

January 4, 1990

LB 662, 830, 845, 895, 897, 905, 953  
1011-1013

the house is under call. Senator Dennis Byars, the house is under call. The house is under call, unauthorized personnel, please leave the floor. Senator Byars is on his way. We'll proceed with the vote on the adoption of proposal number ten. A roll call has been requested. Proceed with the vote, Mr. Clerk.

ASSISTANT CLERK: (Roll call vote taken. See pages 181-82 of the Legislative Journal.) The vote is 18 ayes, 21 nays on amendment number ten.

SPEAKER BARRETT: Motion fails. The call is raised. Any messages on the President's desk, Mr. Clerk?

ASSISTANT CLERK: Yes, Mr. President, three new bills. (Read LBs 1011-1013 by title for the first time. See pages 182-83 of the Legislative Journal.)

I have proposed amendments to the rules from Senators Lamb, Schmit and Withem. And I have consents to add names to LB 895 from Senator Bernard-Stevens; LB 897 by Bernard-Stevens; LB 953 from Bernard-Stevens; LB 662, Bernard-Stevens; LB 845 from Senator Crosby; LB 830 from Senator Schellpeper; and LB 905 from Bernard-Stevens. That's all I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Lynch, for what purpose do you rise?

SENATOR LYNCH: Mr. President, members, I move that we adjourn until nine o'clock in the morning on January 8th.

SPEAKER BARRETT: You've heard the motion to adjourn until nine o'clock, Monday morning. All in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by:

  
Marilyn Zank

January 8, 1990

LB 409, 958-1013, 1031, 1032  
LR 235

SPEAKER BARRETT: Let's stand at ease until eleven-fifteen, Mr. President.

PRESIDENT: Okay, thank you.

EASE

CLERK: Three quick announcements. Reference will meet underneath the south balcony now. Referencing Committee, underneath the south balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Microphone not activated immediately.) ...return to the Legislative Chamber. The Legislature will reconvene and continue our discussion on the adoption of our permanent rules. Please return to the Legislative Chamber. Mr. Clerk, would you read in new bills, please.

CLERK: (Read LB 1031 and LB 1032 by title for the first time. See pages 198-99 of the Legislative Journal.)

Mr. President, in addition to those items, I have a new resolution. (Read brief summary of LR 235. See page 199 of the Journal.) That will be laid over.

I have amendments from Speaker Barrett to be printed to LE 409. Mr. President, I also have a Reference Report referring LBs 958-1013, as well as certain gubernatorial appointments received. That's all that I have, Mr. President. (See pages 199-201 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. Have you a motion, Mr. Clerk, to reconsider action taken last week?

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on the Wesely amendment to the rules, which I believe the Legislature discussed on Thursday afternoon.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this motion is designed to reconsider the vote that was taken on

January 18, 1990

LB 394, 847, 858, 875, 891, 906, 907  
910, 1013

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We are honored to have with us this morning, Father Don Hanway of St. Mark's Episcopal Church in Lincoln. Would you please rise for the invocation.

FATHER HANWAY: (Prayer offered.)

PRESIDENT: Father Hanway, we thank you for being with us this morning. Please come back. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any messages, reports or announcements?

CLERK: Mr. President, I do. Your Committee on Transportation whose Chair is Senator Lamb to whom was referred LB 858 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 875 to General File, LB 891 General File, LB 910 General File with amendments, LB 394 indefinitely postponed, and LB 847 indefinitely postponed, all those signed by Senator Lamb as Chair of the committee. (See pages 371-72 of the Legislative Journal.)

Mr. President, in addition to those Natural Resources Committee whose Chair is Senator Schmit to whom was referred LB 906 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 907 and LB 1013 to General File, those signed by Senator Schmit as Chair of the Committee. (See page 372 of the Legislative Journal.)

Mr. President, I also have a confirmation report from Natural Resources regarding confirmation hearings held. That will be considered at another time by the body.

