

February 27, 1990 LB 594, 1153A
 LR 261

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Our opening prayer this morning by our own Harland Johnson. Mr. Johnson.

HARLAND JOHNSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Harland, very much. Roll call.

ASSISTANT CLERK: There is a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

ASSISTANT CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Messages, reports or announcements?

ASSISTANT CLERK: Two items, Mr. President. New A bill, LB 1153A by Senator Barrett. (Read by title for the first time. See pages 992-93 of the Legislative Journal.)

New resolution, LR 261 by Senator Barrett. (Read brief description of LR 261. See page 993 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Dierks would like to recognize Dr. Jeff Gotschall of Lincoln who is serving as doctor of the day today on behalf of the Nebraska Academy of Family Physicians. Please welcome Dr. Gotschall. Thank you, sir. We're happy to have you. General File, 1990 senator priority bills, Mr. Clerk, LB 571. Correction, LB 594.

ASSISTANT CLERK: LB 594 was introduced by Senators Lowell Johnson, Pirsch, Ashford and Abboud. (Read title.) The bill was read for the first time on January 18th of last year, was referred to Judiciary Committee and Judiciary Committee reports the bill to General File with committee amendments, Mr. President.

SPEAKER BARRETT: Senator McFarland, would you handle the committee amendments, please.

SENATOR MCFARLAND: Thank you. Good morning, Mr. Speaker, fellow senators, the committee amendments to this bill basically

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LB 1055, 1153, 1153A

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 1153.

PRESIDENT: LB 1153 is advanced. LB 1153A.

CLERK: LB 1153A, Mr. President, introduced by the Speaker. (Read title.)

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

SPEAKER BARRETT: Thank you, Mr. President. The operative date for the beginning of the new appraiser board is January 1st of '91, so the first year's appropriation is only for implementation and a half a year. I think it's self-explanatory. The A bill provides some money from appraiser license fees, fifteen-six-fifty, I believe it is, 15,650 already in the real estate commission's fund to be transferred over to the appraiser's boards fund. So I would move for the adoption of the A bill.

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

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of 1153A.

PRESIDENT: The bill is advanced. May I introduce some guests, please, in the south balcony Senator Robak has 17 eighth graders from St. Francis Junior High in Humphrey, Nebraska with their teacher. Would you folks please stand and be recognized, from Humphrey. Thank you for visiting us today. Mr. Clerk, shall we move on to LB 1055.

CLERK: Mr. President, LB 1055 was a bill introduced by Senator Hall. (Read title.) The bill was introduced on January 9 of this year, Mr. President, at that time referred to the Revenue Committee. The bill was advanced to General File. I do have committee amendments pending by the Revenue Committee. Mr. President...

PRESIDENT: Senator Hall, are you going to take the committee amendments first?

SENATOR HALL: Mr. President, members, there is a motion, I

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LB 220, 976, 1055, 1153, 1153A, 1221, 1246A
1247

SPEAKER BARRETT: Thank you. The question is the adoption of the Chambers amendment to the amendment. Those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Senator Chambers. Roll call vote has been requested. Members, please return to your seats. The question is the adoption of the Chambers amendment to the Johnson amendment. Mr. Clerk. Excuse me, members, please return to your seats. (Gavel.) The call is not raised. Please check in. All members please check in. Senator Smith, please, record your presence. Senator Beyer. Senators Goodrich, Moore, and Scofield, the house is under call. Senators Moore, Goodrich, and Scofield, the house is under call. The question, again, the adoption of the Chambers amendment to the Johnson amendment to LB 976. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See pages 1734-35 of the Legislative Journal.) 11 ayes, 18 nays, Mr. President.

SPEAKER BARRETT: Motion fails. The call is raised. Next item.

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

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I move to adjourn until tomorrow morning at nine o'clock.

SPEAKER BARRETT: Would you care to amend that to eight o'clock, Senator Landis?

SENATOR LANDIS: I certainly would.

SPEAKER BARRETT: Thank you. Any items to read in, Mr. Clerk?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 220 and find the same correctly engrossed.

Mr. President, I have a new bill, LB 1247 offered by the LR 232 Special Investigative Committee. (Read for the first time by title. See pages 1735 of the Legislative Journal.)

