRESIDENT: Thank you. Senator Lynch, please. Senator Lynch.

SENATOR LYNCH: Yeah, Mr. President and members, it's appropriate probably the day before officially St. Patrick's Day that...and when I put my button on I assumed we would be talking

about a potato bill and I thought it would be appropriate to mention that, that where were you 110 years ago when we had the people starving in Ireland, when we needed a potato specialist? And in case...and it was just a little trivia thing, but it's true, how basic a potato could be. My father had eight brothers and sisters, all died before the age of five, buried in Ireland, because of not having enough to eat and, of course, the diseases and physical afflictions that go along with that sort of thing. They came, by the way, to this country and had eight more, so we turned out okay. But on the other hand, I'm not sure what a potato specialist does, and I know we're not talking about that now in this bill, but I thought it might be important to remind you how important potatoes can be to some people. There could be a lot more Lynch kids running around. I know there's enough, but there could be a lot more if we had potatoes 110 years ago at least.

PRESIDENT: Thank you. Senator Scofield, please. No, Senator Schmit, I'm sorry, I'm sorry.

SENATOR SCHMIT: I have a question for Senator Scofield. Senator Scofield, don't we now have a potato specialist at the Scottsbluff station?

SENATOR SCOFIELD: We do not and that's one of the reasons why there is a potato...why this bill was introduced and why, in fact, that position has been funded in the mainline budget bill. Let me, well, this is your time. I'll say that later, Senator Schmit.

SENATOR SCHMIT: Okay, yes.

SENATOR SCOFIELD: That position was shifted a few years ago to do more vegetable oriented work. It's had a negative impact on the potato industry so we did put the potato specialist in the mainline bill. Freed up, this bill is simply a shell.

SENATOR SCHMIT: Okay, in other words we really started out with a potato specialist but we shoved him aside, found another responsibility for him. It's a little bit like we did with 899. Starts out as a potato bill and winds up as a construction bill, a capital construction bill. Now I appreciate Senator Warner's explanation that we put these bills out independently so you don't have to vote for them as a package, but I'm going to challenge you folks to check the votes on LB 898 as opposed to

899 and possibly even LB 1031. Anyone who doesn't see the similarity hasn't been here very long. I do not dispute some of the basic needs at Kearney. I do not dispute the really sincere efforts and the desires to build Trailside Museum. What I do dispute, ladies and gentlemen and members of the Appropriations Committee, is the manner in which you decide what is a priority. I don't know where this was on the priority list of the Board of Regents. I have no idea, no idea of where it was or will be, depending on what happens with the reorganization plan. I wonder, is there anyone from the Appropriations Committee who has ever been to Mead and has viewed the facility out there? I think maybe Senator Moore has. If you have, I'd like to have you comment on it and tell me how you would rank that facility in its adequacy to perform the responsibility that it is called upon to perform as opposed to these last two projects. I'm going to say again, I do not object to the construction, I object to the manner in which the bill has been handled. I think that it is not up front, and I think that if I were to try to strip a bill and add the Mead facility to it, there would be at least a dozen persons on their feet protesting what they call a facade (inaudible) by Schmit to slip that million to the process. I didn't hear what Senator Langford said, how she could get my vote. She's gotten my vote on a number of projects, she will get many more, but ladies and gentlemen, I'm going to say it again. I don't care how bad the need is, unless you can support the need you're going to be in serious trouble. I'm telling you right now that the economy is not growing as we had it growing a few years ago. The economy is in trouble. Unless interest rates are lowered and business can get back to making money and agriculture makes some money, you're going to be scrambling around here like a badger in a cornfield trying to find enough bucks to take care of these responsibilities. You're going to overbuild. The old adage about it ain't the original cost, it's the upkeep, well, ladies and gentlemen, that's exactly what we're doing. We have an enormous, an almost insatiable appetite to build and build and build. I wonder if we have the same ability to fill those facilities with properly paid faculty and properly equipped faculty to teach the children. One requires the other. We can build and build and build and we cannot support it some day, and I'm going to tell you right now we are not going to support it. You're going to find yourselves in dire straits and...

PRESIDENT: One minute.

SENATOR SCHMIT: ...perhaps Governor Orr and myself might yet constitute a majority, I'm not sure, but I would hope so.

PRESIDENT: Thank you. Senator Scofield, please, followed by Senator Moore.

