

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.)

how we fund school districts in the State of Nebraska. And in the end, for me obviously, as Senator Landis so articulately stated, the state is better off with this bill than without it. For that reason, I urge the body to advance it to General File and to continue to work with us on your problems so we can answer your questions you have on this bill. I ask for a call of the house and a roll call vote.

SPEAKER BARRETT: Thank you, sir. The question is, shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 38 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your desks and record your presence. Senator Langford, would you please record your presence. Senator Scofield, Senator Lindsay, the house is under call. Senator Labedz, if you're so disposed, would you record your presence. Senator Scofield, the house is under call. We've had a request for reverse order, Senator Moore. Senator Withem, my apologies, I did not hear your request, your oral request for a regular order. My apologies. All present and accounted for. Members, return to your seats for a roll call vote in regular order. The question before the body is the advancement of LB 1059 to E & R Initial. Mr. Clerk, will you call the roll.

CLERK: (Roll call vote taken. See page 1183 of the Legislative Journal.) 34 ayes, 12 nays, Mr. President, on the advancement.

SPEAKER BARRETT: Motion prevails, the bill is advanced. There is an A bill which does not appear on the agenda today. Mr. Clerk, I'd like to address the A bill at this point. The call is not raised.

CLERK: Mr. President, the A bill (LB 1059A) was a bill originally introduced by Senators Withem and Moore. (Read title.)

SPEAKER BARRETT: The Chair recognizes Senator Withem.

SENATOR WITHEM: Yes, this is the A bill that accompanies the bill. It will appropriate the state aid dollars that are raised by the tax that is imposed in LB 1059. I would urge you to support it.

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LB 84, 1059A

SPEAKER BARRETT: Senator Hall, would you care to discuss the advancement of the A bill?

SENATOR HALL: No.

SPEAKER BARRETT: Senator Peterson. Senator Hefner. Senator McFarland. Anyone care to discuss the advancement of the A bill? Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, all I can say is that I can't wait for the Governor to get back here, bring her whip out, and knock some of those 34 votes off. (Laughter.)

SPEAKER BARRETT: Senator Schmit, on the A bill.

SENATOR SCHMIT: Well, Mr. President, I was downstairs when I heard Senator Moore correct my statement when I said that this was the largest single property tax increase we've had...sales-income tax increase, they said I did not refer to the property tax decrease. I want to just come forward and tell him I'm still trying to survive the last property tax decrease we got under LB 84 which amounted to a 21 percent increase. And I appreciate what you're trying to do, senators. I'm just warning you that what you're trying to do is that you've already set the stage for the most massive increase in spending without a corresponding, guaranteed reduction in property taxes that we have seen in the 22 years I've been on this floor.

SPEAKER BARRETT: Any other discussion? Senator Withem, anything further?

SENATOR WITHEM: Merely urge the advancement of the A bill, so it can keep up with the regular bill.

SPEAKER BARRETT: Thank you. Those in favor of the advancement of LB 1059A please vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 35 ayes, 5 nays on the advancement of 1059A, Mr. President.

SPEAKER BARRETT: LB 1059A is advanced. It's the Chair's hope that...the call is raised, incidentally, that we can perhaps address one more bill before we adjourn for the day. Do you

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LB 551A, 656, 843, 843A, 1031, 1059, 1059A
1063A, 1141, 1244

that we can do a lot to help these children in their classrooms and stir continued interest in the Legislature and in the legislative process, and perhaps give a lot of people, including civic clubs and others, a deeper understanding of our process, what we go through and how we labor in the vineyards. And so, as I said, we can do it all in-house. There will be an oversight committee. And I have no doubt that the video production will be an enormous hit, and I would urge the body to adopt the amendment. Thank you.

PRESIDENT: Thank you. The question is the amendment to the...the adoption of the amendment to the amendment. All those in favor vote aye, opposed nay. Senator Barrett. Senator Barrett. Thank you. Record, Mr. Clerk, please.

