

January 11, 1990

LB 1051, 1112-1113
LR 8

Supreme Court. So what I am going to do, having been properly instructed by Senator Kristensen is withdraw that amendment that I have offered because there has been no debate on it and I'm going to offer a different one.

SPEAKER BARRETT: It is withdrawn.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

CLERK: Mr. President, new bills. (Read LBs 1112-1113 by title for the first time. See page 283 of the Legislative Journal.)

And, Mr. President, Senator Dierks would like to add his name to LB 1051 as co-introducer. (See page 283 of the Legislative Journal.) And that is all that I have.

SPEAKER BARRETT: Thank you. Senator Hefner, would you care to recess us until one-thirty.

SENATOR HEFNER: (Mike not on.) ...we recess until one-thirty this afternoon.

SPEAKER BARRETT: Thank you. You've heard the motion to recess until one-thirty. Those in favor say aye. Opposed no. Carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Members, please report to the Chamber, roll call in progress. Members, please record your presence. Those outside the Legislative Chamber, please return to process this afternoon's business. Mr. Clerk.

ASSISTANT CLERK: A quorum present, Mr. President.

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

ASSISTANT CLERK: One item, Mr. President. Judiciary Committee gives notice of public hearing.

SPEAKER BARRETT: Thank you. Announcement from the Chair

January 17, 1990

LB 163, 821, 822, 823, 824, 825, 826
827, 828, 829, 1102-1135, 1158-1161

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...pastor at UN-L, and now is pastoral associate at Trinity Lutheran Church here in Lincoln. Would you please rise for the invocation.

DR. NORDEN: (Prayer offered.)

PRESIDENT: Dr. Norden, thank you for being with us again, we appreciate it. Come back again. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements this morning?

CLERK: Mr. President, Reference Report referring LBs 1102-1135, as well as three gubernatorial appointments to the appropriate standing committees for hearing. (See pages 348-49 of the Legislative Journal.)

Received a report from the Department of Roads filed pursuant to statute, Mr. President. That's all that I have.

PRESIDENT: Would you like to introduce any new bills, or would you not like to?

CLERK: Mr. President, I'm sorry, I do have some other items. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 821 and recommend that same be placed on Select File; LB 822, LB 823, LB 824, LB 825, LB 826, LB 827, LB 828, and LB 829, all on Select File, some of which have E & R amendments attached, Mr. President. Now, that's all that I have, Mr. President. (See pages 350-51 of the Legislative Journal.)

PRESIDENT: New bills, please.

CLERK: Mr. President, new bills. (Read LBs 1158-1161 by title for the first time. See page 352 of the Legislative Journal.) That's all that I have at this time, Mr. President.

PRESIDENT: We'll move on to General File then, LB 163.

January 23, 1990

LB 260, 769, 887, 902, 1113
LR 246

to have these questions come out, we love to answer them. The specific question...

PRESIDENT: Time.

SENATOR LINDSAY: ...is dealing with confidentiality. It does say they are confidential, it does say they are anonymous. I would challenge Senator Landis to obtain copies for me any juvenile court file he wants to see, or any Board of Mental Health commitment he wants to see, or any other child abuse case he wants to see. We have confidential cases right now in current law and we don't hear the objections to those. I think the procedures are there. I think these are the kinds of questions...I'd love to get into the meat of the bill, but unfortunately we're stuck in a quagmire of procedural problems. Those are the kind of things that we'd love to make that legislative history so that the bill can work properly, so that some of the problems that we're running into can be answered in advance. Returning it to a committee, that's another step to cause some more time to be used. I don't think it needs to be referred to committee. We had it there once. The....a lot of the testimony had nothing to do with the bill.

PRESIDENT: Time.

SENATOR LINDSAY: If we wa....Thank you, Mr. President.

PRESIDENT: Thank you. Senator Labedz, you're next, but the Clerk would like to put a couple of things into the record, please.

CLERK: Mr. President, Transportation Committee, to whom was referred LB 887, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; and LB 902 to General File. Those signed by Senator Lamb. (See page 473 of the Journal.)

New resolution, LR 246, offered by Senator Kristensen and a number of the members asking the Legislature to commemorate the bicentennial of the first meeting of the United States Supreme Court. (See pages 473-74 of the Journal.)

Senator Conway would like to print amendments to LB 260. And, Mr. President, Senator Chambers would like to add his name to LB 1113 as co-introducer. That's all that I have,

February 15, 1990 LB 313, 690, 903, 937, 988, 1020, 1113
1173

to General File, that is signed by Senator Wesely. Transportation Committee reports LB 690 to General File, LB 937 General File with amendments, LB 988 General File with amendments, LB 1020 General File with amendments, 11...those are Transportation bills, those are signed by Senator Lamb. Business and Labor reports LB 1173 to General File with amendments. That is signed by Senator Coordsen. Judiciary reports LB 1113 to General File. That is signed by Senator Chizek. And Retirement Systems Committee reports LB 903 to General File. That is offered by Senator Haberman. (See pages 823-29 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker. I would move at this time for the advancement of LB 313 as amended.

SPEAKER BARRETT: Thank you. Senator McFarland, on the advancement of the bill, please.

SENATOR MCFARLAND: Begrudgingly, move for advancement, Mr. Speaker.

SPEAKER BARRETT: Thank you, discussion, further discussion? Senator Morrissey.

SENATOR MORRISSEY: Thank you, Mr. Speaker and members, I really...I don't know if I can begrudgingly move for advancement. I know the people that were part of the compromise are saying we need the 10, if we can get only 10, we'll take it. If that's the only crumb we're going to give them...I don't know, I just don't know whether I can vote for it or not. I agree they are in trouble when...you're really in trouble when you have to swallow what these folks are having to swallow and accept this \$10 amendment, or \$10 increase, a dollar something per day. And I'm still considering and I'd like to get some feedback from the body, I guess, on my amendment to issue this in a separate check. I really do think it would be good for all of us, politically, to let the folks know how generous we have been to them, let them know, because, like I said, these people are liable to blow that ten bucks, two gallons of milk, two boxes of corn flakes, ten bucks right down the drain, and they're liable to blow it and not realize that we gave them this increase, not realize that the Nebraska Legislature and the

February 16, 1990 LB 163, 164A, 226, 260, 457, 571, 838
846, 866, 880, 958, 1003, 1019, 1028
1039, 1062, 1103, 1106, 1113, 1184, 1205
1215, 1229

Senator Hartnett. (See pages 846-48 of the Legislative Journal.)

Judiciary reports LB 838 to General File; LB 880, General File; LB 846, indefinitely postponed; LB 1103 and LB 1205, indefinitely postponed.

I have amendments to be printed to LB 866 by Senators Lamb, Haberman, Rogers and Crosby. (See pages 848-50 of the Legislative Journal.)

Mr. President, priority bill designations. Senator Labeledz has selected LB 457. Senator Hartnett for Urban Affairs has selected LB 1106, LB 1229; Senator Conway, LB 260; Senator Bernard-Stevens, LB 1062; Senator Beck, LB 958; Senator Rod Johnson, LB 1019; Senator Haberman, LB 1039, as one of the Retirement Systems priority bills. Senator Hall's Revenue bills are LB 1028 and LB 1215; Senator McFarland, LB 226; Senator Hefner, LB 571; and Senator Chizek's personal priority, LB 880, and Judiciary Committee's, LB 1003 and LB 1113.