SENATOR SCOFIELD: Thank you, Mr. President and members, I need to clarify, apparently, some things that are and are not already done. This bill was originally introduced as a potato specialist bill simply because my people out there who need this potato person desperately could have yet another hearing so we could be updated on that process of where we were in that whole ongoing change of staff out at Panhandle Station. And I have to tell you, had the committee not put the potato specialist in the mainline bill, this bill would not have been the vehicle to allow Kearney to do this. I would agree with the priority for the agricultural specialists that are in the bill not only potato, but some of the other agricultural priorities that are in the mainline bill. There seems to be some confusion about that and, Senator Lynch, we're going to grow potatoes in the Panhandle for the next generation of Lynches, too, we hope. This bill I think has been openly and honestly described of what we propose to do with it. It could have been any bill, frankly, as the vehicle to do this and you should not be confused by the process here and by some of the rhetoric that's been thrown about this morning. So the question here is, do you think Kearney has the need for the space and do you wish to give Kearney the opportunity to address those needs in, frankly, a more cost efficient manner I think than some of the current activities that are under way? I might add that while we all recognize that agriculture is the backbone of Nebraska, the kind of student that goes to Kearney State quite often has an agricultural background, quite often will return to those farms and ranches and to those cities, we hope, because if they don't they go some place else. And so it's important that we give a good facility, good classroom space to an institution as important as any of the state colleges and, frankly, Kearney is the flagship institution and growing very rapidly, so it's a justifiable activity and there really isn't good reason for the kind of concern I think that's being expressed out here. This is right up front and it's easy to understand I think the set of priorities that are here and how this particular bill is being proposed to be used as a vehicle to address needs at Kearney, but we have not left the potato specialist out. That is addressed in LB 1031. Thank you.

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Mr. President and members, I rise to oppose this amendment on dealing with the Kearney State planning money for the Kearney State situation not so much that I am questioning the need for the facility, but I have two particular problems as to why we need to put \$30,000 to do this particular planning on a...for the Kearney campus. The two situations are this. The first one is that, you know, we should all thank the Lord that the Governor vetoed out Founders Hall last year because had she not of, in the last summer and over the interim, thanks to some 309 funds that were expended to look at the electrical distribution system of the Kearney campus, there wasn't...it's questionable there was the proper infrastructure to support that building and you know, had the Governor not have done Senator Langford a favor and vetoed that, Kearney may have had a site on par at the best electrical storm ever. We don't know that, so I mean it's one of those things where it's hard for me to believe that all of a sudden out of the blue you have this \$1.2 million problem which was contained in the other Appropriations measures to solve that problem at the same time when you had a problem with the electrical distribution system is not adequate, at the same time you're asking for additional building. I have a problem with that. The second problem is, it's just one of those things that, you know, if you want to do something bad enough, you'd find a way to do it. For instance, the \$10,000 that Kearney State uses to fund the operations of MONA, the Museum of Nebraska Art. You know it's those type of things...I guess the reason I'm opposing this is I have a little trouble spending \$30,000 to justify a \$9 million expenditure, you know if it's needed, which it is, I'm sure that request can be...that request will have an easy enough time finding its way to us and we ought to let it take that course. For that reason I'll be voting no.

PRESIDENT: Thank you. Senator Langford, you're the last light.

SENATOR LANGFORD: Mr. President, colleagues, and, Senator Moore, I think this is interesting. I can't remember how many votes there have been for Kearney State since I've been here. This is my fourth year, but I'm still waiting to celebrate the first green that I get from Senator Moore for some reason. Of course, I don't think the university fares much better. I do hope that you will consider the really great need that there is

for this building. Founders Hall was number one on the State College Board list for a long while. This, along with Copeland, came just behind, but this building will give the need where the third floor of Founders would not have satisfied the need. This will be less expensive in the long run, so please, do decide whether you want your Kearney State students to be going to school at the K-Mart. Thank you.

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Only to correct Senator Langford to begin with. I mean, remember, I voted yes on 247 last year which may or may not have been an important bill to you. If I remember right, that it was, and also supported electrical distribution monies in the bill as well as the bond resolution to build the additional dormitories. And so you get some green ones and some red ones from me, Senator Langford.

PRESIDENT: Senator Scofield, are you the one that closes on this?

