

January 18, 1990

LB 37, 50, 159, 259A, 409, 422, 465
503, 503A, 543, 662, 742, 953, 1220-1242
LR 8, 244, 245

not, the question is the advancement of the A bill. All those in favor vote aye...say aye. Opposed nay. It is advanced. Mr. Clerk, do you have anything for the good of the cause?

CLERK: Mr. President, I do. Mr. President, your Committee on Retirement Systems, whose Chairperson is Senator Haberman, to whom was referred LB 953, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. That is signed by Senator Haberman. (See page 397 of the Journal.)

Mr. President, I have a series of hearing notices from Judiciary Committee, Appropriations Committee, Health and Human Services and Revenue, all signed by the respective chairs.

Mr. President, Senator Kristensen has amendments to LB 159 to be printed. Enrollment and Review respectfully reports they have carefully examined and reviewed LB 37 and recommend that same be placed on Select File; LB 742, LB 662, LR 8CA, LB 50, LB 543, LB 422, LB 409, LB 503, LB 503A, and LB 465 all to Select File, some of which have Enrollment and Review amendments attached. (See pages 398-408 of the Legislative Journal.)

Mr. President, new bills. First of all, Mr. President, two constitutional amendments, LR 244, offered by Senator Schmit. And LR 245 offered by Senator Hefner. (Read brief summary of resolutions. See pages 408-11 of the Journal.)

Mr. President, new bills. (Read LBs 1220-1242 by title for the first time. See pages 411-17 of the Legislative Journal.)

Mr. President, reminder, Reference Committee will meet at three-thirty today in Room 2102, Reference Committee at three-thirty in 2102. A final reminder, Mr. President. Chairmen's meeting tomorrow morning at nine...I'm sorry, at eight-fifteen in Room 2102, Chairmen's meeting, eight-fifteen, in 2102. That's called by the Speaker. That is all that I have, Mr. President.

PRESIDENT: I understand that we have 434 new bills introduced this year. This is the last day, of course. So you might be interested in that. Senator Baack, you're close to your microphone, would you like to adjourn us until nine o'clock tomorrow morning, please.

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LB 272A, 1117, 1135, 1172-1242
LR 242-245

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We are happy to have with us this morning as our Chaplain of the day, Mr. Gerry Harris, who is the Executive Secretary of the Gideons, and lives in Lincoln. Would you please rise for the invocation.

MR. GERRY HARRIS: (Prayer offered.)

PRESIDENT: Thank you, Mr. Harris. We appreciate your coming and giving us the benediction, not the benediction, the invocation this morning. Roll call, please.

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

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

CLERK: Mr. President, I have a Reference Report referring LBs 1172-1242, and LRs 242-245, signed by Senator Labedz, as Chair of the Reference Committee. Senator Coordsen gives notice of hearing for the Business and Labor Committee for February 5 and January 29. (Re: LB 1135, LB 1117.)

I have a report of registered lobbyists for the week of January 18, and, Mr. President, an Attorney General's Opinion addressed to Senator Landis regarding LB 272A. (See pages 421-24 of the Legislative Journal.) That is all that I have, Mr. President,

PRESIDENT: We will move on, Senator Lamb, are you in position to handle that confirmation report. Okay.

SENATOR LAMB: Mr. President, and members, I would offer to the body the confirmation report for Mr. Myers.

CLERK: Senator, yeah, Lawrence Myers, the Nebraska Power Review Board.

SENATOR LAMB: Yes, Mr. Myers appeared before the Natural Resources Committee about two days ago and he is a reappointment. He was appointed, I believe, late last year and there was no opposition to his reappointment, and the committee voted unanimously to recommend that Mr. Myers be appointed to

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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.

March 15, 1990

LB 536, 1220

amendment and hope that everyone else does. I thought it was included in LB 1031. I am glad to have Senator Warner confirm that. Thank you.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Any other discussion? Senator Ashford, would you care to close?

SENATOR ASHFORD: I would just move the amendment, Mr. Speaker.

