

January 5, 1989

LB 48, 52, 84, 161-189

the Executive Board will meet in...the Reference Committee will meet in Room 2102 at three-fifteen today for purposes of referencing bills, Reference Committee at three-fifteen.

Mr. President, new bills. (Read LBs 161-189 by title for the first time. See pages 82-88 of the Legislative Journal.)

Mr. President, in addition to those items, I have requests from Senators Chambers, Nelson, Schellpeper, Hefner, Lamb, Crosby and Hartnett to add their name to LB 48 as co-introducer; Senator McFarland and Schellpeper to LB 52 as co-introducer and Senator Carson Rogers to LB 84 as co-introducer. (See page 88 of the Legislative Journal.)

PRESIDENT: No objections, so ordered.

CLERK: Mr. President, an announcement from the Agriculture Committee and signed by Senator Rod Johnson, the Ag Committee has selected Senator Owen Elmer as its Vice-Chairperson. Mr. President, I believe that is all that I have.

PRESIDENT: Ladies and gentlemen, we're about to start the proceedings for the afternoon, and we're very grateful to have with us Father Dawson this afternoon for our invocation. Would you please rise for Father Dawson.

FATHER DAWSON: (Prayer offered.)

PRESIDENT: Thank you, Father Dawson. Please feel free to stay with us as long as you like. We're privileged to have with us this afternoon the Nebraska National Guard who will present colors. Would you please rise.

PRESENTATION OF COLORS

PRESIDENT: Ladies and gentlemen of the National Guard, we appreciate your being with us and presenting the colors today. If I might say a word to those who will be escorting the folks in today, it will be necessary that we do it a little bit different than we usually do it. When one group of ushers brings in their group, please bring them up onto the stage and then retire back to your seats until the inauguration proceedings are over with and then I will call you back one group at a time to take your group back, because if we should all come in and all stay up here on the podium, we wouldn't have

March 16, 1989

LB 89, 164, 212, 266, 276, 503, 693

SPEAKER BARRETT: Thank you, sir. You've heard the closing and the question is the adoption of the Withem amendment to the Schmit amendment to LB 89. Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Withem's amendment to the Schmit amendment.

SPEAKER BARRETT: The amendment is adopted. Mr. President (sic), have you anything, messages on the President's desk?

CLERK: Mr. President, your Committee on Government whose Chair is Senator Baack reports LB 212 to General File with amendments; LB 266, General File with amendments; LB 276, General File with amendments; LB 503, General File with amendments; and LB 693, General File with amendments, all signed by Senator Baack. (See pages 1193-94 of the Legislative Journal.)

I have a confirmation report from the Education Committee, Mr. President, and Senator Lindsay would like to add his name to LB 164 as co-introducer. (See page 1195 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. The Chair recognizes Senator Scofield.

SENATOR SCOFIELD: Mr. Speaker, I move we adjourn until tomorrow morning at 9:00 a.m.

SPEAKER BARRETT: You've heard the motion to adjourn until tomorrow morning at nine o'clock. Those in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by: Arleen McCrory
Arleen McCrory

March 22, 1989

LB 77, 139, 164, 253, 291, 325, 409
448, 493, 500, 508, 663, 691, 714
722

with amendments. That's signed by Senator Coordsen. Government Committee reports LB 409 to General File; LB 508, General File; LB 722, General File; LB 139, General File with amendments; LB 164, General File with amendments; LB 663, General File with amendments; LB 253, indefinitely postponed, as is LB 291, LB 448, LB 493, LB 500, and LB 691. (See pages 1286-91 of the Legislative Journal.)

SPEAKER BARRETT: The call is raised.

CLERK: Mr. President, Senator Pirsch would like to add her name to LB 325 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Kristensen, please. Would you care to recess us.

SENATOR KRISTENSEN: Thank you, Mr. Speaker. I would move to adjourn (sic) us until this afternoon at one-thirty...recess.

SPEAKER BARRETT: I believe the motion is to recess. Thank you, Senator Kristensen.

SENATOR KRISTENSEN: No, I think I said adjourn.

SPEAKER BARRETT: Those in favor say aye. Opposed nay. Ayes have it, we are recessed until one-thirty.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Roll call, please. Record, Mr. Clerk, please.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: Thank you. What should we do first, Mr. Clerk? Any reports or announcements?

CLERK: Yes, Mr. President, I do. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 77 and recommend that same be placed on Select File; LB 714 on Select File, both of those having been signed by

May 2, 1989

LB 164, 813
LR 98-101

your seats and record your presence. Members outside the Chamber, please return. The house is under call. Members, please return to your seats and record your presence. Senators Bernard-Stevens and Ashford, please report to the Chamber. Members, return to your seats for a roll call vote. Members, return to your seats for a roll call vote. Proceed with the roll call on the adoption of the Johnson-Baack amendment, Mr. Clerk.

