

January 10, 1990

LB 567A, 610, 1080-1090  
LR 231

Mr. Clerk, would you proceed.

CLERK: (Roll call vote read. See page 253 of the Legislative Journal.) 22 ayes, 12 nays, Mr. President, on adoption of the resolution.

SPEAKER BARRETT: The resolution is adopted. Anything for the record, Mr. Clerk? New bills?

CLERK: Mr. President, I do.

SPEAKER BARRETT: The call is raised.

CLERK: Mr. President, a hearing notice from the Natural Resources Committee offered by Senator Schmit as Chair.

New bills: (Read LBs 1080-1090 by title for the first time. See pages 254-56 of the Legislative Journal.)

Mr. President, Senator Withem has amendments to be printed to LB 567A and Senator Smith to LB 610.

Mr. President, I have a priority motion.

SPEAKER BARRETT: Mr. Clerk, proceed.

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on adoption of LR 231.

SPEAKER BARRETT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, if the Legislature is going to try to impose some kind of conduct on the other members, it should at least be done by a majority vote of the members of the Legislature. That resolution did not get a majority vote, and I'll tell you something else. The Legislature is governed by the Constitution, the Legislature is also governed by the statutes and the Legislature is governed by its rules. What happens in this Legislature is determined by rules. This resolution did not amend the rules. This resolution's contents does not constitute a rule. It's just a statement and it was passed by less than a majority of the members of the Legislature. So I think it ought to be reconsidered and I think when that next vote is taken we should defeat the resolution and you should put

January 19, 1990

LB 87, 159, 163, 163A, 220, 240, 257  
313, 315, 397, 399, 486, 488, 488A  
756, 856, 911, 963, 1002, 1026, 1033  
1037, 1050, 1051, 1090, 1108, 1109, 1141  
1168, 1181, 1190  
LR 239, 240

PRESIDENT: Okay. Thank you. Senator Ashford, you are next, but may I introduce some guests under the south balcony, please. We have from District 22, which is Senator Robak's district, Dianne Foltz of Platte Center and Betty Grant of Columbus, Nebraska. With them are three AFS students, Jean/David Miquel of Paris, France, and Patty Cervantes from Bolivia, and Shane Walker from Australia. Would you folks please stand and be recognized. Mr. Clerk, you have something for the record?

CLERK: I do, Mr. President, very quickly. Enrollment and Review reports LB 163 to Select File, LB 163A to Select File, those signed by Senator Lindsay as Chair. Agriculture Committee, whose Chair is Senator Rod Johnson, reports LB 856 to General File. (See page 429 of the Legislative Journal.)

Mr. President, Senator Coordsen, as Chair of the Business and Labor Committee, has selected LB 313 and LB 315 as the committee priority bills for the year. And Enrollment and Review reports LB 87, LB 220, LB 240, LB 257, LB 397, LB 399, LB 486, LB 488, LB 488A, LB 756 all correctly engrossed. Those signed by Senator Lindsay as Chair. (See pages 430-33 of the Legislative Journal.)

Mr. President, notice of hearings from the Education Committee and from the Natural Resources Committee, signed by the respective chairs. (Re: LB 1190, LB 1181, LB 1168, LB 911, LB 1050, LB 1090, LB 1033, LB 1037, LB 963, LB 1026, LB 1108, LB 1109, LB 1141, LB 1002, LB 1051, LR 239 and LR 240.) And Senator Haberman has amendments to be printed to LB 163. That's all that I have, Mr. President. (See pages 433-34 of the Legislative Journal.)

PRESIDENT: Senator Ashford, did you wish to speak on the first set of Kristensen amendments?

SENATOR ASHFORD: I call the question.

PRESIDENT: Oh, you call the question. The question is, shall debate cease? All those in favor...Do I see five hands, first? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. What do you think, Senator Ashford? Record, Mr. Clerk.

CLERK: 16 ayes, 0 nays to cease debate, Mr. President.

February 13, 1990      LB 159, 163A, 624, 642, 862, 923, 943  
976, 1010, 1086, 1090, 1091, 1141, 1171  
1180, 1195, 1197, 1238  
LR 239

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

CLERK: Mr. President, I do. A reminder, the Speaker would like to have a meeting of Committee Chairs tomorrow morning at eight-thirty, Committee Chairs tomorrow morning at eight-thirty in Room 2102.

Mr. President, your Committee on Education whose Chair is Senator Withem reports LB 1086 to General File, LB 1090 General File with amendments, LB 1195 General File, those signed by Senator Withem, and LB 1180 indefinitely postponed, LB 1197 indefinitely postponed. Urban Affairs reports LB 943 indefinitely postponed, LB 1171 indefinitely postponed, signed by Senator Hartnett. Banking reports LB 624 to General File, that signed by Senator Landis. (See pages 779-80 of the Legislative Journal.)

Mr. President, a series of priority bills designations. Senator Wesely as Chair of Health and Human Services selects LB 923, Senator Withem selects LR 239CA, Senator Warner selected LB 1141. General Affairs Committee selected LB 862 as one of its priority bills, that's offered by Senator Smith. Senator Dierks has selected LB 1238.

I have amendments to be printed to LB 163A by Senator Schimek. (See page 781 of the Legislative Journal.)

A confirmation report from the Education Committee. That is offered by Senator Withem.

A series of adds, Mr. President. Senator Weihing would like to add his name to LB 642, Senator McFarland to LB 1010, Senator Lowell Johnson to LB 976 and Senator Pirsch to LB 1091 and Senator Warner to LB 159, AM2372. That is all that I have, Mr. President. (See page 782 of the Legislative Journal.)

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Yes, Mr. President, I move we adjourn until 9:00 a.m., February 14, Valentine's Day.

February 14, 1990      LB 42, 159, 313, 642, 851, 856, 857  
874, 893, 901A, 957, 960, 964-966, 984  
997, 1044, 1064, 1080, 1090, 1161, 1184  
1193, 1232  
LR 11

SPEAKER BARRETT: Thank you. Mr. Clerk, you have a motion?

CLERK: Mr. President, I have a priority motion by Senator Langford, that's to adjourn the body until February 15, 1990. I assume that's nine o'clock, Senator. I do have some items.

SPEAKER BARRETT: Anything for the record, Mr. Clerk?

CLERK: Yes, I do, Mr. President. I have amendments to be printed to LB 42 by Senator Baack. (See pages 793-94 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 1064 to Select File with Enrollment and Review amendments. LB 851, LB 856, LB 857, LB 874, LB 893, LB 957, LB 964, LB 966, LB 984, and LB 997 are all reported correctly engrossed. Those are signed by Senator Lindsay as E & R Chair. Banking Committee reports LB 1161 to General File with amendments, and LB 1193 as indefinitely postponed, those signed by Senator Landis as Chair of the Banking Committee. (See pages 794-96 of the Legislative Journal.)

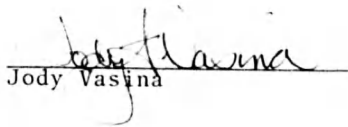
I have a new A bill, Mr. President. (Read LB 901A by title for the first time. See page 796 of the Legislative Journal.)

Mr. President, I have a confirmation report from the Health and Human Services Committee, that is signed by Senator Wesely as Chair. I have a series of priority bill designations. Senator Schellpeper selects LB 1080; Senator Crosby, LB 965; Senator Scofield, LB 1184; Senator Richard Peterson, LR 11CA; and Senator Withem, Education Committee priorities are LB 960 and LB 1090.

Mr. President, Senator Abboud would like to add his name to LB 1044, Senator Crosby and Chambers to LB 642, Senator Elmer and Peterson to LB 159 and AM2372, and Senator Morrissey to LB 1232. I believe that's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The motion before the house is one to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. Ayes have it, carried, we are adjourned. (Gavel.)

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Jody Vasina

February 21, 1990

LB 642, 1009A, 1018, 1090, 1099, 1174, 1226  
LR 258

Senator Morrissey. Yes, would you like to put some things in the record, please.

CLERK: If I can, Mr. President, very quickly. Thank you. I have a Reference Report referring certain gubernatorial appointments to the appropriate Standing Committee.

Notice of hearing from Natural Resources Committee. Senator Moore has amendments to LB 1009A to be printed; Senator Baack to LB 1090. (See pages 893-94 of the Legislative Journal.)

A Confirmation Hearing Report from Natural Resources. Natural Resources reports LB 1099 to General File. Signed by Senator Schmit. Education reports LB 1226 as indefinitely postponed. Signed by Senator Withem. Judiciary reports LB 1018 to General File with amendments; LB 1174, General File with amendments. (See pages 895-96 of the Legislative Journal.)

And the last item, Mr. President, a resolution, LR 258 by Senator McFarland. (Read a brief description of LR 258. See pages 896-98 of the Legislative Journal.) That will be laid over, Mr. President. That's all that I have at this time.

PRESIDENT: Now we're back on the advancement of the bill. Senator Morrissey first, please, followed by Senator McFarland.