SPEAKER BARRETT: Thank you. The question is the adoption of the amendment. All in favor vote aye, opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

SPEAKER BARRETT: The committee amendments are adopted. To the bill, Senator Ashford, are you handling the bill?

SENATOR ASHFORD: I believe so, Mr. Speaker, and I think what has been said covers the issues, and I appreciate Senator Warner clearing up the LB 1031 issue, and with that I would just move the bill. Thank you.

SPEAKER BARRETT: Thank you. Is there discussion on the advancement of LB 536, as amended? If not, those in favor of that motion, please vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER BARRETT: LB 536 is advanced. Have you items for the record?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Proceeding then to LB 1220.

CLERK: Mr. President, LB 1220 was a bill introduced by Senator Hannibal and signed by a number of the members. (Read title.) The bill was introduced on January 18 of this year, referred to Appropriations, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: To the bill, itself, Senator Hannibal, please.

SENATOR HANNIBAL: Thank you, Mr. Speaker, and members of the Legislature. LB 1220 is a bill that came to the Appropriations Committee and was advanced out of committee as part of the package. LB 1220 does basically two things. It provides for state expenditure up to \$1,700,000 of funds for the completion of a five-story addition to the Eppley Hall of Science, more specifically for additional space for cancer research and other related research with regards to cancer. The bill is a little bit interesting from the funding mechanism because besides providing 1.7 million, that is part, by the way, of an \$8.4 million total building package, 5 million of which is coming from the federal government, 2 million is coming from the NU Foundation, and the 1.7 million is what we are seeking here today with LB 1220, but the 1.7 million is coming as a...it would be a reduction of General Funds to the financial status, but it is not something that shows up as an ordinary expenditure because it is coming from a lapsing fund that is the University Facilities Fund which is, in essence, funded by the cigarette tax. And we thought it extremely appropriate that we would continue funding cancer research with the cigarette tax, and so what happens is that the Facilities Fund, under the bonding requirements, in order to be able to receive the proper bond ratings when you establish a building fund, you need to ensure that there are more than enough proceeds going into this fund on an annual basis to cover the bond requirements. At the end of each year, then after the bond requirements have been funded and taken care of, the excess funds lapse back to the General Funds. What we are asking with LB 1220 is that at the end of this next fiscal year, in June of 1991, that instead of lapsing all of that back to the General Fund, an amount up to \$1,740,000 will instead lapse to the Eppley Cancer Research Building Fund and be used then and be appropriated the following year in 1992 to help complete the project, the \$8.4 million project, and be able to add five stories to the Hall of Science at the University of Nebraska Medical Center, and to be able to give added space for the purposes of cancer research. I would be happy to try to respond to any questions that you have but, for now, I will let that be my introduction.

SPEAKER BARRETT: Thank you. Discussion on the motion to advance LB 1220, Senator Moore, followed by Senators Lindsay and Schmit.

SENATOR MOORE: Yes, Mr. Speaker, given some of my comments on some other capital construction projects, I have to at least ask Senator Hannibal to clarify a few things.

SPEAKER BARRETT: Senator Hannibal.

SENATOR MOORE: The first is some people have asked me this question and I honestly don't know the answer to it, that is why I am asking you now, is that our earlier statements as far as where the greenhouses and other items fell on our priority list, did this appear in any sort of priority list of the Board of Regents last year or this year?

SENATOR HANNIBAL: Well, Senator Hall, yes, I was just digging through my files...

SENATOR MOORE: Senator Hall, I think that was a compliment.

SENATOR HANNIBAL: Senator Hall, I am sorry. Senator Moore. Pardon me, Senator Hall. Senator Moore, yes, it has appeared on the priority list from the Board of Regents. It is presently Item 5 and we have funded the first four, so I think you could effectively say, we put money in the first four, that this is number one on their priority list for capital construction that has not been funded yet.

SENATOR MOORE: Okay, and you mentioned a dollar figure from the Foundation was going to put in, that was...

SENATOR HANNIBAL: Two million dollars, yes.

