

January 8, 1990

LB 503, 720A, 943, 945, 1043-1048
LR 236

SENATOR WESELY: Yes, Mr. Speaker, I move the advancement of the bill. It's a four-year phase-in to bring our caseworkers up to the standards and move the advancement of the bill.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill please vote aye, opposed nay. Please record.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER BARRETT: LB 720A is advanced. New bills, Mr. Clerk.

CLERK: Mr. President, new bills: (Read LBs 1043-1048 by title for the first time.) LR 236, Mr. President, is a proposed amendment to Article VIII, Section 1, of the Nebraska State Constitution. That is offered by Senator Withem. (See pages 209-12 of the Legislative Journal.)

Mr. President, I have requests from Senator Lynch to add his name to LB 503; Senator Pirsch to LB 945 and Senator Pirsch to LB 943. That's all that I have, Mr. President. (See page 212 of the Legislative Journal.)

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

SENATOR WITHEM: Mr. Speaker, I would move that we adjourn until Tuesday morning, January 9, at 9:00 a.m.

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn until tomorrow morning at 9:00 a.m. All in favor say aye. Opposed no. Ayes have it, motion carries, we are adjourned until nine tomorrow morning.

Proofed by:


LaVera Benischek

January 9, 1990

LB 259, 845, 972, 973, 993, 1014-1048, 1057-1059
LR 236

Haberman.

SENATOR HABERMAN: Mr. President, I move to recess until 1:30 p.m.

SPEAKER BARRETT: Mr. Clerk, would you care to read anything in before we vote on the motion to recess.

CLERK: Mr. President, new bills. (Read LB 1057-1059 by title for the first time as found on pages 232-33 of the Legislative Journal.)

A series of requests to add names, Senator Beck to LB 1026, Senator Kristensen to LB 1035, Senator Conway to LB 993, Senator Wahrbein to LB 973, Senator Wehrbein to LB 972, Senator Weihing to LB 845.

(Reference Committee Report referring LBs 1014-1048 and LR 236 appears on pages 233-34 of the Legislative Journal.)

Mr. President, explanation of vote offered by Senator Kristensen. (Re: LB 259.) That's all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. A reminder especially to committee chairs. Committee chairmen, please take note. If you are planning hearings, public hearings next Tuesday, notices of that fact should be filed with the Clerk today. File the notice of public hearing today if you are planning to begin hearings next Tuesday. Those in favor of the Haberman motion to recess until one thirty say aye. Opposed no. Carried. We are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Any messages, reports, anything for the record, Mr. Clerk.

CLERK: One item, Mr. President, I have a hearing notice from the Banking Committee for hearings scheduled on Tuesday,

January 16, 1990

LB 163, 240A, 259, 259A, 397, 534, 601
730, 818-820, 834, 853, 1043, 1044, 1057
1076, 1098, 1148-1157

guess it is the third Beck amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 12 ayes, 14 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: The third Beck amendment fails. Mr. Clerk, do you have anything for the record?

CLERK: I do, Mr. President. Mr. President, reminder, Reference Committee will meet in Room 2102 upon adjournment; Reference Committee, Room 2102.

Mr. President, new bills. (Read for the first time by title: LB 1148-1157.) Mr. President, a new A bill, LB 240A by Senator Hall. (Read for the first time by title. See pages 340-43 of the Legislative Journal.)

Retirement Systems Committee, whose Chair is Senator Haberman, reports LB 834 to General File. Appropriations Committee offers notice of hearing, as does Urban Affairs, (Re: LB 853, LB 1043, LB 1044, LB 1057, LB 1076, LB 1098) signed by Senators Warner and Hartnett as Chairs, respectively. (See pages 343-44 of the Legislative Journal.)

Mr. President, Committee on Enrollment and Review reports LB 259 to Select File with E & R amendments, LB 259A Select File with E & R, LB 534 Select File with E & R, LB 601 Select File with E & R, LB 730 Select File with E & R, LB 818 Select File, LB 819 Select File, LB 820 Select File. (See pages 345-46 of the Legislative Journal.)

And, finally, Mr. President, I have amendments to be printed by Senator Hefner to LB 163. (See pages 346-47 of the Legislative Journal.) And, Mr. President, a request from Senator Weihing to add his name to LB 397; and Senator Schimek to LB 163. That is all that I have, Mr. President.

