

May 11, 1989

LB 137A, 162, 162A, 280, 305, 309, 309A
310, 311, 444, 467, 727, 815
LR 213

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

PRESIDENT: Okay. Senator Moore.

SENATOR MOORE: I move we advance LB 280 to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Enrollment and Review reports LB 162 as correctly engrossed; LB 162A correctly engrossed; LB 311, correctly engrossed, all signed by Senator Lindsay. (See page 2313 of the Legislative Journal.)

New A bill, LB 137A by Senator Warner. (Read by title for the first time. See page 2314 of the Legislative Journal.)

LB 309 is reported to Select File with E & R attached; LB 309A, likewise; LB 467, E & R attached; LB 727, Select File with E & R; LB 305, Select File; LB 310, Select File with E & R; LB 815, Select File. (See pages 2311-12 of the Legislative Journal.)

Mr. President, new resolution, LR 213, introduced by Senators Crosby, Ashford and Langford. (Read brief description of LR 213 as found on pages 2314-15 of the Legislative Journal.) That will be laid over. That's all that I have at this time, Mr. President.

PRESIDENT: We will move on to LB 444.

CLERK: Mr. President, 444, the first item I have are Enrollment and Review amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: I move we adopt the E & R amendments to LB 444.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted.

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

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LB 44, 44A, 49, 49A, 134, 137A, 158
158A, 162, 162A, 175, 175A, 182, 182A
198, 228, 228A, 305, 815, 816, 816A

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 2473-74 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228 passes. LB 228A.

ASSISTANT CLERK: (Read LB 228A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 2474 of the Legislative Journal.) The vote is 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 44, LB 44A, LB 49, LB 49A, LB 134 with the emergency clause attached, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228, and LB 228A. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you. Your Committee on Enrollment and Review reports LB 305, LB 815, LB 816, and LB 816A as correctly engrossed, all signed by Senator Lindsay as Chair of Enrollment and Review. (See pages 2475-76 of the Journal.)

I have a confirmation hearing report from Health and Human Services Committee signed by Senator Wesely as Chair. That's all that I have, Mr. President.

PRESIDENT: We'll move on to LB 137A.

CLERK: Mr. President, 137A is a bill introduced by Senator Warner. (Read title.)

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LB 137A

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President, members of the Legislature, this is an A bill for the funding of LB 137 which was a retirement bill, which I am in support of. The issue that I raised on General File was the issue of whether or not the retirement benefits should be funded out of what is designated as surplus, or whether or not it should be made actuarially sound by the funding of the...

PRESIDENT: Senator Warner, just a moment, please. (Gavel.) Could we hold the conversation down so we can hear Senator Warner, please.

SENATOR WARNER: ...by the funding of an annual appropriation of the cost. This bill, you'll recall, had an overall impact of about \$2 million on the patrol retirement system, which currently has 8.2 million, or it did as of June 30, 1988, 8.2 million is designated as surplus. However, just one year before that, on June 30, 1987, that surplus was 12.8 million.

PRESIDENT: Senator Warner, Senator Warner, excuse me again. (Gavel.) Ladies and gentlemen, we just can't hear up here the speakers with so much noise. Please hold it down. Thank you. Thank you, Senator Warner.

SENATOR WARNER: Thank you, Mr. President. So the issue here really is a policy matter, not the content of the bill, LB 137, but on the A bill as to whether as a matter of policy and the surplus funds of any retirement program are there to provide the necessary revenue to handle fluctuations on earnings and the other factors that go into a retirement system, funding system, whether it serves that purpose or whether a surplus fund is to provide revenue for improvements in that system. It seems to me that the option that as a matter of public policy that makes more sense is that when we enact any kind of an improvement in a retirement system that it be funded without depleting the reserve. Why does that become important? Once a reserve is depleted, obviously, then we will begin the need to make appropriations to keep it actuarially sound. It's not that many years ago in which we were making substantial contributions, '82 was \$1.3 million; '83 and '84, each year, was in excess of \$800,000. Currently the, in fact for the last four years the pay out, as a percent of the payroll, has been at 7...between 17.3 percent to as high as 18.7 percent, while the contributions

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LB 137A, 744A

have equalled 16 percent. So there has been a continued draw in that period of time upon the retirement plan, because more is being paid out than is being paid in. So I would move that the bill be advanced for the funding, instead of \$190,000 I think the other day when I was discussing it I kept saying 137,000 because I was thinking of the bill number rather than the amount in the bill, but it seems to me that the bill ought to be advanced and this improvement which is necessary and appropriate should be funded without depleting that surplus, which I think ought to be retained for the purposes of fluctuations in earnings, fluctuations in the experience ratings, and possible investment performance in the future. That is the purpose which I believe a surplus ought to be maintained for, and improvements in this system, which I support in this case, those improvements ought to be funded as we go along. So I'd move that the A bill be advanced.