CLERK: (Roll call vote read. See page 2011 of the Legislative Journal.) 21 ayes, 18 nays, Mr. President.

SPEAKER BARRETT: The motion failed. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Mr. President, hearing notice from the Transportation Committee on confirmation hearing. Signed by Senator Lamb as Chair. (See page 2011 of the Legislative Journal.)

Senator Chambers has amendments to be printed to LB 813. (See pages 2011-12 of the Legislative Journal.)

New study resolution, LR 98 offered by Senator Goodrich. (Read brief description. See pages 2012-13 of the Legislative Journal.) Will be referred to the Reference Committee. LR 99 is a study resolution offered by Senator Ashford. (Read brief description. See page 2013 of the Legislative Journal.) LR 100 by Senator Lynch and others. (Read brief description. See pages 2013-14 of the Legislative Journal.) LR 101 by Senator Hannibal, Mr. President. (Read brief description. See pages 2014 15 of the Legislative Journal.) That will be laid over. Mr. President, the next amendment I have is by Senator Haberman. The amendment is on page 1961 of the Journal.

SPEAKER BARRETT: Senator Haberman, on your amendment, please.

SENATOR HABERMAN: Mr. President and members of the body, I believe this is the first amendment to the budget that removes money from the budget. That is the purpose of the amendment. I would like to start out about LB 164. Now the bill says, an act relating to historic preservation; to establish a task force on historic preservation; to state intent; to provide powers and duties; and to provide for the termination of the task force. That is what was published for the public on LB 164. No one appeared opposed to LB 164. The only one in the audience who

testified, testified in favor of a committee amendment that completely gutted the bill. Now you have on your desk a letter from a Mr. Jack Strain. Now, Mr. Strain, I can say, probably would have been at the hearing had he known that the entire testimony was going to be on Joslyn Castle and making it a state park. So in one way the public was not notified as to the true extent of this public hearing. That kind of sets the scene for what I'm trying to do. Now some of the testimony on LB 164 by one of the senators, he said, "The people of the State of Omaha...of the State of Omaha need to know more about the parks system." So that also sets the scene as to just exactly what happened at this hearing. You also have a handout that states, this is from the Appropriations Committee's material, "None of the state funds appropriated in this section shall be used for Varner Hall, formerly Regents Hall, since it is not owned by the state." Joslyn Castle is not owned by the State of Nebraska. It's owned by the School Board of Omaha. If you will notice at the top of the sheet, it says, "There is included in the appropriation to this program \$50,000 General Funds for facility maintenance and planning activities related to the Joslyn Castle." We cannot, according to the Constitution, use state funds for a privately owned entity and that's what this is. It's a privately owned entity. The statute also says that you cannot have a state park in an urban area. That was the intent of the Legislature when they passed the statute. So what this does, it takes 5.6 acres and turns it into a state park. Now what they're saying is we want \$50,000 to do what? To stop the building from deteriorating more? No, it says for maintenance. Well, how can you spend tax dollars for maintenance for something the state doesn't own? That is unconstitutional. And then it says, planning activities related to Joslyn Castle. What are planning activities? So what this amendment does, it removes from LB 813 the \$50,000 that is to go for facility maintenance and planning activities related to Joslyn Castle.

SPEAKER BARRETT: Thank you. Discussion? Senator Ashford, followed by Senator Crosby.

SENATOR ASHFORD: Thank you, Mr. Speaker, and members, I appreciate the opportunity to clarify the record on the issue of Joslyn Castle. LB 164 was a bill originally brought to the Legislature to discuss the issue of historic preservation. At the time of the hearing or prior to the hearing before the Government Committee, the bill was changed or the direction of the bill was changed to provide for some enabling legislation to