Mr. President, LB 1153 is reported to Select File, LB 1153A, LB 1055, LB 1221, and LB 1246A, all those on Select File.

April 3, 1990

LB 1055, 1153A

SENATOR HEFNER: The next bill...

CLERK: Mr. President.

SENATOR HEFNER: ...is LB 1153A.

CLERK: LB 1153A has E & R amendments pending, Mr. President.

SENATOR HEFNER: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1153A. (See E & R amendment, AM7202 as found on page 1738 of the Legislative Journal.)

SENATOR HEFNER: All those in favor say aye. The amendments are adopted.

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

SENATOR HEFNER: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1153A, as amended, be advanced to E & R for engrossment.

SENATOR HEFNER: You have heard the motion. All in favor say aye. The bill is advanced. The next bill on the agenda is LB 1055.

CLERK: Mr. President, LB 1055, Senator, I have E & R amendments pending, first of all. (See E & R amendment AM7199 as found on page 1738 of the Legislative Journal.)

SENATOR HEFNER: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1055.

SENATOR HEFNER: You have heard the motion. All in favor say aye. Contrary, the same. Motion is carried.

CLERK: Mr. President, Senator Smith, you had an amendment to this bill, (See Smith amendment AM3195 as found on page 1647 of the Legislative Journal.) Senator. I have a note that you'd

April 4, 1990

LB 1055, 1153, 1153A, 1221, 1246, 1246A
LR 11, 239

SENATOR WITHEM: ...they are going to vanish again, and will surface again maybe once again when the Legislature meets and starts talking about this. You also notice in this article, Regent Blank talks about what we really need is stronger centralized coordination. We regents have always favored that. That is, with the risk of offending some people, hogwash. They have never favored that. They have opposed it. As a matter of fact, it is interesting that they said what we really need is stronger coordination, they said that two days ago. Now that Senator Warner has his amendment up, they are back there in the rotunda saying, oh, no, don't do that, public hearings, all of these other silly reasons to oppose the Warner amendment. What they really want to do is to be left alone. They want to spend a quarter of our state budget without having any sort of oversight over it. That is what they really want, and they will continue to want that until this Legislature steps forward. If you are serious about doing something this session on higher education coordination, you ought to vote no on the bracket motion.

PRESIDENT: Time.

SENATOR WITHEM: If you want us to continue to wrestle with this, then you ought to vote in favor of the bracket motion. How you vote, frankly, is your own concern.

PRESIDENT: Thank you. The question is, shall the bill be bracketed? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 4 ayes, 18 nays, Mr. President, on the motion to bracket LR 239.

PRESIDENT: The bill is not bracketed. Do you have something on it, Mr. Clerk?

CLERK: I do, Mr. President. May I read some items for the record.

PRESIDENT: Yes, please.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 1055 and find the same correctly engrossed, LB 1153, LB 1153A, LB 1221, LB 1246, LB 1246A, and LR 11CA, all of those

April 9, 1990

LB 1124, 1153, 1153A, 1221

21 ayes, 24 nays, Mr. President.

PRESIDENT: The bill fails to pass. LB 1153.

CLERK: (Read LB 1153 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1153 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote taken as found on page 2003 of the Legislative Journal.) 44 ayes, 0 nays, 1 present not voting, 4 excused not voting.

PRESIDENT: LB 1153 passes. LB 1153A, please.

CLERK: (Read LB 1153A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1153A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote taken as found on pages 2003-04 of the Legislative Journal.) 44 ayes, 0 nays, 2 present not voting, 3 excused not voting, Mr. President.

PRESIDENT: LB 1153A passes. May I introduce some guests, please. Under the south balcony, Senator Rex Haberman has two guests, Eddie Nichols of Max, Nebraska, and Phyllis Gardner from Max, Nebraska. Would you folks please stand and be recognized? Thank you. Senator Scott Moore has guests under the south balcony, Mr. and Mrs. Carl Geis of Seward, Nebraska. Would you folks please stand? Thank you. Mr. Clerk, LB 1221.