PRESIDENT: Senator Wehrbein, would you like to say something this morning about adjourning until nine o'clock tomorrow. Wait a minute, we will turn you on. Now.

SENATOR WEHRBEIN: Yes, Mr. Speaker, I would do that. I move we adjourn until nine o'clock tomorrow morning, January 17.

January 25, 1990

LB 143, 769, 890, 908, 924, 962, 994A
1041, 1043, 1044, 1076, 1098, 1118, 1140
LR 247

know where I am in, in that scenario. I guess I am pleading, at some point, at the crowd watching both sides with all good intentions and sincerity, fighting to the end, and I'm asking you, the crowd, when will you finally have mercy at some point and say to the people of Nebraska, we have other things we have to do? Because I know, and so do you, that if you say, isn't this interesting, let's bring them back again, that the gladiators, as the paper this morning, I think, showed to pride, some ego and a lot of personal feelings will come back and perform for you again. And this time it's time for the body to take charge and it's time for you to lead and it's time for us to move. I move we adjourn.

PRESIDENT: Mr. Clerk, do you have something for the record?

CLERK: Mr. President, your Committee on Judiciary gives notice of hearing for February 1. That's signed by Senator Chizek as committee Chair.

New A bill, LB 994A, by Senator Schellpeper. (Read by title for the first time as found on page 508 of the Legislative Journal.)

Senator Baack has amendments to LB 143 to be printed. (See pages 508-12 of the Legislative Journal.)

Mr. President, Senator Hartnett would like to add his name to LB 1140.

Mr. President, Senator Haberman would ask unanimous consent to add the names of all members to LR 247. Mr. President, it was the resolution for Senator Jacobson that was considered this morning.

PRESIDENT: No objection, so ordered.

CLERK: Mr. President, the Appropriations Committee gives notice of hearings.

Government Committee reports LB 890, LB 924, LB 962, LB 1118, to General File.

Urban Affairs reports LB 908, LB 1043, LB 1044, LB 1076 to General File, and LB 1098 to General File.

And Natural Resources reports LB 1041 to General File with

such as Senator Baack and some of the other people in the petroleum industry and have come up with a very good bill that will still meet environmental safety standards, still meet the fire hazard standards, but still have a little compassion and humanitarian standards in there as well so that people can have the fuel that they need. And that, in essence, is what the bill will accomplish. Thank you.

SENATOR HANNIBAL: Thank you. There are no other lights on. Senator Bernard-Stevens, do you care to close? He waives closing. The issue before you is LB 1118. All those in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

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

SENATOR HANNIBAL: It is advanced. LB 1043.

ASSISTANT CLERK: LB 1043 was introduced by Senator Hannibal. (Read title.) The bill was read for the first time on January 8th, was referred to Urban Affairs Committee which reports the bill back to General File.

SENATOR HANNIBAL: Senator Hartnett, please.

SENATOR HARTNETT: Mr. President, members of the body, what this does is it permits metropolitan class cities and counties to own a building, public building commission. And what it simply does, there's a, right now on the bill there is a 20 year limit. It simply allows the building commission to continue until the city and county jointly agree that the commission should no longer exist. And it was brought to us by, and the only one that is affected by it is the metropolitan class which is Omaha and Douglas County. So, with that, I'd ask that this be advanced to Select File.

SENATOR HANNIBAL: Thank you. Senator Lamb, please.

SENATOR LAMB: Mr. President, members, is this bill really necessary? I see Dave Newell is one of the promoters of that, and that immediately makes me suspicious. (Laughter.) But I'll withdraw any objections I might...should have.

SENATOR HANNIBAL: Senator Hartnett, there are no other lights

on. Would you care to close?

SENATOR HARTNETT: No, thank you.

SENATOR HANNIBAL: Closing is waived. The issue before you is the advancement of LB 1043. All those in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill.

SENATOR HANNIBAL: It is advanced. LB 1044.

ASSISTANT CLERK: LB 1044 was introduced by Senator Pirsch. (Read title.) The bill was read for the first time on January 8th, was referred to Urban Affairs which reports the bill to General File.

SENATOR HANNIBAL: Senator Hartnett, I understand you're going to handle the bill.

