

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.

January 19, 1990

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

February 16, 1990 LB 159, 163, 594, 656, 854, 989, 1018
1020, 1072, 1073, 1099, 1146, 1153, 1179
1221, 1222

problem. Thank you.

SENATOR LABEDZ: Thank you, Senator Wehrbein. Senator Schmit. Senator Schmit, on the Hefner amendment. Mr. Clerk, do we have anything for the record before we adjourn?

CLERK: Madam President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis, to whom was referred LB 1072 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 1073, General File, with amendments; LB 1153, General File with amendments. (See pages 851-52 of the Legislative Journal.)

Madam President, a couple of announcements. The Revenue Committee will meet in Executive Session; Revenue Committee, Executive Session in Room 1520 upon adjournment; Revenue upon adjournment in Room 1520.

Mr. President, a series of priority bill designations. Senator Wesely has selected LB 989; Senator Lamb, LB 1020 as one of the Transportation Committee priorities; Senator Lynch, LB 1146; Senator Nelson, LB 656; Senator Abboud, LB 1018; Senator Lowell Johnson, LB 594; Senator Hannibal, LB 1221; Senator Schmit, LB 854 as his personal priority, and LB 1099 and LB 1179 as committee priorities.

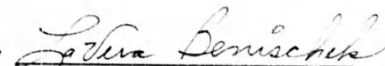
Mr. President, Senator Beyer would like to add his name to LB 159, an amendment; and Senator Beck to LB 1222. That's all that I have, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Langford, you have a motion up at the desk to adjourn. Would you like to make that motion, please.

SENATOR LANGFORD: Madam President, I move we adjourn until Tuesday, February the 20th at 9:00 a.m.

SENATOR LABEDZ: Thank you, Senator. We are...all those in favor say aye. Opposed. We are adjourned.

Proofed by


LaVera Benischek

February 20, 1990 LB 656, 662, 771, 939, 1055, 1079, 1183
1187, 1202, 1221, 1236

PRESIDENT: The bill is advanced. You have an amendment on 915, so we'll not take it up. Something for the record, Mr. Clerk?

CLERK: Mr. President, I have a confirmation report from the Banking, Commerce and Insurance Committee, that's signed by Senator Landis. Revenue Committee reports LB 1202 to General File; LB 939, General File with amendments; LB 1055, General File with amendments; LB 1079, indefinitely postponed. Those signed by Senator Hall. Health and Human Services Committee reports LB 1187 to General File. That is signed by Senator Wesely. I have a series of amendments to LB 1221 by Senator Withem; Senator Smith has amendments to LB 1236; Senator Nelson to LB 656; Mr. President, Senator Wesely to LB 662. And, Mr. President, finally, an announcement from the Speaker. (Re. LB 771.) And that's all that I have, Mr. President. (See pages 874-79 of the Legislative Journal.)

PRESIDENT: Senator Rogers, you haven't said much today. Would you like to adjourn us until tomorrow at nine o'clock.

SENATOR ROGERS: Mr. Speaker, I move we adjourn until tomorrow morning at 9:00 a.m., February 21st.

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

Proofed by:

Debbie Smith
Debbie Smith

SENATOR ASHFORD: No. The seven days has to elapse, if there is no return, then the gun may be sold.

SENATOR HABERMAN: Okay. That can happen with the bill. Let's say, for example, that it's mailed late Friday, Saturday the mailman might pick it up. There's Sunday, and it's delivered on Monday, it takes two days to check it out. They mail it back Thursday, your seven days are gone. You said you don't have to mail it back, but they have to let them know it's no good. Then we've been talking about a compromise. You heard Senator Ashford say there is no compromise, there is no compromise. So I say, folks, it's a bad piece of legislation, it's drawn badly. I understand there is going to be an indefinite postpone motion put up. You won't be able to vote on it because we're going to be asked...for it to be laid over. So I would say what we went through this morning is for naught, but we'll have the same discussions when it comes back before us. Thank you, Mr. President.

PRESIDENT: Thank you. Mr. Clerk, you have a motion on the desk?

ASSISTANT CLERK: Yes, Mr. President. Senator Hall would move to indefinitely postpone the bill.

PRESIDENT: Senator Ashford, you have a decision to make. You want to take it up today, or...

SENATOR ASHFORD: Oh, I'll go ahead and....

PRESIDENT: Today?

SENATOR ASHFORD: No, not to day.

PRESIDENT: Not today. That will be laid over. All right. Anything for the record, Mr. Clerk, at this time?

CLERK: Yes, Mr. President, I do. Mr. President, your Committee on Banking, Commerce and Insurance, whose Chair is Senator Landis, reports LB 1241 to General File with committee amendments attached. That's signed by Senator Landis. And Urban Affairs Committee, whose Chair is Senator Hartnett, reports LB 1221 to General File. (See page 898 of the Legislative Journal.)

February 22, 1990 LB 996, 1009, 1053, 1146, 1221

PRESIDENT: Thank you. The question is the adoption of the Chambers amendment. All those in favor vote aye, opposed nay. Senator Chambers.

SENATOR CHAMBERS: I'll ask for a call of the house and we'll take call in votes.

PRESIDENT: Okay. The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The house is under call. Please return to your seats and record your presence. Those not in the Chamber, please return to their seats and record their presence. The question is the adoption of the Chambers amendment, and call-in votes are authorized.

CLERK: Senator Moore changing from no to yes. Senator Langford changing from no to yes. Senator Smith changing from no to yes. Senator Morrissey voting yes.

PRESIDENT: Record, Mr. Clerk.

CLERK: 27 ayes, 4 nays, Mr. President, on the adoption of the Chambers amendment.

PRESIDENT: The Chambers amendment is adopted. Mr. Clerk, do you have something for the record?

