

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 6, 1990

LB 880A, 923A, 1090A

LB 880A. All those in favor vote aye, opposed nay.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Record, Mr. Clerk.

CLERK: 25 ayes, 3 nays, Mr. President, on the adoption of the motion to advance LB 880A.

SPEAKER BARRETT: LB 880A is advanced. LB 923A.

CLERK: 923A, Mr. President, introduced by Senator Wesely. (Read title.)

SPEAKER BARRETT: Any discussion? Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, this is an unusual A bill. It's a reverse A bill. It reduces the appropriation and reduces the revenue as a result of the reduction in licensure under the asbestos 923 bill, so I would move its advancement.

SPEAKER BARRETT: Thank you. Questions? Discussion? Seeing none, those in favor of the advancement of the A bill to E & R Initial please vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 923A.

SPEAKER BARRETT: LB 923A is advanced. The final A bill of the day, LB 1090A.

CLERK: 1090A, Mr. President, a bill offered by Senator Bernard-Stevens. (Read title.)

SPEAKER BARRETT: The Chair recognizes Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. Members of the body, if you'll remember 1090 was a bill for an educational, Department of Education clean-up and it was attached...there were other bills that were attached that significantly changed the A bill from about zero to 350,000 and there are some concerns with that A bill. Senator Withem has graciously granted the use of his office and his services to give Senator Wehrbein who has some concerns from the appropriations standpoint, Senator Baack who has some concerns, myself who has

some concerns and other interested members to try to get together between now and Select File to work out some of those problems we have. So at this point I would ask the body if they would indulge us, move it along to Select File so at least it can be up with the bill itself, 1090, and when it does come up on Select File, we'll hopefully have something worked out with the interested parties. Thank you.

SPEAKER BARRETT: Thank you. For purposes of discussion, Senator Moore.

SENATOR MOORE: Yes, Mr. President and members, I think Senator Bernard-Stevens answered, or started to answer my questions. I guess the amendments to LB 1090 created the need for an A bill and you basically said that you were going to work and try and decrease that cost but I guess my real question I was going to ask, I'm going to ask anyway, is it...the amendments to LB 1090 created more than just the clean-up bill that it originally was. Correct? And obviously, the A bill could or could not jeopardize the bill and I guess the question at some point in time I want to ask is that, how important is the A bill to the success of the other portions of the bill? And it's one of those things, I think if you vote for the bill, you should vote for the A bill, but in this case on down the line, if we cannot come to agreement, if we voted against the A bill, would the original intent of LB 1090 still be able to be satisfied?

SPEAKER BARRETT: Is that a question directed to Senator Bernard-Stevens?

SENATOR MOORE: Yes.

SPEAKER BARRETT: Would you respond, sir?

SENATOR BERNARD-STEVENS: Senator Moore, that is, in fact, the essence of the meeting that you certainly are welcome, as any member of the body is, when we talk about the 1090A. I think there are portions, for example, in Senator Hartnett's bill that was introduced as an amendment to 1090 that the funding at certain points would be crucial for that part of it. So if that was a part of 1090, obviously that portion of the funding would have to be looked at because that could affect what Senator Hartnett wanted to do on special education. In regard to some of the other areas, I think you're absolutely right. Some of the money within the A bill may not affect 1090 at all, and

those are the things that need to be hammered out as to what we absolutely need and what we really don't need and I think we can come up with a pretty good package for the body to be able to consider so that when they do vote for 1090 they know exactly what is there and what is and what is not going to be funded.

SPEAKER BARRETT: Any other discussion? Senator Bernard-Stevens, would you care to close? Thank you. The question is the advancement of LB 1090A to E & R Initial. Those in favor vote aye, opposed nay. Have you all voted? Voting on the advancement of the A bill. Have you all voted? Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Mr. Speaker, again, so we can get this thing worked out between now and Select, I'd have to ask for a call of the house and it probably would be a good idea because we're going to be going to 1059 and so most of the members can be there at that time, so respectfully, I have to ask for a call of the house and I certainly would ask for call in votes to be accepted.

SPEAKER BARRETT: Thank you. Mr. Clerk, clear the board. The question is, shall the house go under call? Those in favor vote aye, opposed nay. Record, please.

CLERK: 18 ayes, 0 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your desks and record your presence. Those members outside the Chamber, please return and record your presence. The house is under call. Senator Ashford, please check in. Senator Landis, please. Senator Morrissey. Thank you. Senator Moore, Senator Scofield. Senator Schmit, the house is under call. Senator Wesely, Senator Haberman, the house is under call. Call-ins will be accepted.