CLERK: 25 ayes, 9 nays, Mr. President, on adoption of Senator Barrett's amendment.

PRESIDENT: The amendment to the amendment is adopted. Something for the record, Mr. Clerk, please?

CLERK: Yes, Mr. President, I do have some items for the record. Senator Nelson has amendments to be printed to LB 656; Senator Schmit to LB 1031; Senator Warner and Withem to LB 1141. Enrollment and Review reports LB 1059, LB 1059A, LB 1244, LB 843, LB 843A, LB 551A, LB 1063A all to Select File. (See pages 1333-39 of the Legislative Journal.)

Mr. President, the next amendment to the committee amendments I have is offered by Senator Withem. (Withem amendment appears on page 1339 of the Legislative Journal.)

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Mr. President, members of the body, this is an amendment somewhat similar to the last one dealing with our legislative process. Increased appropriation to the Legislative Council to the tune of \$20,000. The purpose of this is to fund ongoing telecommunication, actually it says television, maybe it should say telecommunication, if people are interested in changing that, we can do so, if this gets adopted, with another amendment or a Select File amendment...televise legislative hearings. Over the past year we have had two major interactive teleconferences with legislative leadership hearing people testifying on issues of concern to the public, we questioning

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LB 1059A

Senator Chambers, as well. We're all concerned. Some of you have kidded me about not making a similar little speech, as I always do, earlier. I hoped that it wouldn't be necessary this session. Tomorrow, it is my hope that we work through the lunch hour, for those of you who are beginning to ask, and work as late tomorrow afternoon as we possibly can. We're going into a four-day recess period and I would hope we could stay and get a good day's work done tomorrow and work through the noon hour. For those of you who have inquired, I shared with the chairmen this morning, we will read A bills along with the mainline budget bill next week. I think, with that, Mr. Clerk, unless there are questions or comments, we'll proceed to LB 1031, the mainline budget. I'm sorry, the A bill, LB 1059A. Mr. Clerk.

CLERK: Mr. President, the first amendment I have on 1059A is by Senator Hall. Senator, I have your AM3138 in front of me. (Amendment appears on pages 1551-52 of the Legislative Journal.)

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Thank you, Mr. President and members, the amendment is one that I alluded to yesterday when I offered the amendment to 1059 which was adopted that delayed, basically, the issue of the equalization aid valuation formula that we adopted in 1059 that dealt with whether or not it was going to be done by school district. We put it off a year, we continue to use the same formula by counties. All this amendment does is reduce the A bill, puts it off by 500,000 till the next year and the original impact would have been another \$300,000 in the second year and that's not part of this. It will be picked up in the next biennium, should it become law. With that...I also, in the second half, you've got it handed out to you, as the Clerk said, it's 3138, the second half of it is intent language and all it does is it says it's the intent of the Legislature to have the Tax Commissioner adjust the withholding tables to reflect the change that we made in the income tax through the adoption of the Conway amendment. With that, I would urge the adoption of the amendment to 1059A.

SPEAKER BARRETT: Any discussion? Senator Schmit.

SENATOR SCHMIT: I'd like to ask a question of Senator Hall if he would yield, please.

SPEAKER BARRETT: Senator Hall, would you respond.

SENATOR SCHMIT: Senator Hall, will you tell me how many dollars of new money will be available to the school systems of the State of Nebraska with the implementation of LB 1059?

SENATOR HALL: Billions and billions. Senator Schmit, I don't know. I would ask you to ask Senator Withem or Senator Moore who are one of the sponsors. My purpose for me offering this amendment to make the appropriate changes in the A bill, based on the amendment that I adopted yesterday to the bill and then the intent language with regard to the withholding, is just to guarantee that it kicks in as soon in July as possible as opposed to waiting till January 1 of 1991.

SENATOR SCHMIT: But your understanding of the bill, since you voted for the bill, Senator, do you have any idea how many dollars of new money will be available to schools as opposed to what would have happened had we not passed the bill?

