

February 6, 1990

LB 551, 922, 950, 953A, 1004A, 1059, 1149
1199

SPEAKER BARRETT: The A bill is advanced. Anything for the record?

CLERK: Mr. President, your Committee on Natural Resources whose Chair is Senator Schmit reports LB 922 to General File with amendments and LB 950 as indefinitely postponed, those signed by Senator Schmit. (See pages 678-79 of the Legislative Journal.)

Banking Committee reports LB 1149 as indefinitely postponed, signed by Senator Landis as Chair. (See page 679 of the Legislative Journal.)

Hearing notices from the Health and Human Services Committee for gubernatorial appointments and a hearing notice from the Appropriation Committee.

Mr. President, designation of priority bills. Senator Moore selected LB 1059, Senator Elmer LB 922 and Senator Robak LB 1199.

Mr. President, new A bill, LB 1004A by Senator Rogers. (Read by title for the first time. See page 682 of the Legislative Journal.) That's all that I have at this time, Mr. President.

SPEAKER BARRETT: Thank you, moving on to the next bill on General File, LB 551. Mr. Clerk.

CLERK: Mr. President, 551 was a bill introduced by Senator Lynch. (Title read.) The bill was introduced on January 18 of last year, Mr. President, referred to Health and Human Services Committee for public hearing. The bill was advanced to General File. I have committee amendments pending.

SPEAKER BARRETT: The Chair recognizes Senator Wesely for the purpose of introducing the committee amendments.

SENATOR WESELY: Thank you, Mr. Speaker, members, the committee amendments do become the bill and so it's important to follow along a little bit on the committee amendments and let me begin by especially thanking Senator Dennis Byars, Senator Dan Lynch for working on a compromise that is now before you in the form of the committee amendments. Just to give you a quick background on the medical lab issue, it has been before the Legislature here in Nebraska for about four years or so and we have struggled with the issue to a great degree. The federal

February 15, 1990 LB 663A, 896A, 1004A

be a new position that brings to this state expertise in particular about alternatives and works with those communities to help them not only be aware of alternatives that other states have used, but also encourage creative solutions in our own communities. With that explanation, I would ask you to advance LB 663A. Thank you.

PRESIDENT: Thank you. Senator Coordsen, your light is on, did you wish to speak? Perhaps it was just left on. The question is the advancement of LB 663A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of 663A.

PRESIDENT: LB 663A advances. LB 896A.

CLERK: 896A offered by Senator Withem. (Read title.)

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body, LB 896 is the appropriations bill that accompanies LB 896. LB 896 is, I believe, if not on Final Reading, was, I believe I heard it reported as being correctly engrossed this morning and just being reported to Final Reading today. The A bill needs to catch up with it. The bill is one that provides for a withholding of income tax from civil service annuitants. The A bill, in a global sense, is a fairly modest \$30,000 for '90-91 and \$15,000 for '91-92. I would urge you to advance the bill.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All in favor vote aye, opposed nay. I need a little help. Thank you. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 896A.

PRESIDENT: LB 896A advances. LB 902A, please.

CLERK: Mr. President, 902A is a bill by Senator Hall.

PRESIDENT: Is anyone authorized to handle this? Senator Hall is excused. We'll move on to the next one. Perhaps somebody will show. LB 1004A.

CLERK: Mr. President, 1004A by Senator Rogers. (Read title.)

PRESIDENT: Senator Rogers, please.

SENATOR ROGERS: Mr. President, speakers, you've all got a fiscal note, I mean, rather than me trying to read where all this money is going, I mean, I'll just give some of the classification titles of some of the people that the Department of Ag will have to hire. There's an accounting clerk, about three ag inspection specialists in the veterinary field office, and an attorney and an office clerk and a staff assistant. The total A bill is 866,000 for '90-91 and 928,000 for '91-92. Then on the back of the sheet I wish that if some of you would care to, you'd look at that. It gives some of the costs that the producers will bear. Vaccine costs are like 421,000 a year, one herd testing is 1,400,000, feeder pig producers is 265,000, farrow to finish 800,000, seed stock producer inspection, this is money that is in the lost column, you might say, if you looked at it as a producer but, in other words, the producers are funding 4 or \$5 million of this particular bill over a two-year period and I'd ask for its advancement.

PRESIDENT: Thank you. Senator Chambers, please. Okay, the question is the advancement of the bill. All those in favor vote aye, opposed nay. I still need a little help. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 1004A.

PRESIDENT: LB 1004A advances. LB 1064A.

CLERK: 1064A, Mr. President, offered by Senator Wesely. (Read title.)