Mr. President, Revenue Committee gives notice of hearing. And one new A bill, LB 164A by Senator Ashford. (Read by title for the first time as found on page 850 of the Legislative Journal.)

And, finally, Senator Scofield has amendments to LB 1184 to be printed. (See page 851 of the Legislative Journal.) That's all that I have, Madam President.

Madam President, when we left LB 163, the Enrollment and Review amendments had been adopted. Senator Johnson had an amendment to the bill that had been adopted. Senator Morrissey had amendments. Senator Hefner had his first amendment adopted. The bill was bracketed, Madam President. I now have pending Senator Hefner's amendment. Senator, this amendment is on page 599 of the Journal. I believe...it's AM2141, Senator, the biodegradable. Right. Okay.

SENATOR LABEDZ: Senator Hefner, on the amendment.

SENATOR HEFNER: Mr. President and members of the body, you will find this amendment on page 599. And what this would do, this would add a tax or a fee on disposable diapers...on nondegradable disposable diapers at the rate of 10 cents per dozen. The tax would be collected by the Department of Revenue

February 23, 1990 LB 313, 664, 666, 757, 869, 925, 948
949, 956, 980A, 1068, 1089, 1111-1113, 1132
1162, 1222, 1233

motor vehicles, motor vehicle driver program by 30,000 for Fiscal Year 1990-1991. With that, I would ask your adoption.

PRESIDENT: Thank you. 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: 25 ayes, 0 nays, Mr. President, on the advancement of LB 980A.

PRESIDENT: LB 980A is advanced. Something for the record, Mr. Clerk, please.

CLERK: Mr. President, thank you. Senator Wesely has amendments to LB 1113 to be printed; Senator Hall to LB 313. Health and Human Services Committee reports the following: LB 1222 to General File with amendments and LB 664, LB 666, LB 757, LB 948, LB 1068, LB 1089, LB 1111, LB 1112, LB 1132, LB 1162, LB 869, LB 925, LB 949 and LB 1233, all of those reported indefinitely postponed. Signed by Senator Wesely as Chair of the committee, Mr. President. That's all that I have at this time. (See pages 968-74 of the Legislative Journal.)

PRESIDENT: We'll move on to LB 956, please.

CLERK: Mr. President, 956 is on Select File. The first order of business are adoption of the...or consideration, I should say, of Enrollment and Review amendments.

PRESIDENT: Senator Landis, can you handle that, please?

SENATOR LANDIS: I move the adoption of the E & R amendments.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Conway. Senator, this is your amendment that is on page 569 of the Journal.

PRESIDENT: Senator Conway, please. Do you wish to have it withdrawn? It is withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Wesely and Schmit. I have a note on here, Senator,

March 7, 1990

LB 315, 579, 830, 831, 888, 917, 922
932, 938, 954, 978, 987, 987A, 1037
1059, 1067, 1077, 1102, 1113, 1178, 1199
LR 270

Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1077 passes. LB 1102.

ASSISTANT CLERK: (Read LB 1102 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1102 pass? Those in favor vote aye, opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1219-20 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1102 passes. The final bill on Final Reading, LB 1178.

ASSISTANT CLERK: (Read LB 1178 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1178 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1120-21 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1178 passes. The call is raised. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign 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, LB 1077. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President, thank you. Amendments to be printed to LB 1059 by Senator McFarland; Senator Wesely to LB 1113 and LB 315. (See pages 1221-22 of the Legislative Journal.)

Mr. President, a new resolution, LR 270, offered by Senator Peterson. (Read brief description of LR 270. See pages 1222-23 of the Legislative Journal.) That will be laid over. That's all that I have, Mr. President.

Journal.) 14 ayes, 24 nays, Mr. President, on the motion to adjourn.

SPEAKER BARRETT: The motion fails. Mr. Clerk, we are back on the Landis motion to return the bill. Senator Crosby, further discussion on the motion to return the bill to Select File.

SENATOR CROSBY: Thank you, Mr. Speaker, and members, now I remember what we were arguing about. It's interesting to watch this procedure because, over the years, I know you have all laughed at the jokes about women's organizations that argue all afternoon on parliamentary procedure and so on and you think it's really funny. Well, put yourself in their place and you will see the way we act here too when we argue over points of order. I just wanted to mention a couple of other things that I missed saying earlier. And Senator Chambers' questions about the experimental dish pregnancies...or not pregnancies but the embryos is something that, in many ways, science gets to the point where they almost defeat the purpose for living. And I think that that particular area is something that you could talk for several days on, just that one particular thing. And I do hope that sometime doctor...that Senator Chambers will read Dr. Lejeune's testimony. He was the...he is the French geneticist who testified in the Tennessee embryo case and it is most interesting testimony. But what I want to talk about now is first, to start with, I'm not angry with anybody because I still feel that I try to keep my balance and am able to discuss this with people who don't agree with me. So far, I have been fairly successful at that and I know people get angry with me because I...I cling to my firm belief that life begins at conception. But I still think we can talk about all the related problems and Senator Schimek mentioned a lot of them when she spoke earlier, the drug problem. Early...the fact that a lot of women work these days, I think, has another bearing on the way our society works because children are left alone. Thirteen-year-olds are left alone a lot, and 15-year-olds, and in the good old days we were not left alone. We came home, our mom and dad were there, our mom, and dad came home pretty late because he worked 12 hours a day. So it's a much different society. We all know that. But it does concern me that we don't talk and focus on the fact that there is a life there and to me abortion is such a bad answer to the problems that we're trying to solve. But along with all of that, it does concern me too that we spent another whole day on something that we are not going to solve here and we've left behind LB 1113, for instance,

April 2, 1990

LB 1113, 1124

bill. It has been indicated, Senator Warner, there may need to be some adjustments, if so, we will take a look at it on Select File, and that is all I have to say at this time.

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

ASSISTANT CLERK: 29 ayes, 0 nays on the advancement of the bill, Mr. President.

PRESIDENT: The bill is advanced. We will move on to LB 1113.

ASSISTANT CLERK: With respect to 1113, Mr. President, the bill was introduced by Senators Wesely, Schimek and Chambers. (Read title.) The bill was read for the first time...was referred to Judiciary Committee. They report the bill to General File, Mr. President.

PRESIDENT: Senator Wesely, did you wish to begin.