I have hearing notices from Natural Resources Committee and Business and Labor Committee, those signed by Senator Schmit and Senator Coordsen respectively. I have received, Mr. President, a report from the Department of Roads pertinent to the Highway Cash Fund and Roads Operation Cash Fund. That will be on file in my office. And a report from the Nebraska Department of Social Services pursuant to statute. That, too, will be on file in my office.

instructor is, get this, please, Dr. Cathy Conway. Would you folks please stand and be recognized. I understand Senator Conway knows Dr. Conway somewhat. Welcome to the Legislature, we're happy to have you today. Is there someone that is going to handle Senator Schmit's bill of 906? If not, we'll skip that for the time being and go to the next one, LB 907. All right, we'll wait with that and go to LB 1013, please.

CLERK: Mr. President, 1013 was introduced by Senators Schmit, Elmer and Robak. (Read title.) The bill was introduced on January 4, referred to Natural Resources, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Robak, can you handle this, please?

SENATOR ROBAK: Oh, I'm sorry, I don't.

PRESIDENT: Senator Hall, can you handle that? Oh.

SENATOR HALL: Sure, Mr. President, this bill, as it was introduced by Senator Schmit, provides that the public power district boards can, at their discretion, elect someone other than a member of the board to be the treasurer, and that is simply all the bill does. I would move for its advancement to E & R Initial.

PRESIDENT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I have one question of Senator Hall and it is based on something I read about that Groucho Marx said. He had gotten this letterhead from a big law firm and there was a listing of all the lawyers and he said, with that many lawyers, does each one have his own safe? Senator Hall, has something arisen that made it appear that the members may not be trustworthy as far as holding the position of treasurer, or why might it be necessary or desirable to have somebody outside their number?

PRESIDENT: Senator Hall, please.

SENATOR HALL: Senator Chambers, it's my understanding from talking to Senator Schmit about this proposal that some of the members, although they are elected, don't have the expertise to deal with the financial data that a power district has, the numbers. Currently they don't have the provision that would

allow them, and I think some of them even now are in practice using a person other than one of the board members as treasurer. This would basically put in statute the ability for them to do that and do it with statutory authority.

SENATOR CHAMBERS: Okay, so the serious point that I want to get to, and I think you've touched on it, is that this is not an honorary position we're talking about. It has actual duties and responsibilities that requires a certain amount of expertise and a person who might be voted to the board may not necessarily have what it takes to discharge this job properly. Is that correct?

SENATOR HALL: That is correct.

SENATOR CHAMBERS: Thank you.

PRESIDENT: Any closing, Senator Hall? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 1013.

PRESIDENT: The bill advances. LB 983, please.

CLERK: Mr. President, LB 983 was a bill introduced by the Banking, Commerce and Insurance Committee and signed by its members. (Read title.) The bill was introduced on January 4 of this year, referred to Banking Committee, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, present at the hearing on 983 were Bill McCartney, the Director of Department of Insurance who brought us this measure as a department bill and John Humpal, Blue Cross-Blue Shield representative, both of which were proponents. We passed some changes to our Medicare Supplement Insurance Act last year as part of LB 92, but they were premised on the existence of a federal line of authority with respect to the Catastrophic Health Insurance Act that was at the time destined for federal law status. Since that time the Catastrophic Health Act has been repealed and since there were some internal references we

February 12, 1990      LB 350, 350A, 542, 551, 567, 567A, 602  
663, 692, 742, 851, 856, 857, 858  
874, 875, 891, 893, 896, 902, 906  
907, 918, 924, 930, 940, 957, 964-966  
969, 970, 974, 983, 984, 997, 1013  
1016, 1017, 1043, 1044, 1118

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT:      Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber and a new day in the Second Session of the Ninety-first Legislature. Our Chaplain of the day is Father Mitch Lindeman of St. Matthews Episcopal here in Lincoln. Father Lindeman.

FATHER LINDEMAN:      (Prayer offered.)

SPEAKER BARRETT:      Thank you, Father Lindeman, pleased to have you with us. Roll call.

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

SPEAKER BARRETT:      Thank you. With a quorum present, are there corrections to the Journal?

CLERK:      Mr. President, I have no corrections to the Journal.

SPEAKER BARRETT:      Are there any reports, messages, or announcements?