SENATOR MORRISSEY: Thank you, Mr. President, and members, I must admit I'm perplexed and a lot of you are probably going, so what else is new, Morrissey? But I have always been in favor of things like this, the seven-day waiting period. It doesn't seem like it's really that onerous. Back in '74, I went to Hamburg, Iowa and had to buy...wanted to buy a rifle, had to wait, because I was an out-of-stater, seven days. I went back seven days later and bought it. No problem. And it seems pretty simple, but, of course, lately this drive to and from work is working on me. All the way up...all the way home last night and all the way up this morning I was kind of tearing this apart. And one of my concerns, as I have stated on this floor, has been a sort of a constant or slow chipping away of constitutional rights of our citizens in the state and the nation. I thought, well, this kind of comes under that same subtitle. We've got government reaching clear into our lives and deciding if we're good enough citizens to do certain things, and that kind of bothers me. And this is the argument that a lot of people are using, that we should guarantee a citizen's right to keep and

February 21, 1990      LB 851, 1090

signed by the respective Chairs.

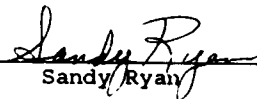
Amendments to be printed to LB 851 by Senator Withem, LB 1090 by Senator Baack. (See pages 901-03 of the Legislative Journal.) I have nothing further, Mr. President.

PRESIDENT: Senator Owen Elmer, would you like to adjourn us until tomorrow, February 22nd at nine o'clock, please.

SENATOR ELMER: Certainly, Mr. President. I move that we adjourn until February 22nd at 9:00 a.m.

PRESIDENT: You have heard the motion. All in favor vote aye. Opposed nay. All in favor say aye. Opposed nay. We are adjourned. Thank you.

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Sandy Ryan

the Nebraska Sheep Council, Nebraska Poultry Industry, in strong support of the bill. We had no one opposed to the bill. We had University of Nebraska Extension and Department of Agriculture in the neutral position for information. This bill is much needed to assure continuation of federal funds. It provides assistance to both urban and rural interests in controlling unwanted wildlife such as starlings in the metropolitan areas, unwanted rodents and various types of wildlife that tend to congregate around airports, to keep the airports safe for landing, to protect young livestock against predators and I don't think that you need too much more. All of you were here last year when we debated this and I would urge the advancement to Select File, and if there are any questions from anyone, I'd be pleased to try to answer them.

PRESIDENT: Any further discussion? 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 855.

PRESIDENT: LB 855 is advanced. LB 855A.

CLERK: 855A, Mr. President, offered by Senator Rod Johnson. (Read title.)

PRESIDENT: Senator Owen Elmer, please.

SENATOR ELMER: Thank you, Mr. President and members, the accompanying A bill to 855, LB 855A, is identical to the A bill that we had last year, provides funding at a minimum level to assure continuation of the federal support of our programs across the state and I would urge that you advance it to Select File to accompany LB 855.

PRESIDENT: Thank you. If there is no further discussion, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Have you all voted? We're voting on the advancement of the bill. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 855A.

PRESIDENT: LB 855A is advanced. LB 1090.

CLERK: Mr. President, 1090 was a bill introduced by the Education Committee and signed by its members. (Read title.) The bill was introduced on January 10 of this year, Mr. President, referred to the Education Committee. The bill was advanced to General File. I do have committee amendments by the Education Committee.

PRESIDENT: Senator Withem, before you start, (gavel) members of the Legislature, could you hold it down so we can hear what the speakers are talking about, please. Thank you. Senator Withem.

SENATOR WITHEM: Yes, Mr. President, members of the body, LB 1090 is what is becoming an annual Department of Education clean-up bill. As the department goes through the process of implementing the statutes that we send over to them, they find that there are certain dates for reports that are not spelled out as well as they should be, certain parts of the statute that don't correspond well with other parts of the statute and LB 1090 is that bill this year. There are a couple of fairly significant things that are done in the bill that I will cover when we get to discussion of the bill. Right now we're on the committee amendment and one of the provisions in the original draft of the bill did not escape the eagle eye of the Nebraska Press Association. Once again, we have proven the fact that they do, in fact, read carefully every piece of legislation. There was a provision in the bill dealing with educational service units. The original draft of the bill, as it came over from the department, called for eliminating a requirement that certain data published by the educational service units had to be published in local newspapers.

PRESIDENT: Senator Withem, may I interrupt you again, please. (Gavel.) Ladies and gentlemen of the Legislature, please hold it down, especially over on the south side here. We can't hear. Please. Thank you. Senator Withem, thank you.

SENATOR WITHEM: Thank you, Mr. President. What the committee amendments do is they reinstate the language that requires that educational service units publish a report on yearly activities. A report must be published and distributed for all member school districts by November 1. It also eliminates a "may", inserts a "may" rather than a "shall" when we're talking about promulgating rules and regulations for the Adult Education Act. With that, I would urge adoption of the committee amendments.



PRESIDENT: Mr. Clerk, I understand you have an amendment to the amendments.

CLERK: Mr. President, the first amendment to the committee amendments is by Senator Baack. Senator Baack amendment is on page 893 of the Journal.

PRESIDENT: Senator Baack, please.

CLERK: Senator, this is AM2626. That was the first one.

SENATOR BAACK: Yes, Mr. President and colleagues, I had to check. I had a couple of amendments on this bill and I wasn't sure which one we were going to deal with first. This amendment deals with...LB 1033 was a bill that I introduced before the Education Committee. The Education Committee then heard this bill. There was no opposition to the bill in committee, and then the Education Committee voted it out. LB 1033, what it provides for is a few years ago there was a problem with people in the area of speech-language pathologists, were, up until about five years ago, were allowed to get a teaching certificate even though they had their master's degree in language-speech pathology. Then about five years ago the department made a ruling saying that if they had not received a baccalaureate degree, they could not then be endorsed as a teacher. They would get a special kind of endorsement, but not a teacher's endorsement. This has caused some real problems especially for speech-language pathologists that want to go to other states to practice their, what they do, and what has happened is that other states won't accept them in the teaching field. So what this does is this clears this up and it says that if you have your master's degree in speech-language pathology which is a requirement in this state, you have to have a master's to be a speech-language pathologist, you also can be granted an initial teaching certificate and that will allow them to also go into administration and do some other things and proceed with their careers. That's what this amendment does. It was LB 1033, if you want to look it up. There was no opposition at the hearing. The department needs this cleaned up too. So with that, I would urge the adoption of the amendment. Thank you.

PRESIDENT: Thank you. Senator Withem, did you wish to speak about his amendment to the amendment?

SENATOR WITHEM: Yes, just to clarify for the body that LB 1033 was a noncontroversial bill. It was advanced unanimously out of the Education Committee. There are a number of those bills this year, and I think the body will see a number of amendments to 1090 that, at least the ones I am aware of at this point, are relatively noncontroversial, pieces of legislation that do need to be passed and with 1090 going through, I have absolutely no problems. Matter of fact, I'd encourage the body to add LB 1033 to this bill so that the problem with the speech-language pathologists can be dealt with, so I would urge you to support the Baack amendment.

PRESIDENT: Thank you. Any closing, Senator Baack? Okay, the question is the adoption of the Baack amendment to the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 20 ayes, 0 nays, Mr. President, on adoption of Senator Baack's amendment to the committee amendments.

PRESIDENT: The Baack amendment to the committee amendment is adopted. May I introduce some guests, please, we have with us this morning. Senator Lynch has a group of 20 members of the Financial Women's International Mid Plains Chapter, and Kim Felton (phonetic) is their leader. Would you ladies please stand so we may recognize you. Thank you for visiting us this morning. We also have some guests of Senator Peterson in the north balcony. We have 35 Political Science students and their instructor from Northeast Community College, that would be in Norfolk. Would you please stand and be recognized. I understand also that in the south balcony we have some Kiwanians from various parts of the state. Would you gentlemen please stand. Some under the north balcony too. I didn't know you were split. I guess they ran out of room in one place. Thank you, all, for visiting us today. Mr. Clerk, do you have another amendment to the committee amendments?

CLERK: Mr. President, Senators Baack and Hartnett would move to amend the committee amendments. This amendment is 2637, Senator, on page 901 of the Legislative Journal.

SENATOR BAACK: Yes.

PRESIDENT: Senator Baack.

SENATOR BAACK: Yes, Mr. President and colleagues, this amendment is...it has two things that this amendment does. One of them, the first thing that it does is it incorporates LB 1051 which was a bill that was introduced by Senator Hartnett into the Education Committee, to the Education Committee and was also approved by the Education Committee and there was no opposition to this bill also at the hearing. What this bill does is that the...it says that if a child is involved in special education in this state, the state law right now provides that if they turn 21 during the school year, state law says that their services can be terminated immediately as they turn 21. This has presented some problems across the state because if their birthday is in October then services can end that very day and in some students' cases this has happened. And what this amendment says is that they will be allowed to continue to receive those services through the school year in which their twenty-first birthday occurs. If it occurs during that year, they will be allowed to have services until the end of the year. So I think this is just a very reasonable thing that we should do. I helped carry the amendment with Senator Hartnett. This is a bill that I introduced before the Education Committee a number of years ago and we did not have time to act on that. The other change, the other change that is in this bill is one that was brought to me by some special ed people in the Omaha area and they have had a problem because with special ed they have to furnish transportation. They have a choice of either furnishing it with a bus or they can pay the parents to transport those children. And what they have found that, in trying to paying the parents to transport them, there is a state statute that says that parents can only be reimbursed for 86 percent of the allowable rate for special ed students. All other transportation is 100 percent of the rate. What we're asking to do here is to change that and say that they can reimburse parents for 100 percent of the allowable mileage rate and this will...because in many cases it is much easier for them to simply pay the parents to transport those kids and the parents are more willing to do it if they are able to receive 100 percent of the allowance for transportation rather than the 86 percent that is provided in state law right now. I will now let Senator Hartnett have the rest of my time.