allow the Games and Parks Commission to take title of Joslyn Castle. Prior to that committee hearing, I appeared before the Games and Parks Commission with the idea of potentially looking at Joslyn Castle as a facility that the Games and Parks could utilize. And at that...at the meeting of the Games and Parks Commission, the commission unanimously approved the project and, in fact, the representative of the Games and Parks Commission was there at the hearing and testified in favor of the bill. Jack Strain apparently was a former member of the Games and Parks Commission and he wrote a letter, a copy of which I have seen, objecting to the Games and Parks taking over the Joslyn Castle as a park. So that is how that happened or those are the facts behind that hearing. At the hearing, the proponents of the Joslyn Castle project appeared, the committee voted unanimously to move LB 164 to the floor and LB 164 is a committee priority bill. In the appropriations process, however, in discussions in committee it became apparent that probably the best route to go at this point in the Joslyn Castle process was to appropriate the needed money for the study in the Department of Economic Development Department of Tourism. So, in fact, the appropriation that Senator Haberman is referring to is an appropriation to the Department of Economic Development. The Joslyn Castle project is a unique project and a project that I've been involved in since I was elected as a state senator for the last...in 1986. Joslyn Castle was deeded to the citizens of the City of Omaha, the school district, in 1944...strike that, it was initially leased to the school district by the Joslyn Foundation in 1944 and subsequently deeded to the school board in later years. In the last couple of years, as at least the Omaha senators will know, the Omaha school district has decided to move its headquarters to a technical high school, leaving Joslyn Castle vacant in the fall of this year. Joslyn Castle is really the last...one of the last if not the last public buildings of its vintage left in the City of Omaha. Those of you may remember the post office, city hall and other structures that were in downtown Omaha that no longer remain. Preservation is an important issue in Omaha. It's an important issue to the State of Nebraska. Looking at other...in Lincoln, for example, the State of Nebraska Historical Society owns the Kennard House, the Ferguson House, there is a Willa Cather House in Red Cloud, the George Norris House in McCook; Games and Parks owns the Buffalo Bill home, Arbor Lodge and the Bowring Ranch in western Nebraska. Omaha does not have a facility anything like Joslyn Castle. Joslyn Castle is a unique architectural structure and the issue of its uniqueness and its historic significance was

May 2, 1989

LB 164, 813

brought up before the committee...Government Committee and also before the Appropriations Committee and in both cases both committees approved the projects, in the Government Committee in the form of LB 164 and before the...

SPEAKER BARRETT: One minute.

SENATOR ASHFORD: ...Appropriations Committee in the form of this \$50,000 appropriation. It is...one of the questions that was at least implied by Senator Haberman was state ownership and there is not state ownership. In order to take state ownership, we need to do a plan to find out how this property will be held, which agency will hold it, what it will be used for and what sort of costs are involved in maintaining the property. And that's the purpose of the study. Part of the money will be used to help keep the castle open to the public during this year long study period until the next legislative session. Also, I have some budget information that if anybody wants to ask me about or financial information about the operations of the castle, I would be more than happy to get into that. However, at this point I think that this particular project has...

SPEAKER BARRETT: Time.

SENATOR ASHFORD: ...thank you.

SPEAKER BARRETT: Senator Crosby, followed by Senators Moore and Wehrbein.

SENATOR CROSBY: Mr. Speaker and members, thank you. I have some questions and I think Senator Ashford could answer them because I do think that Joslyn Castle certainly should be preserved one way or another but I'm a little confused. In the first place, for some reason I can't figure out how much money on the study. I have looked at all the...how much money are we talking about...

SPEAKER BARRETT: Senator Ashford.

SENATOR CROSBY: ...in this particular...?

SENATOR ASHFORD: It's...of the 50,000, at this point it's not clear exactly what portion of it. A major portion of it will go to the study.

May 2, 1989

LB 164, 813

SENATOR CROSBY: Okay.

SENATOR ASHFORD: Some portion will go to keeping the castle open.

SENATOR CROSBY: But right now we're talking about \$50,000, today, this bill?

SENATOR ASHFORD: Correct.

SENATOR CROSBY: Okay. Why...why did the committee decide to go for this and not go for the original LB 164? Any particular reason? It seems...the reason I ask that question, it seems to me that Joslyn would fit in more to Nebraska State Historical Society properties...

SENATOR ASHFORD: Yes.

SENATOR CROSBY: ...than Game and Parks.

SENATOR ASHFORD: It may. I think there are three agencies it could go to, Historical Society, Games and Parks or Tourism. And the reason Tourism was chosen was because of the interest generated in Douglas County in their Tourism Department to work with the State Tourism Department to find a solution to the Joslyn Castle problem.

SENATOR CROSBY: Uh-huh.

SENATOR ASHFORD: So Tourism is where it eventually went. The study will tell us, I think, more appropriately where, if the state were to take title, where the property would go.

SENATOR CROSBY: And then I looked with real interest in the brochure that you handed out. Are all those furnishings there now? I just don't know anything about it.

SENATOR ASHFORD: Most of the furnishings are...some of the furnishings are at Joslyn Museum.

SENATOR CROSBY: Oh.

SENATOR ASHFORD: Some of the furnishings are with the family in New York and there is going to be an effort undertaken to bring some of those back.

February 2, 1990

LB 42, 164, 632, 750, 794, 831, 841
843, 861, 881, 902A, 925, 932, 952
956, 1028, 1059, 1219
LR 250

CLERK: Mr. President, I do. Revenue Committee, whose Chair is Senator Hall, reports LB 831 to General File; LB 932, General File; LB 1219, General File; LB 952, General File with amendments; LB 1028, General File with amendments; LB 750, indefinitely postponed; LB 794, indefinitely postponed; LB 841, LB 861, LB 881, all indefinitely postponed. Signed by Senator Hall as Chair. (See pages 648-49 of the Legislative Journal.)