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, and members, LB 1064A is that clean-up bill for the Health Department and at this time deals with primarily x-ray regulation. There are fees charged on x-ray operators that cover the cost of administering the program. The A bill is cash funds from those fees. It's about \$143,000, but all that is paid for from the fees that are collected from this program, so I'd move the advancement of the

February 16, 1990

LB 313, 663A, 799, 896A, 902A, 1004A, 1064A
1136, 1219, 1241

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning our own Reverend Harland Johnson. Would you please rise for the invocation.

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Harland Johnson. We appreciate you again. Roll call, please. Record, Mr. Clerk, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Do we have any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: How about messages, reports, or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 663A, LB 896A, LB 1004A, LB 1064A, and LB 902A to Select File, as well as LB 313 to Select File with E & R amendments attached. (See pages 838-39 of the Legislative Journal.)

Mr. President, I have received a series of priority bill designations; Senator Landis has selected for the Banking, Commerce, and Insurance Committee LB 1241; Senator Beyer, LB 799; and Senator Landis personal priority or LB 1136.

An Attorney General's Opinion addressed to Senator Lowell Johnson on LB 1219. (See pages 839-41 of the Legislative Journal.)

Two reports, Mr. President, the first from the Nebraska Energy Office, and a second, Mr. President, received from US Ecology regarding notice of final selection. Both of those will be on file in my office.

PRESIDENT: Is that all? Thank you. We will move on to the confirmation report of Senator Haberman's.

CLERK: Mr. President, your Retirement Systems Committee chaired by Senator Haberman offers a report found on page 833 for Ms. Connie Witt to the Public Employees Retirement Board.

Rogers' amendment.

PRESIDENT: The amendment is adopted.

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Rogers, on the advancement of the bill.

SENATOR ROGERS: Mr. President and members, if there is no question, I just move for the advancement of the bill.

PRESIDENT: Okay, the question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced.
LB 1004A.

CLERK: LB 1004A, Senator, I no amendments to the bill.

PRESIDENT: Senator Rogers, on the advancement of the bill.

SENATOR ROGERS: Move for advancement of the A bill.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Move on to LB 863.

CLERK: LB 863, Mr. President, I have no amendments to the bill.

PRESIDENT: Senator...Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 863 be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 348. The Speaker suggested that we take up the Select File bills that do not have amendments for advance but, however, this 348 does have amendments on it.

CLERK: Mr. President, the next bill I have without substantive amendments, LB 1199. I have E & R amendments pending.

PRESIDENT: Senator Lindsay, on 1199.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to 1199.

February 28, 1990 LB 42, 315, 348, 446, 542, 662, 663A
791, 792, 863, 896A, 922, 1004, 1004A
1199
LR 262

driver, if that's who was involved, would no longer be able to drive the truck as well. If it were a secretary or somebody in that capacity, the duties of that job would not be carried out as well. So all my words will do is focus on what the words "affect the employment relationship" will mean. So if you have any questions, I am prepared to answer them.

SPEAKER BARRETT: Thank you. An amendment...or motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator McFarland would move to recess until 1:30 p.m.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Have you matters for the record, Mr. Clerk?

CLERK: If I may, Mr. President. Your Committee on Enrollment and Review reports LB 42, LB 663A, LB 863, LB 896A, LB 922, LB 1004, LB 1004A, LB 1199, as correctly engrossed. Those are signed by Senator Lindsay. (See pages 1045-46 of the Legislative Journal.)

Mr. President, I have a corrected committee statement with respect to LB 446 offered by Senator Chizek as Chair of the committee. (See page 1045 of the Legislative Journal.)

Urban Affairs reports LB 791 and LB 792 as indefinitely postponed.

Mr. President, amendments to be printed; Senator Langford and Wesely to LB 348, Senator Labedz to LB 662, Senator Lindsay to LB 542. (See pages 1046-47 of the Legislative Journal.)

And a new resolution, Mr. President, LR 262, offered by Senators Lamb, Scofield, Dierks and Peterson. (Read brief description of LR 262. See pages 1047-50 of the Legislative Journal.) That resolution will be laid over, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. The ayes have it. Motion carried. We are recessed. (Gavel.)

RECESS

April 3, 1990

LB 1004, 1004A, 1080, 1080A, 1184

PRESIDENT: LB 1004 passes. LB 1004A.

CLERK: (Read LB 1004A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1004A pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1830 of the Legislative Journal.) 33 ayes, 7 nays, 6 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1004A passes. LB 1080.

CLERK: (Read LB 1080 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1080 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1831 of the Legislative Journal.) 43 ayes, 0 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1080 passes. LB 1080A.

CLERK: (Read LB 1080A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1080A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1831-32 of the Legislative Journal.) 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 1080A passes. LB 1184 with the emergency clause attached.