SENATOR SCOFIELD: I believe so, Mr. President, thank you. I think we're clear at least on what we're doing here right now, but for anybody who is confused, once again, the original potato specialist proposal is in the mainline bill and this bill then is...its future, frankly, was to be killed and the committee decided they needed a bill. We wanted to address this issue. We recognized the growth at Kearney and the need for classroom space and, therefore, we propose adding this amendment which allows the money to start the planning to address the classroom space needs at Kearney. It's necessary, it's needed. If you have a growing institution, I think you have no choice but to address it and so I would ask you to approve the amendment. Thank you.

PRESIDENT: Thank you, the question is the adoption of the amendment. All those in favor vote aye, opposed nay. Senator Warner.

SENATOR WARNER: Mr. President, I guess I'd request a call of the house. We obviously have a number of people out. Maybe they're coming.

PRESIDENT: The question is, shall the house go under call. All those in favor vote aye, opposed nay.

SENATOR WARNER: Mr. President, call in votes would be fine.

PRESIDENT: Okay. You're voting on going under call. Record, Mr. Clerk, please.

CLERK: 13 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Call in votes are requested.

CLERK: Senator Baack voting yes. Senator Chambers voting yes. Senator Hall voting yes. Senator Bernard-Stevens voting yes. Senator Hartnett voting yes. Senator Conway voting yes.

PRESIDENT: Record, Mr. Clerk.

CLERK: 27 ayes, 2 nays, Mr. President, to adopt the committee amendments.

PRESIDENT: The committee amendments are adopted and the call is raised. The committee amendments are adopted and now we're back on discussing the bill. Senator Scofield, do you want to talk about the bill?

SENATOR SCOFIELD: Simply, if there is a need to clarify one more time. The bill now becomes the committee amendments to provide the planning money for the building at Kearney. I would ask that you advance the bill.

PRESIDENT: Thank you. Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, there are those who look upon capital construction as economic development because it employs people, uses construction materials. Once the building is constructed it requires the employment of people, requires the equipment to be placed in the facility, so in a way it is economic development for certain classes of people, certain groups of people. What we have to remember also is, ladies and gentlemen, that the vast majority of the people do not participate in that part of economic development. In this instance here, obviously, I don't know whether...where the need became so imperative. If there was no original bill for the purpose, maybe Senator Scofield can comment upon that. When did they decide that this was such an important need that they would

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LB 899, 1059
LR 239

take advantage of a bill they no longer needed to provide for this money? I don't know when it became so apparent, but apparently the opportunity was there and we proceed. I'm going to say again, I like to spend money as well as anyone else and from time to time I guess I spend other people's money on this floor. But we are spending other people's money and I think we ought to look at it very carefully. It's kind of interesting that in view of all the reorganization procedures that are being proposed for the University of Nebraska and the state colleges, that it would be deemed imperative to build this structure at this time. If, in fact, LR 239 is approved and these companion bills, is it not possible that there will be some reorganization of responsibilities and priorities where perhaps that facility may not be needed, but it's a question that ought to be raised. It would appear that we are rushing pell-mell into this process here today to begin something because it may be the opportunity to do so now that might not be there under a new governing board. I am amazed, I am absolutely amazed at the thinking that prevails on this floor. You heard yesterday Governor Orr referred to her assessment of LB 1059. Ladies and gentlemen, I've not supported that bill, but I think there is more reason to support that kind of a bill than there is for us to continually support the capital construction procedures we are doing here in this instance. Senator Langford talks about how innovative they are. Ladies and gentlemen, it is being quite innovative to take a potato bill for 50,000 bucks and convert it to a \$30,000 study which will result in a \$3 million construction project and I will buy the treats, ladies and gentlemen, if it stays at \$3 million. You and I and everyone else on this floor know that it will not be \$3 million, it will be four or five or more if and when the project is ever completed. I think it is wrong. I think it is time to put on the brakes, slow down, look around a little bit. Maybe the committee is right. Maybe the body is right to reject the facility at Mead and force us to get along in that facility. But, ladies and gentlemen, I supported the greenhouse proposal because I believe that gives you the chance to increase the income which supports the rest of this infrastructure we have here. I believe the facility at Mead is important because it supports the basic industry of agriculture. And, ladies and gentlemen, without that, you're not going to need the facility at Kearney. It's too bad. It is too bad. I think the priority is wrong. I know the alignments are there.

PRESIDENT: One minute.

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LB 899, 1107, 1241
LR 300

SENATOR SCHMIT: I know the trade-offs are there. I know the deal has been cut, but I want you to know that I know what is going on. I don't want you to think you can do it and that I do not know any better. I know what's going on. I don't object to it, I'd like to be a part of it I guess, but I can't be in this instance. Thank you very much.

