

January 17, 1990

LB 259, 272A, 969, 987, 1041, 1114, 1170-1180
LR 241

CLERK: (Read roll call vote. See page 365 of the Legislative Journal.) 27 ayes, 13 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The motion fails. The call is raised. Do you have anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. Yes, I do, Mr. President. Mr. President, a notice of hearing from the Natural Resources Committee, signed by Senator Schmit as Chair. (Re: LB 969, LB 987, LB 1041. See page 365 of the Legislative Journal.)

I have amendments to be printed by Senator Haberman to LB 259. (See page 366 of the Legislative Journal.)

I have a motion from Senator Lamb regarding LB 1114. That will be laid over. (See page 366 of the Legislative Journal.)

Mr. President, new constitutional amendment, LR 241CA offered by Senator Hall. (Read brief description. See pages 366-67 of the Legislative Journal.)

Mr. President, new bills. (Read LBs 1170-1180 by title for the first time. See pages 367-70 of the Legislative Journal.) That is all that I have, Mr. President. Yes, sir. Mr. President, I guess a reminder, excuse me, Reference Committee at three-thirty. Reference Committee at three-thirty in Room 2102. That is all that I have, Mr. President.

PRESIDENT: Thank you. Senator Jacky Smith, would you like to adjourn us until nine o'clock tomorrow morning, please?

SENATOR SMITH: Mr. Speaker, I...I don't know what to say. Vote to stay here? I would like to ask that the body be adjourned until nine o'clock tomorrow morning.

PRESIDENT: Thank you. You've heard the motion. All in favor say aye. Opposed nay. We are adjourned until nine o'clock tomorrow. Thank you.

Proofed by:

Arleen McCrory
Arleen McCrory

January 18, 1990

LB 161, 1136-1171, 1181-1194

Mr. President, finally, I have a reference report referring LBs 1136-1171. (See pages 373-74 of the Legislative Journal.)

Mr. President, announcement, the Speaker would like to hold a chairmen's meeting tomorrow morning at eight-fifteen in Room 2102. The Speaker is calling a chairmen's meeting tomorrow morning at eight-fifteen in Room 2102. That is all that I have, Mr. President.

PRESIDENT: Do we have some new bills, Mr. Clerk?

CLERK: Mr. President, new bills: (Read LBs 1181-1194 by title for the first time. See pages 374-77 of the Legislative Journal.) That's all that I have at this time, Mr. President.

PRESIDENT: We'll move on to General File, LB 161, Mr. Clerk.

CLERK: Mr. President, LB 161 was a bill that was originally introduced by Senators Rod Johnson, Scofield, Coordsen, Baack, Weihing, Schellpeper and Elmer. (Title read.) The bill was introduced on January 5 of last year, Mr. President. It was referred to the Agriculture Committee for public hearing. The bill was brought to the floor with committee amendments attached. It was considered on April 5, Mr. President. At that time Senator Johnson made a motion to bracket the bill until January 1 of this year. I have pending the committee amendments. They have not been adopted yet, Senator.

PRESIDENT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. President and members, the committee amendments are relatively straightforward. It is simple but I would like to share them with you and indicate that hopefully they are noncontroversial. There are four parts to the committee amendment. The first requires the Department of Agriculture to use other agencies when enforcement is necessary in the question of water quality. The Department of Agriculture is the lead agency in implementing this bill, but in many cases we have expertise, especially with water quality and other areas including the Department of Environmental Control, through their work; the Department of Health for the Safe Drinking Water Act and the State Resources Office and there is just a variety of different agencies that I think the department could turn to for assistance and I think the important thing is to make sure that

March 2, 1990

LB 96, 98, 118, 304, 307, 317, 428
430, 473, 518, 536, 675, 677, 735
770, 796, 797, 896, 898, 899, 905
920, 998, 999, 1018, 1019, 1031, 1125
1136, 1170, 1198, 1207, 1211, 1220, 1222

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

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

PRESIDENT: LB 1222 is advanced. Mr. Clerk, anything for the record?