SENATOR WESELY: Yes, Mr. President. Let me begin on the bill, and then there is an amendment to clarify some provisions of it. LB 1113 is a bill Senator Schimek, Senator Chambers and I have introduced to deal with a couple, three items dealing with housing, first the Nebraska Fair Housing Act would be established. Essentially, all we're doing here is implementing what the federal government has already passed in terms of amendments to Title VIII of the Civil Rights Act. This amendment, adopted about a year and a half ago, something like that, changed discrimination provisions in the federal law, which the states must comply with, to include two additional items that had previously been not part of discrimination action. First deals with handicaps, and this would apply to mental and physical handicaps. So those that are mentally ill could no longer be discriminated against in terms of housing, the mentally retarded as well, or the physically handicapped, those that are disabled physically would no longer be able to be discriminated against by individuals in terms of housing. In addition, family status would be added to the list of those items which no longer could be discriminated against. And family status, what we're talking about there would be discrimination against children, for instance, has been a problem where individuals would not allow a family with children to come into a rental unit, for instance, that would no longer

be possible under these provisions. And whether you like those changes or not, I happen to like them, but whether you like them or not, they are federal mandates and we do need to comply with them. And, as I mentioned earlier, there is a letter I passed out from the Equal Opportunity Commission that changes that we are proposing in this legislation are needed to bring us into compliance, that there now are two sets of procedures, two sets of regulations somewhat at odds with one another that we need to get brought into conformity. And so it's important that we pass the bill and pass it this session. I appreciate the Speaker putting it on the agenda for that purpose. In addition, the bill provides for greater authority to local housing authorities in terms of how they invest their funds. We found that these housing authorities do have quite a bit of money, but their restrictions on how they invest the money are quite narrow, and that we provide for them the same ability to invest that the state investment officer has so that they would be able to get a greater return on their investment, not be quite so restrictive. The other change that is proposed in the bill calls for the Policy Research Office to prepare a conference of state housing plan by January 1 of next year. As you recall, the Governor announced that she was going to have the Policy Research Office take the lead in the state to deal with housing issues. And we followed up on that, recognizing the need to do a housing study and proposed that that office, in conjunction with the private sector, there would be a committee established under this bill to advise and work with the Policy Research Office to provide in; t, and that would include any number of interest groups. And you can imagine what they would be, including real estate home builders, the...perhaps the local governments, obviously, would be involved and anybody else, and there are a wide range of people interested in housing issues, they would be involved, as well as the various state agencies would be brought together to work on the housing issue. The housing issue has been one that has been, I think, neglected over a period of time. We are now seeing the need to address those issues. I did pass out for you a copy of some findings from a study that was done by the Health and Human Services Committee and a report issued last November. And I would be happy to go into that in greater detail. But at this point that's the summary of the bill. I think it would be appropriate now to move to the technical amendment that we need to clarify it.

PRESIDENT: Thank you. Mr. Clerk, I understand we have an amendment.

CLERK: Mr. President, I do. The first amendment I have, Senator Wesely, you had an amendment printed on page 968, Senator. You want to withdraw that, is that correct?

PRESIDENT: It is withdrawn.

CLERK: Mr. President, Senator Wesely would move to amend the bill. Senator, this is your amendment on page 1222 of the Journal.

PRESIDENT: Senator Wesely.

SENATOR WESELY: Thank you. In the draft....Mr. President, in the drafting of the legislation we found that the term "family characteristics" was inserted in certain places when familial status is what we really intended. And it's more clearly what we need to do to comply with the federal statutes, so we would substitute those terms. In addition, as I mentioned, it clarifies the Housing Authority investment authority, and this would indicate the prudent man rule would be what would be utilized. This is what we provide for the state housing...excuse me, the state investment officer. And another technical change on heretofore, which was originally stricken, we need to reinstate, evidently. And then there are some obsolete existing statutes that the federal fair housing act preempts, and those would be repealed as a result of this amendment. So it's mostly technical in nature and I would appreciate the adoption of this amendment to clarify the bill.

PRESIDENT: Thank you. Senator Labedz, did you wish to talk about his amendment?

SENATOR LABEDZ: Just a very short statement, it's not entirely about the amendment. But when I was looking, over the weekend, on the agenda, trying to find a bill that I could amend my LB 769 into I noticed LB 1113, and I said, well that would be germane, because the title alone says prohibit certain discriminatory actions relating to the unborn child, but I didn't do it. Thank you.

PRESIDENT: Thank you. Senator Schimek, did you wish to talk about Senator Wesely's amendment? Senator Chambers, on Senator Wesely's amendment. Okay. Did you wish to close on your amendment, Senator Wesely? The question is the adoption of the

Wesely amendment. All those in favor vote aye, opposed nay. We're voting on the Wesely amendment. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment.

PRESIDENT: The Wesely amendment is adopted. Anything further on the bill, Mr. Clerk?

CLERK: Mr. President, Senator Moore would move to amend the bill...

PRESIDENT: Senator Moore, please.

CLERK: ...by striking Section 37 from the bill.

SENATOR MOORE: Yes, Mr. President, members. As Senator Wesely stated in his opening, the bulk of this bill is basically technical and getting us into adherence with federal legislation in this area. But that is not totally the case. And what I propose to do with the amendment...my amendment is strike Section 37 of the bill. For those of you who want to know what I'm talking about, want to know what you're voting on, turn to page 62 of the green copy, Section 37, what Section 37 does is directs the Governor's Policy Research Office to establish a comprehensive plan and it also...637 creates a committee. Well, my concern came from...as I...this time of year, particularly the last few days I started looking at what bills cost. I looked at LB 1113 and I looked at the \$100,000 impact it has on our General Fund. And, in looking at that, I looked closely at the A bill, there is part of the bill dealing with the Equal Opportunity Commission, there is \$43,000 this year and \$44,000 next year that addresses the concern of the Equal Opportunity Commission and grants them money to do the things outlined in the bill. The second, Section 2 of the A bill deals with appropriating eighty some thousand dollars this year and thirty some thousand dollars next year to the Policy Research Office to develop the plan talked about in Section 37, as well as fund the commission talked about in Section 37. As I looked at that and read Section 37, a bell rang in my head. I remember a fight that Senator Wesely and the Governor's office, quite frankly, had, I believe last December, about the housing director when Gary Rex was named...was named...what was his actual title...to the State Housing Coordinator. And I look at Section 37, what

that does is talks about creating a state housing plan and creating a commission. And the reason that, not just to save money, do I want to strike Section 37 from the bill and then eventually strike Section 2 of the A bill, but I'm saying Section 37 is just putting in statute something that is already going to be done. Now, to begin with, if you look at subsection 2 of Section 37, it's talking about a commission. And such a council is technically already in place, although not statutorily. You know, the Governor's Housing Policy Coordinating Council consists of representatives from the Policy Research Office, the Nebraska Energy Office, the Department of Social Services, the Department of Health, Department of Economic Development and NIFA. The commission that basically Senator Wesely is talking about in subsection 2 of Section 37 is already in existence, the membership I just outlined. They already have developing a housing plan, too. So the plan that Senator Wesely outlined in Section 37 is eventually going to become reality with the commission I just listed. Now, if you do not strike Section 37 of the bill, you're basically creating a new commission, mandating newly, at least in statute, that some sort of housing plan must be written by, I believe, January of '91. Well, it is the intent of the present coordinating council of the Governor's office to write a plan already, although their time table wasn't necessarily January of '91, that is going to be done. So, in my opinion at least, nothing is lost if you strike Section 37 out of the bill. If you strike Section 37 out of the bill, you get the bill in a form that is truly noncontroversial, you get the bill in a form that will not...should not offend anyone, given the fact that it's given a special order today, because the bill...it does need to be passed. But Section 37 certainly does not need to be passed. I urge the body to save us well over \$100,000 over the next two years by striking this section of the bill and allowing the ongoing mechanism that is presently working to do its work, the ongoing mechanism that is already funded in other forms of state government, allow them to do their work without appropriating new money. For that reason, I urge the body to strike this section out of the bill, and I will have a corresponding amendment on the A bill, which simply strikes Section 2 out of the A bill, leaving the funding in for the Equal Opportunity Commission but taking the funding out for the Policy Research Office. With that, I ask for the adoption of my amendment.