PRESIDENT: Thank you. Senator Scofield, would you like to close, please.

SENATOR SCOFIELD: Mr. President, I'd simply move the bill. Thank you.

PRESIDENT: Thank you. The question is the advancement of the bill. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 1 nay, Mr. President, on the advancement of LB 899.

PRESIDENT: The bill is advanced. Mr. Clerk.

CLERK: Yes, Mr. President, I do. A new study resolution LR 300 by Senators Weihsing and a number of members will be referred to the Executive Board. (See pages 1395-96 of the Legislative Journal.)

Mr. President, Senator Labedz has amendments to be printed to LB 1107. That's all that I have, Mr. President. (See page 1396 of the Legislative Journal.)

PRESIDENT: Okay, thank you. We'll move on to LB 1241.

CLERK: Mr. President, 1241 was a bill introduced by Senator Chambers. (Read title.) The bill was introduced on January 18 of this year. At that time it was referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Banking Committee.

PRESIDENT: Senator Landis, are you going to handle those? Please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature,

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LB 315, 536, 898, 899, 920, 1031, 1125
1126, 1170, 1220
LR 310, 311

all would want to be treated if we were in that same situation. If any of us were in a circumstance where we were in a drug and alcohol problem, lost our jobs and wanted to deal with that problem, hadn't the resources, and at that time faced with an inability to get unemployment benefits, out of work, no future, what kind of situation are these people going to be in? The problem that they have is only going to get worse. Let's try and make it better. Let's try and deal with that drug problem and getting them into treatment. I ask your support for this amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Wesely amendment to LB 315. All in favor of that motion vote aye, opposed nay.

SENATOR WESELY: I'll take a record vote and that will be fine.

SPEAKER BARRETT: Thank you. Record, Mr. Clerk. A record vote has been requested.

CLERK: (Read record vote. See pages 1436-37 of the Legislative Journal.) 12 ayes, 19 nays, Mr. President, on the amendment.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, may I read some items before we proceed?

SPEAKER BARRETT: Yes, proceed.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1031 and recommend the same be placed on Select File; LB 1125, LB 920, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, all of those to Select File, some of which have E & R amendments attached. (See pages 1437-40 of the Legislative Journal.)

And, Mr. President, study resolutions. (Read introduction of LR 310 and LR 311 by title for the first time. See pages 1440-41 of the Legislative Journal.) Both will be referred to the Executive Board.

Mr. President, the next amendment I have to the bill is by Senator Coordsen. Senator Coordsen's amendment is on page 1350 of the Journal.

March 21, 1990

LB 536, 899, 1126, 1220

SENATOR LINDSAY: Mr. President, I move that LB 536, as amended, be advanced.

SPEAKER BARRETT: Any discussion? If not, shall 536 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1220.

CLERK: LB 1220, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1220.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments be adopted to 1220? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1220, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Questions or discussion? If not, shall LB 1220 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1126.

CLERK: LB 1126, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1126 be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, shall LB 1126 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 899.

CLERK: LB 899, Senator, I have E & R pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the

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LB 899, 920, 1019, 1141
LR 328

E & R amendments.

SPEAKER BARRETT: Shall the E & R amendments be adopted to 899? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 899, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, shall LB 899 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. Items for the record, Mr. Clerk.

CLERK: Mr. President, Senator Warner has amendments to LB 1141 to printed; Senators Johnson and Byars to LB 920. Senator Wesely would like to add his name to LB 1019, and Senator Schimek to LR 328. That is all that I have, Mr. President. (See pages 1569-71 of the Legislative Journal.)

SPEAKER BARRETT: Thank you very much. Ladies and gentlemen, thank you very much for an excellent day. The work product has been excellent today. I am grateful. Thank you very much. Senator Bernard-Stevens, would you please adjourn us.

SENATOR BERNARD-STEVENS: Mr. Speaker, and members of the body, I move we adjourn until tomorrow morning, 9:00 a.m., March 21st (sic).

SPEAKER BARRETT: Thank you. You have heard the motion to adjourn until nine o'clock tomorrow morning. All in favor say aye. Opposed no. Carried. We are adjourned. (Gavel.)

Proofed by:

Arleen McCrory
Arleen McCrory

March 27, 1990

LB 315, 536, 551, 551A, 799, 898, 899
920, 1019, 1019A, 1031, 1125, 1126, 1136
1170, 1220, 1246

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please stand. The opening prayer of the day by Pastor Robert Bye of the First Presbyterian Church of Plattsmouth, Nebraska, Senator Wehrbein's district. Pastor Bye. (Gavel.)

