

January 5, 1989

LB 81-160
LR 1-2

being here and thank you for your services. We also have guests of Senator Rod Johnson under the north balcony. We have Omer Troester of Hampton, Nebraska. With him is an exchange student, Alberto Porras of Costa Rica. Would you gentlemen please stand up and be recognized. Thank you for being here. We also have, over under the south balcony, a former member of this Legislature, Senator Tom Fitzgerald, would you please stand up and wave your hand. Thank you. Please welcome Senator Fitzgerald back. Thank you, Tommy. Mr. Clerk, back to the reading.

CLERK: (Read LB 81-98 by title of the first time. See pages 61-67 of the Legislative Journal.)

PRESIDENT: We'll stand at ease for some 15 minutes or half an hour while we get some of the work caught up up here in front. So be at ease, please, for a while. Thank you.

EASE

CLERK: Meeting of the Health Committee, under the north balcony, right now. Health Committee, north balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BAPRETT: Additional bill introductions, Mr. Clerk.

ASSISTANT CLERK: (Read LB 99-150 by title for the first time. See pages 67-76 of the Legislative Journal.) That's all I have at this time, Mr. President.

SPEAKER BARRETT: More bill introductions, Mr. Clerk.

CLERK: (Read LB 151-160 by title for the first time. See pages 76-79 of the Legislative Journal.) Mr. President, in addition to those new bills I have new resolutions. (Read LR 1-2 for the first time. See pages 79-81 of the Legislative Journal.)

Mr. President, in addition to those items I have a series of announcements. Mr. President, there will be a meeting of the Executive Board today at three-fifteen for purposes of referencing. Executive Board, three-fifteen for referencing.

Mr. President, Senator Rod Johnson would like to have a meeting

February 23, 1989 LB 114, 129, 183A, 221, 342, 357, 545
577, 640, 695
LR 37

General File with amendments, LB 577 General File with amendments, those signed by Senator Landis as Chair. (See pages 848-49 of the Legislative Journal.)

Government, Military and Veterans Affairs reports LB 545 to General File with amendments, LB 640 General File with amendments, those signed by Senator Baack as Chair. Transportation Committee reports LB 129 to General File, LB 695 to General File, those signed by Senator Lamb as Chair. (See pages 853-55 of the Legislative Journal.)

Mr. President, I have a report and a motion by the Appropriations Committee regarding the Nebraska Energy Settlement Fund. That report is filed pursuant to statute.

Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 10:00 a.m. (Re: LB 342, LB 114, LB 221.)

A new A bill, LB 183A by Senator Baack. (Read for the first time by title.) A new resolution, LR 37 by Senator Korshoj. (Read brief explanation.) That will be laid over, Mr. President. (See pages 857-58 of the Legislative Journal.) That is all that I have at this time, Mr. President.

SPEAKER BARRETT: Mr. Clerk, proceed to General File, LB 357.

CLERK: LB 357, Mr. President, introduced by Senators Nelson, Smith, Schellpeper, Coordsen. (Read title.) The bill was introduced on January 11, referred to the Education Committee. The bill was advanced to General File, Mr. President. The Legislature on February 8 considered the bill. At that time committee amendments were adopted. There was an amendment to the bill by Senator Nelson. That was adopted. Mr. President, Senator Withem then bracketed the motion until February 22. I do have amendments pending, Mr. President.

SPEAKER BARRETT: Senator Nelson, I wonder if perhaps we could go to you first for a very short refresher on the bill to bring us up to speed. Would you do that, please?

SENATOR NELSON: Thank you. I would be pleased to do so. As it was noted, LB 357 was bracketed when it was brought to us about a week ago, and we finally, I guess, got to it today. There were two main concerns. Actually, first, I will start and tell

have the body's attention just very briefly,...

PRESIDENT: Just a moment, Senator Hall. (Gavel.) Could we please have your attention. Senator Hall has something to say to you.

SENATOR HALL: Highly unusual, but....Mr. President, members, LB 240 was a bill that was passed last year. The contents of LB 240 was amended into another bill that dealt with handicapped parking permits. It was a bill, I think, that Senator Wesely carried. So the contents of the bill was passed last year. LB 240 is a bill that's sitting on Select File. And I have an amendment that would gut the bill and place another bill into LB 240. So I have a motion to suspend the germaneness rule and offer the amendment. The amendment would be the bill that was before the Transportation Committee, LB 129, which deals with the issue of a statewide dual party relay system for the hearing and speech impaired. It is a very important issue. It's a very important issue, not only in Nebraska but nationwide. And I would ask the body's support in suspending the rules so that this bill could basically be discussed at this time and be presented to the full Legislature in the form of LB 240. Now, clearly this is the first time it's happened in the session. There are those who may not want to support this measure clearly on the basis of the parliamentary procedure. The fact that LB 129 had no opponents, was given, I think, a very thorough hearing in Transportation by Senator Lamb and the committee, had much support, and I think is very much needed and very timely. Currently, before both the Senate and the House in Washington there are proposals to mandate these relay systems. And that mandate will be done by individual telephone companies unless the state has already put this system into place on a statewide basis.