SENATOR HARTNETT: Mr. President, members of the body...

PRESIDENT: Senator Hartnett.

SENATOR HARTNETT: ...I think Senator Baack did an excellent job of explaining what was in 1051. It is a traumatic experience for students to have to leave school during the year, and so what this does is simply allows students, if their twenty-first birthday occurs during the school year, they can continue on to the end of the year. It simply...most states around us have adopted amendments or bills or statutes like this and so this simply clarifies it. So with that, I would...he had something to deal with special ed, I did, so we combined the two into one amendment, and so, with that, I'd ask the body to approve this amendment to the amendment.

PRESIDENT: Thank you. Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President. I'd like to ask a question, if I may, of Senator Baack.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Certainly.

SENATOR SMITH: Senator Baack, do we have that amendment? Do we have the amendment that you're talking about right here?

SENATOR BAACK: It's on Journal page 901.

SENATOR SMITH: All right, I've been out and I just came back in and heard your discussion here, but I would like to ask a question. Do you have any idea of what such an increase would...what kind of a cost would this be?

SENATOR BAACK: That is something that we talked about in committee. It's very, very difficult to know exactly what the cost is because in most cases school districts that have a child that turns 21 during that school year are already offering the program. They already have everything in place, so it really is no additional...there aren't that many additional costs for that student to just go ahead and finish the year because most of them already have the program in place.

SENATOR SMITH: Okay. So you don't see any additional costs for that part of the amendment.

SENATOR BAACK: No, it is not going to be any great cost for that, no.

SENATOR SMITH: All right, now are we talking about these two things in one amendment?

SENATOR BAACK: Yes.

SENATOR SMITH: Okay, the second part of it, the one that would require 100 percent of the transportation. What would that increase cost?

SENATOR BAACK: Well, there is only a few districts that do that, that provide the transportation and pay the parents to do that and it would be a local district cost to do that.

SENATOR SMITH: It would be local district.

SENATOR BAACK: And what they have found is, is that by doing it this way, by allowing the 100 percent allowance, it will actually be cheaper for them than having to come up with the bucks.

SENATOR SMITH: Than having to provide the transportation.

SENATOR BAACK: That's right, and that's why they want that amendment in there because parents are reluctant to transport them when they can only get 86 percent of the allowable cost, but if they are able to get 100 percent of the allowable cost, parents will transport those kids at that point and it is much easier for them to do that.

SENATOR SMITH: What are they using for transportation right now if they are providing that transportation?

SENATOR BAACK: In some cases they are having to bus.

SENATOR SMITH: So what will happen with the use of the buses then if they no longer do that?

SENATOR BAACK: Well, I mean they still...they...

SENATOR SMITH: They will do both?

SENATOR BAACK: Oh, no, I don't think so.

SENATOR SMITH: They will pay those that want to bring their

children the 100 percent and they'll take the bus for those that don't want to or can't?

SENATOR BAACK: Well, I think that what they are looking at is that there are a number of parents who have agreed to do it, if allowed to have the 100 percent allowance. This only really affects one or two school districts in the state that are looking at this, especially Omaha Westside who is contracting for all of these students and they are the ones that are affected the most by this bill because they are the ones that have to transport the most...(interruption)

SENATOR SMITH: And they are the ones that are in support of this concept?

SENATOR BAACK: Yes.

SENATOR SMITH: Because I know one of the things that we hear over and over in here is the high cost for the State of Nebraska in that program, and I know that has been a concern you have had in the past, but if they are asking for it and they say they can save money, I suppose it's their business. Thank you.

PRESIDENT: Thank you. Senator Baack, did you wish to close? Okay, the question is the adoption of the second Baack amendment to the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 15 ayes, 0 nays, Mr. President, on adoption of the amendment to the amendment.

PRESIDENT: The second Baack amendment to the committee amendments is adopted. Do you have another one, Mr. Clerk?

CLERK: Mr. President, Senator Bernard-Stevens would move to amend the committee amendments. (Bernard-Stevens amendment appears on pages 927-29 of the Legislative Journal.)

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. President, members of the body, the amendment that was distributed is actually bill 1195 if you want to check in your books. It was a bill that passed out of the Education Committee. It was also a bill that was put on the Speaker's priority list. There was some concern

that the bill may not be able to make it on the floor with the time we have remaining, so we offered to try it as an amendment at this particular point. What it would, in essence, do and it is a very simple amendment, what it would, in essence, do is last year the Legislature passed the education technology bill which set up education technology in the State of Nebraska in Lincoln. Much of the funding, however, was vetoed out of the bill and so next year the Legislature will have to go back and look at that part. This is not dealing with that part of the funding. What was approached to me by people in the rural parts of the State of Nebraska is that it is very difficult for the teachers during the time period of their teaching when they are trying to get things done to actually come into Lincoln and take advantage of what is here. So the idea approached that we need to have satellite centers in rural Nebraska so that all Nebraskans can participate in what we have in the educational technology here in Lincoln. We've been working with the Department of Education, we've been working with the educational technology group and they've worked together to come up with this particular bill which is now the amendment and, in essence, what it would do, financially it would put two satellite areas in the western part of the state. The locations were picked simply because the fiber optics is already there and when you're looking at the communications, when you're looking at the future of technology you need that two-way fiber optics in order to accomplish the goals of communicating between the eastern and western parts of the state as efficiently as possible in regards to the technology available. It would take two people, one person in each side in a half-time FTE, at the educational technology area and, hopefully, more funding would be available next year but that is up for the Legislature, the Appropriations Committee and whatever we do on the biennial budget. But it would set aside two areas and I can tell you that in both of those particular areas there is funding available from that local areas, from foundation, what have you, that can get them well on the way so we can be taking advantage of the same technology that is available in the eastern part of the state.

PRESIDENT: Thank you. Senator Crosby, you're next, but may I introduce one guest. Senator Wehrbein has a cousin over under the south balcony, Joan Janzen. Would you please stand, Joan. I understand this is Senator Wehrbein's only cousin. Well, guess you can't always believe what he tells you. Thank you for visiting us today anyway. Senator Crosby, please, followed by Senator Chizek.

SENATOR CROSBY: Thank you, Mr. President, and members, if any of you have looked at LB 1051, no, what number? LB 795, I'm sorry. We've had so many bills amended into this bill, I'm getting a little confused. If any of you have looked at that bill, you will notice I was the only one on the committee who voted against the bill coming out of committee. Well, at the time, I was feeling fiscally conservative, I guess, because we do, in our committees, we do vote a lot of bills out that have fairly high price tags. This one isn't as big as some of the others and I am concerned about proliferation of programs. But after I went back over it again, I decided, since it's out there in God's country in North Platte and Scottsbluff, that perhaps I will vote for it. I want to make one other comment. The fact that it does help teachers to pick up some programs and things that they need appeals to me. I did address some of the Kiwanis people who are this morning, I went over to the East Chamber and told them that I thought LB 1090 was not a controversial bill, that it was probably going to move pretty quickly. See how wrong I can be, but I am for the other amendments and I wanted to reassure Senator Bernard-Stevens that I'm going to vote for this one too. Thank you.

PRESIDENT: Thank you. Senator Chizek, please, followed by Senator Morrissey and Senator Withem.

SENATOR CHIZEK: A question of Senator Stevens.

PRESIDENT: You're calling the question?

SENATOR BERNARD-STEVENS: No, he wanted to ask a question of me and I'd be delighted to respond.

PRESIDENT: Okay, please.

SENATOR CHIZEK: Would you have any objection, Senator, to kind of a friendly amendment that would add 132nd and Center?

SENATOR BERNARD-STEVENS: Is that particularly your home or is that the business?

SENATOR CHIZEK: It's just up in a growing area.

SENATOR BERNARD-STEVENS: I would think if the Legislature would feel the need to do that, I would certainly not be one to object



to that type of an amendment.

SENATOR CHIZEK: Thank you, Senator.

PRESIDENT: Senator Morrissey, please.

SENATOR MORRISSEY: Thank you, Mr. President and members, Senator Stevens, would you pork...please respond to a question?

SENATOR BERNARD-STEVENS: You bet.

SENATOR MORRISSEY: Would you be agreeable to an amendment that, if the body so desired, a station in Rulo since it is also part of God's country down in that area? Kind of a good jumping-off point for the rest of the state.

SENATOR BERNARD-STEVENS: It would be a good branching point to the entire under belly of the United States, as a matter of fact, and if we could do that, to lead the way to bring in the lesser states of Kansas and Oklahoma and Texas through that site, I think it would be a delightful place to begin.