SENATOR HARTNETT: Yes. It was heard by the Urban Affairs Committee, advanced without any...out of committee without any dissenting votes. And what it does, it clarifies two sections of the law, Section 16-726 and 17-714 which relate to cities and villages to set up procedures for filing of claims against the municipalities. (inaudible) the two statutes are identical. This proposal (inaudible) all liquidated claims, unliquidated claims and accounts payable against the city would have to be presented in writing to the city, stating the name and address, the claim and amount of the claim and fully and accurately identify the items or service for which the payment is claimed or the time, place, nature and circumstances giving rise to claim. The principal substantial change in the bill is the requirement that a claimant file a claim within 90 days of accrual of the claim with the city clerk as a condition precedent to maintain action for the claim. This requirement would not apply to tort claims as defined in Section 13-903. The city clerk would be responsible for notifying the claimant or his or her agent or attorney of the disallowance of the claim within five days of the city action by mail.

SENATOR HANNIBAL: Senator Abboud, please.

SENATOR ABOUD: Yes, Mr. President, colleagues. I rise to

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 924, 1043, 1044, 1076, 1118

SENATOR LINDSAY: Mr. President, I move that LB 924, as amended, be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 1118.

CLERK: I have no amendments to LB 1118, Senator.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 1118 be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 1043.

CLERK: LB 1043, Senator, no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 1043 be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 1044.

CLERK: LB 1044, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 1044 be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 1076.

CLERK: LB 1076, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1076.

PRESIDENT: You have heard the motion. All in favor say aye.

February 15, 1990 LB 852, 872, 902A, 1022, 1043, 1044, 1063
1064A, 1070, 1076, 1098

bill.

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

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 1064A.

PRESIDENT: LB 1064A advances. We'll move back up to LB 902, please. Senator Hall, you're back.

CLERK: Mr. President, LB 902A was a bill introduced by Senator Hall. (Read title.)

SENATOR HALL: Thank you, Mr. President, members, 902A is approximately \$4,500 out of the General Fund in '90-91, \$1,000 in '91-92. This bill piggybacks with 902 which was a bill that dealt with the hearing impaired symbols. We, as you remember, the other day passed over it. It was on consent calendar. I had filed a kill motion on it because I had not yet had time to talk to the folks in the hearing impaired community. I would ask you to advance it so that it is at the same stage of debate with 902. The kill motion is on there. I have no intention of moving the bill should I not be able to come to consensus with the folks in the hearing impaired community. I would urge the advancement.

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

CLERK: 25 ayes, 0 nays, Mr. President on the advancement of 902A.

PRESIDENT: LB 902A is advanced. Anything for the good of the cause, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 852 and find the same correctly engrossed, LB 872, LB 1022, LB 1043, LB 1044, LB 1063, LB 1070, LB 1076 and LB 1098, all of those reported correctly engrossed. (See page 821 of the Legislative Journal.)

April 4, 1990

LB 431, 1043
LR 421

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Senator Hall, you wish to speak on the advancement of the bill? Senator Wesely, would you like to... there are no other lights on so would this be your closing...

SENATOR WESELY: Yeah.

PRESIDENT: ..for the advancement of the bill?

SENATOR WESELY: Yes. Thank you, Mr. President and members. Appreciate the concerns some have expressed on this legislation. Again, I reiterate, the bill came out of committee as a committee priority bill. I appreciate Senator Hall and the Revenue Committee advancing it. It got lost on General File and we did amend it into this bill. We negotiated further with the State Chamber, the Omaha Chamber. We have been in communication with the Revenue Department. I believe there is support for this legislation. I really believe strongly that this will be of benefit to the state to have this information. We've talked about it for a long time. We worked on it for a long time. There's been a lot of hard feelings about it. We finally reached some agreement. It's not all I want. It's less than I want. I wish we could get more, but it's enough to make me feel that we're taking a step forward, that the public will be allowed to have more information and so, with time running out, I'd ask very much for your support to advance the bill.

PRESIDENT: Okay, we're still under call, ladies and gentlemen. Would you please return to your seats and the question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. Mr. Clerk, anything for the record?