Amendments to be printed by Senator Hefner to LB 1059; Senator McFarland to LB 632; Senator Ashford to LB 164; Senator Withem to LB 843; Senator Moore to LB 925; Senator Wesely and Schmit to LB 956. (See pages 649-55 of the Legislative Journal.)

Mr. President, LR 250 offered by Senator Withem. (Read brief description of LR 250 as found on pages 655-56 of the Legislative Journal.) That will be referred to the Executive Board.

Mr. President, new A bill, LB 902A by Senator Hall. (Read by title for the first time as found on page 656 of the Legislative Journal.)

Mr. President, Senator Kristensen has designated LB 42 as his priority bill for the session.

And, finally, Mr. President, a report has been filed by the Appropriations Committee pursuant to Rule 8, Section 3, of our rules. I believe copies of the report have been distributed to the members. That's all that I have, Mr. President.

SENATOR HANNIBAL: You have before you a motion to adjourn until Monday morning at 9:00 a.m. All those in...excuse me. All those in favor say aye. Opposed nay. We are adjourned.

Proofed by:

La Vera Benischek
LaVera Benischek

SENATOR HANNIBAL: You have heard the motion. Shall LB 980 be advanced? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on the motion to advance 980, Mr. President.

SENATOR HANNIBAL: LB 980 is advanced. Mr. Clerk, anything for the record?

CLERK: Not at this time, Mr. President.

SENATOR HANNIBAL: Moving on to General File, LB 164.

CLERK: Mr. President, 164 was introduced by Senators Ashford, Landis, Conway and Chizek. (Title read.) The bill was introduced on January 5 last year, Mr. President. At that time it was referred to the Government Committee for public hearing. The bill was advanced to General File. First order of business, Mr. President, are committee amendments by the Government Committee.

SENATOR HANNIBAL: The Chair of the Government Committee, Senator Baack, please.

SENATOR BAACK: Yes, Mr. Chairman and colleagues, LB 164 was introduced and was heard in committee. The bill, as it was originally introduced, was not...didn't even have a hearing, in fact, because Senator Ashford requested that instead of having a hearing on the Historic Preservation Act that instead we would have a hearing on the Joslyn Castle and that's what we did have. We had a hearing on that and what the committee amendment does is it replaces the entire bill and the committee amendment says that the state will try to make sure that Joslyn Castle is preserved in perpetuity and to do that the committee amendment says that it would become part of the state park system and would be taken over by the Game and Parks. So that is what the committee amendment is. I would urge adoption of this amendment because Senator Ashford is going to be coming with another amendment in just a few minutes and we need this committee amendment because his amendment is actually an amendment to this amendment. So with that, I would urge the adoption of the committee amendments so Senator Ashford's amendment makes sense. Thank you.

SENATOR HANNIBAL: Mr. Clerk, an amendment to the amendment.

CLERK: Mr. President, Senator Ashford would move to amend the committee amendment. Senator, I have AM2405 in front of me, the one you gave me this morning.

SENATOR ASHFORD: Thank you, Mr. President and members, this amendment is in your books. I'm not sure, is there a page number on that, Patrick?

CLERK: Six-fifty was the one you gave me Friday.

SENATOR ASHFORD: Okay, it's identical language. I just wanted to make sure that we're thinking, talking about the same thing. The amendment to LB...to the committee amendments is found on page 650 of the bill book and, I'm sorry, of the Journal and what this amendment does is provide that the Nebraska State Historical Society shall acquire, without cost to the state, clear title in the name of the State of Nebraska to all the real and personal property known as Joslyn Castle. The amendment goes on to say that the society shall enter into agreements for the operation, administration and maintenance of Joslyn Castle and may accept grants, gifts and bequests for such purposes. This amendment is the culmination of a year's work by many people in Omaha and also in Lincoln, The Department of Economic Development, the State Historical Society and the Friends of Joslyn Castle group that was put together to do a study commissioned by the State of Nebraska on the reuse or use of Joslyn Castle. We debated this or discussed this bill before and I just would like to, without going through the whole scenario again, I would just remind the body of a couple of points. One, the bill that was introduced this year which would call for the same thing, the Historical Society taking title to Joslyn Castle, had 34 co-sponsors. It passed through the Government Committee with a unanimous vote as have all of the Joslyn bills, and is currently on the floor. In an effort to get this legislation passed this year we have opted to amend the language into LB 164 in the committee amendments and why do we have to do it this year? The reason is quite simple. A year ago the school board, having, were in the process, Omaha Public Schools were in the process of moving their offices from Joslyn Castle to Technical High School and in that process were getting ready to sell Joslyn Castle and at the time when I got involved in February and March, or actually January, February of last