ASSISTANT CLERK: Mr. President, I have a series of items. Your Committee on Appropriations, whose Chairperson is Senator Warner, to whom was referred LB 1031, reports the bill to the full Legislature with committee amendments; LB 1125, to General File; LB 920, to General File; LB 1170, to General File with amendments; LB 536, General File with amendments; LB 1220, to General File; LB 896, to General File; LB 898, to General File; LB 899, to General File; LB 96, indefinitely postponed; LB 98, indefinitely postponed; LB 118, indefinitely postponed; LB 304, indefinitely postponed; LB 307, indefinitely postponed; LB 317, indefinitely postponed; LB 428, indefinitely postponed; LB 430, indefinitely postponed; LB 473, LB 518, LB 675, LB 677, LB 735, LB 770, LB 796, LB 797, LB 998, LB 999, LB 1198, LB 1207, all indefinitely postponed; and LB 1211 and LB 905, advanced to General File with committee amendments. (See pages 1131-37 of the Legislative Journal.)

Senator Landis would ask to print amendments to LB 1136 in the Journal. (See pages 1137-38 of the Legislative Journal.) Senator Warner has asked to announce an Executive Session of the Appropriations Committee in Room 1003, upon adjournment today. And I have a request from Senator Ashford to add his name to LB 1018 and LB 1019.

PRESIDENT: No objections, so ordered.

ASSISTANT CLERK: Then, Mr. President, I have a priority motion. Senator Hannibal would move that we adjourn until March 5, 1990, at 9:00 a.m.

simpler for oversight in how those expenditures are made, what amount comes in, and provide the opportunity for improved legislative oversight. It does transfer the balance that is currently in those funds which is about 69,000. It would place them into this fund. Under the federal legislation, federal authority for those funds to come into the state, they are limited as to what they can be used for but, in any event, this would allow legislative oversight much more conveniently.

SENATOR LAMB: Is there other discussion on the bill? If not, Senator Warner, do you care to close? Senator Warner waives closing. The question is the advancement of LB 920. Those in support vote aye, those opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 920.

SENATOR LAMB: The bill is advanced. Next bill, Mr. Clerk.

CLERK: Mr. President, LB 1170 was a bill introduced by the Appropriations Committee and signed by its members. (Read title.) The bill was introduced on January 17 of this year, referred to Appropriations, advanced to General File. I do have committee amendments pending by the Appropriations Committee, Mr. President. (See AM2680 on page 1131 of the Legislative Journal.)

SENATOR LAMB: The Chair recognizes Senator Scofield.

SENATOR SCOFIELD: Thank you, Mr. President, and members. You will recall that we ran into some difficulties earlier this year with members of the guard being notified at a rather late date that their tuition payments would not be available. This issue was brought before the Appropriations Committee, frankly, it was brought from outside the Legislature by students, guard members, who are affected. And so we have chosen to address this issue in this way, and while the bill does appropriate the needed funds, there are a couple of amendments that we put in there that we hope at least begins to address some of the problems experienced by the members of the guard affected by this whole process. The amendments add a new section of intent language and that intent simply is that when the number of applicants exceeds 1,200, the method used to determine who shall receive the credit shall not unfairly discriminate against students

because of the characteristics of the school they select. One of the problems this year was that there seemed to be a fairly arbitrary procedure here for deciding who got funded, and it depended on what date school started. And that meant those schools which started late, that is where the biggest impact was. In fact, at Chadron, no member of the guard was going to get reimbursement. So this simply says whatever method you have to use to do the cutoffs, it has to be fair and it doesn't discriminate unfairly against students. There has to be some rational basis for making those decisions. Secondly, the intent language states that the Military Department shall report when appropriations are insufficient to allow the approval of 1,200 students into the program, and it also puts very clearly in here language that every person who enlists shall be clearly notified that the program may be unavailable due to limited appropriations. I think that begins to address the issue. I am not sure yet that it completely solves it as this seems to be an issue that comes back again, and again, and again, but I think this intent language is important to at least take care of what I thought was a rather irrational way of deciding who got funded this year. Thank you.

SENATOR LAMB: The Chair recognizes Senator Rogers, followed by Senator Crosby, to discuss the committee amendments to the bill.

SENATOR ROGERS: Mr. President, and members, could I ask Sandy a question?

SENATOR LAMB: Senator Scofield, would you yield?

SENATOR SCOFIELD: I will try.