CLERK:      Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 350 and find the same correctly engrossed, LB 350A, LB 567, LB 567A, LB 663, LB 692, and LB 742, all reported correctly engrossed, those signed by Senator Lindsay as Chairperson of the Enrollment and Review Committee. (See pages 726-27 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 551 to Select File with E & R attached, LB 542, LB 602, LB 858, LB 875, LB 891, LB 1013, LB 983, LB 906, LB 907, LB 984, LB 856, LB 851, LB 957, LB 964, LB 966, LB 997, LB 857, LB 874, LB 893, LB 918, LB 930, LB 970, LB 940, LB 902, LB 974, LB 1016, LB 1017, LB 969, LB 896, LB 965, LB 924, LB 1118, LB 1043, LB 1044,

February 13, 1990      LB 875, 891, 983, 1013

Opposed nay. It is advanced.    LB 891.

CLERK: LB 891, Senator, I have no amendments to the bill.

PRESIDENT: Senator Chizek, please.

SENATOR CHIZEK: I move that LB 891 be advanced.

PRESIDENT: You have heard the motion. All in favor say aye.  
Opposed nay. It is advanced.    LB 1013.

CLERK: LB 1013, Senator, I have no amendments to the bill.

PRESIDENT: Senator Chizek, please.

SENATOR CHIZEK: I move LB 1013 to be advanced.

PRESIDENT: You have heard the motion. All in favor say aye.  
Opposed nay. It is advanced.    LB 983. Senator Barrett.  
Speaker Barrett, may I have your attention a moment. It is my  
understanding we do not take bills that have amendments on in  
this list. Is that correct?

SPEAKER BARRETT: That's correct, Mr. President, yes.

PRESIDENT: Okay.

SPEAKER BARRETT: Any bills on Select File this morning with  
pending amendments will be held until such time as we might be  
talking about nonpriority Select File bills.

PRESIDENT: Okay, thank you very much. Okay, 983 does have  
amendments on it so we'll pass over that, Senator Chizek, and  
we'll go to 906.

SENATOR LANDIS: Mr. Speaker.

PRESIDENT: Oh, Senator Landis, please.

SENATOR LANDIS: I would, just as a point of order, ask the  
Speaker to explain the purpose of the rule. And, in so doing,  
let me just say that LB 983 is a measure to provide relief for  
the elderly who have multiple demands or requests for  
solicitations for Medicare supplement insurance. This is a  
problem of old people who have five, six or seven policies that

February 14, 1990

LB 313, 313A, 602, 618, 662, 858, 875  
891, 906, 907, 1013, 1051, 1059A  
LR 254, 255

I can go to the hospital, even...and have them stick a knife in my body and work on it. I don't think people are going to do that. And, if they're injured, I don't think they're just going to be lapping up all this cream that we're so concerned about. There are times when you're drawing workmen's comp when you can be taxed by the federal government. In certain situations, if you are on a light duty status, where you can't make it on the existing workmen's comp, and the employer says, well, come back, we'll give you light duty and we'll give you a little bit of a wage, not your total wage, and then your workmen's comp makes up what your total wage would have been, then that is all balled into a wage, and that is taxed. You can check it out if you'd like. So there are times it is taxed on the federal level, when you can't make it and are forced to go back to work, often times after further aggravating your injuries, but you just can't make it. So that's what...that's how light duty came into existence, because of poor workmen's comp. We know you're injured but...and we know you can't make it, so come on back and we'll give you a little bit to do a little bit. It might further aggravate your injury, might make things worse in the long-run, but we know you can't make it, so come on back, you'll help us out at a cheap rate. And, oh, by the way, you will be taxed on your workmen's comp, too. They probably leave that part out. But I don't think we're going to have people, part-time employees, rushing out to injure themselves so they can draw this extra 20 bucks a week, or whatever it is. I don't think we have a big concern about that and I would support Senator Hall's amendment.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 254, and LR 255. Mr. Clerk, do you have something to read in?