CLERK: Just one item, Mr. President. New resolution, LR 421 by Senator Moore. That will be laid over and considered another day, Mr. President. And Senator Lynch would like to add his name to LB 1043 as co-introducer; and Senator Hannibal withdraw his name as co-introducer to 1043. That's all that I have, Mr. President. (See pages 1876-77 of the Legislative Journal.)

PRESIDENT: Mr. Speaker, did you wish to give us any words of wisdom before we depart for lunch? Okay. Would you like to make a motion.

April 5, 1990

LB 994, 994A, 1043

Journal.) 33 ayes, 0 nays, 1 present and not voting, 15 excused and not voting, Mr. President.

PRESIDENT: LB 994 passes. LB 994A, please.

CLERK: (Read LB 994A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 994A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1944 of the Legislative Journal.) 33 ayes, 0 nays, 1 present and not voting, 15 excused and not voting, Mr. President.

PRESIDENT: LB 994A passes. May I introduce some guests, please, in the south balcony. Senator Carson Rogers has 22 students from the St. Libory Public School, seventh and eighth graders, mostly, and their Principal, and we have five adults with them. Would all of you folks please stand and be recognized by the Legislature. Thank you for visiting us today. LB 1043, please.

CLERK: Mr. President, Senator Lindsay and Chambers would move to return the bill for purposes of striking the enacting clause.

PRESIDENT: Senator Lindsay, are you handling this first?

SENATOR LINDSAY: Yes, Mr. President, thank you. We filed this amendment initially because there were some concerns about exactly what the bill did. I have had several discussions over the last, well, since yesterday concerning what exactly this bill does do. There was some concern about whether this could be used as a vehicle to fund a convention center in Omaha. I have been assured that that is not the intent and I guess I would rise, at least partially at this time, to get that intent into the record. In those assurances that I have been given, that there are no plans to do that. There is also...I think all of you received a copy of what the Public Building Commission has described what this bill would do. That's...from that, it just comes down to basically a policy decision. I think what it's apparently turned into, there is also a letter in there opposing the bill from the Mayor of Omaha. That opposition apparently just arose when a turf battle began within the last

few weeks. There was no opposition at the hearing level. The primary intent of my rising at this time is to get into the record those items that I have gotten into the record. I would yield the remainder of my time to Senator Chambers.

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I have talked to Senator Lindsay and Senator Hartnett and we have all agreed between ourselves that should this bill be converted into a vehicle to try to levy a tax for the purpose of building a convention center, then we will oppose it in every way that we can, even to the point of abolishing the commission altogether. And, with that in the record, everybody is on notice as to where we all stand. So I'm going to ask that the motion be withdrawn.

PRESIDENT: The motion is withdrawn.

CLERK: Mr. President, Senator Pirsch would move to return the bill.

PRESIDENT: Thank you. Senator Pirsch, please.

SENATOR PIRSCH: Thank you, Mr. President. I guess the convention center is something surprising to me, but what I did note about this bill was that Senator Hannibal had originally introduced this and now I see Senator Lynch is carrying the bill. Senator Lynch, could I ask you a few questions?

PRESIDENT: Senator Lynch, please.

SENATOR PIRSCH: Senator Hannibal isn't here, obviously, so...

PRESIDENT: Excuse me, Senator Pirsch, would you speak in the microphone so we can record it.

SENATOR PIRSCH: Sorry.

PRESIDENT: Thank you.

SENATOR PIRSCH: What exactly is the need to continue the Building Commission at all?

SENATOR LYNCH: I was a member of the Douglas County Board when

the building was, in fact, built. Because it involved both the city and the county, two separate general purpose governments, a vehicle was required to help this cooperative effort manage these facilities. It included remodeling the old courthouse, building a connector facility and also the new civic center. It was determined that a commission was the best way to do that and, of course, for that to exist there had to be a law to permit it to happen. The commission is made up of two county people, two city people and then an independent person, in this case Mr. Moore, who is generally the chairman of the committee.

SENATOR PIRSCH: Right. But I guess my point is why should it be continued past the sunset date?

SENATOR LYNCH: Originally it was intended...it had a sunset and this is what the bill does is do away with the sunset which, I think, is 1992.

SENATOR PIRSCH: Right.

SENATOR LYNCH: Uh...

SENATOR PIRSCH: Should it not just be extended instead of completely taken off?