CLERK: I do. Mr. President, your Committee on General Affairs, whose Chair is Senator Smith, reports LB 1053 to General File with committee amendments attached, that is signed by Senator Smith. Government Committee reports LB 996 to General File with committee amendments attached, signed by Senator Baack. A series of confirmation hearing reports by the Health and Human Services Committee, chaired by Senator Wesely. Senator Hannibal has amendments to LB 1221; Senator Wesely to LB 1146. That's all that I have, Mr. President. (See pages 933-40 of the Legislative Journal.)

PRESIDENT: Senator Robak, would you go to your microphone and say something about adjourning until tomorrow at nine o'clock.

March 12, 1990

LB 577, 989, 1031, 1221
LR 239A

Mr. President, amendments to be printed. Senator Schmit to LB 1031; Senator Warner to LB 1031; Senator Wesely to LB 577; Senator Wesely to LB 989; Senator Withem to LB 1221; Senator McFarland to LR 239A. That's all that I have, Mr. President. (See pages 1312-17 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The next item on 1031.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Coordsen and a number of members. Senator, I believe this is the...this is AM2979, Senator. (The Coordsen, et al, amendment appears on pages 1318-19 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, and members of the body, I distributed a copy of this amendment to members of the body, and if you're interested, I think we could better explain it if we followed along in the committee amendment 2659. This bill relates to an increase in funding for the mental retardation areas of the State of Nebraska to enable them to continue to serve those people who are currently on the list. We will begin then on page 25 of the committee amendment and that's in the community mental retardation program, Program 424. Should this amendment be adopted, the first part of the amendment to the Standing Committee amendments, and this...I'm holding in my hand 2979 which you should all have, would increase the total funding from the General Fund from what is recommended by the Appropriations Committee of \$23,498,454. It would increase that \$2,225,124. And where would the money go? The first thing before we get into the money is that if we'll turn to page 26, on the intent language as to how the money would be used, the amendment that I am proposing would change the intent language on line 13, page 26, to read, "It is the intent of the Legislature that the Department of Public Institutions provide state aid for community-based mental retardation service pursuant to" and "individual" would be stricken, on to read, "client service contracts beginning in FY'90-91." Then "Client eligibility for" is stricken, "Funding for services in community-based programs shall require the prior approval of the department" and at that point we insert, "for clients enrolled after January 1, 1990"; then we go on to read, "The department may withhold funds" and we strike beginning with the word "any" in line 20, "may withhold funds for client services when the services provided do not meet minimum

March 15, 1990

LB 1031, 1221
LR 239, 297

bought the second one 10 years later under Governor Charles Thone. That piece of equipment, partly due to good maintenance, partly due to appreciation, is worth more money today than we gave for it when it was purchased. Now a million dollars is a lot of money and I don't argue that it is not, but I want to point out that, given the nature of things, that piece of equipment will also appreciate, very frankly, and it is probably one of the few pieces of equipment we buy in law enforcement that does hold its value. It is a very excellent piece of equipment. It is an excellent assistance to law enforcement. It is excellent to assist the Nebraska patrol and the cities and the counties in the war against drugs and certainly I think it would be most helpful to their operation. There are a number of cities and entities along the coast who have confiscated this kind of equipment because it's used in the traffic in drugs. Unfortunately, here in Nebraska we do not have that kind of activity so the patrol cannot confiscate one, so they've got to go out and buy it. But I want to point out once again that I believe that the million dollars spent here, just as the million dollars that I proposed a year ago for overtime which today is in the Governor's budget and which is going to be spent by this body, is a wise investment and ought to be considered as a deterrent to criminal activity and which in the long run will reduce our cost insofar as incarceration of felons is concerned. I ask you to support the amendment.

SENATOR LABEDZ PRESIDING

SENATOR LABEDZ: Thank you, Senator Schmit. We're voting on Senator Schmit's amendment to LB 1031. All those in favor vote aye, opposed nay. Have you all voted? Please vote. We're voting on the amendment to LB 1031. Have you all voted? Please vote. We're voting on Senator Schmit's amendment to LB 1031. Mr. Clerk, record.

CLERK: 14 ayes, 4 nays, Madam President, on the amendment.

SENATOR LABEDZ: The amendment fails. Do you have anything to read in, Mr. Clerk?

CLERK: I do, Madam President. Amendments to be printed. Senator Warner to LR 239CA; and from Senator Lynch to LB 1221. (See pages 1381-83 of the Legislative Journal.)

Mr. President, new resolution, LR 297, by Senator Haberman.

March 20, 1990

LB 571, 656, 953, 1031, 1221

CLERK: Those will all be referred to the Executive Board. (See pages 1511-23 of the Legislative Journal.) LB 656 and LB 953 are reported correctly engrossed, those signed by Senator Lindsay as Chair of E & R.

Madam President, amendments to be printed to LB 1221 by Senator Withem; Senator Haberman to LB 1031; Senator Landis to LB 571. (See pages 1523-25 of the Legislative Journal.)

Madam President, the next amendment I have to the bill is by Senator Schellpeper and Dierks.

SENATOR LABEDZ: Senator Schellpeper.

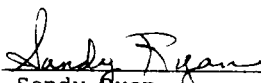
SENATOR SCHELLPEPER: Madam Chairman, I would move to adjourn until 9:00 a.m., March 21st.

SENATOR LABEDZ: Anything else to read in, Mr. Clerk?

CLERK: Not at this time, Madam President.

SENATOR LABEDZ: A motion has been made to adjourn until tomorrow morning at nine o'clock. All those in favor say aye. Opposed. The ayes have it.

Proofed by:


Sandy Ryan

March 27, 1990

LB 42A, 923, 931, 1059, 1059A, 1063A, 1221
1222, 1222A, 1241, 1244A
LR 11

Mr. President, Enrollment and Review reports LR 11CA to Select File. That's signed by Senator Lindsay as Chair.