SENATOR HALL: New dollars?

SENATOR SCHMIT: New dollars.

SENATOR HALL: No. I do understand that approximately \$220 million will be raised through sales and income tax that had not been raised before, approximately, on an annual basis. Now whether or not that is totally reflected in new dollars that flows to education or not, I wouldn't say that it is, but I can't tell you the exact number.

SENATOR SCHMIT: Senator Scotty Moore, do you want to answer?

SPEAKER BARRETT: Senator Moore, please.

SENATOR SCHMIT: Will you answer for the record, Senator Moore, the number of new dollars that will be available to education as a result of the advancement of 1059 if it becomes law?

SENATOR MOORE: Well, new dollars, there is \$178 million in the General Fund. That will be new dollars. That does not mean \$178 million increase though, Senator Schmit.

SENATOR SCHMIT: I'm asking how many additional dollars will be available for education as opposed...if we pass LB 1059 on Final Reading, as opposed to the present status quo?

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LB 1059A

SENATOR MOORE: You're talking property, sales and income? Is that your question?

SENATOR SCHMIT: No, I'm talking total dollars available for education.

SENATOR MOORE: There would be less...if you pass 1059, they would be without it.

SENATOR SCHMIT: Answer that again, please. There will be what?

SENATOR MOORE: Due to the lid provisions in LB 1059, arguably there will be less money spent on education with 1059 than had we not passed LB 1059, because there would be no lid in there then.

SENATOR SCHMIT: Thank you, Senator Moore. Now, gentlemen, you just heard Senator Moore's answer. There will be less dollars spent with the passage of LB 1059 than if we had not spent it. Would everyone who believes that rise and place your hand over your heart, please. Scotty, I don't think your credibility went up too much with that one. Thank you.

SPEAKER BARRETT: Thank you. Certainly.

SENATOR SCHMIT: (Microphone not on.) ...demonstrates that not one person on this floor is willing to state the number of dollars of new money that will be available, additional funds, as a result of the passage of 1059. If you can do that, have it on my desk sometime before the bill is on Final Reading, please.

SPEAKER BARRETT: Any other discussion? Senator Hall, to close.

SENATOR HALL: I would just move adoption of the amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the amendment to 1059A. Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: 26 ayes, 2 nays, Mr. President, on adoption of Senator Hall's amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Withem would move to amend the bill. (Withem amendment appears on page 1552 of the Legislative Journal.)

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Yes, I don't know if this is the informational answer to Senator Schmit's question or not, but it is the amendment to the A bill to reflect what was done when the Conway amendment was adopted. There is a sheet on the paper and I apologize, I did not initial it and it got distributed and it probably was my mistake, I apologize that, but it is an amendment and, below it, it has proof positive that Senator Scofield was not a penmanship teacher at Westside, I'm sorry, Sandy, I apologize for that. The penciled in language at the bottom really explains what changes are here and I'll just go through that with you. The Conway amendment, with this bill, there will be \$331.5 million distributed in state aid to education. That will be generated from three sources; \$178.8 million from the Conway amendment and the other tax increases that are in 1059, \$19.05 million from the General Fund balance, and I believe Senator Warner will have a little bit of discussion about that number here and I urge you to pay close attention when that comes up. That, added to the \$133.6 million that is there in our current state aid to education appropriation makes this \$331.4 million total in state support that will go out to elementary-secondary education. The note on the bottom is...in this first year, because we don't have the income tax adjustment into place as quickly as we might, we'll not have a full year of income tax collections to fund this, nor a full year of sale...quite a full year of sales tax to fund it. We will be \$13.5 million short of the 45 percent goal the first year, but that gets us quite close. I would urge the adoption of this amendment. I think everything here is funded as it is in either current appropriations or the new tax money. The only questionable point is this amendment does lay claim to about \$20 million that is in the General Fund balance at this point, that it is of yet, unincurred dollars and, again, I think Senator Warner will have some comments on that which I urge you to pay close attention to.