year, it looked as if Joslyn Castle would be sold for commercial purposes. And I felt and many others felt that Joslyn Castle is extremely significant historically as well as architecturally and that it should be preserved for the public in perpetuity in line with the original deed of Joslyn Castle many years ago. So we started a process going that would eventually, hopefully end up with the preservation of Joslyn Castle as a public place. However, the school district has made it quite clear that if the Legislature does not act this year that it will go back to its original plan to sell Joslyn to a private enterprise and I have felt all along that what is important is accountability. The state provides accountability to the citizens of the state that, to its citizens, that a structure such as Joslyn Castle will remain intact and will be open to the public. So we do need to act right now. Some of the questions that have been asked of me, one, does the State Historical Society approve of this transfer? The answer is yes. Jim Hanson was present yesterday at a gathering we had at the Castle and made the statement, to me and to the press, that the Historical Society approved of this transfer, encouraged it and felt that Joslyn Castle was the kind of facility that would fit into the Historical Society's plans. Another one of the concerns that has been raised is, what would the cost be to the state? The bill itself quite specifically states that Joslyn Castle would become a state property without cost to the state and there would not be a purchase price. I have discussed with Senator Warner and the fiscal office about what a fiscal note would look like on this bill if it gets to Select File and I think the answer is that the fiscal note would have some small dollar amount in there to provide for one employee who would be responsible for making certain that Joslyn Castle conformed to the guidelines of the Historical Society and to make sure that it is preserved adequately and appropriately. In this regard, as you know, the Historical Society is also involved in a project at the Ford birth site and Jim Hanson expressed to me his feeling that possibly that one employee could be responsible for both the Ford facility as well as Joslyn Castle. I might also add that the other third question was, how are you going to support this facility? And I believe I told the body last year that we were going to attempt to get a commitment from Douglas County to lease space in the castle and we have. I have a letter from Michael Albert dated January 3, 1990, in which he makes a commitment that Douglas County will lease the top two floors of Joslyn Castle for its tourism department. That's a significant help to us in making certain that we have an anchor tenant for

the facility. Also we are currently involved in discussions with Rex Amack in the Games and Parks Commission to transfer one or two employees from the downtown Game and Parks Office out to Joslyn Castle to provide an informational center at Joslyn Castle for the general public to give the public information about the Games and Parks facilities across the State of Nebraska. Yesterday was a great day for Joslyn Castle. It was the opening, or the sneak peak, as you will, of the Joslyn Castle Symphony show house project. During the interim the school district entered into a contract with the symphony show house association or the Symphony Association to provide that Joslyn Castle will be the symphony show house facility for this, starting in April, and what does this mean to the castle? Well, one, yesterday 2,500 people went through Joslyn Castle. It was quite an event and Senator Smith was there, Senator Weihsing, Senator McFarland, Senator Nelson and Senator Pirsch were present and witnessed this. It was really a great event. Showed the tremendous public interest in the castle. When the show house is finished, approximately \$250- to \$300,000 of in kind renovation services will be provided for Joslyn Castle which it will...this process will place Joslyn Castle in the position where it can really start looking at leasing space in the near future. Additional work does need to be done in the area of air conditioning, HVAC improvements, window improvements and some flashing work on the roofs, but generally Joslyn Castle will be very close to the state where it can be leased to various groups hopefully starting in 19...even 1990, if this bill passes, but certainly in 1991. I would just in summary, I'd like to thank Senator Baack and the Government Committee for hearing the Joslyn Castle bill three times now and for its patience and for its support in bringing this matter to the floor as quickly as it has done and I appreciate, certainly Senator Warner and the Appropriations Committee and the Governor for appropriating the money last year to provide for the study and the maintenance of Joslyn Castle in the interim, over the interim. And, lastly, I appreciate Douglas County's commitment to the castle and its commitment of \$50,000 to help in the maintenance of the castle over the last year. With that, I would urge that this amendment be adopted and that LB 164 be advanced with the amendment attached. Thank you.

SENATOR HANNIBAL: Thank you, Senator Ashford. Senator McFarland, please followed by Senator Abboud and Baack.