Mr. President, your Committee on Enrollment and Review reports LB 42A, LB 931, LB 1059, LB 1059A, LB 1063A, LB 1222, LB 1222A, LB 1241, LB 1244A, all reported correctly engrossed. (See pages 1648-53 of the Legislative Journal.)

Hearing notice from Business and Labor for confirmation hearing, signed by Senator Coordsen as Chair. (See page 1653 of the Legislative Journal.)

Mr. President, Senator Beck would like to add her name to LB 923 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Mr. Clerk, proceeding to LB 1221.

CLERK: Mr. President, LB 1221 was a bill introduced by Senator Hannibal. (Read title.) The bill was introduced on January 18, referred to the Urban Affairs Committee for public hearing, advanced to General File.

SPEAKER BARRETT: Senator Hannibal, would you care to open on your bill?

SENATOR HANNIBAL: Thank you, Mr. Speaker, and members of the Legislature, LB 1221 is a bill, as you heard, came through the Urban Affairs Committee and LB 1221 does two things basically. It deals with the Omaha Plumbing Board and most of you have been made familiar with the issue even though it doesn't affect anybody...anybody's district with the exception of the City of Omaha. I hope I have had a chance to talk with all of you and I have heard...and I imagine you have been talked to by those that are not necessarily in favor of the bill. But anyway LB 1221 does two things to the Omaha Plumbing Board and, for those of you who are not familiar, the Omaha Plumbing Board is a five-member board consisting of four members that are considered in the plumbing industry, a journeyman plumber, a master plumber, four members there, and one health officer. LB 1221 expands that to add two new members to it, to the plumbing board and those two members would be a mechanical engineer and an architect. The third...second thing it does with that plumbing board is it removes...the specific requirement that the health officer serve on the board and allows the mayor to appoint a person from the general public as the fifth...or the seventh

member. The second thing that LB 1221 does is it allows the city council and the mayor to remove one of the functions of the Omaha Plumbing Board from the plumbing board and place it into a new board. And while the bill doesn't specifically say what the new board's name would be, the intention of the bill was to place the function...one of the functions with the Building Board of Review in the City of Omaha. The function that we're talking about is one of three functions that the plumbing board does serve right now. Those three functions basically are the examination and licensing of plumbers to do...perform work in the City of Omaha. Number two, the plumbing board has the ability to grant variances and variances are exceptions to the existing plumbing codes that the plumbing board has somebody come to them, request a variance, a change in exemption from a specific plumbing code for a specific project, the plumbing board has the ability to do that. The third thing that the plumbing board does is promulgate rules, regulations, codes, et cetera dealing with what kinds of plumbing materials can be used, what kind of methods can be used, and what kind of procedures are followed when you are installing plumbing in construction in the City of Omaha. LB 1221 would...allow the city council and the mayor to remove that function at their option and place that effectively with the Omaha Building Board of Review. Those are the, basically, the two things that the...that LB 1221 does. It expands the plumbing board by two members, adds a member that is a mechanical engineer and an architect, and it allows the city council and the mayor to move the function of setting the codes to the Building Board of Review as opposed to leaving it in the plumbing board right now. Now why...why do we want to do these things? The issue is one of trying to bring more people onto the plumbing board that are not quite as specifically involved in the plumbing industry. Bring them...they would be involved with the building industry but they wouldn't be involved in specifically the plumbing industry. So the board would be expanded to seven members. I would like at this point to suggest that rather than going into arguments for and against the bill, and I am sure we will have plenty of time to talk about it, I am sure you will hear some, but I do have an amendment that we did offer to the Urban Affairs Committee that was a technical and clarifying amendment that the committee, when they passed it out, did not adopt, and I don't think that it is an amendment that is considered controversial. It is strictly a clerical and kind of a technical and clarifying amendment, and I would like to cease my opening at this point and be able to move that amendment, and

then at that point, I assume that the chair would...the chair of the committee would also talk about that. With that, Mr. Speaker, I would end my opening.

SPEAKER BARRETT: Thank you. Mr. Clerk, you have an amendment?

CLERK: Mr. President, I do. I had other amendments pending. Senator Hannibal, as primary introducer, has the option to take his first, Mr. President. Senator, I have AM2397 in front of me. It is found on page 937.

SPEAKER BARRETT: Senator Hannibal.

SENATOR HANNIBAL: Thank you, Mr. Speaker. As I said, AM2397 addresses some possible need for clarification of the bill. There are, there are...it is just some language that was used in other parts of the law dealing with first class and primary cities and we are trying to make sure that if we allow the option to the city council and the mayor to move the rule and reg making authority out of the plumbing board to the Building Board of Review that those rules and regs would not be inconsistent with any laws that are already on the books in the State of Nebraska. It is not meant to do anything differently than that, and I believe that all parties involved in this, and by the way, I might add that most of you know that Senator Withem has several amendments...amendments pending on this issue and Senator Lynch I think has at least one, and maybe there is more than one. We have had a chance to talk, Senator Withem and I talked with members of the plumbing industry and the building industry, and sat down and had some meetings and negotiations trying to work out some things, and I think we have come to some...some conclusions and some agreement, not necessarily total agreement, but I do want to express my appreciation for Senator Withem and members of the plumbing industry to sit down and talk with members of the building industry and plumbing contractors to at least reach some accords that we have reached. I am not sure our battle is completely done yet, but we did do that. And I think that Senator Withem would also say that this is just a clerical...a clarifying amendment. With that, I'd offer the amendment.

SPEAKER BARRETT: Thank you, sir. Senator Withem, discussion, followed by Senator Hartnett.