SENATOR MORRISSEY: Did the pork producers bring this amendment to you or...?

SENATOR BERNARD-STEVENS: No, that was last year's bill when we had the hog confinement bill and that will be coming back next year within the university's priority bill. In all seriousness, Senator Morrissey, this bill was brought to me by people in western Nebraska and, quite honestly, it was from North Platte and Scottsbluff that they began working on that. It was their plan that they brought to us and we wrote it up so it basically came from out there in the educational part of the state.

SENATOR MORRISSEY: Thank you, sir, and I'd like to yield the rest of my time to Senator Lindsay, please.

PRESIDENT: Senator Lindsay, you have almost four minutes left.

SENATOR LINDSAY: Thank you, Mr. President. Again, I want to get on the bandwagon here. Would Senator Bernard-Stevens respond to a question?

SENATOR BERNARD-STEVENS: Yes, and I suspect the answer might be yes, but go ahead.

SENATOR LINDSAY: How about 29th and Leavenworth? There is some office space there that would be an appropriate place, I think, for one of these satellites.

SENATOR BERNARD-STEVENS: Yeah, and some of these amendments, or questions, I think some people may be using campaign funds to subsidize that and if we want to use something like this, I think that would be a question for the body to decide, and if it decided in the affirmative, I certainly would not disagree with that.

SENATOR LINDSAY: Thank you.

PRESIDENT: Senator Withem, please, followed by Senator Kristensen.

SENATOR WITHEM: Yeah, Mr. President and members of the body, just to put you on notice, things are going so well here, I think I'm going to file 1059 as an amendment to this bill here too and we'll go ahead and get that done today and quit worrying about whether we're delaying or not delaying or rushing to judgment and get that over with. I'd like to talk seriously about Senator Bernard-Stevens' amendment though because you've had a little bit of fun here, which is fine. I think what he is proposing is very consistent with the direction this Legislature set a couple of years ago when we established the Education Technology Center in the Department of Education. And if you remember, the rationale for establishing that department was that in realization of the demographics of our state, in realization of the need to get education to people in this state regardless of where they live, that we're going to have to utilize education technology in order to accomplish that. In...spent a trip last year going out through Arthur County and through Hyannis, Nebraska, and other parts of...Tryon, Nebraska and other parts of our state where, if I realized it intellectually before, I now realize it on a personal experiential level that there are parts of this state where people are going to be living, there are going to be kids in those areas that are going to have to get education. We established the education technology center in part to deal with that problem. What I think Senator Bernard-Stevens is saying is, if we're going to establish that methodology of relying on technology to get educational experiences to kids in our state regardless of where they live, that these centers are going to

have to be accessible to those teachers and they aren't accessible when they're on the sixth floor of the State Office Building here in Lincoln, Nebraska. A teacher who is attempting to utilize some of this information, needing some technological assistance or access to some materials, isn't going to be able to come down here to Lincoln to access that information. So I think it's going to be difficult for them to get from those areas into North Platte and into Scottsbluff because that's a fairly long distance also. So I think what he is doing is he is expanding this concept of the Education Technology Center in a realistic fashion by making it available to those who are living in scarcely populated areas of our state. And I'd close by saying, please support this bill and also by pointing out to Senator Scofield that I went through this explanation of this particular portion of the state without using any of the pejorative words that she doesn't like, so I hope she appreciates that also.

PRESIDENT: Thank you. Senator Kristensen, you're next, but may I introduce some guests, please, of Senator Moore and Senator Coordsen. We have 22 students who are the senior American Government class in Exeter, Nebraska, with their instructor. Would you folks please stand and be recognized. Thank you for visiting us today. Senator Kristensen, followed by Senator Scofield.

SENATOR KRISTENSEN: Thank you, Mr. President and members, Senator Bernard-Stevens, could I ask you some serious questions?

SENATOR BERNARD-STEVENS: Yes, Doug.

SENATOR KRISTENSEN: As opposed to the usual questions. These Educational Technology Satellite Centers are going to be in terms of what their hardware would be, in terms of what a facility would be. What would you envision those to look like in terms of the amount of equipment and so on that would be there?

SENATOR BERNARD-STEVENS: Actually, Senator, that is a very good question and I encourage anyone to go up to the Education Technology Center that we have here in Lincoln and take a look at what they are being able to offer faculty. What I would envision things doing is, there is so much available technologywise, the two-way computers that we have, we have the video disks now, that you have the video and the computer at the

same time where students are going to be able to learn at different rates and the problem that we have on the new technology with the different kind of computer systems out there is that, number one, some of the technology is not readily available and, number two, if it is available, there is no one trained to use it and so what, and I don't want to take much more of your time, but what I would envision the centers to be is very similar to what we have in Lincoln and that is a place to review the software, a place to train the faculty on how best to use it for their children in the rural schools or in a large school, for that matter, and a place where they can get hands on experience so they can actually put what they have learned into the classroom.

SENATOR KRISTENSEN: Okay, so I guess what I am looking at would be, this is designed for teachers to make them aware of the type of new technology that may be coming around, the new instruments of education that we may be using in the future. Would that be accurate?

SENATOR BERNARD-STEVENS: That would be accurate.

SENATOR KRISTENSEN: Okay, wouldn't it make some sense then...well, let me ask you one other question. Is fiber optics an absolute necessity for the satellite centers?

SENATOR BERNARD-STEVENS: No, actually you can go fiber optics in that area which I think in the long run is what is going to be happening throughout all states as it begins to get into rural areas, but you can also use satellite feats.

SENATOR KRISTENSEN: Okay. Wouldn't it make some sense, I think that it would, to put those centers then in existing areas where we already deal with faculty and instruction of teachers and those would be our existing state colleges, for example, Chadron and Kearney, since those are still...and I can't say that part of the state other than upstream, Senator Scofield, but those of us in that area, wouldn't it make a lot more sense to put these technology satellite centers in existing places where we already have educational training of teachers and faculty and not create a whole new series and systems and just have a room or a building out in North Platte or at Scottsbluff because they have other good facilities in Scottsbluff and North Platte, but we have established educational centers for teachers and instruction of teachers, that being at Chadron and Kearney.

SENATOR BERNARD-STEVENS: Yeah, Doug, that's a very perceptive viewpoint and in some cases on that I would have a tendency to agree with you. In this particular case though, I will differ a tad bit simply because this is not going to require a new, for example, building or a new facility or a new concept. For example, in Scottsbluff and in North Platte the facilities are already there that can, in fact, do the same thing as Chadron or, for example, or Kearney, and what we find out is in our particular region and in the region of western Nebraska where Scottsbluff is, that Kearney, for example, as I know you're well aware, is well aware of the fact that they need to bring their training and their education out to those areas because it is so difficult sometimes for them always to go into Kearney. So the outreach program at Kearney which has been so successful and so valuable in the state would...that same concept is as true here as well, we need to be able to service those areas and regions because they simply cannot get to those other areas. And if we get into a fight as far as where they are going to be, it would be, if they are similar to DEDs fight we had last year, if you remember, you know, we agreed with the concept, we were going to have a fight on possession type of thing.

PRESIDENT: One minute.

SENATOR KRISTENSEN: Thank you. Senator Chambers, do you know what this bill and this discussion has reminded me? You don't have to answer the question, but if you'd like to join in, you may. And it brings to mind something that you've helped me with a little bit, but never is it clearer today, O' Christmas tree, O' Christmas tree, how beautiful your branches. Thank you. I can't sing it yet, Senator, but the words are fitting.

PRESIDENT: Thank you. Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President, I have a couple of questions that I would like to address to Senator Bernard-Stevens. This is the kind of concept that I have been favorable toward and have worked with Senator Withem in particular on, but a couple of things that I think we need to clarify relate, one, to Senator Kristensen's questions about how do we make this work with existing activities going on with teachers' colleges and, two, how do we make it work...I see you have in-service activities identified in here which in some cases a lot of them are being done by ESUs, how does this all

fit together? And the second question would be, given the whole array of proposals that are out there for educational technology, you're probably aware of the one that is just directed at higher education which has come in for some justifiable criticism, I think, because it has neglected, more than it should, the elementary-secondary thrust, but the potential for putting sites across the state and not having them well coordinated seems to me to be here. We need to move forward on this front. Can you give me some confidence here that this is well coordinated with other proposals that are out there and how does it fit with existing teacher training and in-service activities?

SENATOR BERNARD-STEVENS: You bet, Senator Scofield, and again, that's a good question that both you and Senator Kristensen and others have brought up. First of all, one must remind ourselves that when we put the Educational Technology Center in, we put in the State Department of Education. We did not decide to go to the University of Nebraska Teachers' College or UN-O or Kearney because the goals and objectives were totally different and it needed to be coordinated through the State Department of Education and we're not changing any of that here. The other question you brought up is a very legitimate question and one I know Senator Nelson and I and others on the Education Committee have been very concerned with, and that is particularly the educational centers that they are trying to develop, you know, in Grand Island and North Platte and the Scottsbluffs and the Norfolks and what have you, and one I think the Education Committee came to a conclusion on, and I think that refers to LB 911 to some degree, that we had is that we had the same concern and in regards to how communities are going to coordinate with the state colleges and other higher education regardless of whether the constitutional amendments are agreed to or not, the Education Committee said what we need to do is study, and I hate that word study, but we need to study so that we can coordinate all of those together so that we have not just one or two areas that were blossoming and the others try to join on, but we have a coordinated thing that the state can be proud of. In regards to the training, what we have in this particular bill that is different is that we're simply looking at the educational training and experience of faculty members and teachers so that they can bring that training to the classroom. We're not talking about a center, for example, where people are going to come to take courses or people are going to come to further their education. Those are in different areas, so I

don't think there is a conflict there. In fact, I think when it's all done, said and done, it will be a complement to whatever we come up with in those other areas.