PRESIDENT: Thank you. I have several lights on. Please let me know if you wish to speak about the Moore amendment. Senator

Schimek, on the Moore amendment.

SENATOR SCHIMEK: Yes, Mr. President, members of the body. I had my light on to speak on the bill and I will put my light back on. I have asked Senator Wesely if he would not like to use this time to respond to Senator Moore. So I'll yield to Senator Wesely.

PRESIDENT: Okay, Senator Wesely, please.

SENATOR WESELY: Thank you very much, Senator Schimek. Yes, I would rise in opposition to deleting Section 37. I've talked to Senator Moore a little bit about this, and I understand what he's trying to do. Let me suggest a couple of things. First off, is there any commitment to do a housing study by the Policy Research Office and by the administration? He says that all this is going to be done anyway. And in my estimation, I've not heard yet one commitment whatsoever that there is going to be an attempt to bring together the different policy needs of the state. And so I just ask, when Senator Moore gets his chance to come back up again, what are the plans over there? What are they going to do? What is the strategy in the Policy Research Office to address the issue of housing, because at this point all I know is they get together and have a coordinating committee that sits over coffee or something and talks about things, and that is great, but we need some action. We need some effort to try and address the housing issue. Is that going to happen or not with or without the bill? My point is I don't think that it will, and I think it should. I think housing is a very, very important issue. We did the study last year and you got copies of it back in the fall. What we found is essentially this, we really abandoned housing as a state issue back at... and I'm not going to blame Governor Orr for this, it started with Governor Kerrey when we dropped some initiatives in the Economic Development Department, and we cut back in the Policy Research Office, and we simply, where we in the seventies had had some initiatives, found that those were all dropped and forgotten, and we saw a rise in concern for housing. The homeless issue has come of age, and yet this state has not responded in the way that it ought to be. We have no articulated housing policy in this state. We have no housing policy. And I think it would be most appropriate for us to do that. We started down the road, and I applaud the Governor for having brought together different state agencies to work on this. But what will it accomplish? What will we gain by it, if there is, in fact, no effort to

coordinate together and come up with a policy that we can then move forward on and address the issues involved with housing? Now, the problem, the reason that we have such a need for the state to be involved, besides the fact that we have disengaged from it, is that the federal government has really dropped the ball on the housing issue. The federal government once was quite active and really did, over the eighties, diminish its role at least in terms of need, and we saw the federal government not quite as concerned about the housing issue moving back from it as a priority. So when the federal government moved back and the state moved back, we ended up with a situation that calls for tremendous initiative by the state to begin to at least address and look at the issue once again. Beyond that, I don't know what policies or programs, or what actions we want to take, but certainly we want to develop a blueprint, a strategy, a plan, something in order for us to know where we're going and why we're going there. As for the cost of accomplishing that goal, I put into the A bill the money requested by the Policy Research Office. The Policy Research Office wanted \$120,000 over two years. Frankly, I didn't want to go with that figure. I felt that half that amount would be adequate, that if, in fact, they are doing their work already, if they're already having staff work on housing, which they tell me they are, then they probably could get by with \$60,000 to bring in a consultant to work with them. Now here I want to begin to address the housing issue is important, and \$60,000, or if you wanted to keep it at 120,000, whatever you feel you want to spend on it, we can discuss that on the A bill. But we're talking about, I can't remember now how much Senator Haberman got for his study on social services, I know there is 75,000 in to study the retardation system, \$100,000 to study the retirement system. We...I think when you talk about the housing problem, to spend some money on it, to try and work together and to bring people to a point at which they can agree on a strategy in housing, it makes sense. We've got problems in Norfolk and Lexington where recent opening of new plants has led to problems in getting housing for individuals. Those two towns, in particular, are crying out for assistance and help in trying to address their problems, but that's just the most visible problems that we have. We have problems in the urban areas, in Lincoln and Omaha, with people with inadequate housing or lack of access to housing or the more serious problem of affordability of housing. But you have that problem in the rural areas, the small towns where you have a housing stock...

PRESIDENT: One minute.

SENATOR WESELY: ...that is being jeopardized as a result of lack of attention. We need to address, on a state wide basis, the issue of housing. If you look at Section 37, and I'll get into this later, you'll find the different things we're hoping to answer. And I think you'll find, if you do take the time, on page 63 and 64, to see that these are questions that need an answer, that these are problems that need to be addressed; and it's most appropriate that we do that. The Housing Policy Coordinating Council, that Senator Moore talked about, is just the different state agencies involved. What about the private sector? What about the home builders, the realtors and the local governments and everybody else that is involved in the housing issue? They need to be brought into this process, too. And part of this...

PRESIDENT: Time.

SENATOR WESELY: ...amendment, this bill would allow us to do that and bring everyone together to start working on this important problem.

PRESIDENT: Thank you. May I introduce some guests under the north balcony of Senator Schellpeper, please. We have Jeff and Kathy Schellpeper and their children, Andrew and Eric. Would you folks please stand and be recognized. Jeff is Senator Schellpeper's son, and his daughter-in-law and their two children. Happy to have you with us today. Senator Crosby, please.

SENATOR CROSBY: Thank you, Mr. President and members. I was actually going to speak on the bill, but I have a question, so I might as well do it now as any other time. I just wanted to say ahead of that question, though, that I am somewhat familiar with some of the problems on housing, because I worked with Catholic Social Services, and they, along with other agencies locally, I know, worked very hard on trying to resolve the problems that you have when low income people and children...families with children and so on try to find adequate housing in a city especially the size of Lincoln. But I know like Norfolk, Hastings, those other places also have the problem. So I do think there are local agencies, as Senator Wesely says, that along with the state agencies, that work and try to coordinate all the efforts, working through HUD and so on, to use up some

of this housing. Catholic Social Services has a program in place right now that is new, and I know that Senator Wesely is familiar with that. So, I guess my point is I just want to state that, because I do feel that there are so many people who are working so hard to try to overcome the problems. But my question is just one of my own, Don, that doesn't have anything to do with any axes to grind for the administration or anything like that, it's just my own feeling. I want to be sure, as I read through the bill, which I did...I read through it last Friday again when we were spending so much time on one other subject (laughter), there are housing projects that are geared to the elderly, and the density is such because they have no families. This does not supersede or overcome any of that, right? Senator Wesely, can you...

PRESIDENT: Senator Wesely, please.

SENATOR CROSBY: Okay.

SENATOR WESELY: Yes, as I understand it there is a specific exemption for housing targeted for older individuals...

SENATOR CROSBY: Yeah, okay. I just...

SENATOR WESELY: ...by the federal act, and so we don't...

SENATOR CROSBY: Well, yeah, I just wanted to be sure that I understood that correctly, because...

SENATOR WESELY: Yeah.

SENATOR CROSBY: ...those...I mean, you couldn't move families with little people into those areas arbitrarily.