CLERK: (Read LB 1221 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1221 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote taken as found on pages 2004-05 of the Legislative Journal.) 45 ayes, 0 nays, 1 present not voting, 2

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LB 431, 1031, 1055, 1059, 1109, 1124, 1141
1153, 1153A, 1221, 1246, 1246A
LR 11

retarded in our state. But let's do so in a fashion that makes sense, that is accountable, and we understand exactly what we're getting for our money. And, so these could have been met, both of these goals could have been met with language the Appropriations Committee put out, but that language was rejected. Instead money was added and language deleted, and so that is what's put me in this quandary. I hope, as we work through this issue, and I think we should take some time, it's a 2 million dollar issue, we should try and understand what we hope to accomplish through this change. And I would like to see, on the part of those particularly promoting this amendment, a commitment to deal with this problem and correct these problems, and that might ease my concerns and allow me to vote for this. I need to hear from supporters of this that they know there is a problem and want to deal with this...

PRESIDENT: Time.

SENATOR WESELY: ...problem, otherwise we simply get ourselves into a cycle and a Catch 22 that will not ever end and continue down the road with further problems.

PRESIDENT: Thank you. While the Legislature is in session, and capable of transacting business, I propose to sign and do sign LB 1109, LB 431, LB 1055, LB 1124, LB 1153, LB 1153A, LB 1221, LB 1246, LB 1246A, LR 11, and LB 1141. Senator Warner, please, followed by Senator Hannibal.

SENATOR WARNER: Mr. President, members of the Legislature, again, I indicated earlier that as we go along I would at least inform you of the status of the reserve fund as we go. And, as indicated earlier, LB 1059, and that's the only thing we can key to on this because it does make a difference, if this amendment is adopted, and if 1059 is overridden, why there will be a million four left that could be overridden this year and still maintain the 3 percent reserve. However, if this is overridden, if you look out beyond into the next biennium, we would be in a two and a half million deficit situation. But that is no legal requirement to observe that. But it is something that one needs to keep in mind, that assuming that the growth is something less than 6.5 percent in each of the two years in the following biennium, why we would certainly have a problem. On the other hand, if 1059 is not overridden, why then there is something like 3.6 million left, even though this is overridden. And that then is not so tight. But you should keep in mind that as we go

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LB 163, 1055, 1099, 1124, 1153, 1153A, 1221
1246, 1246A
LR 427

LB 1055, LB 1124, LB 1153, LB 1153A, LB 1221, LB 1246, and
LB 1246A.)

I have an explanation of vote by Senator Landis and a study resolution by the Banking Committee, that is offered...signed by its membership, Mr. President. (LR 427. See page 2032 of the Legislative Journal.)

Mr. President, the first motion I have with respect to overrides of legislation is LB 163. Senator Rod Johnson would move that 163 become law notwithstanding the objections of the Governor.

SPEAKER BARRETT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. Speaker, members, my comments will be short and, hopefully, to the point. I guess LB 163 is a substantial policy choice question this Legislature is going to have to make. I know that you have been lobbied heavily on both sides of this issue, and I can appreciate that, and I hope that you've made up your mind. I'm not sure that the debate will add much to the vote that you're about to cast, but I wanted to get some things in the record nonetheless. You know as we all get these notices from the Governor as to why she vetoed the bill, I'm not sure they serve any service other than to piss us off. But I'm at the point right now where LB 163 has three points in it, her veto message, that tell us how she feels about LB 163. The first is she says the first is that LB 163 fails to build upon the work commissioned by the Legislature, past work. Then she mentions a bill I passed in this Legislature a few years ago to commission a study to look into the solid waste problems that Nebraska has. That study pointed out we have a substantial number of solid waste or landfills in Nebraska that have really some substantial environmental and health risk problems to Nebraskans. I realize that, that's what the purpose of this bill has been from the beginning is to begin the process of moving ourselves forward to deal with solid waste. Granted, it doesn't help clean up the contamination that is there, but we have other programs that are designed to help, walk in and start the process of looking at water contamination problems that exist with SPAs or special protection areas. Senator Schmit and I carried a bill this year, LB 1099, which did not make it through the process, but again is a bill that would have helped us deal with some of the contamination problems that exist. What this bill does is basically say we recognize that EPA is going to be coming down in this state very soon, within probably