SENATOR LYNCH: Well, there will always be a need for this kind of a joint effort to manage the building. In fact...

SENATOR PIRSCH: As I understand, the security now is being done by the city.

SENATOR LYNCH: Yes.

SENATOR PIRSCH: And is that what the turf battle is about?

SENATOR LYNCH: Oh, it...who knows? It could be. The county pays about three-fourths of the cost and there could be some problem. There was some concern some time ago about who would, in fact, clean the building. When I was on the commission I liked the idea of having our own staff but there were some people that wanted to go out to private contract.

SENATOR PIRSCH: Okay.

SENATOR LYNCH: And that's what they did.

SENATOR PIRSCH: Okay, thank you. I, you know, I voted for this out of Urban Affairs and then I was struck by the comment by the Mayor that if you have a chance to vote a taxing authority out of business, so to speak, that maybe you should grab it. So I have mixed feelings about continuing this commission, particularly forever. So...but I appreciate those comments. I see Senator Hannibal is back. Senator Hannibal, I had asked the question why Senator Lynch was carrying this bill when you had introduced it...introduced it originally. And he may have the rest of my time if he would like.

SENATOR HANNIBAL: Mr. President, I didn't hear...

PRESIDENT: Senator Hannibal.

SENATOR HANNIBAL: ...the question that Senator Lynch was talking about.

SENATOR PIRSCH: Why Senator Lynch is on the bill and you were originally.

SENATOR HANNIBAL: Mr. President and members, I introduced 1043 with the understanding or at least with the perception, on my part, that it was an issue that was completely devoid of any political ramifications or perceptions of ramifications of any kind and that it was strictly a very simple situation. After that went through the committee hearing and General File and Select File, it became clear that it wasn't quite as simple as that, at least in some people's minds. I decided to not support the bill and carry my name only for one reason and that is that if there were some political problems or some political rumors, real or perceived, factual or imagined, regardless of what those were, that had I envisioned that to begin with I would not have been involved in the bill to start with. So, without trying to make any statement as to validity or invalidity of the rumors, I decided to back away from the bill.

PRESIDENT: Senator Pirsch. Senator Pirsch, did you...did you withdraw it? It is withdrawn. Mr. Clerk, do you wish to read LB 1043. But let me introduce some guests, please, of Senator Nelson. In the south balcony, we have 56 students from Wasmer Elementary School, Grand Island and their teachers. Would you folks all please stand and be recognized by the Legislature. Thank you for visiting us today. Mr. Clerk, LB 1043.

April 5, 1990

LB 369, 953, 1043

CLERK: (Read LB 1043 on final reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1043 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1945-46 of the Legislative Journal.) 37 ayes, 1 nay, 6 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 1043 passes. LB 953.

CLERK: (Read LB 953 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 953 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1946-47 of the Legislative Journal.) 36 ayes, 1 nay, 5 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 953 passes. Senator Rod Johnson has a guest under the north balcony, Keven Schumacher, University of Nebraska student, Ag Economy. Would you please rise, Keven, so they see who you are. Thank you, Keven. LB 369 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 369 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 369 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1947-48 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

PRESIDENT: LB 369 passes with the emergency clause attached. We have some special guests in the south balcony this afternoon.

April 5, 1990

LB 315, 369, 369A, 551, 551A, 577, 920
931, 953, 980, 980A, 994, 994A, 1018
1043, 1063, 1063A, 1090, 1090A, 1241

year. Senator Chambers and Senator Bernard-Stevens, no doubt, will fight that change in the rules but, hopefully, there will be enough of us here and, as far as I'm concerned, they can filibuster that till the end of the session starting in January, but that's exactly what should be done.

PRESIDENT: One minute.

SENATOR LABEDZ: Thank you, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 980, LB 980A, LB 994, LB 994A, LB 1043, LB 953, LB 369, LB 369A, LB 1018, LB 1090, LB 1090A, LB 315, LB 551, LB 551A, LB 920, LB 931, LB 1063 and LB 1063A. Senator Wesely, please, followed by Senator Langford.