SENATOR WITHEM: Yes, Mr. President and members of the body, in

reference to the specific amendment, 1221, that Senator Hannibal...to 1221 that Senator Hannibal is offering, I have no problems with it. I do have, and I am not going to get into the specifics, it is too late here today, I think, we just maybe set the stage for when we do have time to deal with the bill in its totality. I do have a number of problems with the bill, the rationale for introduction of the bill, and I think Senator Hannibal and I differ a great deal on the need of any sort of legislation. I think he also is correct in stating that we have had discussions and there are some things that maybe can be done that will improve the situation for the homebuilders in the City of Omaha, at least deal with what the problems are that they perceive with the status quo. Part of my problems are I have not been convinced that there are measurable problems with the status quo and that's one of the reasons I am not that excited about the bill. But we will be talking further, it is my hope that we can arrive at some sort of consensus so that we won't have to take the body's time to work our way through each and every one of the amendments. But I think I should also indicate that there are a lot of people up in Omaha who consider this bill to be a...not a particularly good piece of legislation and would like to see any and everything done to keep it from passing, at least in its current form. So we will be visiting further. I do have a question of Senator Hannibal, though, that because he characterized the bill in a fashion in his introduction that I don't quite understand. I know in the discussions we have had he has said what his intent of the bill is, but, Senator Hannibal, could you respond to a question, please?

SENATOR HANNIBAL: Sure.

SPEAKER BARRETT: Senator Hannibal.

SENATOR WITHEM: Could you tell me...you made the reference to the bill allows the City of Omaha through the mayor and city council to make a determination as to whether it is the plumbing board or the Building Board of Review that hears these code related matters. When I read the bill, I see that in page 6, Section 2, that the mayor shall select the board to administer and review building codes and inspections, and we are repealing the portion where the plumbing board has that option. Where in the bill do you see, and I may just have missed it, that it is an option of the City of Omaha to determine which of these two boards hears these decisions, makes these decisions.

SENATOR HANNIBAL: Well, Senator Withem, the way I read that language that it says that the mayor may by and with the consent...or the mayor by and with the consent of the city council shall select a board to administer and review building codes and, of course, my amendment will change that building codes to plumbing codes. But they by not suggesting a specific board there, what it says is the mayor may decide to leave that and choose that to be the same board, the plumbing board, as it stands right now.

SENATOR WITHEM: Okay, thank you, thank you, for that clarification. I will be supporting the Hannibal...the Hannibal amendment. I believe it is clerical in nature and then we can get into the more nitty-gritty of the bill after this is adopted.

SPEAKER BARRETT: Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker and members of the body, I think that Senator Hannibal stated it correctly. People voted on the bill in the committee, in Urban Affairs Committee, too rapidly before we could get this amendment and I think it is technical in nature, so I guess I would rise to support this amendment.

SPEAKER BARRETT: Thank you. Senator Hannibal, would you like to close on the adoption of the amendment?

SENATOR HANNIBAL: Only to summarize it that it is a clerical clarifying amendment. It doesn't do anything to the substance of the bill. It puts the bill in better form to understand exactly what the issues are and I appreciate Senator Withem supporting it, and I appreciate Chairman Hartnett of the committee supporting it. I would urge its advancement.

SPEAKER BARRETT: Thank you. The question is the adoption of the Hannibal amendment to LB 1221. All in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Hannibal's amendment to the bill.

SPEAKER BARRETT: The motion prevails. The amendment is adopted. Mr. Clerk, you have a motion?

March 28, 1990

LB 457, 1221
LR 378

and I think that now we have an opportunity to say, all right, 956 gave us statewide branched banking under no restrictions, now we have given you restrictions on branched banking statewide and I think the bill ought to be advanced. I ask your support. Thank you.

PRESIDENT: Thank you, and the question is, shall LB 457 be advanced? All those in favor vote aye, opposed nay. Say...yes, a roll call vote has been requested. Slipped my mind for a moment. Sorry. Mr. Clerk, a roll call vote on it, on the advancement of the bill. A call of the house has been requested. The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 13 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence. Those not in the Chamber, please return and record your presence. Unauthorized personnel, please leave the floor, and please return to your seats so we can see who is here. A reverse order has been requested in the roll call. Please record your presence. Thank you. Looking for Senator Moore, Senator Bernard-Stevens. Looking for Senator Scofield, Senator Wehrbein, Senator... Still looking for Senator Moore and Senator Scofield and Senator Wehrbein. We're looking for Senator Wehrbein. (Mike off.) ...the only one we're waiting for. Do you wish to proceed or do you wish to wait? Senator Wehrbein is here and the question, ladies and gentlemen, is the advancement of the bill and a roll call vote in reverse order has been requested. So, please hold it down so the Clerk can hear your response. Mr. Clerk, roll call in reverse order.

CLERK: (Read roll call vote. See page 1658 of the Legislative Journal.) 18 ayes, 25 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The bill fails to advance. Anything for the record at this time, Mr. Clerk?

CLERK: Mr. President, I do. Mr. President, I have a motion from Senator Elmer to withdraw LR 378. That will be laid over. That's all that I have, Mr. President.

PRESIDENT: All right, we'll move on to LB 1221. The call is raised.

CLERK: Mr. President, 1221 was a bill originally introduced by Senator Hannibal. (Read title.) The bill was introduced on January 18 of this year, referred to Urban Affairs Committee. The bill was advanced to General File. It was discussed yesterday, Mr. President. At that time Senator Hannibal had an amendment to the bill that was adopted. I now have pending, Mr. President, an amendment from Senator Withem. Senator, it's my understanding that you wish to withdraw and substitute AM3200. Is that...?

SENATOR WITHEM: That is, in fact, correct, yes.

PRESIDENT: A request has been asked to substitute. Any objection? If not, it is granted.

CLERK: Mr. President, Senator Withem would move to amend, I have AM3200 in front of me, Senator. (Withem amendment appears on pages 1659-60 of the Legislative Journal.)