CLERK: Mr. President, Education Committee reports LB 618 to General File; and LB 1051 to General File, those signed by Senator Withem. New A bills. (Read LB 1059A and LB 313A by title for the first time.) Senator Smith has amendments to LB 662. I have a motion for introduction of a new bill that will be laid over, that's offered by Senator Coordsen. And, Mr. President, LB 602, LB 858, LB 875, LB 891, LB 906, LB 907, and LB 1013 are reported correctly engrossed. That's all that I have, Mr. President. (See pages 788-91 of the Legislative Journal.)



and not voting.

PRESIDENT: LB 966 passes. LB 984, please.

ASSISTANT CLERK: (Read LB 984 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 984 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 923-24 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 984 passes. LB 997 with the emergency clause attached.

CLERK: (Read LB 997 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 997 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 924 of the Legislative Journal.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 997 passes with the emergency clause attached. LB 1013, please.

CLERK: (Read LB 1013 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1013 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 925 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 1013 passes. I might introduce the doctor of the day to you at this time, he is Dr. Stuart Embury from

February 22, 1990

LB 602, 855, 856-858, 874, 875, 891, 893  
906, 907, 957, 964, 966, 984, 997  
1013  
LR 260

Holdrege, Nebraska. He is under the north balcony. Doctor, would you please stand up so we may see what you look like and welcome you to the body today. I guess he is in his office at the moment, so...while the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 602 with the emergency clause attached, LB 856, LB 857, LB 858, LB 874 with the emergency clause attached, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997 with the emergency clause attached and LB 1013. (See page 925 of the Legislative Journal.) Mr. Clerk, anything for the record?

CLERK: One item, Mr. President, a new resolution, LR 260 offered by Senator Nelson and a number of members. (Read brief description of LR 260. See pages 925-26 of the Legislative Journal.) That will be referred to the Reference Committee, Mr. President. And that is all that I have, Mr. President.

PRESIDENT: We'll move on to LB 855, please.

CLERK: Mr. President, 855 was introduced by Senator Rod Johnson. (Read title.) The bill was introduced on January 3 of this year, referred to the Agriculture Committee for public hearing. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Thank you. Senator Owen Elmer, please.

SENATOR ELMER: Thank you, Mr. President and members. Senator Johnson isn't here to present his bill and I'm proud to be able to present it for him. LB 855 is identical with the animal damage control bill that we passed through Final Reading and sent to the Governor last year and was a casualty in the funding crisis that we had sent to her desk. This particular program is one that is supported by the USDA Department of Agriculture, animal damage control people, that assist with funds to the state in controlling animals that are a nuisance and are predatory animals. Several western counties have been funding local programs in their counties independently of the state and receiving federal aid in their efforts. The livestock, sheep, poultry industry in the state are very interested in this bill. We heard it in Agriculture Committee January 23. We had nine different persons representing themselves and different agencies and units, such as the Nebraska Animal Damage Control Board of the USDA, Nebraska Farm Bureau, the Game and Parks Commission,

February 22, 1990      LB 315, 602, 856-858, 874, 875, 891, 893  
906, 907, 957, 964, 966, 984, 997  
1013, 1090, 1105, 1119, 1136, 1228, 1246

all voted? Have you all voted? We're voting on the advancement of LB 1090. Please vote. Have you all voted? Senator Withem.

SENATOR WITHEM: Yeah, it appears as though we need another four votes, so I would ask that we...the house be brought under call and I will accept call in votes.

SENATOR LABEDZ: Thank you, Senator. Shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 14 ayes, 0 nays to go under call, Madam President.

SENATOR LABEDZ: The house is under call. All unauthorized personnel, please leave the floor. Senators in their offices, please return to the Chamber and record your presence. The house is under call. Please return to the Chamber and record your presence. Senator Withem has requested call ins.

CLERK: Senator Chizek voting yes. Senator Lindsay voting yes. Senator Smith voting yes. Senator Morrissey voting yes. Senator Byars, you had voted yes, Senator.

SENATOR LABEDZ: Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 2 nays, Madam President, on the advancement of LB 1090.

SENATOR LABEDZ: LB 1090 is advanced. Mr. Clerk, we'll go to the 1990 Speaker priority bills, LB 1032. The call is raised. Mr. Clerk, you have something to read in the record?