SENATOR ROGERS: Okay. It may not have any bearing on this, probably on this amendment, Sandy, but a couple of years ago, and maybe even a year ago, there was some members supposedly had signed up and then there was not enough money for them, and have you ever heard of that situation?

SENATOR SCOFIELD: Yes, I have, Senator Rogers.

SENATOR ROGERS: Well, have they cleared that up so that if someone signs up for it and they sign them up, will there be money for them, or is that what part of your amendment relates to?

SENATOR SCOFIELD: Well, with the cutoff here, we haven't changed the level. It still says 1,200 members and so there is the possibility that you could...that you could sign up more than the 1,200 people. What we are doing here today, at least, is saying when you sign these people up, when they enlist, they have to be notified that there is a chance they are not going to be...they are not going to be funded, and we also ask that they report to us when the appropriations are going to be insufficient. And I think there are some other things that we might consider going beyond this, but we decided for now that perhaps we will start with this. At this point, we maintain that 1,200 level and say you have to be notified that you might not get it. So it shouldn't be handed out as something and then jerked away, with expectations that you are going to get it and then to find out you don't.

SENATOR ROGERS: Well, then in other words, this is something they probably didn't do two years ago, Sandy? I mean when they signed them up they didn't...evidently didn't tell them you might not make it, right?

SENATOR SCOFIELD: My impression is, at least from the members I have talked to, they were at least told, but I don't know if that is a universal policy that is practiced with every recruiter or not. I have not talked with recruiters all across the state but I think it is important we put specific intent language in there so that the student, when they sign up, knows what the basis for this is.

SENATOR ROGERS: All right, thank you.

SENATOR LAMB: Senator Crosby.

SENATOR CROSBY: Thank you, Mr. President, and members. I do...Senator Scofield, would you yield to a question to me? It is somewhat like Senator Rogers' but a little different maybe. In October, I had calls from a lot of people, my constituents, people who were in the first semester of school but they were told that the second semester would not be funded. Is this trying to help overcome that happening again?

SENATOR SCOFIELD: Yes, it will, Senator Crosby. What I think happened was there was an obvious deficit coming that wasn't addressed, and so then they took money out of this year's appropriation to cover last year's. That caused a greater

shortfall and that is where probably your constituents first became aware that this was going to happen. So I think the reporting mechanism in here, in particular, is a way to track that so that we are aware of that coming, and also, again, the notice provisions are important.

SENATOR CROSBY: It is like using this year's season ticket money before next season comes, right?

SENATOR SCOFIELD: Right.

SENATOR CROSBY: Sort of the same thing, but how do you...I still am not quite sure and maybe Senator Rogers was asking the same question, have we corrected it for this year?

SENATOR SCOFIELD: We have corrected it for this year, Senator Crosby.

SENATOR CROSBY: Okay. I just want to have that for the record.

SENATOR SCOFIELD: I would like to stand up and say, yes, absolutely, we will never hear of this again, but if I said that, Senator Baack would stand up and shake his head and say no way.

SENATOR CROSBY: I understand that.

SENATOR SCOFIELD: We may have to visit this again. There may even be interim study plans for this.

SENATOR CROSBY: Okay, thank you very much to all of you who worked with it because I do think...I am hoping that this does correct it and that it doesn't happen again. Thank you.

SENATOR LAMB: The Chair recognizes Senator Haberman to discuss the committee amendments.

SENATOR HABERMAN: Mr. President, and members of the body, I rise to support the committee amendments. I have some letters in my file from National Guardsmen who will not be able to attend school unless this passes. It is not that great an amount and, therefore, I ask this body to adopt the committee amendments and pass LB 70 (sic). Thank you, Mr. President.

SENATOR LAMB: Senator Scofield, did you wish to speak? She

March 15, 1990

LB 536, 1170

waives closing, so the question is the adoption of the committee amendments to LB 1170. Those in support vote aye, those opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of the committee amendments.

SENATOR LAMB: The committee amendments are adopted. Any further discussion on the bill? If not, Senator Scofield.

SENATOR SCOFIELD: Thank you, Mr. President. I will just clarify the amounts in this with the intent language that you just added. The appropriation itself is \$148,000 of General Funds in '89-90, and \$121,000 of General Funds in '90-91. That allows the 1,200 member statutory limit to be reached in both of these fiscal years. I would move the bill.