SENATOR MOORE: And the operations will be paid for in what manner, again? The operations will be paid for out of the cash funds of the hospital?

SENATOR HANNIBAL: Yes, patient revenues, not state funds.

SENATOR MOORE: Okay, thank you, Senator Hannibal.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. President. I rise in support of LB 1220. Last summer, I did have the opportunity to tour some of the buildings at the Med Center, and I think the space

needs at the Med Center right now are, I think critical would be an understatement. In this particular project, in the cancer area, it is a nationally renowned cancer research facility, has been recognized as such on numerous occasions. The proposal that Senator Hannibal explained well is not, while it is a large figure, it is not the large percentage of the funding for the project, itself. We are asked for only...it would ask for 1.74 million, whereas \$7 million will be coming from other sources. I think the addition is necessary and it is in my district, Senator, also, and I would support LB 1220 and urge its advancement.

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: A question of Senator Hannibal, if he would yield, please.

SPEAKER BARRETT: Senator Hannibal, would you respond?

SENATOR HANNIBAL: Yes.

SENATOR SCHMIT: Five million federal monies, two million foundation monies, would you describe that fund that you get the million, seven out of again, please.

SENATOR HANNIBAL: The million, seven is coming out of the University Facilities Construction Fund, which is earmarked money from the cigarette tax.

SENATOR SCHMIT: Any chance of me getting my dipper in that little fund for a few hundred thousand, Senator, or have you depleted the entire fund with this million, seven?

SENATOR HANNIBAL: I have certainly tried for at least...for year 1990-91. Now this has been an ongoing appropriations and I think you will find that there might be others, including you, that might have interest in working on that number in the other years.

SENATOR SCHMIT: Another question, is there any way that those of us who are not privy to the inside information would know the existence of these little funds so that we might have a chance to make...get a head start on the rest of you, if we wanted to do it another year.

SENATOR HANNIBAL: There certainly is a way. I would recommend the Appropriations Committee as a starter.

SENATOR SCHMIT: (Laughter). Well, thank you, Senator.

SENATOR HANNIBAL: No, as a matter of fact, seriously, Senator Schmit, when the bills, when those funds are first put out, the bonding provisions are first made aware of on the floor, those kinds of provisions are explained for purposes of the bond rating. And, quite frankly, it is a legitimate question because once that provision has been made and is a matter of public record that those kinds of funds will be and have been coming back and lapse in the General Fund, it is, in sincerity, something that probably loses visibility, if you will.

SENATOR SCHMIT: I was afraid of that. Those funds have a tendency to be very low visibility funds for those of us who don't have the lightening rods out. I just want to say again, and I have no real valid criticism to add to the criticism I have heaped upon the medical facility in the past two years, but just to point out that some of those facilities seem to grow and grow and grow, never seem to quite reach their maturity, and never ever seem to quite have all of the funds that they need. A \$29 million program has stretched to 47 million and now we have another 8.7, and albeit for a very legitimate purpose, I want to point out again that this is a consumptive use of money. Now there are those who will say, oh, no, that is not true, Senator Schmit, you are way behind the times. And I probably am, but this is a consumptive use of money, and much of the \$2 million Foundation Funds would not be there were it not for some of the tax breaks perhaps that we have granted through 775, some of the other benefits that have accrued to business. The 5 million, of course, we know where that came from, all of us kicked in on that over the years as federal money, that didn't fall as manna from heaven, and the 1.7 million came apparently from cigarette smokers and, of course, they are a vanishing breed also. But in any case, I just want to suggest that I hope that you will think just a little bit again of the amendment I offered this morning relative to a very modest proposal for agricultural research, and there may well come a time, ladies and gentlemen, when you have plucked the fruit from the tree and the tree goes barren, and there will be no more fruit. I don't want to beat that same old bag of bones that I have beat for many years, but we can build buildings, and we can build facilities, and we can build research facilities, but if we do

not provide for the basic needs of agriculture in this state, it is going to be too late. We have had a couple of rains now and everyone is very optimistic.

SPEAKER BARRETT: One minute.