SPEAKER BARRETT: Thank you. Any other discussion? You have an amendment on the desk, Mr. Clerk.

CLERK: Mr. President, Senator Warner would move to amend

Senator Withem's amendment. (Warner amendment appears on page 1552 of the Legislative Journal.)

SPEAKER BARRETT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, Senator Withem indicated that I would have an amendment and he indicated on the sheet that he handed out that...shows \$19,050,000 of General Fund balance which, in fact, if you look on the back of the green sheet, would be approximately the amount of money that could be available for a one-time expenditure and still leave some funds left for the A bills that have an ongoing cost of 4.9 million. And it also, I think, would leave some allowance the way...the amount that they have for the assistance for the pipeline shortfall if that would happen, because that would be one-time money. What the motion does that I filed, reduces the amount by the 19 million, slightly over, and I'll, very frankly, tell you that my reason for offering the amendment is to ensure that there is at least funding for LB 272A in the amount of 16.9 million. That is the failed industrials. Obviously, if the money is used here, it, obviously, can only be used once, it can only be used for a one-time expenditure, in any event, and in an effort to at least ensure that half of that funding is available for LB 272A, I'm offering this amendment that would, in effect, do that. Of course, obviously, if 272A does not pass, why, then that money would not be needed for that. It could be, I assume, used for something else or perhaps if there was time left in the session, could be put here, but in any event, I think those of you who wish to have some funds available to at least provide the money for half of 272A need to support this amendment to reduce the A bill by that \$19 million.

SPEAKER BARRETT: Discussion, Senator Schmit.

SENATOR SCHMIT: Mr. President, just one more comment. Nearly as I can tell we have now committed to place about a third of a billion dollars of money into education from state funds, not exactly an insignificant amount. I still do not know, nor do I believe anyone knows, and I do not want to poll the delegation here, the 34 persons who voted for the bill, and find out how much of a property tax reduction there will be. The ones that I have asked tell me that is yet to be determined and that is basically what I have been saying. I would have much preferred just, if you're going to slap a lid on yourselves, go on for a

4 percent lid across the board and would have just not bought the idea of a major sales tax increase and an income tax increase. I think that we have now negated 773 and, remember, I was one who voted against that, but if we needed it in 1987, we have now negated 773 and you will once again place the executives in the six figure class in the position they were in prior to that time. If you wanted to do that, you have done so. If you did not want to do so, you've done it anyway. I will wait with some anticipation and a great deal of apprehension to view my property tax statements as they come forth when this money flows back to the local districts because I have sincere and deep concern that there will not be anywhere near the kind of reflection of property tax reduction which has been promised. And, in fact, I would estimate, almost guarantee that there will be a substantial increase, not just a 1 percent increase, I believe, as Senator Warner indicated, but a more substantial one. Unfortunately, some of those increases will be much greater than that in certain isolated areas. It reflects again my conviction that you can spend a third of a billion dollars easier on this floor than you can spend 35 or 40,000.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Withem, would you like to close?

SENATOR WITHEM: Yes, I'd like to respond, both to Senator Schmit's remarks and also to the Warner amendment that is at hand. The...and I know, I'm sure Senator Schmit gets frustrated with other members of the body when there are Natural Resources' bills up that he has lived with day and night and has a great deal of knowledge about and other members of the body have not spent the time to get as acquainted with the information as he is, but, frankly, I feel some of those same frustrations now on this bill that there has been more data made available on this bill than practically anything else I've dealt with. I recognize the frustration, in wading through it, but there is information on projected property tax savings if you want it by particular school district, if you want it by the aggregate, it is available and I'm not going to take the body's time to go over that now at this time, but I hope we will be able to get any information to Senator Schmit that may be able to answer his questions. As far as the Warner amendment is concerned, taking the money out of the General Fund balance, obviously, I have mixed feelings on that because I would like to see 1059 funded to its fullest extent the first year, if at all possible, and to do that we do need to take the money out of the General Fund