SENATOR WESELY: Right.

SENATOR CROSBY: Right.

SENATOR WESELY: And that's an excellent point, because we do have some of those...

SENATOR CROSBY: Okay.

SENATOR WESELY: ...facilities, and you're familiar with them, and...

SENATOR CROSBY: Right, right.

SENATOR WESELY: ...they would not be affected by this.

SENATOR CROSBY: I have a lot of them in my district. Right, okay, thank you very much.

PRESIDENT: Thank you. Senator Wesely, please, followed by Senator Chambers.

SENATOR WESELY: Thank you. Again, as I was mentioning before, about the need for Section 37, I think we all recognize how important housing is, it's a fundamental, housing, health care, education. There are certain fundamental things that our society has to have, that individuals have to have to basically live, let alone live the life that we hope that they would enjoy in our state and in our society. Housing is one of those fundamentals, but fundamentally it's been forgotten, it's been forgotten. And it's time that we not forget it any longer and try to deal with the issue. Now, I did talk a bit with Policy Research, and I know that they have concerns about this. I just have gotten no indication whatsoever about whether or not they will, in fact, implement what we call for in the bill. And I'll tell you the truth, if I got the word, if I got the word from Senator Moore that there was an absolute commitment that they would do a housing study, that they would include the different elements that this calls for, and they'd do it without costs, well, I'm for it, I'm for it, I'm with you. That's all we're asking for. But if, in fact, what they're saying is that they don't want to do a housing study, that they don't want to pursue this issue, then I'm against that. I think that we need to do it, and I don't think that we need to wait any longer to address that issue. Now, as for the cost, again, I'm negotiable on that. I think the \$120,000 is probably more than we need. I think probably more like half of that. So, if you want to save money, put up an amendment on the A bill and cut the bill in half, to a \$60,000 expenditure, and I think you'll adequately address the issues involved there. And I'm just trying to be very frank with you here. I think that we need to do that. Now here's, again, dealing...I thought Senator Crosby's comments were excellent, that there is the private sector, the Catholic Social's work in housing is outstanding, and especially the concern about need for families out there. This bill, on discrimination, will help a great deal, because we've had a

problem with families with young children being discriminated against; that will stop. But then the next step is trying to provide adequate housing, trying to provide them the sort of housing that they need for those families. And that is what we need to do with this study. Now, as for the things the plan would look at, going at...looking at what the bill calls for, we would estimate housing needs for the next five years, so it would basically be a five-year plan. We'd specify the needs for different types of housing, for different categories of residents, low income, very low income, moderate income, the elderly, single persons, large families, residents of nonmetropolitan areas, other categories that would be looked at. We'd identify the nature and extent of homelessness in the state. And I did pass out a cartoon about this, the homeless...we don't see the problem, but it's there. We have homeless in Lincoln and Omaha. We try and provide programs to take care of them, but we must be ever vigilant about those individuals unable to have housing. And we know that there are individuals, working in some of these towns I mentioned, living out of trailer homes and living out of cars. And this happens in Nebraska. What are we going to do about that problem? What we're going to do about it is, if we pass this bill, we'll do a study and see what sort of programs we might need to take to help these individuals. Or, if there is not a problem, if the study finds that I'm wrong, that we don't have the problem I think there is, then, obviously, we'll at least have looked into it and found out that that is the case. We also look at special needs for various categories of persons who are homeless or threatened with homelessness. We inventory facilities and services that meet housing needs, that's one of the things we need to look at is who is working on housing, many people are. Who are they? Let's get them in touch with one another, let's get them cooperating. Identify significant characteristics of the housing market, describe how the cost of housing and incentives to develop, maintain or improve affordable housing in Nebraska are affected by public policies, tax policies affecting land and other...tax policies like Senator Moore is trying to do to reduce property taxes. See, Senator Moore, this would help your cause, because we would look at how tax policies affect housing and we'd find out that property taxes are a problem, and so we'd be able to find ways of addressing that. We'd look at land use controls, zoning ordinances, building codes, fees, growth limits, other policies, these are all things that impact housing. We need to evaluate those. What sort of things are happening as a result of these different policies, are they

hurting or helping the housing issues that we face? We need to look at the institutional structure...

PRESIDENT: One minute.

SENATOR WESELY: ...that we have, the private industry, the nonprofit organizations, the public agencies involved, who are they, what are they doing; look at coordination and cooperation of that delivery system for meeting housing needs, identify the lead agency to coordinate these plans, which it looks to be Policy Research. And, again, I just went through essentially what we're looking at, I think those are questions that need to be answered, they are problems we need to address. I would appreciate very much your opposition to the Moore amendment. And, if you're concerned about the costs, we can deal with that. But I think the housing study, the housing issue needs to be addressed.

PRESIDENT: Thank you. Senator Chambers, please, followed by Senator Schimek. We're speaking about the Moore amendment.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I'm opposed to Senator Moore's amendment. Having lived in Omaha all of my life, having over that time span watched the deterioration in housing currently occupied by people who are poor, watching housing that was owned by people outside of the community being allowed to deteriorate, and no renter is going to pay to renovate the house that belongs to somebody else, so these absentee landlords do not keep up the property. When they fall below code requirements and the people are forced to leave because the structure is going to be condemned, many times they stay, they continue to stand. They're not boarded up, they're not made secure. Recently, there have been a rash...there has been a rash of arson fires which not only destroy that property or half destroy it, making an eyesore and creating a hazard, because it's a gathering place for rats, roaches and other vermin, some of the two-legged variety, it is...these houses are attractive nuisances for young people. Some have become the hangouts for those who want to live or are compelled to live on the other side of the law. So, as long as there is no state policy, no direction, other than what occurs at the city level, a problem as severe as that in Omaha is never going to be addressed, let alone solved. Currently, there is a dispute in Omaha between the Omaha City Council and the Housing Authority because there is what looks like an encampment or prison

compound, almost, called Logan Fontenelle Housing Project; many of the people who live there are victimized by virtue of the fact that there is too much congestion. Studies have been made, not only on human beings, but on animals that show when there is too much concentration of whatever group it is in relationship to the amount of space available, tensions are created, societal inhibitions break down and usually there is an increase in aggression, which translates into violence, and ultimately those kinds of things that are destructive of the social fabric. There has not been ever a true state policy with reference to housing to make sure that as much as it lies within the power of the state to do so that a certain level of decent, affordable housing will be available to all of the citizens. There are serious housing problems confronting people in depressed rural areas also. I think the only means by which a coordinated, meaningful program to remedy the housing problem in this state can be put together is under the auspices of the state itself. It might be nice if a Governor, who happens to, for some reason, set up some plan designed to do this, if that Governor does not stay in office, then the whole thing collapses. If a nickel has to be drawn from this program, a dime from that one, to try to get some funding to do the things that are going to cost money, and not enough money is gathered, or even if it is, that source is not assured. So I hope that we will defeat Senator Moore's motion, because the problem is great, it has required addressing long before now. This is the first bill that offers a real opportunity to achieve that end. So, I'm opposed to Senator Moore's amendment. Now I touched on the problem in Omaha. It's discussed under the rubric of scattered site housing. What it really means, and whenever an effort to benefit or help the poor is given...