SENATOR LAMB: The motion is the advancement of LB 1170. Those in support vote aye, those opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 1170.

SENATOR LAMB: The bill is advanced. Next bill, Mr. Clerk.

CLERK: Mr. President, the next bill is LB 536 introduced by Senator Wehrbein. (Read title.) The bill was introduced on January 18 last year, at that time referred to the Appropriations Committee. The bill was advanced to General File. I do have committee amendments pending by the Appropriations Committee.

SENATOR LAMB: Senator Ashford, I understand you are handling the committee amendments.

SENATOR ASHFORD: Yes, thank you, Mr. President, and colleagues. This, the committee amendments, basically gut LB 536 and insert what was LB 1010. LB 1010 was a measure introduced by me this year in the Legislature to provide sort of the closing of the loop of the LB 518 program that we passed into law in 198...I believe 1987 which created a job incentive program for ADC recipients. And the purpose of the 518 program was to pay to ADC recipients who find work medical benefits and child care benefits for up to a year after they find employment, and the

March 19, 1990

LB 315, 536, 898, 899, 920, 1031, 1125
1126, 1170, 1220
LR 310, 311

all would want to be treated if we were in that same situation. If any of us were in a circumstance where we were in a drug and alcohol problem, lost our jobs and wanted to deal with that problem, hadn't the resources, and at that time faced with an inability to get unemployment benefits, out of work, no future, what kind of situation are these people going to be in? The problem that they have is only going to get worse. Let's try and make it better. Let's try and deal with that drug problem and getting them into treatment. I ask your support for this amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Wesely amendment to LB 315. All in favor of that motion vote aye, opposed nay.

SENATOR WESELY: I'll take a record vote and that will be fine.

SPEAKER BARRETT: Thank you. Record, Mr. Clerk. A record vote has been requested.

CLERK: (Read record vote. See pages 1436-37 of the Legislative Journal.) 12 ayes, 19 nays, Mr. President, on the amendment.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, may I read some items before we proceed?

SPEAKER BARRETT: Yes, proceed.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1031 and recommend the same be placed on Select File; LB 1125, LB 920, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, all of those to Select File, some of which have E & R amendments attached. (See pages 1437-40 of the Legislative Journal.)

And, Mr. President, study resolutions. (Read introduction of LR 310 and LR 311 by title for the first time. See pages 1440-41 of the Legislative Journal.) Both will be referred to the Executive Board.

Mr. President, the next amendment I have to the bill is by Senator Coordsen. Senator Coordsen's amendment is on page 1350 of the Journal.

March 21, 1990

LB 536, 1125, 1170

SENATOR LINDSAY: Mr. President, I move that LB 1125, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Shall 1125 be advanced? All in favor say aye. Opposed no. Carried. It is advanced. Mr. Clerk, LB 1170.

CLERK: Mr. President, on 1170, I have E & R amendments, first of all, Senator.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 1170 be adopted.

SPEAKER BARRETT: Any discussion? If not, shall the E & R amendments be adopted to 1170? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1170, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? If not, those in favor of its advancement please say aye. Opposed no. Carried. The bill is advanced. LB 536.

CLERK: I have E & R on 536, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 536.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments be adopted to 536? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

March 27, 1990

LB 315, 536, 551, 551A, 799, 898, 899
920, 1019, 1019A, 1031, 1125, 1126, 1136
1170, 1220, 1246

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please stand. The opening prayer of the day by Pastor Robert Bye of the First Presbyterian Church of Plattsmouth, Nebraska, Senator Wehrbein's district. Pastor Bye. (Gavel.)

PASTOR BYE: (Prayer offered.)

SPEAKER BARRETT: Thank you so much, Reverend Bye. Please come back again. Roll call.

PRESIDENT NICHOL PRESIDING

PRESIDENT: I understand we're about ready to start. Mr. Speaker, would you explain the progression we're going to follow, please.

SPEAKER BARRETT: Yes, thank you, Mr. President and members. Obviously we do have a problem with the electronic voting board this morning. Apparently everything else is working. The microphones and the panels on either side of the board are okay, so rather than waste some time waiting for repair people to arrive on the scene, I'd recommend we get started and when it comes to casting a vote, we'll have to either use hands, voice vote or, of course, a roll call. So if we can put up with the inconvenience for a short while, we should be back in business as soon as the repair people are on site. Mr. President, I'd suggest we go ahead with the first item on the agenda.