SENATOR WESELY: Thank you, Mr. President and members, I would rise in opposition to the bracket motion and give you a little history on...that hasn't come out yet on this bill and let you know why I do support it. This bill came in after I had introduced a bill on venture capital last year, Venture Capital Company Act. We were looking at this concept of providing incentives for investment in the state across Nebraska at a 25 percent credit level and with a number of other restrictions with the idea that what we're having across the state is a need for capital, a need for venture capital in particular, and a number of studies have indicated that. The Banking Committee worked with me and we did put out LB 577 to accomplish that goal. Senator Chambers then came in with LB 1241 which was a bill that he worked with with the administration and it tied in conceptually with what that other bill was. So, originally, what we did in the Banking Committee was we merged, with Senator Chambers' cooperation, LB 577 and LB 1241 so that the whole State of Nebraska would be benefiting from venture capital initiative. And this compromise that was reached in the Banking Committee was one that I was very excited about and appreciated very much Senator Chambers' cooperation. But what's odd is that after we reached this compromise and the committee advanced the bill as amended, then Deb Thomas from the Governor's office came in after the deadline for picking priority bills and told Senator Chambers that the Governor could not tolerate the additional coverage of the whole state, that she wanted only north Omaha to be the focus of the bill. And, of course, I was not happy with that situation and felt that I had not been dealt

April 9, 1990

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?

better reason now not to override than we had before.

SPEAKER BARRETT: Any other discussion? Anything further, Senator Byars? The question is, shall LB 920 become law notwithstanding the gubernatorial veto. All in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record.

CLERK: (Record vote read. See page 2053 of the Legislative Journal.) 12 ayes, 27 nays, Mr. President.

SPEAKER BARRETT: Motion fails.

CLERK: Mr. President, Senator Lynch would move to override the Governor's veto of LB 1043.

SPEAKER BARRETT: The Chair recognizes Senator Lynch.

SENATOR LYNCH: Mr. Speaker, and members, this is a bill that does not, I repeat, does not have any money in it. It is a bill that would simply provide the same ground rules for the Douglas County-City of Omaha Building Commission as we passed this year for the Lancaster County-Lincoln Building Commission. The language in both bills are the same. The bill that provided this vehicle for administering the City-County Building in Omaha, though, in Douglas County was vetoed. I don't know why both weren't vetoed but only one was. You figure it out, and I won't take any more of your time. I respectfully ask that you support the override on this veto.

SPEAKER BARRETT: Thank you. Discussion, Senator Hall.

SENATOR HALL: Thank you, Mr. President. Very briefly, I filed a similar motion to Senator Lynch and withdrew that, since he was the introducer of the bill, but as he stated, this provision just extends the life of the Building Commission in Omaha. It had a 20-year life-span. I think probably now, more than ever, it is needed to be continued. The buildings that are there, the Hall of Justice, Civic Center that is in place, that is jointly operated by this Building Commission between the county and the city will continue in some form or fashion, whether you continue its existence in statute or not. I think the prudent thing to do is, so that they are not left in limbo, is to continue this existence, allow them to function in the manner that they have, and that is all this bill does. I think it passed with 46 green lights and no opposition, if I remember. I could find no reason

in the veto message basically for the veto, itself. I would urge the override so that they can continue to provide the coordination of the facilities in Omaha that both the County or Douglas and the city have enjoyed.

SPEAKER BARRETT: Thank you. Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. I, too, rise in support. In fact, Senator Hall and I both sent a motion up at the desk to override LB 1043. It simply provides that a Building Commission shall remain in existence until the governing bodies of the city and county jointly agree that the commission is no longer needed. Thank you.

SPEAKER BARRETT: Thank you. Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President, and members of the body. I would just rise in support of this motion for an override and say that last year you passed the bill that Senator Crosby and I introduced that established the same kind of a Building Commission in Lancaster County. It would seem rather silly to establish that one and then take this one away this year. So I would just move the override.

SPEAKER BARRETT: Thank you. Senator Hannibal.