balance. On the other hand, I am one that has, frankly, very few Commonwealth depositors in my district. I'm not as directly impacted by the Commonwealth problem, but I've come to believe we have probably let that problem drag on longer than is necessary and that we ought to be addressing it and I feel somewhat guilty if we're taking the money that might allow us to do that into this bill, so I think I'm probably going to support the Warner amendment. Those of you who do not feel the same on Commonwealth may not choose to do so, but I will be supporting this amendment and watching closely what happens with 272 and if it doesn't pass very quickly, scrambling to try to get the money back in maybe, but at least give that program, the Legislature the first shot at addressing that program over this one, so I think I am going to support the Warner amendment.

SPEAKER BARRETT: Thank you. Senator Schmit, would you care to discuss it again?

SENATOR SCHMIT: (Mike not on.) ...the Warner amendment, I agree with Senator Warner and with Senator Withem that there are certain persons who have waited a long, long time, far too long, and I think that we made a commitment we should have lived up to many years ago and certainly we ought to do it now. In response to Senator Withem's earlier remarks, I'm really not too concerned about you and Senator Moore and a few others who have done a lot of work and yeoman service on LB 1059. I'm confident that you gentlemen understand the bill. I am a little less confident that perhaps 25 or 30 of my colleagues understand it as well and yet, nonetheless, voted for it and I hope that, as they proceed back to their home districts, they become as well informed as you have been and as I hope to be so that I can tell at least halfway as well why I voted against the bill as others will tell why they voted for it. Thank you very much.

SPEAKER BARRETT: Senator Schimek, please.

SENATOR SCHIMEK: Mr. President, members of the body, please support the Warner amendment.

SPEAKER BARRETT: Thank you. Senator Warner, would you like to close.

SENATOR WARNER: Yeah, again, Mr. President, the...if this is adopted, it will still provide approximately, as far as LB 1059 is concerned, \$178.8 million of increased aid to schools. The

difference, the reduction, as I've indicated, is in the...approximately 19 million and while it could be used for whatever the majority of the Legislature so chose to use it for, my reason is to be assured of the possibility that there is at least the funding for the second year of the fiscal...the second half of the biennium of LB 272 which was about 16.9 million, that's the purpose. I'd move adoption of the amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Warner amendment to the amendment. All in favor vote aye, opposed nay. Please record.

CLERK: 26 ayes, 1 nay, Mr. President, on adoption of Senator Warner's amendment to Senator Withem's amendment.

SPEAKER BARRETT: The amendment to the amendment is adopted. Back to the Withem amendment. Any discussion? Senator Withem, would you care to close.

SENATOR WITHEM: I would move the amendment to the A bill that reflects now, basically reflects the adjustments needed because of the Conway amendment adjusting the income tax effective date.

SPEAKER BARRETT: Thank you. The question is the adoption of the Withem amendment, as amended. All in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 1 nay, Mr. President, on adoption of Senator Withem's amendment to the bill.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Withem, did you care to make a statement?

SENATOR WITHEM: Would move the advancement of the bill.

SPEAKER BARRETT: Is there discussion? Seeing none, all in favor of the advancement of 1059A say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. Any items for the record?

CLERK: Not at this time, Mr. President.

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LB 42A, 923, 931, 1059, 1059A, 1063A, 1221
1222, 1222A, 1241, 1244A
LR 11

Mr. President, Enrollment and Review reports LR 11CA to Select File. That's signed by Senator Lindsay as Chair.

Mr. President, your Committee on Enrollment and Review reports LB 42A, LB 931, LB 1059, LB 1059A, LB 1063A, LB 1222, LB 1222A, LB 1241, LB 1244A, all reported correctly engrossed. (See pages 1648-53 of the Legislative Journal.)