CLERK: (Read LB 1184 on Final Reading.)

April 3, 1990

LB 42, 42A, 642, 656, 799, 866, 880
880A, 953A, 1004, 1004A, 1019, 1019A, 1059
1059A, 1064, 1064A, 1080, 1080A, 1113, 1113A
1136, 1146, 1184, 1184A, 1222A
LR 418

CLERK: (Read LB 1222A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1222A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1847 of Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1222A passes. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, I do, a new resolution by the Judiciary Committee, (LR 418.) a study resolution. Enrollment and Review reports LB 1064 and LB 1064A as correctly engrossed, both signed by Senator Lindsay as Chair; and LB 1059 and LB 1059A is correctly enrolled. Enrollment and Review reports LB 1113 and LB 1113A to Select File, signed by Senator Lindsay. Amendments to be printed by Senator Hartnett to LB 953A, Senator Hall to LB 866. And, Mr. President, a confirmation report from Transportation Committee signed by Senator Lamb as Chair. That's all that I have, Mr. President. (See pages 1847-52 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session, capable of transacting business, I propose to sign and do sign LB 880, LB 880A, LB 1004, LB 1004A, LB 1080, LB 1080A, LB 1184, LB 1184A, LB 656, LB 1146, LB 42, LB 42A, LB 799, LB 1019, LB 1019A, LB 1059A, LB 1059, LB 1136, LB 1122, correction, LB 1222, and LB 1222A. We're ready to go. Mr. Clerk, do you have something on the desk?

CLERK: Mr. President, motion pending from this morning was one offered by Senator Chambers and that motion was to overrule or change the Speaker's agenda to permit consideration of a suspension motion relating to LB 642.

PRESIDENT: (Gavel). Could we have your attention so we can hear the speaker? Senator Chambers, please.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, this is a continuation from what I was attempting

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LB 42, 42A, 571A, 834, 843, 843A, 855
855A, 880, 880A, 896A, 920, 1004, 1004A
1019, 1019A, 1043, 1059, 1059A, 1030A, 1090
1109, 1222, 1222A, 1241

Mr. President, I have received veto messages on the following bills: LB 1059, LB 1059A, LB 42, LB 42A, LB 880, LB 880A, LB 1004 and LB 1004A, LB 1019 and LB 1019A, LB 1080A, LB 1222 and LB 1222A, LB 571A, LB 834, LB 843 and LB 843A, LB 855 and LB 855A, LB 896A, LB 1043, LB 1090 has a line-item reduction, LB 920 has a line-item reduction, LB 1241 has a line-item reduction. (See Messages from the Governor as found on pages 1985-98 of the Legislative Journal.) All those, Mr. President, as I indicated, are available to the members on their desks. Have an Attorney General's Opinion addressed to Senator Schmit regarding LB 1059 and I believe that's all that I have, Mr. President.

PRESIDENT: Thank you. We have a motion from Speaker Barrett. Speaker Barrett.

SENATOR BARRETT: Thank you, Mr. President and members. I offer the motion to suspend Rule 6, Section 7, subsection (b), and Rule 5, Section 6, to permit these bills to be read on Final Reading this morning. The first part, of course is to waive the two-day limitation, and the second is to allow the A bills to be read. I would urge the body to adopt the motion. Thank you.

PRESIDENT: Thank you. Any discussion? If not, the question is the adoption of the suspension of the rules motion. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, no nays, Mr. President, on the suspension of the rules to permit reading of the bills this morning.

PRESIDENT: The rules are suspended and we'll begin Final Reading. If you will find your ways to your own desk, why, we would start Final Reading. (Gavel.) Please return to your desks so we can begin Final Reading. Senator Haberman, would you come home, please? Mr. Clerk, LB 1109, please.

CLERK: Mr. President, I had amendments from Senator McFarland.

PRESIDENT: Is anyone prepared to handle Senator McFarland's motion on this bill? Senator McFarland, you had a motion on this first bill.

SENATOR MCFARLAND: Mr. President, could you read the motion for me?

the bill in future years. I ask for a yes vote on the override.

SPEAKER BARRETT: Thank you. Members, continue to check in, please. I believe that Senator Rogers has asked that we check in. Senators Warner, Wesely, Hannibal, Lynch, Smith, Coordsen, Lindsay, Landis, Baack, Conway, Ashford. Senator Smith, please. Senator Beck, please. Senator Rogers, we will proceed with a machine vote then, unless you ask for a roll call.

SENATOR ROGERS: Is Senator Chambers in the building or is he excused?

SPEAKER BARRETT: Senator Chambers is not available.

SENATOR ROGERS: Okay, a roll call vote.