SENATOR SCHMIT: But I have said it many times that when the well goes dry, we are all going to wish we would have guarded the water supply. And when agriculture suffers in this state, eventually everyone is going to suffer from the man who raises the oats and gets \$2 a bushel for it to my good friend, Mike Harper, who takes that same bushel of oats and makes oatmeal out of it and sells it back to us for a considerably value-added price. And so I am not going to oppose you, Senator Hannibal. You will excuse me if I do not support you with enthusiasm.

SPEAKER BARRETT: Senator Lowell Johnson, followed by Senator Wesely.

SENATOR L. JOHNSON: I rise in support of LB 1220. This addition proposed for the Eppler Hall of Science, the University of Nebraska Medical Center, is actually very crucial to the plans to develop a National Cancer Institute designated comprehensive cancer center at that institution. The Eppler Institute is, of course, already an NCI designated laboratory research center and, as such, is one of only 15 so designated in the entire United States, and a further worthy designation of it is, in fact, the only one between the Mississippi River and the West Coast of the United States. The establishment of the comprehensive center will allow the Medical Center to extend its laboratory research more quickly into the clinic facilities. In addition, it would be hoped for and will definitely portend faster cancer treatment and cancer control programs throughout the State of Nebraska. This is an exciting program and I urge your support for it.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker. Back to Senator...some of Senator Schmit's comments got me to remembering the fight that Senator Schmit and I tried to bring to the Legislature about the cost of the renovation at the Medical Center which was like \$50 million. This 1.7 million, Senator Hannibal, if you would yield, has got nothing to do with that other \$50 million project. It deals with some other projects bonded elsewhere by

the Legislature?

SENATOR HANNIBAL: That is correct.

SENATOR WESELY: Okay, so we are not spilling any money that we authorized for the expansion or renovation project last year at the Medical Center over into this other project, then?

SENATOR HANNIBAL: No, with the exception that there is a master plan being worked on by the Medical Center in total. This is part of that but this has nothing to do...this was originally all going to be funded with federal funds, part of the NCAT program that part of the University at Lincoln campus got quite a bit of money for that Representative Smith worked on in Congress. Senator Kerrey was able on the other side, on the Senate side, was able to secure the 5 million. We were hoping to get the whole 8.4, originally that was what it was for, but he was not able to get that number. But, no, you are correct, this is not part of the same project.

SENATOR WESELY: And the \$2 million private donations, is that going to be raised by the Foundation then, or how does that...

SENATOR HANNIBAL: That is correct. That was a pledge that they made towards this project.

SENATOR WESELY: When did they...have they made that pledge official, has that recently been done? How did that pledge get made?

SENATOR HANNIBAL: Well, that is a good question, Senator Wesely. I have just been told that that pledge has been made and it will be there.

SENATOR WESELY: So I have got to talk with them about another project and they seem to have got themselves involved in so many different things they are unable to move into new areas, so I am just a little surprised to hear that they are able to free up \$2 million in private donations, but I'd be curious as to the pledge and its origin and its timing, if you don't mind, at some point.

SENATOR HANNIBAL: I will find that answer for you, if I can.

SENATOR WESELY: Okay, thank you.

SPEAKER BARRETT: Senator Schmit, further discussion?

SENATOR SCHMIT: Mr. President, since I seem to be the only person who really is concerned about the expenditure, and I want to say, again, I am not against cancer research, I am not against the ability to provide this kind of service, but I guess I would have to say, Senator Hannibal, where was this on the priority list of the Board of Regents?

SPEAKER BARRETT: Senator Hannibal, I believe that question was directed to you.

SENATOR HANNIBAL: I am sorry, Senator Schmit, I did not hear the question.

SENATOR SCHMIT: Where was this project on the priority list of the Board of Regents?

SENATOR HANNIBAL: It is listed as number five.

SENATOR SCHMIT: I guess my question is, you know...

SENATOR HANNIBAL: However, the other four above it already have been funded, at least in part.

SENATOR SCHMIT: And how many below the number five project have been funded? Or in part, or...