CLERK Senator Scofield voting yes. Senator Morrissey voting yes. Senator Ashford voting yes.

SPEAKER BARRETT: Record, please.

CLERK: 26 ayes, 6 nays on the advancement of LB 1090A, Mr. President.

SPEAKER BARRETT: The bill is advanced. Matters for the

March 7, 1990

LB 42A, 81, 220A, 369A, 579, 830, 831
863, 880A, 888, 917, 922, 923A, 932
938, 954, 956, 978, 987, 987A, 1013
1022, 1037, 1050, 1067, 1077, 1090A, 1102
1136, 1178, 1199, 1222

SPEAKER BARRETT: Thank you. You have heard the motion by Senator Wesely to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Roll call. Record, Mr. Clerk.

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, I do. Bills read on Final Reading, this morning, have been presented to the Governor as of 12:15 p.m. (Re. LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, and LB 1077.)

Your Committee on Enrollment and Review reports LB 1018, LB 1136, LB 1222, LB 42A, LB 220A, LB 369A, LB 880A, LB 923A, LB 1090A to Select file, some of which have Enrollment and Review amendments attached, Mr. President. (See pages 1233-36 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Perhaps a very brief announcement from the Chair regarding our deliberations tomorrow. It is my hope that we can work through the lunch hour tomorrow, with the thought in mind that we can adjourn a little early tomorrow for the long weekend. It's my intent, at the present time, to work through the noon hour tomorrow, and look toward an early adjournment tomorrow afternoon. Contrary to previous statements made by the Chair, it will not be my intent to schedule appropriations bills tomorrow, budget bills tomorrow. We will be looking at them, probably, Monday or Tuesday of next week. We will continue with the agenda tomorrow with some Final Reading, probably some Select File, and perhaps senator priorities on General File. Any questions? Mr. Clerk, would you bring us up-to-date.

March 19, 1990

LB 348, 542, 594, 965, 1032, 1090A, 1094
1236

CLERK: Just one item, Mr. President, and that is bills read on Final Reading this morning have been presented to the Governor, for her review. (Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236, LB 1094. See page 1435 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Mr. Clerk, I believe we left of with LB 1090A, is that correct?

CLERK: Mr. President, it is and on LB 1090A the first order of business is consideration of an amendment to the bill by Senator Bernard-Stevens. (Bernard Stevens amendment is found on page 1435-36 of the Legislative Journal.)

SPEAKER BARRETT: (Gavel.) The Chair recognizes Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you. Members of the body, if you'll remember, on 1090 there were a few things added on and it increased the A bill slightly from about 5,000 to 390 some thousand, so a group of people obviously got together on the A bill, understanding that the bill may, in fact, be a little heavy on the bill itself and also realizing that there were things in 1090 that were very much needed particularly in regards to human relations and how we certify the teachers that are coming in to Nebraska from other states. So we did not want to jeopardize the bill. So, in essence, this amendment does two things. Number one, it sets the amendment up so that if for some reason the Governor does not like a single, a particular part of it, she would be able to use her line-item powers and line-item things back to or from whatever number she thought reasonable. It would then, thus, there is a possibility that the funding could be taken out in the areas she felt was not acceptable but it would not affect the statute of 1090. The second part of the amendment deals with the section that I had instituted which was LB 1195 and, in essence, what we agreed to do was to maintain the two sides but fund one of them. The funding would be decided by the educational consortium and it would change the A bill from what we had of a hundred some thousand dollars down to \$61,000, and that is simply the extent of the amendment. At this point I would urge the body to adopt the amendment.

SPEAKER BARRETT: Thank you. Any discussion on the amendment? Seeing none, those in favor of the adoption of the

March 19, 1990

LB 315, 1090A

Bernard-Stevens amendment to LB 1090A please vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Bernard-Stevens' amendment.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Lindsay, would you like to handle 1090A, please.

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

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the adoption of the E & R amendments to 1090A please say aye. Opposed no. Ayes have it, motion carried, they are adopted. Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1090A as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: You've heard the motion to advance the bill. Any discussion? If not, those in favor of its advancement please say aye. Opposed no. Carried. The bill is advanced. LB 315, Mr. Clerk.

CLERK: Mr. President, the first item are E & R amendments to LB 315.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 315.

SPEAKER BARRETT: Is there discussion? If not, shall the E & R amendments be adopted? All in favor say aye, opposed no. Carried, they are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Wesely. The Wesely amendment is on page 1059 of the Journal.

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

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