Hearing notice from Business and Labor for confirmation hearing, signed by Senator Coordsen as Chair. (See page 1653 of the Legislative Journal.)

Mr. President, Senator Beck would like to add her name to LB 923 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Mr. Clerk, proceeding to LB 1221.

CLERK: Mr. President, LB 1221 was a bill introduced by Senator Hannibal. (Read title.) The bill was introduced on January 18, referred to the Urban Affairs Committee for public hearing, advanced to General File.

SPEAKER BARRETT: Senator Hannibal, would you care to open on your bill?

SENATOR HANNIBAL: Thank you, Mr. Speaker, and members of the Legislature, LB 1221 is a bill, as you heard, came through the Urban Affairs Committee and LB 1221 does two things basically. It deals with the Omaha Plumbing Board and most of you have been made familiar with the issue even though it doesn't affect anybody...anybody's district with the exception of the City of Omaha. I hope I have had a chance to talk with all of you and I have heard...and I imagine you have been talked to by those that are not necessarily in favor of the bill. But anyway LB 1221 does two things to the Omaha Plumbing Board and, for those of you who are not familiar, the Omaha Plumbing Board is a five-member board consisting of four members that are considered in the plumbing industry, a journeyman plumber, a master plumber, four members there, and one health officer. LB 1221 expands that to add two new members to it, to the plumbing board and those two members would be a mechanical engineer and an architect. The third...second thing it does with that plumbing board is it removes...the specific requirement that the health officer serve on the board and allows the mayor to appoint a person from the general public as the fifth...or the seventh

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LB 1059A, 1059

SENATOR WITHEM: Yes, I would just ask for...I would ask that all members check in so that everybody has an opportunity to vote.

PRESIDENT: All right, thank you. Would you please record your presence. Will you please record your presence. Senator Langford, will you check in, please. Thanks. Senator Labeledz, Senator... We're all here now except those that are excused and...all provisions of law relative to procedure having been complied with, the question is, shall LB 1059 pass? All those in favor vote aye, opposed nay, with the emergency clause attached. All those in favor vote aye, opposed nay. Senator Withem.

ASSISTANT CLERK: (Read record vote. See pages 1841-42 of the Legislative Journal.) The vote is 30 ayes, 15 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1059 passes with the emergency clause. Little mistake. LB 1059 does not pass with the emergency clause. Now we'll try it without the emergency clause attached. Then the question now is, shall the bill pass without the emergency clause attached? A roll call vote has been requested. Mr. Clerk.

CLERK: (Read roll call vote. See page 1842 of the Legislative Journal.) 30 ayes, 16 nays, Mr. President, on the passage of the bill without the emergency clause.

PRESIDENT: LB 1059 passes without the emergency clause attached. LB 1059A.

CLERK: (Read LB 1059 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1059A pass with the emergency clause attached? A roll call vote has been requested. All those in favor vote aye, opposed nay. Mr. Clerk.

CLERK: (Began reading roll call vote.)

PRESIDENT: Please check in your presence. Please check in. Senator Schmit, would you light up, please, not your cigar.

Senator Ashford, please.

CLERK: He is excused.

PRESIDENT: He is excused. We're all here and a roll call vote has been requested on the voting of the bill with the emergency clause attached. Mr. Clerk.

CLERK: (Read roll call vote. See page 1843 of the Legislative Journal.) 30 ayes, 13 nays, Mr. President.

PRESIDENT: LB 1059A does not pass with the emergency clause attached. Now, does 1059A pass without 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: (Read record vote. See pages 1843-44 of the Legislative Journal.) 30 ayes, 14 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 1059A passes without the emergency clause attached. Senator Landis, do you wish recognition?

SENATOR LANDIS: Yes, if I could raise a point of order, Mr. Speaker.

PRESIDENT: State your point.

SENATOR LANDIS: I think there's a...I'm not sure how to proceed on whether there is a conflict between the order that the Speaker and the rule suspension that we had in the use of a point of personal privilege. Could I explain it to the Chair, what that conflict is?