PRESIDENT: One minute.

SENATOR CHAMBERS: ...a code word, all types of negative baggage attached to it, and usually all you need to do is attach that word to any effort, or that term to any effort and it's doomed to fail. What the Omaha Housing Authority, through Bob Armstrong, the Executive Director, is attempting to do is find decent, habitable dwellings for people who have been locked into the Logan Fontenelle area. The city council is opposed to it, at least some of the members, and their reasons, I feel, are racist. They don't feel that poor people and certainly black people have no right to live in various parts of the city. Fortunately, the Housing Authority is able to circumvent the

Omaha City Council, because the federal government is providing the money for the relocation, and city council approval is not necessary. But when impasses such as this do develop in the future, having a state means for this kind of conflict resolution might help. And, if it doesn't help resolve it, perhaps it can establish, at the state level, an alternative.

PRESIDENT: Thank you. May I introduce some guests, please, in the south balcony. Representing 21 districts across Nebraska, we have 38 students and their sponsors who are with the Sixth Annual Sophomore Pilgrimage of the Nebraska Federation of Women's Clubs with the chairman from Seward, Nebraska, and the president from Lincoln, Nebraska. Would all of you folks please stand and be recognized by the Legislature. Thank you. Then also Scott Moore, Senator Scott Moore has 50 fifth graders from Milford Elementary School in Milford, Nebraska with their teacher. Would you folks please stand and be recognized. Thanks to all of you for visiting us today. Senator Schimek, please, followed by Senator Hefner.

SENATOR SCHIMEK: Thank you, Mr. President, and members of the body, I guess, Senator Moore, a rhetorical question. What would be the harm of putting something in the statutes, if we're supposedly doing it already? I would oppose Senator Moore's amendment. Having been a realtor and working in the real estate market, I know that there is some awareness on the part of both realtors and developers about the Federal Housing Act, and there may be a little confusion about whether they're supposed to be implementing it or not. But I'm hoping, Senator Moore, that there won't be this large number of cases that the EOC is estimating there will be if this legislation is put into effect. And so, hence, I would agree with Senator Wesely, that perhaps the A bill on this could be less than it is reported to us. I would also like to talk about the merits of the bill a little bit, because it is getting near the lunch hour and, hopefully, we can bring this to a vote before we recess for lunch. You know, when we think of a bill like this we think of disadvantaged people frequently who may have housing problems. But I think this particular bill will strike a blow for people across all walks of life because of the family provision that is in this bill. There was a letter sent to the Judiciary Committee by a woman I happen to know, in Omaha, and she sent a copy to Senator Wesely and to me and she is a professional in Omaha. She has a 13-year-old daughter. She's a single parent. And she relayed to us the extent of the problem that she had in

Omaha when she had moved into a housing complex, her daughter had enrolled in a nearby school, and they were...they were given notice that they would have to leave because of her daughter. Apparently, maybe the landlord didn't realize she had a daughter, I don't know. But she began calling around to find out if she could find another place in that general vicinity because she didn't want to move her daughter out of school. And she found only two, out of 30 apartment complexes that she called, who would possibly rent to her when one became available. She said that there were...she learned then that there were a group of what she called gypsies, families who were shuffled from one rental to the other repeatedly as apartments or other rental units fell like dominoes to the family exclusion policy. In other words, landlords would have a certain number of apartments or rental units designated as those that could have children in them. And if they weren't available, in one apartment complex she tried to find another one, and you often move from place to place. What was the point, she says. Management and its parent company indicated that they had zero problems with the tenants. Her daughter was rather a quiet child. She said I could well afford the attractive and roomy units. The decision was a categorical one, not based on anything else. My daughter couldn't believe it, this is America, she said, what about my rights? I called federal and state housing discrimination agencies and discovered that she had none. Housing discrimination against children was not actionable. Her more heartbreaking objections made me realize the impact of any form of discrimination on self-esteem.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: One minute.

SENATOR SCHIMEK: But I'm not bad, she said, why don't they want me? Ladies and gentlemen, this is an important bill, it will end discrimination for families with children, as well as the elderly, and it is something that we need to do this year. I ask for your support of this bill. Thank you.

SPEAKER BARRETT: Thank you. Senator Hefner, additional discussion on the amendment.

SENATOR HEFNER: Mr. President and members of the Legislature, I rise to support Senator Moore's amendment. I really don't see why we want to spend another \$100,000 or more for this when the

April 2, 1990

LB 1113

agency says that they can handle it. By Senator Moore's amendment, we strike Section 37 of LB 1113. I think this is a good move. I think we need the rest of the bill, but I really don't see why we would need Section 37. This agency tells me that, given a little time, they can do most of these things. And so here, we in the Legislature, want to spend more money to get the job done when it can be done without raising more money. And so I would urge you to vote for Senator Moore's amendment.

SPEAKER BARRETT: Thank you. Senator Chambers, additional discussion.

SENATOR CHAMBERS: Yes, thank you. Mr. Chairman and members of the Legislature, I'd like to ask Senator Moore a question about his amendment.

SPEAKER BARRETT: Senator Moore, would you respond?

SENATOR MOORE: Yes.

SENATOR CHAMBERS: Senator Moore, not having seen your amendment but having listened to the discussion, you want to strike out all of the language that tells what the purpose and the goal of this studying would be designed to achieve. Is that correct, by striking all of Section 37?

SENATOR MOORE: Strike Section thirty...you're striking the statutory requirement and the statutory commission and striking what...the description of what should be in the plan, yes.

SENATOR CHAMBERS: Now, is it that you think that Nebraska has such a comprehensive plan that this is not needed, or that there is not really a serious housing problem confronting some citizens of this state?

SENATOR MOORE: The answer...the two questions relating to the comprehensive plan, the question is no. Do I think we have a serious problem, the answer is, yes.

SENATOR CHAMBERS: Okay. So, if we have a serious problem but no comprehensive plan, your belief is that this can be left to the Governor to accomplish. Is that correct?

SENATOR MOORE: Well, yes, the Governor and the existing commission.

SENATOR CHAMBERS: Suppose the present Governor is not in office after the election, what becomes of that plan?

SENATOR MOORE: Well, it...the plan and the process will still be there for us to adhere to and appropriate money to accordingly.

SENATOR CHAMBERS: If we place in statute the language that is contained in LB 1113, that would make it unnecessary to worry about who the Governor is, wouldn't it?

SENATOR MOORE: Well, in theory that's true, but that's not always in reality, that could still be a problem.

SENATOR CHAMBERS: Well, I mean, as far as having a plan, that is there.

SENATOR MOORE: Yes, because the plan would be there anyway.

SENATOR CHAMBERS: And, if a plan is there statutorily, it does give greater leverage for arguing from the floor of the Legislature for the need to see that the plan is implemented.

SENATOR MOORE: That all depends on whether or not you agree with the plan.

SENATOR CHAMBERS: Well, whether you agree with it or not, as an individual, those who do think that there should be such a plan do have a point of leverage that they wouldn't have without it being in statute. Would you agree to that?

SENATOR MOORE: Well, not totally, but to a certain degree, yes.