SENATOR HANNIBAL: I see listings down to 14, that point one and 14, point two, which are the greenhouse renovations and the biological sciences greenhouse. As far as funding, I see only the Fine Arts Building.

SENATOR SCHMIT: You brought up the Fine Arts Building, didn't you? That was another project of yours, was it not?

SENATOR HANNIBAL: Let me see, may have had something to do with that, yes.

SENATOR SCHMIT: You know you can milk the cow about nine or ten months out of the year, Senator, but you are getting to the point where you are going to kill that cow one of these days. I don't know if that has anything to do with your retiring from the body or not, but it would seem to me that someone somewhere

ought to name a building or something after you because you have certainly done a yeoman's service from the standpoint of capital construction in certain areas. I know that you are very sincere about it, but, again, I want to call attention to the body, how much is the Fine Arts Building, Senator?

SENATOR HANNIBAL: The Fine Arts Building, is it you asked? I gave you erroneous information, by the way. The Fine Arts Center was listed as number four, so it is above this item also. What I was giving you was a different number down there, but to answer your question specifically, the original request was for \$17 million. The revised request came down to 13 million. The Legislature funded 11.5 million.

SENATOR SCHMIT: Would you want to give me very briefly, in about thirty seconds, all of the benefits that are going to accrue to the citizens of this great state as a result of the construction of the Fine Arts Building? Maybe ten seconds will be enough.

SENATOR HANNIBAL: Well, it wouldn't be for me, Senator Schmit, but I will suggest that the Fine Arts Education Building will be offering major new space for the fine arts and allowing new space to be used in the Business Building, the Liberal Arts Building, and the Engineering Building, so that it was an overall need for the campus because of growth for space needs of all kind, and that is what really culminated the Fine Arts Education Building.

SENATOR SCHMIT: Thank you, Senator Hannibal. Again, ladies and gentlemen, I am not going to belabor the point and I am not going to continue to beat this body over the head about an issue which apparently is not timely at this time. But I would just suggest to you that when you go back and reread the bills and reread the expenditures and are called upon from time to time to explain the expenditures that we make on this floor, I hope that you can all explain in good conscience why it is more important for us to build the Fine Arts Building, why it is more important for us to build this addition to the medical facility than it is to take care of what I consider to be a very basic need in the State of Nebraska and that is a building at the facility at Mead which would serve the agricultural interests of this state. I don't like to play the poor man's role here but I do think that...

SPEAKER BARRETT: One minute.

SENATOR SCHMIT: ...we are getting our priorities out of perspective. I want to say one more thing, very frankly, I have only been here 22 years, I would probably have to be here another 22 years before the building at Mead would get much higher than 13th or 14th. So with that I would rest my case.

SPEAKER BARRETT: Senator Lynch, please.

SENATOR LYNCH: Could I ask a question of Senator Hannibal or anybody else?

SPEAKER BARRETT: Senator Hannibal, would you respond?

SENATOR HANNIBAL: I'll try.

SENATOR LYNCH: When we discussed last year the about \$50 million construction project at the university, it was mentioned that no general revenue funds were necessary because the rates would be increased to make up whatever cost difference there would be, and the rates are, obviously, very high, if not the highest, in the top three. Will this construction project, from whatever source the funding is developed, have anything to do with the rates, either now or in the future, do you know?

SENATOR HANNIBAL: Well, Senator Lynch, thank you for asking the question because it will give me an opportunity also to respond better to Senator Moore's question dealing with General Fund expenditures that would be used for the operations of the building. I said no, and I have been reminded that while I said that, and that is probably the intention, that it hasn't been said for sure that there won't be a request for General Funds for the operational cost of this new addition. However, to Senator Moore, I will answer that that request would come through the appropriation process. None has been made and it would be my hope that that request would not come through for operation costs because it would be something that was never anticipated and might be looked upon less than favorably. However, back to your question, Senator Lynch, the...if you don't have General Funds to support operational costs, then you would be looking to other sources of funds and, in this particular case, you would have two sources of funds. One would be patient revenues from the hospital, which if you did use some of those funds, obviously, that would have some pressure on the

rates, no question. Secondly, though, and I think probably more to the point, would be that the major reason for this expansion of space is the amount of research grants, that the university has received, has gone up significantly in the last few years. And I have some figures I would be happy to share with you. The amounts of money, the amounts of numbers of grants, and the amounts of people involved, and they have the possibility of using some of those funds for operations.