PRESIDENT: Yes.

SENATOR LANDIS: Well, the next bill is an insurance bill and Senator Wesely asked me if the payments for underinsured motorists benefits as provided in that bill apply only to claims. I'm asking for whether or not it will be in order for me to ask?

(Question from another senator. Mike not on.)

SENATOR LANDIS: I'm asking whether I could use a point of

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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 thing about it is there are a lot of things are known. I think Senator Withem went through them rather clearly. What happens to property tax if we don't pass this bill? What happens to our present school finance system if we don't pass this bill? Will we, next year, ever come so close to making a bigger change, and the answer is probably no. That's what is known. Now, I remember back in December and November people would say, well, it's a great idea, but it will never pass, something like that, can never pass in an election year. Remember after there was 32 co-sponsors. People said, yeah, but they will never stick. Remember after the hearing the momentum was gone for this bill, it wasn't going to go anywhere, came out of committee 12-2, on to General, on to Select, on to Final Reading. It has been said nothing can stop an idea whose time has come. Ladies and gentlemen, it's your decision on whether or not LB 1059's time has come. I move for the override of the veto.

PRESIDENT: Thank you. The question is, shall the veto on LB 1059 be overridden? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: (Read record vote. See pages 2043-44 of the Legislative Journal.) 32 ayes, 16 nays, Mr. President, on the motion that LB 1059 become law notwithstanding the objections of the Governor.

PRESIDENT: The veto on LB 1059 is overridden. LB 855. Oh, we have an A bill. Excuse me.

CLERK: Mr. President, Senator Withem would move that LB 1059A become law notwithstanding the objections of the Governor.

PRESIDENT: Senator Withem, on the A bill, please.

SENATOR WITHEM: First of all, thank everybody for the vote, and I mean everybody. The debate on 1059 from the proponents and the opponents is something I think that ought to make everybody proud to be in this Legislature. We took a problem that was troubling the state. We dealt with it. Those who voted against it had very good solid reasons to vote against it, expressed themselves well and we as a body dealt with the problem and I thank...my thanks to everybody. We also need to override the A bill, so I would move to have the A bill overridden.

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LB 855, 1059A

PRESIDENT: Thank you. The question is, shall the veto on LB 1059A be overridden? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 2044 of the Legislative Journal.) 31 ayes, 15 nays, Mr. President, on the motion that LB 1059A become law notwithstanding the objections of the Governor.

PRESIDENT: The veto on LB 1059A is overridden. LB 855, please.

CLERK: Mr. President, Senator Rod Johnson would move that LB 855 become law notwithstanding the objections of the Governor.

PRESIDENT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. President and members, probably again an inopportune time to bring another veto override, but LB 855 has really been an issue that has been a crusade of mine since 1985 when we were in the midst of some economic recessions in this state. We went through a process of cutting budgets during the Kerrey administration during some special sessions and one of the programs, unfortunately, was repealed or funding was cut out was the funding for the Animal Damage Control Program. Now quite frankly, agriculture hasn't fared real well in this session as far as policy decisions that have an impact on agriculture and its producers, but this is one program that not only serves the Nebraska ag producer, whether it be a cattleman, a sheep grower, a wool grower, a pork producer, poultry grower, whatever might be. It also serves urban areas with their problems that they might have with rodents and other problems that do occur at airports, golf courses and so forth. So rather than get into a long litany of problems, I just simply say this is \$312,000 to fund a statewide enforcement program, the State of Nebraska has put no money in this program for the last almost five years and almost every year I brought a bill in. This is the second year in a row I've passed the bill and, again, for the second year in a row it has been vetoed. It is my hope at least that this minor amount might help fund a program that serves, I think, a very good public purpose in dealing with predator problems that do prey upon a lot of our livestock industry and poultry industry in this state, so I'd ask for the votes to override this veto.

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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?