SENATOR CHAMBERS: Okay, thank you. Members of the Legislature, the point I'm trying to get around to is that various things are put into the statute so that the whim of whoever happens to be the chief executive is not the deciding factor as to whether that program is implemented, or even whether it exists. Apparently there is not as serious a problem with housing in Senator Moore's district, and the lack of a plan, the lack of a program, the lack of an approach to try to address problems of housing do not impact on him in the way they do those of us who not only represent those districts but live in such a set of circumstances. As I stated during the context of another

discussion the other day, Senator Moore, I've never moved from the poorest area of my district. I live where the people live who have the most serious problems. So, not only do I see the dilapidated conditions that people are confronted with, I see the deleterious effects that these conditions have on the people, that they have on those people's children. A point is reached where a person's attitude is influenced profoundly by what he or she sees and the environment in which he or she must live at all times. So, if there is never in that community any program for doing away with boarded up, condemned buildings, seeing that others that are not condemned ought to be condemned, doing something about the numerous vacant lots, the rapid decrease in the housing stock in Omaha, something has got to be done about that situation, and currently nothing of substance is. This, that LB 1113 offers, is a step. Unfortunately, when we deal with those who are truly poor, truly powerless, we have to talk about doing things as a first step. We move in very small increments. And this is just a very small step, it's not even an incremental step, because there is nothing for it to increment from, if you'll allow me to take that liberty with the language. It is not unreasonable. What it proposes to address cannot be denied by anybody to be a very serious problem.

SPEAKER BARRETT: Thirty seconds.

SENATOR CHAMBERS: I think in a society, which America purports to be, the government, the society as a whole, should be very concerned about helping to establish a minimum level of decency when it comes to structures in which people live, below which no person would be allowed to fall. Senator Moore's amendment is designed to prevent us from ever really, as a Legislature, addressing the problem. I hope you will defeat his amendment.

SPEAKER BARRETT: Thank you. Senator Schimek.

SENATOR SCHIMEK: Yes. I would call the question, Mr. Speaker.

SPEAKER BARRETT: That won't be necessary, only Senator Moore's light is on, and I would ask Senator Moore to close at this point. Thank you.

SENATOR MOORE: Well, Mr. President and members, to begin with, Senator Chambers, I don't...obviously, it's my intention to leave the money in with the Equal Opportunity Commission. Several of the problems Senator Chambers is concerned about,

going back to some problems they've had at the Housing Authority and battles they've had in Omaha, I'm probably on Senator Chambers' side in those type of things. And, no, I'm not...Section 37 is not unreasonable, what I'm saying is it's unnecessary. And, yes, I want to address the problem Senator Chambers is talking about, but I don't need new language and new money to do it. And all the, you know, the remaining portion of the bill that is left in there is the federal requirements dealing with the Fair Housing Act and things like that. Section 37 doesn't address that. And a lot of the problems we have with minorities and the homeless are still, in relation to the federal Fair Housing Act, all of those things remain in the bill. Section 37 contains basically two things, the requirement for a plan and a commission to set up that plan. Those two things already happened. Now Senator Wesely mentioned that all they do is sit around and drink coffee, and I guess I dispute that. They've done some things. They've established an allocation plan for implementation of the federal low income housing tax credit. They've worked with the folks in Lexington to deal with their housing shortage plan. They've already planned for a statewide effort to prioritize housing needs within the state, and they're going to do that with a series of public hearings later this year. So the public that Senator Wesely is concerned about will be involved in this process. And there will be public hearings. As far as Senator Wesely mentioned there has never been any response from the northeast corner as to any promise that they're going to develop a plan, I'm going to say, for the record, that in my conversations with them they have said point blank, yes, we're going to develop a plan. Now, are they going to do every minute thing involved in Section 37? The answer to that is we don't know that. But I don't think it's...I think it's unnecessary to lay that out quite so strictly. Now the reason I've introduced the amendment, as I've said before, is that once again it seems like when we get into a variety of problems in this state the politicians in general want to start throwing new money at it. And the same problems I have when I chastised the university for not funding an engineering program, it's one of those things if it's a problem, you reallocate from within and address that problem. Every time there is a new problem you don't need to throw new money at it. And that's why I'm striking Section 37 from the bill, to begin with, so I can get to LB 1113A and strike Section 2 out of that, which saves the state \$100,000. You know, when you compare it to my \$230 million priority bill, it's peanuts, you're right. But the fact of the matter is that

it's \$100,000 that doesn't need to be spent. And if you adopt my amendment, and if you adopt the amendment to LB 1113A, all the things contained in Section 37 of LB 1113 will be done. The commission is there, the commission is going to be working on a plan, the commission is going to have some public hearings. And it's just one of those things that, any time the Governor of the opposite party is in office, the Legislature wants to put tighter strings on what they can and can't do. I hope at least if I...I hope if I ever have the...well, I won't go into that. But, if I ever have the opportunity to operate under a Governor from a different party, I hope we'll be consistent and oppose it too, that we don't need to throw new money at a problem, simple as that. By striking Section 37 from the bill, you are not saying no to Senator Chambers' problem, you're not saying there isn't a problem, you're not saying no to Senator Schimek's concerns, you're not saying no to Senator Wesely's concerns, all you're saying is, yes, it needs to be done, no, we don't need to appropriate new money. And if, a year from now, if what I've said is going to happen does not happen on the administrative side,...

SPEAKER BARRETT: One minute.

SENATOR MOORE: ...I'll be working with Senator Wesely to make sure it does. But, for the time being, let's strike Section 37 and save the state \$110,000, because it's going to be done anyway.

SPEAKER BARRETT: Thank you. The question is the adoption of the Moore amendment to LB 1113. Those in favor of that motion vote aye, opposed nay. Have you all voted? Senator Moore.

SENATOR MOORE: Yes, Mr. Speaker, since I have 21 yes votes on the board, I would ask for a call of the house and accept call in votes.

SPEAKER BARRETT: Thank you. Clear the board, Mr. Clerk. Members will vote on the question of going under call. All in favor vote aye, opposed nay. Record.

ASSISTANT CLERK: 17 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, return to your desks and record your presence, please. Those members

April 2, 1990

LB 1059, 1113

outside the Chamber, please return and record your presence. A roll call has been requested. Senator Byars, please, record your presence. Senator Lamb, Senator Langford. Senator Chambers, Senator Wesely. Senator McFarland, Senator Schmit, the house is under call.

SENATOR MOORE: If there's been no sighting of Senator Schmit, we might as well go ahead with the roll call.

SPEAKER BARRETT: Thank you. Members, return to your seats for a roll call. The question again is the adoption of the Moore amendment to LB 1113.

ASSISTANT CLERK: (Roll call vote taken. See page 1790 of the Legislative Journal.) The vote is 26 ayes, 14 nays, Mr. President.

SPEAKER BARRETT: The motion is adopted. Any items for the record?

CLERK: Mr. President, amendments to be printed to LB 1059 by Senator Chambers. That's all that I have. (See pages 1790-92 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Ashford. Senator Ashford, would you care to recess us until one-thirty.

SENATOR ASHFORD: Yeah, I would move that we recess until one-thirty.