PASTOR BYE: (Prayer offered.)

SPEAKER BARRETT: Thank you so much, Reverend Bye. Please come back again. Roll call.

PRESIDENT NICHOL PRESIDING

PRESIDENT: I understand we're about ready to start. Mr. Speaker, would you explain the progression we're going to follow, please.

SPEAKER BARRETT: Yes, thank you, Mr. President and members. Obviously we do have a problem with the electronic voting board this morning. Apparently everything else is working. The microphones and the panels on either side of the board are okay, so rather than waste some time waiting for repair people to arrive on the scene, I'd recommend we get started and when it comes to casting a vote, we'll have to either use hands, voice vote or, of course, a roll call. So if we can put up with the inconvenience for a short while, we should be back in business as soon as the repair people are on site. Mr. President, I'd suggest we go ahead with the first item on the agenda.

PRESIDENT: Okay, thank you. Have you any corrections, Mr. Clerk?

CLERK: I have no corrections this morning, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1246 and recommend that same be placed on Select File with E & R amendments attached. Mr. President, Enrollment and Review also reports they have carefully engrossed LB 315 and find it correctly engrossed as well as LB 536, LB 551, LB 551A, LB 799, LB 898, LB 899, LB 920, LB 1019, LB 1019A, LB 1031, LB 1125, LB 1126, LB 1136, LB 1170 and LB 1220, all of those reported

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LB 898, 899, 1126, 1220

CLERK: (Read LB 1220 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1220 pass? Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1688 of the Legislative Journal.) 41 ayes, 2 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1220 passes. LB 1126, Mr. Clerk.

CLERK: (Read LB 1226 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1126 pass? Those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote. See pages 1688-89 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1126 passes. LB 898E.

CLERK: (Read LB 898E on Final Reading.)

SPEAKER BARRETT: (Mike off.) Have you all voted? Please record.

CLERK: (Read record vote. See pages 1689-90 of the Legislative Journal.) 38 ayes, 3 nays, 4 present and not voting, 4 excused and not voting.

SPEAKER BARRETT: LB 898E passes. LB 899E.

CLERK: (Read LB 899 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 899 with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1690-91 of the Legislative

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LB 163, 163A, 164, 899

Journal.) 41 ayes, 2 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 899E passes. This completes the processing of the budget bills on Final Reading. You'll note by today's agenda we will proceed with additional Final Reading until noon, beginning with LB 163. Also a reminder from the Chair that members are to be in their seats during Final Reading until the vote has been announced. The exceptions are when we are discussing motions or amendments or when you are excused. Appreciate your cooperation. Mr. Clerk, LB 163.

CLERK: (Read LB 163 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 163 pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See pages 1691-92 of the Legislative Journal.) 27 ayes, 14 nays, 4 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 163 passes. LB 163A.

CLERK: (Read LB 163A on Final Reading.)

SPEAKER BARRETT: (Mike off.) ...A pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1692 of the Legislative Journal.) 32 ayes, 11 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 163A passes. LB 164, Mr. Clerk.

CLERK: (Read LB 164 on Final Reading.)

SPEAKER BARRETT: (Mike not on.) ...164 pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1693 of the Legislative Journal.) 39 ayes, 2 nays, 5 present and not voting, 3 excused and not voting, Mr. President.

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LB 163, 163A, 164, 164A, 187, 536, 898
899, 1031, 1125, 1126, 1170, 1220

us. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164 and LB 164A. (See page 1695 of the Legislative Journal.) Senator Wesely, further discussion on the motion to return the bill.