SENATOR MCFARLAND: Thank you, Mr. President, I had the pleasure

yesterday of going up to Omaha and visiting the Joslyn Castle, and, my, what an amazing structure. As a person from Lincoln, I make it up to Omaha often, but it's usually on business. It's usually on social trips. I don't really get the chance to tour the historical sites. The thing that strikes me about the castle is the remarkable structure it is. It needs work. It needs to be renovated but architecturally it is sound. It's on a beautiful setting, acreage there. It is in a part of the city that needs something like that to attract people there and keep that that community viable and proud of its surroundings. I think that that building and structure itself, if renovated in a proper manner and administered in a proper manner, could be a real tourist attraction and a real source of pride to the people of Omaha and our state in general. It is a beautiful home and has a carriage house with it. It reminded me very much of the Ferguson House just across the street here in Lincoln and how the Historical Society manages the Ferguson House seems to me that we could also have them manage the Joslyn Castle in the same way. So I would urge support of the amendment. I'd urge support of the bill. I think it's a real benefit to the people of Omaha and the people of our state as a whole. Thank you.

SENATOR HANNIBAL: Thank you, Senator McFarland. Senator Abboud, please.

SENATOR ABBODD: Yes, Mr. President, colleagues, I rise to support Senator Ashford's motion which I also signed onto. I think this is probably one of the good pieces of legislation that will come out of this session. If you look at the amount of construction that takes place in today's society across the state, we build hundreds, if not thousands of structures each year, and we also tear down probably that many each year as well, either because of decay or road construction or a number of different reasons and it's relatively rare in society that we see a structure that we find worth keeping. And I feel that this is one of the few structures probably in the Omaha area that should remain. It reflects a time in society of structures where they had a different viewpoint on architectural structuring. The home itself is a beautiful structure. It's had some wear and tear over the last few years as a result of the OPS's use of the building, but a lot of the woodwork, as well as the basic framing and structure of the home are still in excellent condition. The fact that it will be renovated this year by the Symphony Showcase will help to reduce the cost of the eventual use of the structure by tour groups and I feel that

it's just one of those small pieces of Americana that we can keep and hold on for future generations to enjoy. Urge the body to accept the amendment and move LB 164 on to Select File. Thank you.

SENATOR HANNIBAL: Thank you, Senator Abboud. Senator Baack, please, followed by Senator Bernard-Stevens, Senator Smith and Senator Warner.

SENATOR BAACK: Yes, Mr. Chairman and colleagues, I rise in support of this amendment to the amendment, but I do have a question for Senator Ashford. I know that in the amendment you say that the State Historical Society is going to acquire without cost to the state and then give clear title to the State of Nebraska. In light of a letter that I saw just last Friday I think where the Historical Society is going to court and asking whether or not they are a state agency and who owns their property since they are the State Historical Society and one of the things that they are asserting is, is that the State of Nebraska does not own the artifacts and the items that belong to the Historical Society. In fact, the Historical Society owns those, not the State of Nebraska. So can the State Historical Society do that? Can they acquire title and is it ours? Would we be assured that it would be ours if they do?

SENATOR ASHFORD: I don't know. I think the answer is that they do now own properties as you suggest, but I think that if that is a concern, Senator Baack, we might need to put some language in there to make absolutely certain that the ownership is in the society as an agent for the State of Nebraska to make absolutely clear that their agency argument, I think that's what their argument is, is that it is a society independent, and I think what they're saying is that it's independent and somewhat...but conjunctive to the state, whatever that means, that we could make it clear on Select File that the society is acting as an agent or custodian on behalf of the State of Nebraska. And I'd have no problem with that amendment going on.

SENATOR BAACK: Well, Senator Ashford, one thing I might ask you to do then before we get to Select File is to look at properties that the Historical Society already owns. Are those properties...do those properties have clear title to the state? Does the state have clear title to those or does the Historical Society have title to those? You might...

SENATOR ASHFORD: I'll check that out, Senator Baack.

SENATOR BAACK: Okay, you might just look at that. One thing I might also, you know, just give you a little warning ahead of time is, when you're dealing with the Historical Society, as you go along, just because you pass a law does not mean that they're necessarily going to comply with it right away. It might take a while. Thank you.

SENATOR HANNIBAL: Thank you, Senator Baack. Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. President. Senator Ashford, would you yield to a couple questions that I have? Senator Ashford, would you yield to a...? I guess I kind of wanted to pursue just a little bit the line of thought Senator Baack was going on, and that is, to your understanding, I assume the Historical Society is in favor of your amendment which in essence transfers from what the bill has from the Game and Parks to the Historical Society. Is that correct?

SENATOR ASHFORD: It's my understanding the Historical Society is now in favor of it, yes.

SENATOR BERNARD-STEVENS: Okay, then...

SENATOR ASHFORD: Well, Jim Hanson has said that he is in favor of it.

SENATOR BERNARD-STEVENS: Right. Then the...does he...has the board...well, I'm not going to get into that.

SENATOR ASHFORD: The board, I don't know if the board has made a decision on that issue at all.