SPEAKER BARRETT: Thank you, sir. All in favor vote aye. Opposed nay. We are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Any announcements, reports, messages?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford has 37 eighth graders from St. Margaret Mary in Omaha visiting with us in the south balcony, with their teachers. Would you people please stand and be recognized by the Legislature. Thank you. We're pleased to have you visiting with us this afternoon. Mr. Clerk, back to LB 1113, please.

CLERK: Mr. President, 1113 was discussed this morning. At this time I have no further amendments pending to the bill.

SPEAKER BARRETT: Thank you. Senator Wesely, please.

SENATOR WESELY: Am I closing or should I...?

SPEAKER BARRETT: Did you open on the bill this morning?

SENATOR WESELY: Yeah. I'll wait to close.

SPEAKER BARRETT: Thank you. Is there any discussion on the advancement of LB 1113? Seeing none, Senator Wesely, the floor is yours.

SENATOR WESELY: Thank you, Mr. Speaker, members. I, obviously, I'm disappointed in the Moore amendment. I think it hurt the bill. I think it will hurt the state. I think we need to have a study and a plan developed for housing needs in the State of Nebraska. Senator Moore promised, and it's in the floor debate, that this administration will conduct a housing study, that there will be a plan developed and I hope that, in fact, that does happen. I, for one, have had previous disappointments in promises like that. I recall again, with Senator Moore, as we talked about a telecommunications division that never did happen after promises were made that we were going to see it developed and after it was funded and mandated nothing ever did actually turn into programs for several years. We saw it languish and eventually nothing happened. Maybe this will be different. Maybe, in fact, we will see a housing plan. There is now no language in the bill as a result of the Moore amendment to make sure that that does happen, but I hope I'm wrong. I hope that that the study will be done because, in fact, we need it. Our housing problems here are serious. This is no light issue. Housing is a fundamental need, a fundamental problem and we have done next to nothing to address it. Hopefully, that will change. The ironic part of it all is that it was the funding

that generated the Moore amendment, funding that I put in the bill specifically to try and be cooperative with the Policy Research Office which came into the hearing and said they needed this money and this amount is what they would like and so I gave them exactly what they asked for and then they turn right around and come to you and suggest that because of that money we ought to delete the reference to a housing plan. You know they talked about this Policy Research Office doing the study that they were going to coordinate, that they were going to move on the housing issue. Well, I thought that they could do that without any funding but I thought I'd be cooperative. I thought I'd work with them. I thought I'd give them what they asked for and then they turn right around and stick it down my throat. Well, I don't particularly appreciate it but it's not the first time or the last time it has happened and I guess I'll learn once again who to trust and who not to trust, but that's the way the bill stands right now and so despite the loss of that plan, the loss of that study and despite my belief that some of the promises made will be promises broken once again, I'd still like to see the bill advance because we have to have it passed. It deals with discrimination that we have to amend our statutes to deal with and let's move forward with the legislation.

SPEAKER BARRETT: Thank you. You've heard the closing and the question is the advancement of LB 1113 to E & R Initial. All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of 1113.

SPEAKER BARRETT: LB 1113 advances. The A bill, Mr. Clerk.

CLERK: Mr. President, LB 1113A was a bill introduced by Senator Wesely. (Read title.) I do have an amendment pending to the bill, Mr. President, by Senator Moore. It would strike section 2 of the bill. (Moore amendment appears on page 1793 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Moore.

SENATOR MOORE: Yes, Mr. President and members, as I alluded to this morning, this is my amendment to LB 1113A which simply strikes Section 2 from the bill. If you want to look at either the fiscal note or the A bill itself, there were originally two

of us, it's even of more vital concern to me. I can't believe that we have to have some of the acrimony that we have in Boyd County, but it seems like it's there and it seems like it's going to be there. We need to address some of those problems. One of the problems is that they're going to run out of money to pay their bills on that monitoring committee. That was due to an error that happened last year when we didn't put an A bill through with one of those bills, and now we have to take care of that. But until we get to that bill why we won't. Another thing we need to do is talk about liability, and I think that bill does that. Many of you have come to me, right from the start of the session, and said, well we feel for you, if there's anything we can do to help you with this situation, we sure want to do that. This will be an opportunity for you to help me. We tried a year ago to get some help and were not able to do that. We tried several times to get some help and were not able to do that. I hope that we can get some of that help this year. It's vital that we provide some sort of help in this whole area of nuclear waste siting in Boyd County. I think that the opportunity for us to do that will come on Select File when 1151 is there. So I urge your support of this motion. I think that if you want to, like you have said, help me, why this is the opportunity for you to do that. Thank you.

PRESIDENT: Thank you. Senator Labeledz, please.

SENATOR LABEDZ: Thank you, Mr. President. I urge the members of the Legislature to look on the back of page 1 to page 2, and look at the 1990 committee priority bills. I think almost each and every one of us are concerned that some of those bills will not see the light of day today. I'm very interested in LB 862 which creates a gaming commissioner for bingo and other gambling. I think that's vitally needed. And, if we don't get to the priority bills today, and I'm sure we probably won't, it would be a shame that some of these bills, Senator Wesely has the 1113, which is to prohibit certain discriminatory actions relating to housing, and that happens to be Senator Chambers' bill. I certainly believe that when we get to Final Reading there will be a long time of debate before we get even through the first motion, which is the Speaker's to suspend the rules to permit Final Reading of bills without further amendments, motion or debate. The...As Senator Dierks has mentioned, I believe that 1151 is vitally important to both he and Senator Morrissey. Senator Wesely's bills, LB 989, the...trying to find the ones that I think are most important on General File for the

April 3, 1990

LB 42, 42A, 642, 656, 799, 866, 880
880A, 953A, 1004, 1004A, 1019, 1019A, 1059
1059A, 1064, 1064A, 1080, 1080A, 1113, 1113A
1136, 1146, 1184, 1184A, 1222A
LR 418

CLERK: (Read LB 1222A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1222A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1847 of Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1222A passes. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, I do, a new resolution by the Judiciary Committee, (LR 418.) a study resolution. Enrollment and Review reports LB 1064 and LB 1064A as correctly engrossed, both signed by Senator Lindsay as Chair; and LB 1059 and LB 1059A is correctly enrolled. Enrollment and Review reports LB 1113 and LB 1113A to Select File, signed by Senator Lindsay. Amendments to be printed by Senator Hartnett to LB 953A, Senator Hall to LB 866. And, Mr. President, a confirmation report from Transportation Committee signed by Senator Lamb as Chair. That's all that I have, Mr. President. (See pages 1847-52 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session, capable of transacting business, I propose to sign and do sign LB 880, LB 880A, LB 1004, LB 1004A, LB 1080, LB 1080A, LB 1184, LB 1184A, LB 656, LB 1146, LB 42, LB 42A, LB 799, LB 1019, LB 1019A, LB 1059A, LB 1059, LB 1136, LB 1122, correction, LB 1222, and LB 1222A. We're ready to go. Mr. Clerk, do you have something on the desk?

CLERK: Mr. President, motion pending from this morning was one offered by Senator Chambers and that motion was to overrule or change the Speaker's agenda to permit consideration of a suspension motion relating to LB 642.

PRESIDENT: (Gavel). Could we have your attention so we can hear the speaker? Senator Chambers, please.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, this is a continuation from what I was attempting