SENATOR WESELY: Yes, Mr. Speaker, members, just very briefly, I rise to indicate for the record why it is I'm going to change position today on this bill. I have supported the concept of the state participating in the cost of indigent care. I have worked and led task forces and introduced legislation to this effect, but I've had conversations with the Nebraska Hospital Association about the two-way street we live on and then that two-way street, when additional public tax dollars go into any particular area, it seems to me that an amount of accountability is in order and unfortunately we have had a desire on the part of the hospitals in particular to ask and request for Medicaid increases, for this legislation on indigent care reimbursement and additional public monies, but when requested to participate in different health care cost containment initiatives they object and block every effort we make practically. For instance, I remember last year on certificate of need their efforts blocked my concerns about certificate of need and that process to contain costs was weakened dramatically as a result of legislation promoted by the Hospital Association last year. This year we have a health care cost data bill that has got the support of a number of different organizations and interests with the exception of the Hospital Association and they are working very hard, as you all know, to block that piece of legislation. If we were able to pass that, if we were able to work with them on the cost containment side of things, I very much support the work of Senator Lynch and those in support of LB 187. The concept is valid. The state should take a responsibility in this area, but before further monies get spent in this field or any other field that go into the hospitals in particular in this state it seems to me appropriate to ask those hospitals to work with us, the public, the taxpayers, the Legislature, to try and deal with the cost issue, the cost containment problem that we have across the State of Nebraska and across this country. And as long as the hand is out to receive the money but there is no assistance whatsoever to help us deal with the cost of this, I, for one, feel unable to support further funding in this manner. I would want to add that in some of the data, in some of the information we have

March 29, 1990

LB 163, 163A, 164, 164A, 187, 187A, 259
259A, 260, 260A, 272A, 313, 313A, 338
488, 488A, 503, 503A, 520, 520A, 536
567, 567A, 662, 898, 899, 1031, 1125
1126, 1170, 1220

morning visiting in the south balcony. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 520, LB 520A, LB 567, and LB 567A. Senator Lynch, please check in. Senator Byars. Senator Schimek, please. Senator Labedz. Members will return to your seats for a roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1713-14 of the Legislative Journal.) 14 ayes, 33 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: Motion fails. Mr. Clerk, have you a priority motion?

CLERK: I do, Mr. President. May I read some items?

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, amendments to be printed to LB 338 by the Health and Human Services Committee. (See pages 1714-17 of the Legislative Journal.)

Messages that bills read on Final Reading this morning have been presented to the Governor. (Re: LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164, LB 164A, LB 187, LB 187A, LB 259, LB 259A, LB 260, LB 260A, LB 272A, LB 313, LB 313A, LB 488, LB 488A, LB 503, LB 503A. See page 1714 of the Legislative Journal.)

And LB 272A has been reported correctly enrolled, Mr. President. That is all that I have.

SPEAKER BARRETT: To the motion.

CLERK: Mr. President, the first motion, Senator Hall would move to recess until one-thirty, Mr. President.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed.

RECESS

April 4, 1990

LB 260, 260A, 313, 313A, 488, 488A, 520
567, 567A, 663, 663A, 854, 899, 1124
1125, 1141
LR 239

SENATOR BERNARD-STEVENS: It'd be a fascinating turn of events to have that happen. But the bottom line is all of this debate is about a bill that's unconstitutional. Bottom line is in some cases in western Nebraska, by the way the bill is, it may not be possible to get the kind of counseling that they need in order to get the permit signed on the informed consent. Bottom line is some people in western Nebraska who don't have a counselor or someone that fits the definition that's in LB 84 (sic), which I'll again bet that 90 percent of the people in this body still have no clue of what that definition is, nor care, that a lot of people in the rural part of our state have to go elsewhere to find somebody who fits the qualifications that are in the bill. I took the time to call counselors throughout western Nebraska and ask if they felt they qualified under the bill. They stated, the way the bill is written, probably not.

SPEAKER BARRETT: Time has expired.

SENATOR BERNARD-STEVENS: But if we'd a been allowed to make some (inaudible).. improve that situation. Thank you.

SPEAKER BARRETT: Thank you. Senator... excuse me, Mr. Clerk, you have a motion on the desk?

CLERK: Mr. President, Senator Chambers, I understand you want to offer a motion to adjourn until nine o'clock tomorrow morning, Thursday, April 5.

SPEAKER BARRETT: Have you anything to read in, Mr. Clerk?

CLERK: Mr. President, I do. I have your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LR 239CA and find the same correctly engrossed, LB 1141 and LB 1124. (See pages 1902-04 of the Legislative Journal.)

Mr. President, I also have three communications from the Governor regarding signed bills addressed to the Clerk: Engrossed LB 663, LB 663A, received in my office March 30 and signed by me on April 4. (See pages 1905-06 of the Legislative Journal.) A second communication: Engrossed LB 1125, LB 899, LB 260, LB 260A, LB 313, LB 313A, LB 488, LB 488A, LB 520, LB 567, LB 567A, received in my office on March 29 and signed by me on April 4 and delivered to the Secretary of State, Sincerely, Kay Orr, Governor. (See Page 1905 of the Legislative