SENATOR BERNARD-STEVENS: Okay. The other question I had is that, do you have assurances from Mr. Hanson or the board or anyone in the Historical Society that they will indeed count this as the amendment would call it or as you mentioned earlier, they would themselves call this state-owned property? I mean, do we have any assurances that they would do that?

SENATOR ASHFORD: I think, Senator Bernard-Stevens, I don't...did not talk to them about that. I certainly have...I will say it's my belief that it does become state property, but

because there has been a legal issue raised in that regard, I suppose that we should look at language to ensure that and I'd be happy to do that.

SENATOR BERNARD-STEVENS: Yeah, I guess I would raise kind of a caution on agreeing to this amendment to the amendment at this time. I'm not saying that we shouldn't agree to it at some time before the session is over. I'm saying I caution the body as to going with this amendment now. We have in state law now, or statute now that the Historical Society is, in fact, a part of state-owned property. And they are saying, in fact, or state agency, excuse me, and they are arguing that they are not a state agency because they do not then have to apply to certain rules and regulations. If, on the one hand, the Historical Society would then say that they agree with this amendment, Senator Ashford, and that this would be state property, that would totally undermine the position that they're taking at this time. I mean, I don't think they can argue on the one hand that they're not a state agency, therefore, land, this, certain things are not state property governed by the state and at the same time say, but on the other hand we're going to count that as state property. I mean, you either have it all one way or it's not, and I really think it would behoove the Legislature to look a little bit closer at this amendment and maybe waiting just a little bit at some point till we get some further feeling about what the courts are going to say on this particular matter. I understand...if I understand the amendment right, it simply transfers to the Historical Society and I understand Senator Ashford would like to get that done, but I'm not so sure if we keep it in the Game and Parks temporarily until we find a reasonable solution to the Historical Society's quandary at this point, they seem to be somewhat confused as I read an article about the Appropriations Committee hearing that would be a little bit better for the Legislature to hold off on declaring it's state property and getting into this issue until we have a little clearer understanding and then at some other time we can certainly make it a part of the Historical Society when that is cleared up more. And I'm not sure this is the time for the Legislature to be getting into that particular issue. Thank you, Mr. President.

SENATOR HANNIBAL: Thank you. Senator Smith, please, followed by Senator Warner, Abboud, Pirsch and Wesely.

SENATOR SMITH: Thank you, Mr. President. I think that

Senator-Bernard Stevens just raised probably some good points that we should take into consideration, but I do rise to tell you that generally I do really support this amendment. I had the opportunity to tour Joslyn Castle yesterday and it really is a wonderful old home. It's castle-like in proportion and appearance and it is something that I think is grand and unique to Nebraskans and something that all of Nebraska should be proud of. I really think that we do need to take this measure to preserve it and we want to make sure though that we do ensure accessibility to all of the public in whatever the process is that we come out with here. I have a concern that we don't do something, it's going to create some new problems as far as the Historical Society is concerned. I also have a concern about the cost to the state, but overriding that is my support for the preservation of this beautiful old structure, and I at this point in time will be supportive and I'm hoping that Senator Brad Ashford can work out those concerns that were expressed. Thank you.

SENATOR HANNIBAL: Thank you, Senator Smith. Senator Warner, please.

SENATOR WARNER: Mr. President, members of the Legislature, I hadn't intended to talk on one aspect that has come up, but I suspect that one might, if you're looking at ownership, you probably want to differentiate between ownership of real estate and ownership of items that might be in possession of the agency because I think there probably is a legal difference between the two, or at least potentially so and that would be something you want to keep in mind and not carry away solely with the ownership of real property as opposed to other forms of property. The other thing I was going to mention that Senator Ashford has commented on, on the cost and incidentally I have great sympathy for preserving old structures so there's no concern about, on my part, in that direction, but there is, I think, a lot of thought as to what costs eventually will be incurred by whom and those things need to be resolved and I assume once the amendment is adopted, obviously there will be a fiscal note which will be attached to it and based on current known anticipated costs. Those costs could be borne by someone other than the state, but they are costs that eventually would probably be there and it's just a case of not blaming somebody a year from now or two years from now that they didn't anticipate any cost that might come. There are such other things that I don't know if it exists, but they are concerns that you have to

have anymore. I assume there was old fuel oil tanks there. If there were, that could become an issue at some point in the future if there is a cleanup. You know, I don't know that that exists, but certainly those are all concerns that we shouldn't be surprised if that would happen. So, comment I guess I would make that I would hope that most of the anticipated restoration, operating, so-called costs, could be fairly well identified so at least we will know what to anticipate and I guess the process that will probably happen, certainly it will become an issue at least to look at. I don't mean to argue but an issue to understand if once the amendment is adopted and the bill moves over to Select File.

SENATOR HANNIBAL: Thank you, Senator Warner. Senator Abboud, please.