PRESIDENT: Okay, thank you. Have you any corrections, Mr. Clerk?

CLERK: I have no corrections this morning, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1246 and recommend that same be placed on Select File with E & R amendments attached. Mr. President, Enrollment and Review also reports they have carefully engrossed LB 315 and find it correctly engrossed as well as LB 536, LB 551, LB 551A, LB 799, LB 898, LB 899, LB 920, LB 1019, LB 1019A, LB 1031, LB 1125, LB 1126, LB 1136, LB 1170 and LB 1220, all of those reported

March 29, 1990

LB 1031, 1125, 1170

permit Final Reading today.

SENATOR McFARLAND: The rules are suspended. If members will return to their seats and unauthorized persons will leave the floor, we'll proceed with Final Reading. Thank you. Will all members return to their seats so we can proceed with Final Reading. Mr. Clerk, please proceed with the reading of LB 1031E.

CLERK: (Read LB 1031E on Final Reading.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1031 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See page 1684 of the Legislative Journal.) 39 ayes, 1 nay, 3 present and not voting, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1031E passes. LB 1125E.

CLERK: (Read LB 1125 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1125 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See page 1685 of the Legislative Journal.) 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1125E passes. LB 1170E, Mr. Clerk.

CLERK: (Read LB 1170E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1170 with the emergency clause attached become law? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1686 of the Legislative

March 29, 1990

LB 536, 1170

Journal.) 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1170E passes. LB 536.

CLERK: Mr. President, I have a motion on the desk. Senator Haberman would move to return the bill for a specific amendment, that amendment being to strike the enacting clause.

SPEAKER BARRETT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, I filed my motion so I could ask a couple of questions and I would like to ask a question, I believe, of Senator Warner.

SPEAKER BARRETT: Senator Warner, would you respond.

SENATOR HABERMAN: Senator Warner, the original bill calls for funding the Nebraska Council on Economic Education and the National Center for Research in Economic Development. The bill was completely, as we call, gutted and it added an additional aid to dependent children, payment in the amount of one-half of the previous month's aid to children's grants. I have two questions. My first question is, the A bill where is it or where is the funding for the bill in the form it is now? That will be my first question. Will you please answer that one, and how much is it?

SENATOR WARNER: The A bill, Senator Haberman, was, in effect, in the funding in LB 1031 that was just enacted. It was 281,000 General Fund plus the federal funds and as happens occasionally, there was a need in this case for substantive legislation to accompany the appropriation bill in order for this increase to be permitted because the statute did not permit it to go above that.

SENATOR HABERMAN: That's 281,000 a year or just one year?

SENATOR WARNER: First year.

SENATOR HABERMAN: Pardon?

SENATOR WARNER: Per year.

SENATOR HABERMAN: X number of years, we don't know how many

March 29, 1990

LB 163, 163A, 164, 164A, 187, 536, 898
899, 1031, 1125, 1126, 1170, 1220

us. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164 and LB 164A. (See page 1695 of the Legislative Journal.) Senator Wesely, further discussion on the motion to return the bill.

SENATOR WESELY: Yes, Mr. Speaker, members, just very briefly, I rise to indicate for the record why it is I'm going to change position today on this bill. I have supported the concept of the state participating in the cost of indigent care. I have worked and led task forces and introduced legislation to this effect, but I've had conversations with the Nebraska Hospital Association about the two-way street we live on and then that two-way street, when additional public tax dollars go into any particular area, it seems to me that an amount of accountability is in order and unfortunately we have had a desire on the part of the hospitals in particular to ask and request for Medicaid increases, for this legislation on indigent care reimbursement and additional public monies, but when requested to participate in different health care cost containment initiatives they object and block every effort we make practically. For instance, I remember last year on certificate of need their efforts blocked my concerns about certificate of need and that process to contain costs was weakened dramatically as a result of legislation promoted by the Hospital Association last year. This year we have a health care cost data bill that has got the support of a number of different organizations and interests with the exception of the Hospital Association and they are working very hard, as you all know, to block that piece of legislation. If we were able to pass that, if we were able to work with them on the cost containment side of things, I very much support the work of Senator Lynch and those in support of LB 187. The concept is valid. The state should take a responsibility in this area, but before further monies get spent in this field or any other field that go into the hospitals in particular in this state it seems to me appropriate to ask those hospitals to work with us, the public, the taxpayers, the Legislature, to try and deal with the cost issue, the cost containment problem that we have across the State of Nebraska and across this country. And as long as the hand is out to receive the money but there is no assistance whatsoever to help us deal with the cost of this, I, for one, feel unable to support further funding in this manner. I would want to add that in some of the data, in some of the information we have