SENATOR HANNIBAL: Mr. Speaker, I realize we are very late in the evening and this is not a money issue. We have been talking money issues all day, but I had to rise after what Senator Schimek said, because we had the bill earlier talking about the plumbing board in Omaha and, actually, all I wanted in the plumbing board in Omaha was to do what Lincoln can do, and we negotiated that out quite some bit so Omaha is not the same as Lincoln, or for that matter any other city in the State of Nebraska right now. So to say it is okay for Lincoln, it is okay for Omaha doesn't hold "water all the time". This bill has become kind of an interesting subject and I honestly, I haven't talked with the Governor about the bill, why the Governor vetoed it. I honestly don't know. I understand there have been competing factions from a partisan standpoint on the issue. This is the bill that I had my name on and took my name off of and Senator Lynch put his name back on, and the simple fact of the matter is on the bill is from, maybe from a supportive standpoint, the bill is one that should not have had any politics involved. I would not have been anywhere close to the

bill had it had any politics between Douglas County or the City of Omaha or the Building Commission or the Mayor's Office, and I would not have had it. The bill probably would not have gone through consent calendar if it were in other conditions, it would not have gotten to Final Reading if it were other conditions, without more considerable debate than it had. That is why I moved my name off of it because I wanted to remove myself from a political conflict in any way. That is one reason why I would say the bill is kind of neutral as far as I am concerned. On the other hand, the veto message of the Governor did say that there is no reason for this bill to pass this year. The commission's extension does not run out until 1992 and this bill could come in again next year with absolutely no loss of anything and could have a fair amount of debate as to whether there are ramifications in the bill or not, and have a more full discussion, and so nothing is hurt by not passing this. So what I am trying to do is give you an objective both sides of the issue and that is all I would say on it at this time.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Lynch, anything further?

SENATOR LYNCH: Yeah, Mr. Speaker, and members, I am not sure what politics took place anywhere to be completely frank. Gary and the Governor, maybe both are...misunderstand the 20 years. The 20 years actually runs out in 1991, not 1992, as Gary mentioned, and, in fact, unless we pass the bill this year and override the veto, unless we pass a bill and do that, next year it will be very difficult because we would have to pass a bill with an emergency clause because the date is June 1st. It seems to me we are talking about apples and apples, both the counties are the creatures of the Legislature. Lancaster and Douglas, they can do no more or no less than what the law allows them to do. That is the reason the bills were the same, LB 1098 and LB 1043. Both of the cities are metropolitan, first class cities, they both have city councils. In both cases, the city councils and the county boards have to agree by resolution to do anything. What I think we should all do here is put our...all of us, all of us put ourselves above politics, whatever it might be, and simply allow both of these commissions, representing both kinds of constitutional governments, to function the way they should function. There are no other cities and counties that have built buildings together in the state. It makes good sense for us to treat each the same, and I just got a note from Denny Byars, said, hurry up, I am thirsty, so I will close with

that and hope, hope you will override the veto.

SPEAKER BARRETT: Thank you. The question is, shall LB 1043 become law notwithstanding the gubernatorial veto? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 2054 of the Legislative Journal.) 35 ayes, 7 nays, Mr. President, on the override of LB 1043.

SPEAKER BARRETT: The veto of LB 1043 is overridden.

CLERK: Mr. President, Senator Haberman would move that LB 834 become law notwithstanding the objections of the Governor.

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Mr. President, and members of the body, it pleases me to say that this does not cost any money. This is a bill that is equity and fairness. It keeps young people in Nebraska and it goes like this. For a young person to join the state retirement system, they have to be 25-years old before they can voluntarily join the system. So that means someone out of high school can learn to run tractors and trucks, want to go work for the state, and he has to wait two years. If somebody goes to voc-tech school and learns a trade, mechanics, bookkeeping, computer work, and they are 20-years old and they want to go to work for the State of Nebraska, they have to wait until they are 25. I don't think that is fair. Now during 1988, there was \$998,000 of forfeitures from state employees who were terminated before they were vested. During 1989, there was \$765,000 forfeited. The forfeited money goes back into the General Fund and, therefore, the estimated fiscal impact of \$160,000 will be and is covered by the forfeiture. The way the system works, PERB takes their operating money out of forfeitures. What money is left over goes to the General Fund. It is true that each of the agencies would still need to contribute more if an employee chooses to participate in the system, but the overall General Fund will not be hurt because there is still plenty of money of forfeitures each year to cover the additional cost. ERISA, the federal government, has ruled that all businesses must allow 19-year olds to join the retirement system if they so wish at 19 and not at 25. In the State of Nebraska, if you are a county employee, you may voluntarily join the system and there is no age limit. A school

April 9, 1990

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?