SENATOR WITHEM: Yes, Mr. President, members of the body, we started talking about LB 1221 yesterday. met this morning with Senator Hannibal, some representatives of Plumbers Local 16 up in Omaha and some representatives from the Home Builders Association, Metropolitan Omaha Builders Association. Talked about some things we could do to maybe resolve this issue. In many ways this is a parochial concern but it is one where both sides feel very strongly that their position is correct. The plumbing industry up in Omaha feels very strongly there does need to be strong regulation of the plumbing industry because of the fact that the fresh water system and the waste disposal system of a city particularly the size of Omaha, it is very important that that be, the health of that system be maintained. The folks on the other side all feel very strongly on the other side that the regulations of the plumbing industry up in the Omaha area have stifled the use of some newer types of materials, that they feel would cut the cost of building construction up in the Omaha area and they feel strongly that there need to be some changes. We, as a Legislature, have this problem brought to us. It would be my preference that it not be brought to the Legislature, but Senator Hannibal has done so, so we have to deal with it. What we have done I think is arrived at a compromise approach here that will give the...will open up the system somewhat to consider some changes, but will not be the wholesale sort of opening of the system that was proposed

with 1221 in its original form. What we have here is a narrative that we passed out of the amendments along with a copy of AM3200. It's very similar to an amendment that was passed out yesterday that was on your desk for consideration. Let me go through here what this amendment does and then allow you to ask any questions or allow Senator Hannibal to make any reactions he may choose to. The original bill called for changing the membership of the Omaha Plumbing Board from a four-member, a five-member board to a seven-member board. The current board consist of two journeymen plumbers, those are the people that actually work with the tools and do the actual plumbing installation, two master plumbers, those are basically people that are involved in plumbing business that own plumbing businesses, and a representative of the Health Department. That is the current plumbing board. The current bill called for adding to that board a mechanical engineer and an architect and replacing the health inspector with a member of the public at large. What this amendment does is it basically leaves the bill very close to the way 1221 proposed except it readds the chief health officer as a nonvoting member of the plumbing board. It also clarifies a number of things. It says that the members shall continue to serve until a successor has been appointed. That is usually understood but it doesn't give that provision in statute. Today we're adding that. Indicates that the city will need to provide a location for the board to meet, that the plumbing board shall maintain a record of all complaints and a disposition of each complaint. The plumbing board...the other major change, I guess, in the bill was that the bill as drafted would say that the plumbing board would not necessarily continue to be the board that would hear initial requests for variances, code changes, material acceptance, those types of things, that there would be a choice as to whether it would be the plumbing board or the Building Board of Review up in Omaha. What this amendment does is it clarifies that the plumbing board is the board that has initial authority to hear all of those concerns but that it is the Building Board of Review that will be given appeal rights to hear those. In other words, if you want to adopt a new plumbing material, a new type of drain material, that the plumbing board will hear that request initially, but then if the people that brought that request don't like it, they can make an appeal to this Building Board of Review again. Current practice is the plumbing board hears all of those, Building Board of Review is not involved at all. The original bill would have given the city the authority to take all of that away from the plumbing board and let the Building Board of

Review have the initial hearing of all of those. This says plumbing board will continue to hear those initially, but the Building Board of Review is the first line of appeal. It also...one additional item, a change that it makes is currently the plumbing board has the ability to revoke a license if somebody is practicing the plumbing industry, not following the codes, performing improperly, they can revoke a license but currently they can't suspend it. Suspension is a lesser penalty than revocation. Currently, they either slap the wrist or take away their license entirely. The suspension will give little better authority for the board to police the plumbing code up in the City of Omaha. That's what the changes do. I would answer any questions that any of you may have.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Any discussion on the Withem amendment? Senator Hannibal.

SENATOR HANNIBAL: Thank you, Mr. Speaker and members of the Legislature, I rise to support the Withem amendment and I would like to say thank you to my colleagues who have put up with this issue off of the floor for the last month or so I guess, hearing both sides of an issue and realizing that for many of you it was a nonissue because it didn't affect your district, didn't affect any district other than the City of Omaha. And I also want to thank Senator Withem, and his staff for that matter, for working closely with us and the representatives from Plumbers Local 16 to sit down and try to save this floor a lot of time and probably a fairly heated debate on pros and cons of this whole issue. As Senator Withem has stated to you, this is a compromise, a worked-out thing that probably leaves nobody perfectly happy and leaves nobody terribly at a major loss. Under this compromise, as Senator Withem pointed out to you, we do have an expansion of the plumbing board which was one of the things that was sought in 1221 to open it up a little bit, to have nonplumbers on the board, people that are involved in the industry in some way but were not plumbers per se, to look at codes, to look at variances and to look at changes of methods of doing things from a more total view as opposed to just from a more narrow scope of a plumber or a plumbing contractor, and that's one of the things this bill does do. What the bill doesn't do now in this amended form, it does not allow the mayor and the city council to move that code revision or code review out of the plumbing board and put it into the Building Board of

Review which was the other major thing that 1221 sought to have done. I don't move away from my belief that that was a proper thing to do, but...and I know that Senator Withem and Senator Lynch probably would not move away from their belief that it is not the proper thing to do, but we have come to an agreement where the bill does some things for both sides. On the builders we have a better vehicle to look for new kinds of methods and materials for installing plumbing in residential-commercial buildings in the City of Omaha, be more like what you have every place outside of Omaha, and on the other side we have an appeals process now to move to the Building Board of Review from the plumbing board which we did not have before. On the other side the plumbing board has been looking for quite some time to be able to have a suspension of a license as opposed to revocation as a tool against their members for discipline purposes, to make sure that they are doing things right. Revocation, as you well know, is a very harsh thing and it isn't used very often. Suspension may be used more and it was the proper tool to give them. They have also been looking for an ability to meet after normal work hours which the plumbing board are everyday working type of plumbers that in many cases that work an eight to five job, eight to four-thirty, and yet they'd have to take a day off work, become the plumbing board, we're hoping we can move that to an after hour so that they can meet more conveniently. We also are allowing them, they want to have a recorded document for complaints and it's probably good to have a recorded document for violation complaints so we can see what indeed are common violations or the most prevalent kinds of problems you might have.