PRESIDENT: Senator Hall, may I interrupt? Could we please have your attention. There is a lot of noise. And for those who wish to listen, please let's hold it down. Senator Hall.

SENATOR HALL: Thank you, Mr. President. The issue is one of doing it in a very timely manner, doing it in a very efficient manner by putting the relay system into place across the state. Instead of having the hodgepodge, mismatched operation where each individual telephone company would be required, by federal mandate, to have this relay system, if we are to pass the contents of 129, have it in place prior to the federal

legislation that will go into effect, it's been passed out of both houses of Congress, we will have a system that is very much on-line, very efficient, very cost-effective to the people who are out there trying to use it. LB 129 has a number of supporters who are here today, out in the Rotunda, folks from both the Public Service Commission and the Commission for the Hearing Impaired who would be, I think, very happy to see your support for this measure. It's unfortunate that 129 will not be able to probably work its way through the system. If we do not suspend the rules, we won't very likely, unless the Speaker should special order it, be able to get to this issue yet this year and have the system on-line in time to add the statewide system in place prior to passage of the federal legislation. So I would hopefully, very earnestly ask the body for your support to suspend the rules and place LB 129 before us in the form of an amendment to LB 240. Thank you, Mr. President.

PRESIDENT: Thank you. The question before us, of course, is the suspension of the rules. Senator Lamb on the suspension of the rules.

SENATOR LAMB: Well, Mr. President and members, as Senator Hall mentioned LB 129, which will be adopted into this bill, is a bill that was advanced by the Transportation Committee. And LB 240, the original 240 was amended into another bill. So we have this vehicle here which Senator Hall would use to advance LB 129 and, of course, get it ahead of where it would be otherwise. I have no objections to the bill, LB 129, as it was advanced from the committee, I support the bill. The only question I think is whether or not you want to adopt this procedure of advancing this bill, in this manner, ahead of some other bills that might logically come before it. So I will support the bill, I may not take part in the suspension process, but that certainly is your decision.

PRESIDENT: Thank you. Senator Hall, would you like to close on the suspension.

SENATOR HALL: Just to say, Mr. Speaker, I appreciate Senator Lamb's comments and the work that the Transportation Committee has put into this for the last couple of years. This amendment has been filed on LB 240 since last year, so it is not something that was brought to the Clerk's desk this morning. It is an important issue. I would urge the body's support to suspend the rule.

PRESIDENT: Thank you. The question is the suspension of the rules. All those in favor vote aye, opposed nay. Requires 30 votes. We're voting on the suspension of the rules. Record, Mr. Clerk, please.

CLERK: 30 ayes, 2 nays, Mr. President, on the suspension of the germaneness rule.

PRESIDENT: The rules are suspended. Now we're back to the bill. Senator Hall.

SENATOR HALL: Thank you, Mr. President, members. I appreciate that last vote. I would ask you if you would please, the amendment that you have before you is LB 129. If you would open your bill books to that bill, probably the best explanation that I can give is to ask you to look at the explanation from committee counsel for the Transportation Committee and also the fiscal note that accompanies the bill. It explains the dual party relay system and how it would operate. Currently in Nebraska there are two systems that are in place. The City of Omaha and the City of Lincoln have this system that allows those folks who are hearing impaired or speech impaired to basically call in, use a device that is known as a TDD device, that I happen to have here, and what they do is they place their phone cradle into this machine. And then the machine will just print out what the message is so those individuals who cannot hear or cannot speak in a manner that is audible for other individuals can just read what the message is. And it's unique, it is what...I think the things that we talk about technology should be doing and allow folks who have a handicap to basically function no different than you and I. We often times take for granted the simple operation of a telephone and forget that Alexander Graham Bell, when he was inventing the machine, was doing it as a way to help those who were hearing impaired. The telephone industry is very supportive of the measure. A relay system is one that has, I think, currently in place in about 16 states. And, as I mentioned in my opening in the rule suspension, is currently in the process of coming down some mandate from the federal government in the discrimination bill that came out of the Senate and the House, so that it is just a matter of time before these relay systems will be required to be in place. By doing it on a statewide basis I think we accomplish a number of things. Most importantly is we have a uniform system across the state that provides 24-hour service,

SENATOR HABERMAN: And that money would go to the telephone companies.

SENATOR HALL: They would be collected by the telephone company.

SENATOR HABERMAN: And is the money for the new commission and for the new rent and for the new office buildings and so and so forth, that would be paid out of what fund?

SENATOR HALL: The cost for the entire system would be paid out of the access charge that would be on. So in other words, the three hundred odd thousand dollars that the four cents would raise, Senator Haberman, would cover the cost of the system. That is including all those things that you just named.

SENATOR HABERMAN: Then all costs to LB 129 will be paid for out of the present four cents access line charge which could go to ten cents.

SENATOR HALL: That is correct.

SENATOR HABERMAN: Is there any limit as to when the telephone companies or whoever could raise it to ten cents?

PRESIDENT: One minute.

SENATOR HALL: It would be at the, again, discretion of the Public Service Commission and it would be reviewed on an annual basis.

SENATOR HABERMAN: Would it not be from this new commission that is being started?