SPEAKER BARRETT: Thank you. Mr. Clerk, proceed with a roll call vote on the override of LB 1004.

CLERK: (Roll call vote taken. See pages 2047-48 of the Legislative Journal.) Mr. President, I am going to verify, if I may.

SPEAKER BARRETT: Certainly.

CLERK: (Read vote for verification.) 34 ayes, 12 nays, Mr. President, on the override.

SPEAKER BARRETT: Motion prevails and LB 1004 becomes law notwithstanding the Governor's objection. The A bill.

CLERK: Mr. President, Senator Rogers would move that LB 1004A become law notwithstanding the objections of the Governor.

SPEAKER BARRETT: Senator Rogers.

SENATOR ROGERS: Mr. President, members, I would just ask for a vote to override the veto of the A bill.

SPEAKER BARRETT: Thank you. Any discussion? If not, the question is, shall the veto of LB 1004A be overridden. All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See page 2048 of the Legislative

Journal.) 34 ayes, 0 nays, Mr. President, on the override of 1004A.

SPEAKER BARRETT: LB 1004A becomes law notwithstanding the Governor's veto. Mr. Clerk, are we at LB 1222.

CLERK: Mr. President, Senator Hartnett would move that LB 1222 become law notwithstanding the objection of the Governor.

SPEAKER BARRETT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. Speaker, members of the body, I introduced this bill, had this bill twice, last year as LB 603, this year as 1222. It was heard by two different committees, the Health Committee and the Judiciary Committee. The reason given for the Governor for vetoing the...the veto message is additional confrontation between (sic) the legal disputes between state agencies, but the A bill, as it is put in, only has little, around \$35,000 for this purpose. What it does, it allows the Foster Care Review Board to do the job it has been mandated to do, protect the interest of the foster children and see that they don't fall through the cracks in the system. It provides the Foster Care Review Board with access to child abuse records, requires written reports from guardianship...guardians ad litem at dispositional hearings, permits reports and recommendations of the board to be admitted into the evidence by...they can be considered by the judge, or a state board to have one member to be an attorney with legal expertise in child welfare, provide access to teachers and police officers so that the board can get better information on foster case. Requires review hearings to be conducted on the record, provides for additional training for foster parents. The bill does not attempt to broadly address the problem without a system deals with foster children. Children have become the responsibility of the state because of family problems. Finally, we need to keep the effectiveness of the child review board in serving (sic) money every time the child is removed from the system. Studies have shown that the board has saved the state over one-half million dollars every year, helps allow the Foster Review Board to expand their authority for the welfare of group children who are among the overlooked children in our system. With that, I would like to ask the body to overrule the veto.

SPEAKER BARRETT: Thank you. Discussion on that motion. Senator Smith, followed by Senator Moore.

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LB 42, 42A, 163, 163A, 164, 164A, 503
503A, 536, 834, 843, 843A, 1004, 1004A
1031, 1043, 1059, 1059A, 1126, 1170, 1222
1222A

employee is 21, State Patrol is 21, other school employees in Omaha, no age limit and the judges are no age limit. So, therefore, I would ask that you override the veto of 834. It doesn't cost any more money. It doesn't cost any money. It will keep young people in Nebraska. It will want them to help work for the state and do a good job for the state and I ask for your override. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion? Senator Elmer, followed by Senator Schellpeper.

SENATOR ELMER: Thank you, Mr. Speaker. To be very brief, and Senator Haberman said it and said it well, all private businesses are required to allow their employees to participate when they're 19. I think the state should go at least as low as 20 to give consideration, allow these young people to accumulate a little more for retirement. It's not going to cost the state any money. I would urge your override. Thank you.

SPEAKER BARRETT: Thank you. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members, I also rise to support this override. We have some very dedicated employees in this state and I think this is just another thing we can do for the employees. So I think Senator Haberman said it all and I would just move for the override.

SPEAKER BARRETT: Thank you. Anything further, Senator Haberman? If not, the question is, shall LB 834 be overridden? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2054-55 of the Legislative Journal.) 31 ayes, 0 nays, Mr. President, on the override of LB 834.

SPEAKER BARRETT: LB 834 is overridden. And let the record show that the Chair is certifying that the Legislature has overridden the following vetoes, notwithstanding the objections of the Governor, LB 834, LB 1043, LB 1222 and LB 1222A, LB 1170, LB 1004 and LB 1004A, LB 843 and LB 843A, LB 1059 and LB 1059A, LB 1126, LB 11...excuse me, LB 536, LB 42 and LB 42A, LB 164 and LB 164A, LB 1031, LB 503, and LB 503A, LB 163 and LB 163A, and LB 834. Anything for the record at all, Mr. Clerk?