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

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance LB 137.

PRESIDENT: LB 137A is advanced. LB 744A.

CLERK: Mr. President, 744A was introduced by Senator Haberman. (Read title.) Mr. President, Senator Haberman would move to indefinitely postpone the bill.

PRESIDENT: Senator Haberman, please.

SENATOR HABERMAN: Mr. President, if I may, I'll let Senator Withem have the first part of the time, then I'll (inaudible).

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body. LB 744A is a bill Senator Haberman introduced, I think, to make a point. And the point is well taken. LB 744 is a bill on Final Reading. Within the bill itself is the appropriation of \$220,000 this year, some \$400,000 for the next year. We do that fairly frequently in here that we include the appropriation within the substantive language, and when that is done there is not a companion A bill introduced to go along with the bill.

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LB 137A, 525, 761A, 762A, 815A, 817A

SENATOR SCOFIELD: Thank you, Mr. President, and I've moved in the bracket motion we do it, we bracket this bill until Friday at 1:30 p.m. Hopefully by that time we'll be through with everything else. This is the trailer bill and maybe by that time we can have sorted out some things. This bill obviously has too much money in there to be a legitimate trailer bill. It's more like a stone around all our necks rather than a trailer bill at this point, and so that's the rationale behind the motion. I'd urge you to accept it.

PRESIDENT: Senator Lamb, please. Senator Warner. Senator Abboud. Senator Lindsay. Senator Conway.

SENATOR CONWAY: I'll call the question.

PRESIDENT: Did I see five hands? The question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 1 nay to cease debate, Mr. President.

PRESIDENT: Senator Scofield, would you like to close, please? The question is...

SENATOR SCOFIELD: (Mike not activated immediately.) ...the bill.

PRESIDENT: ...the bracket motion by Senator Scofield. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 23 ayes, 5 nays, Mr. President, on the motion to bracket the bill.

PRESIDENT: The bill is bracketed until, what was that, one-thirty, Friday?

CLERK: It was bracketed until May 19, Mr. President.

PRESIDENT: Okay, the bill is bracketed. Do you have some things to read into the record, Mr. Clerk, please?

CLERK: Mr. President, Enrollment and Review reports LB 137A to Select File, LB 761A, LB 762A, LB 817A and LB 815A all reported to Select File, all signed by Senator Lindsay.

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LB 137, 137A, 215

SENATOR HABERMAN: Mr. President.

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Senator Chizek informed me that he wished to have that amendment withdrawn.

SPEAKER BARRETT: Thank you. It is withdrawn.

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

SPEAKER BARRETT: Thank you. Senator Lindsay.

SENATOR LINDSAY: Are we on the advancement of the bill?

SPEAKER BARRETT: Yes, sir.

CLERK: Advance.

SENATOR LINDSAY: Mr. President, I move that LB 137 be advanced to E & R for Engrossment.

SPEAKER BARRETT: Shall 137 be advanced to E & R? Those in favor say aye. Opposed no. Ayes have it, the bill is advanced. There is an A bill which I'd like to proceed to next, LB 137A which is not on the agenda, but I'd like to handle it right now. Mr. Clerk.

CLERK: Mr. President, I have no amendments to 137A.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 137A be advanced to E & R for Engrossment.

SPEAKER BARRETT: The question is the advancement of 137A. Those in favor say aye. Opposed no. Carried, the bill is advanced. LB 215.

CLERK: Mr. President, 215, Senator, I have E & R pending to the bill.

SPEAKER BARRETT: Senator Lindsay.

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

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LB 89, 137, 137A, 211, 215, 228, 279
289, 289A, 352, 639, 651, 651A, 761A
762A, 815A, 817A

Teachers buy books. Teachers buy supplies for kids that don't have them. They take money right out of their own pockets and give it to kids. And so it's...I guess that's one of the reasons why I feel very strongly about giving the money directly to teachers. Senator Warner's remarks struck a chord with me and reminded me of all the contributions that I know that individual teachers make to kids. And so I would urge us to get on with it. Let's pass this bill. It's time we did something for teachers.

SPEAKER BARRETT: Senator Schellpeper.

SENATOR SCHELLPEPER: I will give my time to Senator Moore.

SPEAKER BARRETT: Senator Moore.