March 29, 1990

LB 163, 163A, 164, 164A, 187, 187A, 259
259A, 260, 260A, 272A, 313, 313A, 338
488, 488A, 503, 503A, 520, 520A, 536
567, 567A, 662, 898, 899, 1031, 1125
1126, 1170, 1220

morning visiting in the south balcony. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 520, LB 520A, LB 567, and LB 567A. Senator Lynch, please check in. Senator Byars. Senator Schimek, please. Senator Labedz. Members will return to your seats for a roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1713-14 of the Legislative Journal.) 14 ayes, 33 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: Motion fails. Mr. Clerk, have you a priority motion?

CLERK: I do, Mr. President. May I read some items?

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, amendments to be printed to LB 338 by the Health and Human Services Committee. (See pages 1714-17 of the Legislative Journal.)

Messages that bills read on Final Reading this morning have been presented to the Governor. (Re: LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164, LB 164A, LB 187, LB 187A, LB 259, LB 259A, LB 260, LB 260A, LB 272A, LB 313, LB 313A, LB 488, LB 488A, LB 503, LB 503A. See page 1714 of the Legislative Journal.)

And LB 272A has been reported correctly enrolled, Mr. President. That is all that I have.

SPEAKER BARRETT: To the motion.

CLERK: Mr. President, the first motion, Senator Hall would move to recess until one-thirty, Mr. President.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed.

RECESS

April 5, 1990

LB 163, 163A, 164, 164A, 187, 187A, 503
503A, 520A, 536, 662, 662A, 678, 678A
898, 1031, 1126, 1170, 1220

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Jim McGaffin of the Victory Outreach in Omaha. You might be interested to know that his father was the Chairman of the Board of Nebraska Education TV at one time and he was also News Director of WOW-TV. Would you please rise for the invocation by Pastor McGaffin.

PASTOR MCGAFFIN: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Pastor McGaffin. We appreciate your being here. Roll call, please. Mr. Clerk, please.

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

PRESIDENT: Thank you. Do we have any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Do we have any messages, reports, or announcements?

CLERK: Mr. President, I have received a series of veto messages from the Governor, specifically a veto message on LB 163 and LB 163A, LB 164 and LB 164A, LB 187, LB 187A, LB 503, LB 503A, LB 520A, LB 536, LB 662, LB 662A, LB 678, LB 678A, LB 898, LB 1031, LB 1126, LB 1170, LB 1220. All of those messages will be placed in the Journal, Mr. President. (See pages 1912-25.) That is all that I have.

PRESIDENT: Thank you. How about the confirmation report, Transportation Committee.

CLERK: Mr. President, confirmation report offered by Senator Lamb is found on page 1852 of the Journal.

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Mr. President and members, the Committee on Transportation reports favorably on a number of appointments. We have three for the Board of Public Roads Classifications and Standards. They are Marvin Athey, William Lindholm, and Robert Stutzman. There were no negative votes for those appointments.

three, and I am going to withdraw the middle one. I would like an opportunity to talk about that but we are, quite frankly, at the point where we can't afford all three of them, and so I am going to go ahead and run this one, and then I will talk about the other one later. But just for your information, this one contains two items, it is the Trailside Museum planning money, and the Mead Center planning money. The item that I intend to withdraw is the next one, which is LB 662, which has nearly a half a million dollar fiscal note. There simply isn't the money here to do it. I will get into that later, but I want you to know what you are voting on next, and there is a third bill, LB 1170, which is the tuition credits for National Guard members coming up, number three. You will have a chance to deal with those later, but I just want you to know my rationale of what I am doing here. But I am withdrawing the item here that I think that we must withdraw in order to stay within a responsible level of spending. I would ask your support on 898. It is, as I said, the Trailside Museum planning money, and the Mead money. I will give the rest of my time to Senator Schmit.