SENATOR LYNCH: But I guess the answer is you are not really sure and the possibility exists that rates could go up. Is that right?

SENATOR HANNIBAL: There is always that possibility, yes.

SENATOR LYNCH: Okay, that is what I...this is one of the concerns I have. I think it is great to have research but, just like medical technology, I am not sure how much more we can afford. I will tell you again with the MRI's utilization for magnetic resonance imaging processes have gone up 1600 percent in the last two years, think about that. That is an 850 to 1,200 dollar procedure. Now you would think if we did that, it would probably cut back on CAT scans, wouldn't you, because that is the technology that existed in the generation of technology just before that but, you know, interestingly enough that utilization went up almost 80 some percent, and you'd think that would have cut back on x-rays, wouldn't you? No, that went up over 100 percent. What I am saying is that I think research is important. I think it is good and I think it is wonderful if we can get funds into the state from other sources to provide that research, but we had better start keeping track of how much it costs people who use the hospitals and have to pay for those hospital costs for all of this technology and all of this research, and sometimes I wonder if it is really cost effective. It might make for great bureaucracy, it might put an awful lot of smart professors to work, or doctors, but I am not sure in the long run how much more we can afford this. And this new addition to the construction at the university, which is in Omaha, and I appreciate that, is, you know, 60, 65 million...

SPEAKER BARRETT: One minute.

SENATOR LYNCH: ...with the reconstruction of the dental facility, even more, and I think that is good. However, we can only afford, I think, to consider cost of construction for

medical care and research, and we have to start considering how it applies to what people have to pay for the use of the facilities that, in fact, support that cost. We can't afford much more.

SPEAKER BARRETT: Thank you. Senator Rogers is announcing that he has 47 seventh graders from St. Paul Public Schools in St. Paul visiting in our south balcony, with their teacher. Would you folks please stand and take a bow. Thank you. We are glad you could spend some time with us. Any other discussion on LB 1220? Senator Hannibal, would you like to close?

SENATOR HANNIBAL: Yes, Mr. Speaker, I would and I appreciate the comments that have been made on issues that, while they aren't directly related with this, certainly come into play in our thinking process on this floor dealing with our priorities. I would like...I am sorry I don't see Senator Schmit on the floor, and if he is listening, I would like to add one other things on the Fine Arts Education because it doesn't have anything to do with this issue but I understand his frustration with the Mead Center, and I would like to just put back on the record, for a second, that that original request came in 18 years ago for that particular addition and it has been on the list off in different areas for 18 years. So, keep faith, Senator Schmit, that Mead Center may yet get there. Number two, I did make kind of an erroneous statement on the priority and it was being pointed out to me that there is no other higher priority that has not been funded yet other than this particular project. So the final things that I would like to say is that we are dealing with the facilities, there is money involved. It was going to be originally all federal money. We have had a commitment by the federal government, now we have had a commitment by the private sector, and now they are looking for a small part from the state, and I realize a million, seven is a lot, and it does seem that the funds source, this \$1,740,000, which has, by the way, been spent on an annual basis, because it just comes back into our General Fund as a lapse, becomes money available for the next year, but it seems extremely appropriate that cigarette tax revenues be used to help increase cancer research. It seems like a good trade. We do spend about a million, three right now on annual cigarette tax fund revenues towards cancer research as a direct appropriation, and that the Medical Center has become one of the leading centers in the country, as a matter of fact, is world renown on things such as bone marrow transplants and, as Senator Johnson pointed out, one

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of the top 14 or one of 14 or 15 National Cancer Institute designated research facilities. I think this is a good investment to make. I do understand frustrations on some members of the floor. Notwithstanding that, I would urge your advancement of LB 1220.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 1220 to E & R Initial. All in favor vote aye, opposed nay. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 1220.