PRESIDENT: Thank you. Senator Scofield, go ahead.

SENATOR SCOFIELD: Do I have time left, Mr. President?

PRESIDENT: Yes, you have about a minute and a half.

SENATOR SCOFIELD: Thank you. I appreciate that response, Senator Bernard-Stevens. I know we're all headed in the same direction here on this and it's...maybe we should also explore the possibility of putting the central activity further out across the state. Obviously, I don't object to the two locations you've identified, but I also realize that probably, given the size of the state, there are other sites eventually we're going to want to do and it's a technology thrust...if I understand what you're saying, this is going to be essentially an educational technology center on a smaller scale out in Scottsbluff and North Platte, similar to what we've done in Lincoln, and I wonder if that doesn't add additional administrative arms and maybe we can do it in a more efficient fashion. I just haven't had time to think about this. I'm very intrigued with your idea, but I also can see some real need to coordinate this and plan it through. You may have the rest of my time.

SENATOR BERNARD-STEVENS: Thank you, Sandy. And, I, too, had concerns on that when we drafted the legislation and one of the things in working with the State Department of Education and with the educational technology is we've tried to make it very, very clear that that is simply not a duplication because I, too, say, well, we don't want to spend money for one area and then just duplicate the spending in another area, it doesn't make a lot of sense to do that. But what does happen because there is no funding available particularly, even for the Lincoln center because most of those funds were vetoed out, what does happen is that each of those areas in our regions out there will be able to go to grants, businesses and foundations in order to get the funding they need to specialize some of the educational training that fits in our area and...

PRESIDENT: Senator Bernard-Stevens...



SENATOR BERNARD-STEVENS: ...there's not going to be duplication of fact, what we're trying to do is to put a coordinated thing so we each complement the other.

PRESIDENT: Senator Bernard-Stevens, that is the end of Senator Scofield's time. You may close now if you'd like. No close? Okay, the question is the adoption of the Bernard-Stevens amendment to the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 15 ayes, 0 nays, Mr. President, on the adoption of Senator Bernard-Stevens amendment.

PRESIDENT: The Bernard-Stevens amendment to the committee amendments is adopted. Any further amendments to the committee amendments, Mr. Clerk?

CLERK: Nothing further to the committee amendments, Mr. President.

PRESIDENT: Now we're back on the committee amendments. Senator Withem, did you wish to speak about the committee amendments now as they are...

SENATOR WITHEM: Yes, I would like to thank the body for helping us improve the committee amendments here as we did on this bill. They started out as a reinserting existing language concerning ESUs, publishing a report. They now have been greatly improved to improve the situation for speech pathologists and for special education students and for the economy of North Platte and Nebraska and so would urge you now at this point to approve the committee amendments.

PRESIDENT: The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. We're voting on the adoption of the committee amendments, ladies and gentlemen. Senator Withem, please.

SENATOR WITHEM: Yes, I would ask for a call of the house and would accept some call-in votes.

PRESIDENT: All right, the question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.



CLERK: 11 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please return to your seats and record your presence. Call-in votes are authorized.

CLERK: Senator Moore voting yes.

PRESIDENT: Please return to your seats, ladies and gentlemen. Those not in the Chamber, please return to the Chamber so we may continue.

CLERK: Senator...you had voted yes, Senator. Senator Hall voting yes. Senator Morrissey voting yes.

PRESIDENT: Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of committee amendments.

PRESIDENT: The committee amendments are adopted. Anything further on the bill, Mr. Clerk?

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

PRESIDENT: Okay, on the advancement of the bill, Senator Withem.

SENATOR WITHEM: Yes, I really haven't explained much about the bill, other than to indicate to you when we introduced the committee amendments, to indicate that most of it deals with report deadlines, repealing of obsolete language, those types of things. Money from temporary school fund dollars will now go directly to the school district as opposed to the county officials who then appropriate them on out, if this passes, various dates or submission of data will be changed. It's primarily a job to help the people in the department to...

PRESIDENT: The call is raised.

SENATOR WITHEM: ...do a more efficient job that what that is that they are...

PRESIDENT: The call is raised, excuse me.

SENATOR WITHEM: ...oh, okay, thank you, that they are supposed

to be doing. The one key thing I think I do want to clarify for some people that this bill does because some of you may have received phone calls about this. If you recall, last year this body passed LB 250 which I was a co-sponsor of, I believe Senator Hall was the prime sponsor of it, some other individuals co-signed it. There was a bill to mandate that teachers prior to receiving their certificates would receive human relations training and it was a good bill and I'm glad we did it and will stand behind the concept of that bill. One thing we didn't do when we passed the bill, however, was deal with the problem of individuals who had not trained in Nebraska teacher institutions, who move into Nebraska, who desire to become employed in school districts in Nebraska that may not be able to certify that they have had this particular training. Some of them may have had it and need to go back to their institutions and get a verification. Others may not have had it at all. So what this bill does is it provides for a two-year provisional certificate for those individuals who were trained in other than Nebraska institutions to give them two years prior to...certifying that they have taken this particular training. It's a problem we didn't envision when the bill was passed and this bill clarifies that particular problem. As I indicate, the rest of the bill is primarily clean-up type of information in addition to all of the other information that we've already debated with the committee amendments, so I would urge you to support the bill, advance the bill.

PRESIDENT: Thank you. Senator Hall, please.

SENATOR HALL: Thank you, Mr. President. Would Senator Withem yield to a question?

SENATOR WITHEM: Certainly.

SENATOR HALL: Senator Withem, the issue...are we talking about the competency in human relations?

SENATOR WITHEM: That is the issue, yes.

SENATOR HALL: Okay, and the bill is, as you stated, it puts off the implementation date or it doesn't?

SENATOR WITHEM: No.

SENATOR HALL: It does not. It only deals with the verification

of those individuals who did not receive their license to teach in the State of Nebraska or their education in the State of Nebraska?

SENATOR WITHEM: That is my understanding, that it deals with those individuals who did not.

SENATOR HALL: Okay. But it in no way puts off the implementation date?

SENATOR WITHEM: No, that bill is now in effect and there are...the teachers now graduating have to comply with that prior to getting their certificate.

SENATOR HALL: Okay, thank you very much. I just wanted to ask those questions for the record. Thank you. Thank you, Mr. President.

SENATOR LABEDZ PRESIDING

SENATOR LABEDZ: Senator Hartnett.

SENATOR HARTNETT: Madam Speaker, members of the body, I think Senator Hall raises a good question, but I think I had a problem, was actually the person lived in Senator Beyer's district, but came to me with this problem and was a graduate of a North Dakota school and she'd had lots of experience, Air Force wife and traveled all over, and she did have problems getting certified, going back to her original school up in North Dakota. And I was able to get her into a class at UN-O so that she could take this training, but she probably could have started work if this was passed last year, could have started work this semester. I think there is a need for people in her area, but she is going to have to wait until the fall, so I think this...just wanted to speak, that I think your questions were good, Senator Hall, and I think this is a good part of this bill.

SENATOR LABEDZ: Senator Withem, there are no further lights. Would you like to close on the advancement of LB 1090?

SENATOR WITHEM: I would simple urge that the bill be advanced.

SENATOR LABEDZ: We're voting on the advancement of LB 1090 as amended. All those in favor vote aye, opposed nay. Have you

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 164A, 260, 313A, 708, 736, 980A, 1032  
1090, 1100, 1159, 1236  
LR 241, 257

and nonsmokers have a right to resent it." I do hope that this resolution will receive all of the votes present on the floor, Senator Goodrich said he will not vote for it, so I'll say, with the exception of the one who has expressed opposition to what the resolution attempts to do.

SPEAKER BARRETT: Thank you. You've heard the closing. And the question is the adoption of LR 257. All in favor of that motion please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of LR 257.

SPEAKER BARRETT: LR 257 is adopted. The Chair is pleased to note that Senator Wehrbein has 15 guests in our south balcony from Elmwood High School. Fifteen seniors are visiting with us this morning along with their teacher. Would you people please stand and be welcomed by your Legislature. Thank you. We're pleased to have you with us. Proceeding to the record, Mr. Clerk. Have you anything to read in?

CLERK: Mr. President, I do. Thank you. Some amendments to be printed to LB 708 by Senator Chambers. Enrollment and Review reports LB 1090, LB 1032, LB 1236, LB 164A, LB 313A, and LB 980A to Select File some of which have E & R amendments attached. General Affairs Committee, whose Chair is Senator Smith, reports LR 241CA to General File; LB 736, indefinitely postponed; LB 1100, indefinitely postponed; LB 1159, indefinitely postponed, those signed by Senator Smith. That's all that I have, Mr. President. (See pages 979-80 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Item 6, Mr. Clerk, LB 260 on General File.