SENATOR HALL: No.

SENATOR HABERMAN: The advisory commission?

SENATOR HALL: No.

SENATOR HABERMAN: What is their role going to be?

SENATOR HALL: Their role will be to work with the hearing impaired community, those individuals, to establish, help establish the system and make sure that it is up, operating and

available to those individuals is ridiculous, so my efforts working with the industry are to try to get the industry to basically ante up the cost of the devices so that they then can be distributed by this commission that Senator Haberman talked about and the Commission for the Hearing Impaired so I want to see them to continue to buy in to a greater extent in this program, you're absolutely right that they could very well absorb the cost themselves. This is a straightforward approach on my part in terms of paying for it as we go, but that probably is the policy question and you, as always, have touched on it without too much maneuvering.

SENATOR SCHMIT: Thank you, Senator Hall. I would just like to add that I do not see among the proponents any members of the industry...

PRESIDENT: One minute.

SENATOR SCHMIT: ...I would have hoped they would be there in full force and about four abreast and ten deep promoting this industry or this idea. I see that Mr. Osland, Nebraska Telephone Association, is neutral on it, but I would just hope that members of this body who were so adamantly concerned with the benefits of telephone deregulation will find that those benefits do not necessarily trickle down to the people whom Senator Hall is attempting to serve here and that when they do become available to those individuals, it almost has to be by legislative mandate. So I guess I'm a little bit surprised, Senator Hall, that the industry is willing to allow legislative encroachment in this area after having fought so valiantly and, I might add, well, just valiantly, I'll let it go at that, for deregulation. But let this be a lesson to all of us that when a real need is discovered out there and a service has been determined to be lacking, then once again this body will act in the role that the Public Service Commission acted in for many years and if this body does not do so, then that need is not going to be met. That's the end of my editorial for today. Thank you very much.

PRESIDENT: Thank you. Senator Hall, would you like to close on your amendment, please?

SENATOR HALL: Just, Mr. President, members, I would urge the body to adopt LB 129 into the current LB 240. Thank you.

PRESIDENT: The question is the adoption of the Hall amendment. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Hall's amendment.

PRESIDENT: The Hall amendment is adopted. Senator Hall.

CLERK: Mr. President, Senator Hall would move to amend his bill. Senator I believe this is your date change amendment. (Hall amendment appears on page 338 of the Legislative Journal.)

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, members, now that we have amended LB 240 we have to change the dates that were in the original LB 129. We strike October 1, 1989 and insert January 1, 1991 for the effective date throughout the bill. We also add the language that the proceeds from the surcharge shall be remitted monthly, no later than 30 days after the end of the month in which they are collected. This is so that the industry sends the money to the Public Service Commission so that we can basically pay for the relay system. And then we also add language that specifies the dual-party relay system shall assure prompt and accurate relay of all messages seven days a week, 24 hours a day, including holidays. It's basically a change of the date and clarifying language with regard to the intent of the bill. I would urge the amendment's adoption.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Hall amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Hall's amendment.

PRESIDENT: The second Hall amendment is adopted. Now we're ready for the advancement, Senator Hall.

SENATOR HALL: Mr. President, I'd be move that LB 240 be advanced to E & R for engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. We'll move on to LB 486.

appreciate very much Senator Hall's willingness to allow us to have this discussion with his bill, and I would urge you to support it.

SPEAKER BARRETT: Thank you. The Chair recognizes the member from the 7th District, Senator Hall.

SENATOR HALL: Thank you, Mr. President, members. I rise in support of the motion to bring back LB 240, the bill that we amended the provisions of LB 129 into a week ago. If you recall, it deals with the relay system for the hearing impaired. I appreciate Senator Baack, Senator Withem's motion that they bring to us, the former LB 719 I think it is. I do, though, want to point out to the body that with the return of the bill, the adoption of the amendment into 240, I do have a couple of amendments that I will ask very briefly. They are, I think, real cut and dried amendments to follow. I've talked to at least Senator Baack, because Senator Withem was not here yesterday, about those amendments, and I don't think they will take much time. But please know that I will follow the adoption of this amendment with two amendments that deal with the adoption of 719 into 240. But I would urge the body to return the bill for purposes of amending it. Thank you.

SPEAKER BARRETT: Thank you. Senator Hartnett, would you care to discuss the motion to return the bill?

SENATOR HARTNETT: Mr. President, members of the body, I'd like to ask Senator Withem or Senator Baack a question and so forth, because I think Senator Withem is correct, is that in Sarpy County we already have this system. I think we have in Sarpy County we have two systems. (Laugh.) With this amendment and so forth, I haven't studied it but, Senator Withem, would this just limit to only one system within a county? Or maybe Senator Baack, I guess that's...because right now we have two ongoing systems in Sarpy County. Would it just limit it to one system per county is my question?

SPEAKER BARRETT: Senator Withem, would you respond.

SENATOR WITHEM: Yes. I don't believe it does, Senator Hartnett. I might, frankly, given the size of our county I think it's kind of silly that we have two different systems, that the people ought to be able to communicate and create one. But I believe what this does is it gives the governing body,