SPEAKER BARRETT: One minute.

SENATOR HANNIBAL: So it does some things for both sides I believe, and while it doesn't do all the things that I would like to do and was prepared to make an argument to you, it does some things that I think are good for the City of Omaha and I think it does...it moves far enough for me now to not take up maybe the rest of your session if we debated this whole thing and so I am going to support this amendment and I hope that you will as well.

SPEAKER BARRETT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. Speaker and members of the body, I've got some questions I guess, maybe either for Senator Withem or maybe

Senator Hannibal. On the first page, Senator Hannibal talked about the suspension, Senator Withem, you've added that particular part to it. Is that up to the plumbing board how long they would suspend the...?

SENATOR WITHEM: Yeah, I would say that they would have the authority to suspend for a definite time period is to be determined by them. Currently, they can revoke a license, but they can't suspend it, yeah.

SENATOR HARTNETT: That seems like a good part. And another question I have for you, it seemed like when we heard the bill in the Urban Affairs Committee one of the things that was stressed by the people who were opposed to the bill at the time was dealing with the health issue, and why did you in your amendment or what negotiations and so forth, make that particular person, health officer, a nonvoting member of the plumbing board? Why did you do that, because that seemed to be, when we met and the bill was first heard in our committee, that health officer, I think is, to me seemed to be a very important component of this board, to see that the health regulations are met in the plumbing industry, so why did you make it nonvoting, I guess?

SENATOR WITHEM: I'll give you the real reason first. It was a political trade-off. (laughter) How can you justify doing that is the other question. He'll still be there, Senator Hartnett, he'll still be there as an advisor to the board. The issue was, should we open up the plumbing board with more members than current? Because, you know, using Senator Hannibal's logic, it is in very many ways...it's a closed shop now. It is...consists of four plumbers and the individual from the Health Department and there is no input on the board from people outside of the plumbing industry and the desire of the bill was to open that up to get more representation on, adding three new members, two of them from the design profession who...and then a public at large member was the original intent of the bill. It was our feeling that if we had the chief health officer still a member of the board, but just not a voting member, more of an advisory member, his input can still be there as far as what is likely...to what changes are likely to cause pollution of...I mean, the health process is that if you allow people to just go and throw pipe in the ground any way they want to, it's going to start leaking and you're going to get pollutants ingested into our fresh water system, so it's important that the person be there but not

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necessarily important that he be a full voting member. I'm sorry, I'm taking your time.

SENATOR HARTNETT: Thank you.

SPEAKER BARRETT: Any other discussion on the Withem amendment? Senator Withem, would you like to close?

SENATOR WITHEM: I would merely urge a vote for the amendment.

SPEAKER BARRETT: The question is the adoption of the Withem amendment to 1221. Those in favor vote aye, opposed nay. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Withem's amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Senator, the next amendment I have is your AM2596.

SENATOR WITHEM: I would withdraw, excuse me, I would withdraw 2596 through 26...whatever else I have up there.

SPEAKER BARRETT: They are withdrawn.

CLERK: Mr. President, the next amendment I have...does that include 2967, too, Senator?

SENATOR WITHEM: Yes, that does include 2967 and it also includes 3093 which follows.

CLERK: Thank you. Mr. President, the next amendment I have to the bill is by Senator Lynch. Senator, your amendment is printed on page 1382 of the Journal.

SPEAKER BARRETT: The Chair recognizes Senator Lynch.

SENATOR LYNCH: Mr. Speaker and members, about eight years ago, I had a good friend, Cliff Rodstrom, who was a plumbing contractor. He committed suicide. The reason he committed suicide was that a builder he was doing work for took the money that the builder got from the bank and left town. Now I guess in business circles that's only considered business if you can get away with it, but it made a point that, in fact, you can rob

a bank in a lot of different ways and you can steal from people and, in fact, get away with it in some cases. This amendment, which I intend to withdraw by the way, simply would have provided a replacement for the bill as we now know it with legislation that would provide a pool into which the money developed from the lending...lending source, be that a savings and loan or a bank, would go into a pool out of which would be paid the subcontractors and the suppliers for their labor, for their material and for their time. After that, whatever is left belongs and should go to the builder. I think it's a sad, sad thing in this country when we have a system of business that provides this kind of thievery and we should do something about it. We shouldn't joke about it, we shouldn't think that we should be willing to tolerate it. We talk about the savings and loan companies going down and going bankrupt, I got to tell you, a lot of people got money out of those savings and loans before they went bankrupt and stole it as well. Nobody should have the right to borrow money on the pretext of paying other people and then steal it. I intend to introduce this legislation again next year, but I did want to bring to your attention the reason that I got so concerned with legislation that involved builders and contractors and suppliers and codes and ordinances was that there is a lot of things we can correct in this country and there is a lot of things we can correct in this state and one of those things should be a process in the statutes that prevents this kind of business, this kind of thievery from being able to take place. Maybe the pool isn't the right process, but we have to develop a process to prevent people from doing business this way. It's a wrong thing to do. It is no credit to anybody. It happens more often, in some cases, with certain contractors than with others, but in any case it happens. So I just want to bring to your attention that this, in fact, takes place. It happens more often than you might think. Fun and games is played all the time with contractors and to subcontractors and suppliers not only in the process of construction where auctions take place, where a subcontractor can give a price to a contractor and that price can be used if they think that subcontractor is a legitimate contractor and shopped around to see if they can get somebody else to do it cheaper. I know that to replace the bill with this would have been inappropriate, but I thought if the bill wasn't amended, the most important thing we could do is not to worry about an Omaha, Nebraska, whether we had given authority back to contractors, in some cases that did the things I already mentioned, to do even more things on their own. But maybe to change that legislation to something like

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this would have made sense, develop some integrity in not only the lending of money, but how it is spent and how it is paid back to people who deserve it. So I respectfully...by the way, I'm not emotional, I've just got a cold, but I am emotional. This is a terrible, terrible thing indeed we allow to happen. So I would respectfully withdraw this amendment.