CLERK: Mr. President, LB 260 was a bill introduced by Senators Conway, Baack and Schmit. (Read title.) The bill was introduced on January 9, last year, Mr. President, at that time referred to the Revenue Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Revenue Committee, Mr. President. (Standing Committee amendments are on page 724 of the Legislative Journal for the First Session, 1989.)

SPEAKER BARRETT: Senator Hefner, would you please handle the

of drugs or failing the drug test as described in statute. In drafting these, because of the inclusion of alcohol in that particular section of statute in the testing, that was included in the bill, and we haven't discussed that issue. Were that to continue, the cost would be much different than the peak that would figure out on the estimate of \$403,000, Senator Warner. So I think this is something that we need to get a better estimate from the Department of Labor as to those who might be affected, and certainly need to, I think, make some type of arrangement to maintain a minimum level in the contingency fund through a yet to be known appropriation from the General Fund. These are things I think we need to talk about in the next few days and get together and put together an amendment to this bill to take into consideration Senator Warner's problems with the funding. Did I answer the questions?

SPEAKER BARRETT: Thank you. Any other discussion on the advancement of LB 315? Seeing none, Senator Lindsay, would you care to close on the advancement of the bill?

SENATOR LINDSAY: Thank you, Mr. President. I think it's pretty much been discussed as much as it needs to. I would just urge that the body advance this bill to increase unemployment benefits. (Laughter.)

SPEAKER BARRETT: Thank you, sir. The question is the advancement of LB 315 to E & R initial. Those in favor of that motion please vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 28 ayes, 1 nay to advance the bill, Mr. President.

SPEAKER BARRETT: LB 315 is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Attorney General's Opinion addressed to Senator Haberman (Re. LB 259.) Senator Lynch has amendments to LB 862 to be printed; Senator Lindsay to LB 1090; Senator Korshoj to LB 1031; Senator Scofield to LB 662A; Senator Wesely to LB 315. (See pages 1054-60 of the Legislative Journal.)

Mr. President, new A bill. (Read LB 1090A by title for the first time. See page 1060 of the Legislative Journal.)

March 8, 1990

LB 369, 551, 571, 642, 844, 853, 903  
919, 983, 1019, 1031, 1044, 1086, 1090  
1105, 1119, 1165, 1167, 1183, 1216, 1217  
1228  
LR 275, 276

CLERK: I have nothing further, Mr. President.

PRESIDENT: Okay, Senator Hefner, what do you think?

SENATOR HEFNER: Mr. President, I move for the advancement of LB 571.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB...we are going to skip 1019, I understand. That takes us up to General File. Items for the record, please, Mr. Clerk.

CLERK: Mr. President, I do have a number of items for the record. The first is I have an explanation of vote from Senator Haberman. For bills read on Final Reading this morning, bills read on Final Reading this morning, Mr. President, have been presented to the Governor as of 11:12 a.m. (Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228. See page 1273 of the Legislative Journal.)

New resolutions, LR 275 by Senator Wehrbein. (Read brief explanation.) LR 276 by Speaker Barrett, Senators Withem, Coordsen, Labedz, Warner, Hall. (Read brief explanation.) That will be laid over as well. (See pages 1273-75 of the Legislative Journal.)

I have a report of registered lobbyists for this week, Mr. President, required by statute. Amendments to be printed to LB 1090 by Senator McFarland, LB 1019; LB 551 by Senator Lynch; LB 1031 by Senator Baack and others, and, Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 369 and find the same correctly engrossed. That is signed by Senator Lindsay as Chair of the E & R Committee. That is all that I have, Mr. President. (See pages 1275-83 of the Legislative Journal.)

PRESIDENT: Thank you. We will go on to General File and LB 642, please.

CLERK: Mr. President, 642 was a bill originally introduced by Senator Ashford, along with Senators Weihing, Crosby, and Chambers. (Read title.) The bill was introduced, Mr. President, last year. It was referred to Judiciary,

March 13, 1990

LB 688A, 844, 853, 903, 919, 983, 1031  
1044, 1086, 1090, 1105, 1119, 1165, 1167  
1183, 1216, 1217, 1228

Withem to LB 1090. (See pages 1345-49 of the Legislative Journal.)

New A bill, LB 688A by Senator Lindsay. (Read by title for the first time. See page 1344 of the Legislative Journal.)

Motion to reconsider with respect to Senator Coordsen's amendment to LB 1031, Mr. President. That is offered by Senator Beyer. (See page 1344 of the Legislative Journal.)

And a communication from the Governor to the Clerk. (Read communication Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217 and LB 1228. See page 1344 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Senator Baack will be adjourning us in a moment, but I've been asked to announce to you again, to remind you that the New Horizons begins at nine o'clock tomorrow morning here, however, your adjournment will be of a different nature. Senator Baack, please.

SENATOR BAACK: Yes, Mr. President, I move we adjourn until tomorrow morning, or tomorrow afternoon, March 14 at one-thirty.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are adjourned until one-thirty tomorrow afternoon, but don't forget New Horizons tomorrow morning at nine. Thank you.

Proofed by:

  
Judy Smith



March 19, 1990

LB 1090, 1146

please.

ASSISTANT CLERK: 7 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence, return to your seats. Those not in the Chamber, please return to the Chamber and record your presence. We're voting on the Lynch amendment and call in votes are authorized.

ASSISTANT CLERK: Senator Chambers voting yes. Senator Coordsen voting yes. Senator Kristensen voting yes. Senator Weihing voting yes. Senator Ashford voting yes. Senator Beyer voting yes. Senator Schellpeper voting yes. Senator Dierks voting yes. Senator Scofield voting yes.

PRESIDENT: Record, Mr. Clerk, please.

ASSISTANT CLERK: 26 ayes, 0 nays on Senator Lynch's amendment, Mr. President.

PRESIDENT: The call is raised and the Lynch amendment is adopted. Do you have anything further on it, Mr. Clerk?

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

PRESIDENT: Senator Moore.

SENATOR MOORE: I move we advance LB 1146.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 1090.

ASSISTANT CLERK: Mr. President, the first item on 1090 are E & R amendments.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1090.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted. Anything further on it, Mr. Clerk?

ASSISTANT CLERK: Mr. President, the next amendment I have is from Senator Lindsay. That's on page 1057.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Thank you, Mr. President. Members, this amendment was brought to me by the Omaha School Board. What it would do is clean up some of the election language allowing the board to elect its officers and employees and the president and vice-president of the board in accordance with rules of the board rather than having the statutory language providing for those elections. For example, included in statute now is that the language that would be stricken, for example, is that the election of such officers of the board, teachers and janitors shall be by ballot and no person shall be declared elected, etcetera. So all employees right now have to be elected by the board rather than being hired through administrative procedures. This would correct that anachronism in the statute, provide for a little better method of providing for hiring of employees. I would urge the adoption of the amendment.

PRESIDENT: Senator Ashford, please, then Senator Pirsch is following that.

SENATOR ASHFORD: I just wanted to take a look at the amendment very quickly, Mr. President.

PRESIDENT: Okay.

SENATOR ASHFORD: I don't have any questions.

PRESIDENT: All right, Senator Pirsch, please, followed by Senator Chambers.

SENATOR PIRSCH: I do have a question of Senator Lindsay, if he would yield, please. Senator Lindsay, this strikes the language "annual contracts with employees other than teachers shall be entered into or before April 15." Are teachers under any kind of a date now or are those handled also by their own rules and regulations?

SENATOR LINDSAY: That, I guess I'm not sure on. I believe they've got a date that they're required to enter into by a certain date...

SENATOR PIRSCH: Okay.

SENATOR LINDSAY: ...of the year. I don't know what that date is.

SENATOR PIRSCH: What they want is the flexibility so they can enter into contracts other than teachers at any date then?

SENATOR LINDSAY: Right. Primarily, that's the problem. It would...all other besides the Class Vs, all other school districts are currently under this language that we're dealing with that would be inserted into the bill. It's now new language, by any means, it's language that everybody else except the Class Vs use right now.

SENATOR PIRSCH: I see. And it deals with other than teachers so...

SENATOR LINDSAY: Right.

SENATOR PIRSCH: ...I can see where they would need that flexibility. Thank you.

PRESIDENT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, having just looked at the amendment I have to ask Senator Lindsay a question. Senator Lindsay, was this amendment requested by the board itself, the board members, I mean?

SENATOR LINDSAY: Through their...through their lobbyist, yeah.

SENATOR CHAMBERS: But the lobbyist said that the board had voted...

SENATOR LINDSAY: Well...

SENATOR CHAMBERS: ...to have this amendment submitted?

SENATOR LINDSAY: It wasn't that clear to me, I guess. It's...it may have come administratively. That, I guess to say whether they voted on it or or not, I don't know.

SENATOR CHAMBERS: So then we don't know whether this is something that the board itself wants or that the administrators

want?