SPEAKER BARRETT: LB 1220 advances. Mr. Clerk, have you items for the record?

CLERK: A few, Mr. President. A study resolution (LR 299) offered by Senator Dierks will be referred to the board; amendments to be printed by Senator Hefner to LB 1059; Senator Warner to LB 1031; Senator Conway to LB 457. That is all that I have, Mr. President. (See pages 1389-91 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding to LB 1126.

CLERK: Mr. President, 1126 was a bill originally introduced by the Health and Human Services Committee and signed by its members. (Read title.) The bill was introduced on January 12 of this year, referred to Appropriations, advanced to General File. I do have committee amendments pending by the Appropriations Committee. (See AM2849 on page 1178 of the Legislative Journal.)

SPEAKER BARRETT: Chairman Warner, will you handle the committee amendments.

SENATOR WARNER: Mr. President, and members of the Legislature, LB 1126 was introduced, if you look at the title, by the Health and Human Services Committee and, as I recall, it was the result of a study that had been conducted by that committee. But as it was introduced, it was a straight appropriation bill to provide increases in three specific areas, one of which was the personal care aides which there was both trained and those who had not had the amount of training that were to be increased. All these, as I recall, were at the minimum wage. Then there was a

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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, 899, 1126, 1220

SENATOR LINDSAY: Mr. President, I move that LB 536, as amended, be advanced.

SPEAKER BARRETT: Any discussion? If not, shall 536 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1220.

CLERK: LB 1220, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1220.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments be adopted to 1220? 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 1220, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Questions or discussion? If not, shall LB 1220 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1126.

CLERK: LB 1126, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1126 be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, shall LB 1126 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 899.

CLERK: LB 899, Senator, I have E & R pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the

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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

1031.

SENATOR HABERMAN: Is it a common practice for the Appropriations Committee to gut a bill and then take the funding and put it in the master funding bill and not have an A bill?

SENATOR WARNER: Oh, it's...

SENATOR HABERMAN: It's convenient or the practice...(interruption)

SENATOR WARNER: It's common practice in terms, excuse me, Senator Haberman, it's a common practice in terms that there are usually one or two a year that way. There was, for example, another bill that was in Government Committee that, in fact, has already been passed that had to be passed, it was a consent calendar bill, in order for the funding to be effective in 1031 and so it does happen that there is substantive legislation that has to accompany a provision in the general appropriation bill. In this case the reason that the bill was introduced is...that was in order to increase the funding for this purpose, the statute required at least not less than a month in order to reduce the cost and be able to do it for two months, or two weeks, why, we needed legislation to, in effect, it would have been twice as much had we not had the enabling legislation that permitted the Legislature to appropriate for a shorter period of time.

SENATOR HABERMAN: Thank you, Senator Warner. With that explanation, Mr. President, I'll withdraw my motion.

SPEAKER BARRETT: Thank you, it is withdrawn. Mr. Clerk.

CLERK: (Read LB 536 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 536 pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See page 1687 of the Legislative Journal.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 536 passes. LB 1220.

March 29, 1990

LB 898, 899, 1126, 1220

CLERK: (Read LB 1220 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1220 pass? Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1688 of the Legislative Journal.) 41 ayes, 2 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1220 passes. LB 1126, Mr. Clerk.

CLERK: (Read LB 1226 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1126 pass? Those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote. See pages 1688-89 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1126 passes. LB 898E.

CLERK: (Read LB 898E on Final Reading.)

SPEAKER BARRETT: (Mike off.) Have you all voted? Please record.

CLERK: (Read record vote. See pages 1689-90 of the Legislative Journal.) 38 ayes, 3 nays, 4 present and not voting, 4 excused and not voting.

SPEAKER BARRETT: LB 898E passes. LB 899E.

CLERK: (Read LB 899 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 899 with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1690-91 of the Legislative

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.