SPEAKER BARRETT: Thank you. The amendment is withdrawn.

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

SPEAKER BARRETT: Senator Hannibal, have you concluded your opening remarks on the bill? At that point, is there discussion, further discussion on the advancement of 1221? Senator Korshoj, any discussion?

SENATOR KORSHOJ: Mr. President and members, no, I was going to speak on Lynch's proposed amendment, but it's no more there. But I would tell him then to put it in the record. I introduced a bill for that very purpose in Judiciary this year and it died there. I think it's still alive, but it's getting awful sick, but you could get the testimony of that. There is some very good stuff in there for next year and some very good examples of how this has been abused, and I think it should be looked into and I'll be standing behind you next year only about 85 miles behind Dan, but give it to them. Thank you.

SPEAKER BARRETT: Thank you. Senator Withem.

SENATOR WITHEM: Yeah, I just have a question for Senator Korshoj?

SPEAKER BARRETT: Senator Korshoj, would you respond.

SENATOR KORSHOJ: Yes, sir.

SENATOR WITHEM: Do you think there is a chance that if Senator Lynch were to introduce this bill next year, you might venture from Herman, Nebraska, back here for a reunion to testify on behalf of this bill?

SENATOR KORSHOJ: I really think I would.

SENATOR WITHEM: Okay.

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SENATOR KORSHOJ: Got a lot of good examples.

SENATOR WITHEM: Just wanted that in the record is all.

SENATOR KORSHOJ: Do I get per diem, or is this out of my own pocket?

SENATOR WITHEM: I'm afraid it's out of your own pocket, I'm sorry.

SENATOR KORSHOJ: I can stand it.

SPEAKER BARRETT: Thank you. If there is no further discussion, Senator Hannibal, would you like to close?

SENATOR HANNIBAL: Yes, Mr. Speaker, a couple of responses to Senator Lynch and Senator Korshoj. I do appreciate what they have brought forward and I understand that situation and I have a lot of empathy for it and I will only be about 60 miles behind, next year at this time, when this legislation comes in, but I can get down here a little cheaper than Senator Korshoj, and as a matter of fact, it might surprise you, but I would certainly be interested in working on something that would do that as long as it was done properly, universally and fairly so it could be done. I have no problem, nor do I think our builders association, the statewide association or the Omaha association, have any problems with trying to make sure we have good business practices going on, not only in our business, but in any business. It is unfair, it is indeed unfortunate what Senator Lynch brought forward, that indeed did happen. Regarding LB 1221, again, I thank Senator Withem and Senator Lynch and those who worked to hammer out this compromise, I think it is a step forward for us. I am hopeful that the step forward will be a measurable one so that we can, in Omaha, enjoy the advancement of technology and introduction of new techniques and new materials and be able to install those into homes and commercial operations as they become available, as in some cases they are available, and I would urge the advancement of the bill.

SPEAKER BARRETT: Thank you, sir. The question is the advancement of LB 1221 to E & R Initial. All in favor of that motion vote aye, opposed nay. Have you all voted? Please record.

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LB 976, 1221

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 1221.

SPEAKER BARRETT: LB 1221 advances. The Chair is pleased to note that Senator Lowell Johnson has guests under our north balcony, Mr. and Mrs. Bob Taylor of Fremont, Nebraska. Would you folks please stand and be recognized. Thank you. And in our south balcony from Senator Hartnett's district we have a number of eighth and ninth graders from Logan Fontanelle, Bellevue, Nebraska, with their teacher. Would you folks please stand and be recognized. Thank you. We're pleased that you guests could be with us today. Anything for the record, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Moving then to LB 976.

CLERK: Mr. President, LB 976 was introduced by Senators Pirsch, Beck, Langford, Peterson and Lowell Johnson. (Read title.) The bill was introduced on January 4 of this year, referred to Judiciary. The bill was advanced to General File. I have no committee amendments, Mr. President.

SPEAKER BARRETT: The Chair recognizes Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker, members of the body, LB 976 increases criminal drug penalties for violations which take place within 1,000 feet of the real property comprising a public or private elementary, secondary, postsecondary or vocational educational institution or of a playground, public or private youth center, public swimming pool or video arcade. And each violation within the 1,000-foot zone would be punished by the penalty prescribed to the next higher penalty classification. LB 976 also provides that any person convicted of violations within that 1,000-foot zone shall not be placed on probation nor shall that person have the imposition or execution of his or her sentence suspended for any reason. LB 976 also allows courts to impose fines against those persons convicted under Section 28-416 where the penalty is a Class II felony, Class ID felony, Class IC felony and Class IB felony. The maximum fine which may be imposed under each felony classification is as follows: Class II felony, \$50,000; Class ID felony, \$100,000; Class IC felony, \$150,000; Class IB

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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 571A, 843A, 1055, 1221
LR 419, 420

SENATOR HALL: Senator Moore, I would be willing to say that that's a very good bet.

SENATOR MOORE: Okay.

SPEAKER BARRETT: Have you finished, Senator Moore? Okay. Any other discussion? If not, the question is the advancement of LB 1055 to E & R Engrossing. All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1221.

CLERK: Mr. President, on LB 1221 I have E & R amendments, Senator, first of all. (See E & R amendment AM7200 as found on page 1738 of the Legislative Journal.)

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1221.

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

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1221, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of LB 1221 say aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, items for the record.