SENATOR LINDSAY: I guess, honestly, I couldn't tell you which one it is.

SENATOR CHAMBERS: I'm not going to be able to vote for the amendment because I would like to know that. And when a lobbyist for the schools bring an amendment such as this, I think they should be in a position to make it clear whether the administration is asking for it or whether the board is, whether there is any tension between the board and the administration so that we know exactly the origin of it and what is expected to be achieved by it. So let me ask you a question and if you don't know the answer, I can understand. What is supposed to be achieved through this amendment?

SENATOR LINDSAY: Well, it's intended to allow the same flexibility to the Omaha School District that the other K-12s have at this time. Right now, the contracts have to be decided prior...I believe entered into prior to April 15th and they have to be voted on by the board, contracts for people that generally you would think would be handled administratively, example, janitors. That's the intent of it. It's kind of basically to bring it in conformity with other K-12 districts.

SENATOR CHAMBERS: Is there a substantive difference between Omaha, which is the only district of its size in the state, and these smaller districts that might justify a difference in how they handle these matters?

SENATOR LINDSAY: Not that I'm aware of. As far as in this particular area there isn't.

SENATOR CHAMBERS: Would you try to get some information...

SENATOR LINDSAY: Certainly.

SENATOR CHAMBERS: ...of the kind that I'm asking about? Thank you.

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President and members of the body, I'm trying to engage myself in the dialogue here with Senator Lindsay and Senator Chambers, maybe I can clarify a couple of

things, although I haven't had as much direct involvement with this as Senator Lindsay has. I did ask the lobbyist for the City of Omaha, is this administratively generated or is your board supportive of it? He assured me that it was going through the board approval process and they were aware of it. Secondly, I think their major concern is with the process that they have of selecting board officers, Senator Chambers. If you remember, the last couple of times they have elected presidents and vice-presidents they have had these multitudes of balance, having to have a majority of the...I think there are 12 members, somebody has to get seven votes to become either president or vice-president. This would allow them to set their rules so that they wouldn't have to have an absolute majority but a majority of those present and voting. I think, is the intent of what they're seeking to accomplish. The other language in there regarding teacher contracts and all of that, I'm sorry, I cannot enlighten you on that, but the other two points that you raised, I hope that helps clarify what I understand the intent to be.

PRESIDENT: Thank you. Senator Lindsay, would you like to close on your amendment, please.

SENATOR LINDSAY: I would just urge the adoption of the amendment.

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

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Lindsay's amendment to the bill.

PRESIDENT: The Lindsay amendment is adopted. Do you have anything further on it, Mr. Clerk?

CLERK: Mr. President, Senator McFarland would move to amend. Senator McFarland's amendment is on page 1275 of the Journal.

PRESIDENT: Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. President. I believe this amendment is what was LB 1108. Let me take a quick glance here. I was looking for my Journal and could not locate it for a minute.

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LB 1090, 1108

PRESIDENT: Were you talking to me, Senator McFarland? I didn't quite understand you.

SENATOR MCFARLAND: No.

PRESIDENT: Okay.

SENATOR MCFARLAND: That's fine, you can charge me if you want. I think this is, I think, LB 1108 which was brought to the Education Committee by the Lincoln Public Schools and also was supported by the Omaha Public Schools. This amendment, in effect, would require all school districts to submit reports on certified personnel employed by the district on or before the last Friday in September on forms provided by the State Department of Education. This would just change the date. Right now, the statute, as indicated, requires it by September 1, but my understanding is it's difficult to determine exactly which certified personnel employees in the districts are going to be there and to submit that report by September 1, so this basically just changes that date from September 1 until the last Friday in September and would give the school districts additional time to do that. And, for that reason, it came out of our committee, advanced on a five to zero vote. There was not a lot of opposition in the committee and the committee chose to advance it. Since LB 1108 was not a priority bill, we thought that it would be appropriate to amend it onto this bill. I don't think there is any opposition on this. I would ask you to add it to the bill. Thank you.

PRESIDENT: There are no other lights on so I assume there are no other speakers. Any closing on it, Senator McFarland?

SENATOR MCFARLAND: I would just ask you to advance this amendment...or to add this amendment to the bill. Thank you.

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

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator McFarland's amendment.

PRESIDENT: The McFarland amendment is adopted. Anything else, Mr. Clerk?

CLERK: Mr. President, Senator Withem would move to amend. (The Withem amendment is found on page 1349 of the Legislative Journal.)

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President and members of the body, this is an amendment to do...to make the bill do what I explained it did on General File. In a question from Senator Hall, I incorrectly interpreted the bill to him. I gave him what was my understanding at that time but, in reading the bill, it did not turn out doing what I said it would do. This amends a section of the bill on page 27, which deals with the bill that was passed last year dealing with competency in multicultural training, understanding the differences in culture of students who may come with...coming from minority cultures, a bill that we did pass last year. One thing that we didn't do as we usually do is we didn't do a grandfather clause so we have had some people who have come into our state from other areas of the state...of the nation that have been trained that may not have this certification on their teaching certificate. The bill, I thought, was introduced for the purpose of allowing those individuals two years to make up their...to make up for their training. The way the bill is currently written, it would apply to anybody whether they got their training in the State of Nebraska or outside. This amendment clarifies what I thought was the original intent to deal with...to give those people who come in from other states, haven't had the multicultural training that we are prescribing in the laws, allow the department to give them a two-year temporary certificate while they do get the training. This way it would not impact on anybody that's graduating from a Nebraska institution that, at least according to our statutes now, are supposed to be providing this type of training for their educators. So, with that, I would urge you to adopt the amendment.

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

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Withem's amendment to the bill.

PRESIDENT: The Withem amendment is adopted.

March 19, 1990

LB 1090, 1099A

CLERK: I have nothing further.

PRESIDENT: Senator Barrett, please, I would recognize you. Your light went on, do you want me to recognize you later?

SPEAKER BARRETT: Yes, I was going to...

PRESIDENT: I thought perhaps we could try and advance this bill.

SPEAKER BARRETT: Yes.

PRESIDENT: All right, thank you. We're on the advancement of the bill. Senator Withem, did you wish to talk about it, on the advancement of the bill?

SENATOR WITHEM: Yeah, I would just like to see the bill advanced.

PRESIDENT: Any further discussion? You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Mr. Clerk, anything good for the good of the cause?

CLERK: Mr. President, new A bill, LB 1099A. (Read by title for the first time. See page 1434 of the Legislative Journal.) That's all that I have.

PRESIDENT: Senator Barrett, please.

SPEAKER BARRETT: Mr. President, I move we recess until one-thirty.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Thank you.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Any matters for the record?



March 22, 1990

LB 1018, 1090, 1090A  
LR 304

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. Our chaplain of the day, Sharon Shields, Assistant Minister for the Christian Church of Nebraska and the United Church of Christ. Pastor Shields.

PASTOR SHIELDS: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend Shields. We hope you can come back again. Thank you. Roll call.

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

SENATOR KORSHOJ PRESIDING

SENATOR KORSHOJ: Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR KORSHOJ: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 1018 and find the same correctly engrossed; LB 1090, LB 1090A, correctly engrossed. That's all that I have, Mr. President. (See page 1573 of the Legislative Journal.)

SENATOR KORSHOJ: Okay, we'll go to legislative resolutions, LR 304.

CLERK: Mr. President, 304 was introduced by Speaker Barrett. It's found on page 1407 of the Journal. It asks the Legislature to salute Mrs. Ruby Stuftt for 70 years of volunteer service to the National Weather Service.

SPEAKER BARRETT: Thank you.

SENATOR KORSHOJ: Senator Barrett.

SPEAKER BARRETT: Thank you, Mr. President. Do I dare? I'm pleased to bring to the body this morning a resolution found on page 1407 of the Legislative Journal honoring Ruby Stuftt of Elsmere, Nebraska. She's been a volunteer cooperative weather

SENATOR L. JOHNSON: Thank you, Mr. President and members of the Legislature. This amendment, offered this morning and printed in the Journal, as indicated, on page 1569, is essentially LB 905, which was amended by the Appropriations Committee and reported to General File previously. LB 905, if you've checked it, is a bill that was supported and co-signed by over 20 senators in the Chamber. With adoption of this amendment, LB 920 would provide a method of reimbursement to the political subdivisions for refunds of 1988 personal property taxes resulting from the Nebraska Supreme Court's ruling in Northern Natural Gas v. State Board of Equalization and the Trailblazer Pipeline Company v. State Board of Equalization, more commonly referred to as the Enron or pipeline cases of 1989. LB 905, as introduced, would have reimbursed each subdivision in full. Senator Scofield also introduced a reimbursement bill, LB 897, which provided for a reimbursement formula very similar to that found in LB 1090 and enacted in 1988, in the wake of the railroad lawsuits. This amendment is somewhat, therefore, a hybrid form of the two reimbursement bills introduced by myself and Senator Scofield. Sections 3 and 4, which are added to LB 920, provide that if the amount appropriated is insufficient to cover all reimbursements in full, the funds shall be distributed first to those major subdivisions, such as counties, tech colleges, NRDs, schools, cities and so forth, whose refunds are greater than 1 percent of the revenues collected in 1988. Section 4 also reimburses the miscellaneous subdivisions, such as fire districts and other small subdivisions, in full. The remaining 1 percent then is reimbursed on a pro-rata basis, depending on the funds available. This formula makes the pipeline reimbursement consistent with what we have done in the past with the railroad cases in LB 1091. The fiscal note for LB 905 showed that it would cost \$4.3 million to reimburse each subdivision in full. This amendment divides the appropriation into three separate sections, found in 5, 6, and 7. And Section 5 appropriates \$2.6 million, which would cover the 1 percent reimbursements of the major subdivisions, and the full reimbursement of the miscellaneous subdivisions. Sections 6 and 7 would then reimburse the remaining amount in full. I have a printout on my desk showing each subdivision in the state that is affected by the Enron decision and the amount that they are required to refund to the pipeline companies. The list is further broken down to show those subdivisions whose refunds are greater than 1 percent of their budget. I'll be handing out a map of Nebraska showing those counties affected and the amounts that were estimated in September, at least, last year, of the

March 30, 1990

LB 688, 976, 1090, 1246

SPEAKER BARRETT: Have you items to be read in?