SENATOR MOORE: Yes, Mr. Speaker. just to say I guess it's time to withdraw this. I apologize to the...to the original supporters of this bill, at least, because I think some of them wanted to read it tonight and because if my amendment was adopted, they couldn't, but I think it makes it a better bill, obviously, a bill that I can now support and I think there has been some fights among some varying entities on this bill. I think now we've got a bill that really does help education in the state. And, with that, I withdraw the amendment. The last things I will say on LB...the last things that all of us will say on LB 89 and come Monday we'll pass the bill over to the Governor.

SPEAKER BARRETT: Thank you. It is withdrawn. Anything further, Mr. Clerk?

CLERK: Nothing further on that bill, Mr. President.

SPEAKER BARRETT: Yes, for the record.

CLERK: Mr. President, amendments to be printed, Senator Scofield to LB 761A; Senator Chizek to LB 279. (See pages 2546-47 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 137, LB 137A, LB 211, LB 215, LB 228, LB 289, LB 289A, LB 352, LB 639, LB 651, LB 651A, LB 761A, LB 762A, LB 815A and LB 817A, Mr. President. (See pages 2548-50 of the Legislative

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LB 137A, 137, 211, 215, 228, 352, 639
761, 762, 780, 815, 815A, 817, 817A

voting, Mr. President.

PRESIDENT: LB 780 passes. We'll move on to LB 13....Oh, Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President. I would move to suspend the rules in order to read the bills that were shared with the body just before lunch today. I believe the Clerk has the motion.

PRESIDENT: Mr. Clerk.

CLERK: Well, Mr. President, Senator Barrett would move to suspend Rule 6, Section 7(b) to permit consideration of LB 137, LB 137A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 815, LB 815A, LB 817, and LB 817A on Final Reading today.

PRESIDENT: You've heard the motion. All in favor say aye...or vote aye. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The rules are suspended and we'll go to LB 137 with the emergency clause attached.

CLERK: (Read LB 137 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2664-65 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 137 passes with the emergency clause attached. LB 137A with the emergency clause attached.

CLERK: (Read LB 137A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137A pass with the

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LB 137A, 211, 215, 228

emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2665-66 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 137A passes with the emergency clause attached. LB 211, please.

CLERK: (Read LB 211 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 211 pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 2666 of the Legislative Journal.) 39 ayes, 8 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 211 passes. LB 215, please.

ASSISTANT CLERK: (Read LB 215 on Final Reading.)

PRESIDENT: Record, please.

ASSISTANT CLERK: (Read record vote as found on page 2667 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 present and not voting.

PRESIDENT: LB 215 passes. LB 228, please.

ASSISTANT CLERK: (Read LB 228 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 2668 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting.

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LB 137A, 137, 639, 739A, 744, 761, 762
767, 767A, 780

PRESIDENT: It is withdrawn. Please read the bill.

CLERK: (Read LB 639 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 639 pass? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2669-70 of the Legislative Journal.) 36 ayes, 8 nays, 5 present and not voting, Mr. President.

PRESIDENT: LB 639 passes. LB 761 with the emergency clause attached.

CLERK: (Read LB 761 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 761 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 2671 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 761 passes with the emergency clause attached. LB 762, please.

ASSISTANT CLERK: (Read LB 762 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 762 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2671-72 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 762 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 767, LB 137A, LB 137, LB 780, LB 767A, LB 744, LB 739A,

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LB 137, 137A, 211, 215, 228, 352, 639
739, 739A, 744, 761, 762, 762A, 767
767A, 780, 815, 815A, 817
LR 115

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated immediately) ...W. Norris Legislative Chamber. We have with us this morning, as our Chaplain of the Day, Reverend Homer Clements of Saint Luke's United Methodist Church in Lincoln. Would you please rise for the invocation.

REVEREND CLEMENTS: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Reverend Clements. We appreciate it. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, just one item and that is a...your Enrolling Clerk did present to the Governor the last few bills read on Final Reading last evening, and that's all that I had, Mr. President. (See bills presented to the Governor regarding LB 767, LB 767A, LB 137, LB 137A, LB 744, LB 780, LB 739, LB 739A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 762A, LB 815, LB 815A, and LB 817 as found on page 2677 of the Legislative Journal.)

PRESIDENT: Good. We'll move on to Legislative Resolution, LR 115.

CLERK: Mr. President, LR 115 is offered by Senator Baack. It's found on page 2092. It asks the Legislature to acknowledge the centennial celebration of Cheyenne County...Banner County. Banner County, excuse me, Senator.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: They're fairly close together, I guess. Banner County at one time was a part of Cheyenne County, but is now a Banner County. Mr. President and colleagues, this is a resolution honoring Banner County for their 100th birthday that will take place this summer. Banner County was the first county