SPEAKER BARRETT: Senator Schmit.

SENATOR SCHMIT: Mr. President, I will be very brief, also. I appreciate the fact that the money was placed in the budget earlier on. I understand the concern, I understand the concern expressed on this floor many times here tonight. I want to just emphasize the reason I supported the inclusion of the money for the headquarters at Mead. I firmly believe, that notwithstanding some of the purveyors of gloom and doom, that if we are going to pay the bills for this state government of ours, it is going to come from agriculture. It is going to come from agriculture whether you like it or not. It isn't only true that we are going to pay the taxes to support it, as has been evidenced by the passage of a number of other bills on this floor during this session, but if you are going to keep up technically, if you are going to be able to maintain the research, if you are going to be able to do those things that give agriculture in Nebraska and the United States the edge that has made us the producers of record and of envy the world around, then you ought to be able to produce the kind of research that is necessary to back it up. To do that, you ought to have decent working facilities. We have built a multitude of buildings in Nebraska in the last few years, and I am not at all embarrassed to stand here and ask for the \$190,000 for planning money for the building at Mead. It is overdue. It has been

reduced twice in its scope of the direction in which we took it at first and it is today a very modest proposal and I believe we need it, and we ought to do it this time. Thank you very much.

SPEAKER BARRETT: Any other discussion? Senator Scofield, anything further? Would you like to close? Thank you. The question is, shall the gubernatorial veto of LB 898 be overridden? All in favor vote aye, opposed nay. Have you all voted? Senator Scofield.

SENATOR SCOFIELD: Roll call. That will move us on and out of here as quickly as possible.

SPEAKER BARRETT: Roll call vote has been requested. Members, return to your seats. The question is, shall LB 898 become law notwithstanding the Governor's veto? Proceed. Senator Scofield.

SENATOR SCOFIELD: Check in, please.

SPEAKER BARRETT: Members, record your presence. Senator Lamb, Senator Moore. Mr. Clerk, proceed with the roll call.

CLERK: (Roll call vote taken. See pages 2051-52 of the Legislative Journal.) 18 ayes, 21 nays, Mr. President.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, Senator Scofield, on LB 1170, Senator.

SENATOR SCOFIELD: I wanted to make a couple of comments about LB 662 before I withdrew it, if that is possible.

SPEAKER BARRETT: Proceed.

SENATOR SCOFIELD: As I indicated, I intend to withdraw LB 662. The fiscal not is simply too high to absorb it at this state of the game, and I think we have done some good things, particularly with the Foster Care Review Board money. So we have done some good things for children this year, and I want to emphasize that, and I want to commend this body on your leadership on children's issues. I would also like to say that we passed another bill, LB 663, which is good for juvenile justice, and so I believe this Legislature deserves some credit for trying to champion children and family issues this year.

This particular bill, if you read the veto message, it is clear that our objective from the onset was to have a cooperative effort between the three branches of government, executive branch, legislative branch, and the judicial branch, and it is clear from the Governor's veto message that she simply doesn't see eye to eye with the way the Legislature has been proceeding on this issue, and I think it would be unwise, frankly, to pass a bill that she apparently feels doesn't work for her because I don't think it would be administered in a way that any of us, that we would want it to happen. I would wish her Director of Children and Families well, and I hope she can carry off what I believe is a practically insurmountable task without additional resources and additional help, but I hope she can be successful. But in the meantime, I think it is appropriate that LB 662 be raised also in terms of the appreciation that ought to go to the staff here in this Legislature that worked on this bill for a long time, to the child advocates who worked on this bill, and to the communities. As I said, there are big challenges facing the Governor and her director to carry through on their intentions of how they intend to address children and family needs. There is a tremendous need for prevention services out in the communities and, unfortunately, this bill isn't going to be there to help communities do that. But I would hope that that effort and that thrust will go ahead, and with that, I would withdraw LB 662.

SPEAKER BARRETT: Thank you. It is withdrawn. Senator Scofield, would you like to address LB 1170.