CLERK: Mr. President, I do. Thank you. I have amendments to be printed from Senator Abboud to LB 1246; Senator Hall to LB 1090; and Senator Abboud to LB 976. That's all that I have, Mr. President. (See pages 1769-74 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. A motion to adjourn until Monday morning at nine o'clock. Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: 15 ayes, 19 nays to adjourn.

SPEAKER BARRETT: Motion fails. Back to the matter of reconsidering the motion to return the bill to Select File. Senator Schimek, please, followed by Senators Chambers and Landis.

SENATOR SCHIMEK: Thank you, Mr. President and members of the body. I'd like to talk about parental notification, and I'd like to talk about the impact on young women as opposed to perhaps young men. You know, when we were discussing this bill before, Senator Nelson and I had an amendment which I think we withdrew, Senator Nelson, I can't remember for sure. But it would have required notification of the young man's parents, also, or parent, believing that both people were partners in a pregnancy. In Minnesota, as in all other states with mandatory parental involvement laws, no statute similarly requires teenage men to prove their maturity before making decisions concerning sexuality or parenting. In fact, where the decision or treatment might involve young men, such as statutes regulating venereal disease, treatment and contraception, many states, including Minnesota, recognize minor's capacity to give informed consent. In this way the effect of parental consent laws is to single out unmarried, minor women whose sexual activity results in a pregnancy and subject them to burdensome and often traumatic requirements. Such requirements are not imposed upon unmarried, minor men whose sexual activities results in pregnancy. By telling a young woman that she may not decide in whom she will confide, or that the abortion decision is not her's to make, these laws reenforce disabling notions that women are not and never can be mature, that women's sexuality is dangerous, and that a young woman's separation from her family is somehow bad, while her brother's is not. The evidence

April 2, 1990

LB 272A, 431, 1059, 1090, 1124  
LR 239

please. Senators Abboud, Lamb, Lynch. Senators Peterson and Coordsen. Senators Scofield, Weihing, Wesely, Abboud, the house is under call. Senators Abboud, Lamb and Coordsen, the house is under call. Members, please return to your seats. Senator Chambers, did you ask for a roll call?

SENATOR CHAMBERS: Yes.

SPEAKER BARRETT: Thank you. The question is the adoption of the Chambers amendment to LB 239 (sic). Roll call vote. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 1800 of the Legislative Journal.) 32 ayes, 7 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. The call is raised. Mr. Clerk, have you items for the record?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review reports LB 1124 to Select File, that is signed by Senator Lindsay as Chair. Mr. President, a communication from the Governor to the Clerk. (Re: LB 272A.) Mr. President, I have amendments to be printed to LB 1090 by Senator Hall; Senator Haberman to LB 1059; Senator Wesely to LB 431. And that is all that I have, Mr. President. (See pages 1801-07 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Have you anything further on LB 239 (sic)?

CLERK: Mr. President, Senator Schimek would move to amend the resolution. (See AM7187 on page 1807 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Schimek.

SENATOR SCHIMEK: Thank you, Mr. President, and members of the body. My amendment is really quite simple. It addresses something that Senator Chambers raised on the floor a little while ago regarding the appointed members to both the Board of Regents and the Board of Trustees, and the wording on page 3 of the amendment says, "No more than three of the appointed members initially appointed shall be of the same political party." My amendment simply changes that to say, "No more than three of the

April 4, 1990

LB 431, 854, 976, 1054, 1055, 1062, 1090  
1124, 1221  
LR 239

unusual thing yesterday. We went ahead and moved nine or so bills without any debate and without any further amendment, controversial bills at that on General File, moved them to Select File, and I think we all knew what was going on that day. But what we did yesterday, in essence, I think as a body was decided that we could do this to the rules because of the situation that we are in in order to get some things done, and I want to try to give the body at least a chance to do the same thing today. I am not trying to do as others, I am not trying to say I don't want an abortion fight today. I am ready for an abortion fight today. I am ready for it now. I am ready for it an hour from now. I am ready for it at four o'clock, and I am ready for it at 11:59 tonight. It doesn't bother me when we are going to have that fight and I want to have that fight. What I am also suggesting, though, is that we have a chance now in the beginning to say as we did yesterday that there are some things we, as a body, can do that will not jeopardize the fight that is to come, but we can do these things today. I am suggesting to you that I am not trying to put off the fight. I am, in fact, trying to give the body an opportunity to at least say when the fight is going to take place. What my amendment would do, what my motion would do, excuse me, would change the agenda in the following way, and it is not a major change so it's easy to follow. If the motion is agreed to, we will simply jump to item six and item seven on the agenda. Those are bills on Final Reading that need to come back for specific amendment. I know Senator Hall has an interest in LB 1090. I know on item seven, if I understand that motion correctly, it is on the low-level nuclear waste, LB 1054, that needs to come back for a specific amendment. After we take care of item six and seven, which will take some time, I am then proposing that we go back to Select File, right at the top of Select File. I am also going to suggest, and actually it is not a suggestion, it is in my motion, I want you to know also what I have done. I have also said that if you look at Select File, we have got LB 431, which, Senator Wesely, regardless of what we do today, that will be the first bill up and there is going to be an attempt and an amendment on that one, I know. LR 239CA, I don't know what is going to happen. Originally I had heard from Senator Withem that there is a motion filed, and I believe it was filed, to have a discussion whether or not the body wants to bracket LR 239CA. If you go down with me on the Select File list, LB 1055, LB 1221, LB 1124 are gone. We passed them yesterday. Which brings us to LB 976 and LB 854. Beneath LB 854 is a bill, LB 1062 which I, myself, in discussion with Senator Lynch, I

April 5, 1990

LB 369A, 1018, 1090  
LR 401-405, 407-417, 420

They are guests of Senator Goodrich and Senator Africa (sic). And we have 11 students from Ely, England and their principal from England. Would you folks from England please stand so we may welcome you to the Legislature. And also with these folks are nine students from the Westside High School in Omaha. Would you folks please stand. Thank you. Then Senator Dierks, in the south balcony, has five students that are eighth graders from St. Michaels and their teacher. Would you folks all stand and be welcomed. And thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 401, LR 402, LR 403, LR 404, LR 405, LR 407, LR 408, LR 409, LR 410, LR 411, LR 412, LR 413, LR 414, LR 415, LR 416, LR 417, and LR 420. Mr. Clerk, shall we move on to LB 369A with the emergency clause attached?

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

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

CLERK: (Record vote read. See pages 1948-49 of the Legislative Journal.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 369A passes with the emergency clause attached. LB 1018.

CLERK: (Read LB 1018 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1018 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1949-50 of the Legislative Journal.) 38 ayes, 5 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1018 passes. LB 1090.

CLERK: Mr. President, Senator Hall had amendments printed on 1771. I have a note you wanted to withdraw those, Senator.

April 5, 1990

LB 315, 1090, 1090A

PRESIDENT: They are withdrawn.

CLERK: That note...how about the ones on page 1805, Senator?

PRESIDENT: They are withdrawn.

CLERK: (Read LB 1090 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1090 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 1951-52 of the Legislative Journal.) The vote is 40 ayes, 5 nays, 3 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 1090 passes. Senator Kristensen has some guests in the south balcony. We have 14 students that are K through sixth grades in Nora, Nebraska. Would you folks please stand and be recognized, and teacher also. Would you all please stand. Thank you for visiting us today. LB 1090A.

ASSISTANT CLERK: (Read LB 1090A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1090A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 1952 of the Legislative Journal.) The vote is 31 ayes, 10 nays, 7 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 1090A passes. LB 315.

ASSISTANT CLERK: Mr. President, the first item I have on the bill is an amendment from Senator Hefner.

PRESIDENT: Senator Hefner.

SENATOR HEFNER: I will withdraw that.

PRESIDENT: It is withdrawn.

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 220, 220A, 315, 369, 369A, 551, 551A  
571, 576, 720, 720A, 799, 851, 896  
923, 953, 958, 960, 960A, 980, 980A  
994, 994A, 1018, 1063, 1063A, 1064, 1064A  
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,

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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?