CLERK: Yes, Madam President. Your Committee on Enrollment and Review reports LB 1228 to Select File; LB 1105, Select File; LB 1119, Select File, those signed by Senator Lindsay. Banking, Commerce and Insurance Committee, whose Chair is Senator Landis, reports LB 1136 to General File with amendments attached, signed by Senator Landis as Chair. The Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re. LB 602, LB 856, LB 857, LB 858, LB 874, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997, and LB 1013.) Reference report referring LB 1246 to Judiciary for public hearing, as well as certain gubernatorial appointments for confirmation hearing. Amendments to be printed to LB 315 by Senator Coordsen and Hefner; and Senator Conway has amendments

February 26, 1990      LB 260A, 602, 856, 857, 858, 874, 875  
891, 893, 906, 907, 957, 964, 966  
984, 997, 1013, 1039A, 1064A

this?

SENATOR CONWAY: Luckily, the world is round, yes, you will meet somewhere.

SENATOR CHAMBERS: And those...blessed are those who go in circles for they shall be called what?

SENATOR CONWAY: Ah...

SENATOR CHAMBERS: I will let it go.

SPEAKER BARRETT: Any other discussion? Anything further, Senator Conway, on the advancement of the bill?

SENATOR CONWAY: No, sir, I just request the advancement of the bill.

SPEAKER BARRETT: Thank you. Shall LB 260A be advanced? Those in favor vote aye, opposed nay. Voting on the advancement of 260A. Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 4 nays on the advancement, Mr. President.

SPEAKER BARRETT: The A bill is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Senator Peterson has amendments to be printed to LB 1064A. (See page 983 of the Legislative Journal.)

New A bill by Senator Haberman, LB 1039A. (Read by title for the first time. See page 983 of the Legislative Journal.)

I have a motion from Senator Hannibal involving a reconsideration. That will be laid over. (See page 983 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read communication regarding LB 602, LB 856, LB 857, LB 858, LB 874, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997 and LB 1013. See page 984 of the Legislative Journal.)

That's all that I have, Mr. President.

expand. For example, in the university budget...I don't mean to be picking on the university, but they're as good as anybody else, I guess. Back in '85-86 the appropriations request for the university was \$455,109,540. Anybody want to guess what it is this year? The appropriations request is \$678,249,677. So when we talk about what we can afford and not afford, think about that for a while. What do we have in that particular budget, just like so many others, that simply is there because that bureaucracy went to the Appropriations Committee and continued to expand whatever they want. And with a few days and what little time any of us have with our other legislative responsibilities, we don't have the time to understand what all of that means. It isn't dishonorable. There's nothing wrong with it, as far as the process is concerned, it's legal. But what you do by having a process like that is cut out meaningful legislation like 187 and like 1013. You're left to be grateful for what you got and keep your mouth shut and sit down kind of a thing. I don't know about you but I think that's not too good. To be completely frank, we all ought to know a hell of a lot more about what we spend and how we spend it. And, to tell you the truth, I understand we can stand up on the floor and say, well, there isn't any money left. I don't know, I've got the Treasurer's report here and says we've got one billion nine hundred and some million dollars in the bank. It's interesting that about a billion dollars of that is never spent. It's there year in and year out. It's not a reserve, it's cash. But isn't that great to have that kind of cash around? You've got a \$1,313,000,000 General Fund budget and you've got a billion dollars in the bank every day. I don't think we ought to spend it, understand that. But you ought to understand, what's the difference between a 3 percent reserve and cash you never spend? Wouldn't you love to have that kind of money in the bank back home when you try to think about what kind of house payment you're going to make or anything else? I think we need a total and complete review of how the system works and we should probably consider last, last, not first, we should consider last the main-line appropriations bill, because, see, if we consider it last, we can talk about some of the priorities that exist out here on the floor, like LB 1013 and like 187 and some others and then maybe adjust, just maybe adjust a main-line appropriations bill to make room for what we think may be important without really hurting any of the bureaucracies if we're given time to understand the difference. Maybe the system exists because most of us are lazy and don't want to take the time to understand what it's all about. I can understand that. It's easy to sit