SENATOR SCOFIELD: Yes, Mr. President, in keeping with the philosophy that we have tried to pursue all year, I think this is one of those issues that you can characterize as a legitimate deficit. You will recall that we found out, shortly after this session convened this year, that we had some problems in terms of tuition monies for National Guard members, and we had, frankly, a number of students who simply were going to come up short and still will come up short if this veto isn't overridden. The amount is 269,000 this year and 121,000 the following year. Some of the institutions, I think some of the students have chosen to go ahead and stay in school in hopes that this is forthcoming, and I think that this is an obligation that we have to those students given the way this bill has moved through the process. I would ask for your support.

SPEAKER BARRETT: Thank you. Any discussion? Senator Scofield,

anything further? Thank you. The question is, shall LB 1170 become law notwithstanding the Governor's veto. Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2052-53 of the Legislative Journal.) 36 ayes, 5 nays, Mr. President, on the override.

SPEAKER BARRETT: The veto of LB 1170 is overridden. Next item.

CLERK: Mr. President, Senators Dennis Byars and Lowell Johnson would move to override LB 920.

SPEAKER BARRETT: (Gavel.) The noise level is becoming increasingly high, not only from the floor but from underneath the balconies. Please, I would ask for your cooperation. Senator Byars.

SENATOR BYARS: Thank you, Mr. Speaker, and colleagues. Would Senator Warner yield to a question, please.

SPEAKER BARRETT: Senator Warner.

SENATOR BYARS: Senator Warner, how much month do we have at the end of the money here?

SENATOR WARNER: \$641,738.

SENATOR BYARS: Thank you, Senator Warner. I don't think that adds up to a 1,750,000 then, does it. I don't think we can quite stretch that.

SENATOR WARNER: It is a little short.

SENATOR BYARS: Obviously, this reimbursement is very important to Senator Johnson and myself. We, however, understand that this is somewhat futile but I am just going to cut it off, I want a vote anyway, and so I would ask all of you to vote in favor of this although I know the chances are slim to none. Thank you.

SPEAKER BARRETT: Thank you. Senator Schmit, please.

SENATOR SCHMIT: Mr. President, I opposed this bill when it was debated on the floor. I oppose it now, and I think we have even

April 9, 1990

LB 42, 42A, 163, 163A, 164, 164A, 503
503A, 536, 834, 843, 843A, 1004, 1004A
1031, 1043, 1059, 1059A, 1126, 1170, 1222
1222A

employee is 21, State Patrol is 21, other school employees in Omaha, no age limit and the judges are no age limit. So, therefore, I would ask that you override the veto of 834. It doesn't cost any more money. It doesn't cost any money. It will keep young people in Nebraska. It will want them to help work for the state and do a good job for the state and I ask for your override. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion? Senator Elmer, followed by Senator Schellpeper.

SENATOR ELMER: Thank you, Mr. Speaker. To be very brief, and Senator Haberman said it and said it well, all private businesses are required to allow their employees to participate when they're 19. I think the state should go at least as low as 20 to give consideration, allow these young people to accumulate a little more for retirement. It's not going to cost the state any money. I would urge your override. Thank you.

SPEAKER BARRETT: Thank you. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members, I also rise to support this override. We have some very dedicated employees in this state and I think this is just another thing we can do for the employees. So I think Senator Haberman said it all and I would just move for the override.

SPEAKER BARRETT: Thank you. Anything further, Senator Haberman? If not, the question is, shall LB 834 be overridden? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2054-55 of the Legislative Journal.) 31 ayes, 0 nays, Mr. President, on the override of LB 834.

SPEAKER BARRETT: LB 834 is overridden. And let the record show that the Chair is certifying that the Legislature has overridden the following vetoes, notwithstanding the objections of the Governor, LB 834, LB 1043, LB 1222 and LB 1222A, LB 1170, LB 1004 and LB 1004A, LB 843 and LB 843A, LB 1059 and LB 1059A, LB 1126, LB 11...excuse me, LB 536, LB 42 and LB 42A, LB 164 and LB 164A, LB 1031, LB 503, and LB 503A, LB 163 and LB 163A, and LB 834. Anything for the record at all, Mr. Clerk?