CLERK: Mr. President, Enrollment and Review reports LB 571A is correctly engrossed, LB 843A is correctly engrossed. LB 843A, line 58, all reported correctly engrossed, both signed by Senator Lindsay. Bills read on Final Reading were presented to the Governor as of 5:29 p.m., Mr. President, new resolutions: LR 419 by Senator Wesely, Chizek, Nelson, Lindsay, Hall, Korshoj, asking the Legislature to call on ConAgra to retain the County General Stores headquarters in Grand Island; LR 420 by Senator Scofield asks the Legislature to recognize and commend all volunteers of the Cooperative Extension Boards, 4-H and Home Extension Clubs, that will be laid over; amendments to be

April 4, 1990

LB 431, 854, 976, 1054, 1055, 1062, 1090
1124, 1221
LR 239

unusual thing yesterday. We went ahead and moved nine or so bills without any debate and without any further amendment, controversial bills at that on General File, moved them to Select File, and I think we all knew what was going on that day. But what we did yesterday, in essence, I think as a body was decided that we could do this to the rules because of the situation that we are in in order to get some things done, and I want to try to give the body at least a chance to do the same thing today. I am not trying to do as others, I am not trying to say I don't want an abortion fight today. I am ready for an abortion fight today. I am ready for it now. I am ready for it an hour from now. I am ready for it at four o'clock, and I am ready for it at 11:59 tonight. It doesn't bother me when we are going to have that fight and I want to have that fight. What I am also suggesting, though, is that we have a chance now in the beginning to say as we did yesterday that there are some things we, as a body, can do that will not jeopardize the fight that is to come, but we can do these things today. I am suggesting to you that I am not trying to put off the fight. I am, in fact, trying to give the body an opportunity to at least say when the fight is going to take place. What my amendment would do, what my motion would do, excuse me, would change the agenda in the following way, and it is not a major change so it's easy to follow. If the motion is agreed to, we will simply jump to item six and item seven on the agenda. Those are bills on Final Reading that need to come back for specific amendment. I know Senator Hall has an interest in LB 1090. I know on item seven, if I understand that motion correctly, it is on the low-level nuclear waste, LB 1054, that needs to come back for a specific amendment. After we take care of item six and seven, which will take some time, I am then proposing that we go back to Select File, right at the top of Select File. I am also going to suggest, and actually it is not a suggestion, it is in my motion, I want you to know also what I have done. I have also said that if you look at Select File, we have got LB 431, which, Senator Wesely, regardless of what we do today, that will be the first bill up and there is going to be an attempt and an amendment on that one, I know. LR 239CA, I don't know what is going to happen. Originally I had heard from Senator Withem that there is a motion filed, and I believe it was filed, to have a discussion whether or not the body wants to bracket LR 239CA. If you go down with me on the Select File list, LB 1055, LB 1221, LB 1124 are gone. We passed them yesterday. Which brings us to LB 976 and LB 854. Beneath LB 854 is a bill, LB 1062 which I, myself, in discussion with Senator Lynch, I

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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

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LB 272A, 1055, 1124, 1141A, 1221

hope that we would be able to continue the work. We ought to be able to pass over LB 1141A and try to make the thing work whichever way the body chooses and continue our work whether...

SPEAKER BARRETT: Senator Schmit, excuse me.

SENATOR SCHMIT: Surely.

SPEAKER BARRETT: (Gavel.)

SENATOR SCHMIT: Thank you, Mr. President. So I'm not offering it as a motion, but I'm offering as a suggestion in the interest of expediency and cooperation that we pass over the bill at this time and let the principals get together while we work on LB 1055, LB 1221, LB 1124 and a number of other bills, Mr. President. I believe it's a reasonable suggestion. And Mr....I don't know who to ask, Senator Landis.

SPEAKER BARRETT: Senator Landis, would you respond?

SENATOR LANDIS: Ask me the question.

SENATOR SCHMIT: Senator Landis, is there a problem with the use of LB 1141A at this time on this day because I recall years ago on a Christian school...

SPEAKER BARRETT: Senator Schmit, would you please speak into the mike.

SENATOR SCHMIT: Years ago on the Christian school bill I believe you challenged the introduction of a bill in this manner in the last few days. Would you respond please.

SENATOR LANDIS: Yes. And there is a potential flaw, you are correct in that. The suggestion that I would make to the body is that they proceed on two tracts, one being a legislative act, the second being a legislative resolution and do them both at the same time, trying to make sure that we have workable language. Senator Schmit, you're exactly right. There's a problem with five day language should it be challenged. And I'm not sure whether you can argue that LB 272A, having been passed this session, would authorize us to do this. I am far enough out on the legal limb to say...to acknowledge that there is trouble on that area. I'm just trying to nail down the hatches as best I can.

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 1221, 1246, 1246A

excused not voting, Mr. President.

PRESIDENT: LB 1221 passes. Senator Chris Abboud, would you go to your microphone, please? I have a question to ask. Would you just tell us what's what, please?

SENATOR ABOUD: Well, I'm kind of speechless, actually.

PRESIDENT: Kind of like Bernard-Stevens, aren't you?

SENATOR ABOUD: Yes. (Laugh) My wife gave birth to our young son, Michael Christopher, at 3:12 Saturday afternoon, an 8 pound, 10 ounce boy. He was 20 inches and... 20 and 3/4 inches long, so he is a big little boy, and we're just... my wife is doing just fine and I'm still a little flustered about it but everything...the child's doing great, too, so thank you.

PRESIDENT: Thank you, Senator Abboud. LB 1246 with the emergency clause attached.

CLERK: (Read LB 1246E on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1246 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote taken as found on pages 2005-06 of the Legislative Journal.) 48 ayes, 1 nay, Mr. President.

PRESIDENT: LB 1246 passes with the emergency clause attached. LB 1246A with the emergency clause attached.

CLERK: (Read LB 1246AE on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1246A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote taken as found on pages 2006-07 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 1246A passes with the emergency clause attached.

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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