SENATOR ABOUD: Yes, Mr. President, colleagues, I'd like to address the issue as far as ownership of this property. I think the amendment clearly spells out that the ownership of this property shall be in the State of Nebraska and the role of the State Historical Society is only, as it states in the amendment, to administer the maintenance and operation of the Joslyn Castle. So I don't believe that there is any question as to who has clear title to this property. It won't be to the State Historical Society. It will be clearly to the State of Nebraska and the Legislature is granting to the Historical Society the authority and ability to administer the structure that will be in the title of the State of Nebraska. I think the amendment is relatively clear on that...is very clear on that point and I would urge that the body adopt the amendment and get the bill moving on to Select File. Thank you.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Additional discussion, Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker and members of the body, I, too, of course, have grown up not only seeing Joslyn Castle as a young girl, but also had the privilege of working there when I worked for the Omaha Public Schools. At that time I thought what a shame that this building could not be available to the citizens of the State of Nebraska on a more open and on a more accurate historical level. So I was very pleased when Senator Ashford did take the initiative to create a way that the

state could put that castle back into its majestic original condition. There are a lot of people in Omaha that are supporting this effort and those people will be working to support that castle and a marvelous part of that is the Omaha Symphony Association taking that on as a symphony dream house and they will be putting in a great deal of money which they alone will contribute, both privately and companies to restore that house that will be at their own expense. In April it will be an opportunity for the citizens to view that in its restored beautiful condition and we need to maintain that. To do that I think we should use Senator Ashford's amendment, put that on the committee amendments and we certainly can work out those details by the time we get to Select. Things will have jelled by then and certainly our questions will be answered by then. But I think it's necessary to move forward, put on the amendment to the committee amendments and then pass the committee amendments and advance LB 164. Thank you.

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

SENATOR ASHFORD: Thank you, Mr. President, Mr. Speaker and members, just to answer briefly the concerns Senator Baack and Senator Bernard-Stevens brought up. Referring to the amendment itself, it provides that the Historical Society shall acquire...we're giving them, in effect, an agency status here. They, as agents of the state, shall acquire without cost to the state clear title in the name of the State of Nebraska, so clearly the intent of this amendment would be that the deed itself, the document to transfer its title would have the owner of the castle being the State of Nebraska, not the Historical Society. But I respect Senator Bernard-Stevens and Senator Baack's concerns that rise out of the current lawsuit involving the status of the Historical Society and I certainly will try to look at that and see if this amendment needs, or this bill would, if amended, would need to be changed to reflect those concerns. With that, I would just urge that this amendment be adopted and that we advance the bill. Thank you.

SPEAKER BARRETT: Thank you. The question is the adoption of the Ashford amendment to the committee amendments to LB 164. All in favor vote aye, opposed nay. Record.

CLERK: 22 ayes, 0 nays, Mr. President, on adoption of Senator Ashford's amendment to the committee amendments.

SPEAKER BARRETT: The amendment is adopted. To the committee amendments as amended, Senator Baack.

SENATOR BAACK: Yes, Mr. Speaker and colleagues, we have had a discussion on the committee amendments and as we added Senator Ashford's amendment to those, the discussion has centered totally around the committee amendments and that will become the bill, so with that I would just urge your adoption of the committee amendments. Thank you.

SPEAKER BARRETT: Thank you. Any discussion? If not, the question is the adoption of the committee amendments. Those in favor vote aye, opposed nay. Voting on the committee amendments to 164. Please record.

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

SPEAKER BARRETT: The committee amendments are adopted. Senator Ashford, to the bill as amended.

SENATOR ASHFORD: Thank you, Mr. Speaker. Are there any lights on on the bill? Or I could just...

SPEAKER BARRETT: One light.

SENATOR ASHFORD: One light. Just briefly, I believe we've discussed most of the issues on the amendment. I would just stress to the body that there is a present need to advance this bill this session and I appreciate the fact that we could get this bill up for debate and that it was a Speaker priority bill. If we don't act this session, the school board, in all likelihood will sell Joslyn Castle and it may very probably be sold for a commercial purpose. Certainly such a purpose is not in line with the intent of the original deeding of the Joslyn Castle to the citizens of Omaha. It is an architecturally significant building. I hope and I believe that the project will be a living museum, will be open to the public and will really be a tremendous asset to the...those other facilities such as the Kennard House, the Willa Cather Home, the Ferguson House and other facilities which the state has ownership of. With that, I would just again urge that the bill be advanced. Thank you.

SPEAKER BARRETT: Mr. Clerk, before recognizing Senator Wesely, did you want to clarify a pending amendment?

CLERK: Senator, you wanted to withdraw the amendment that we had printed Friday then, is that correct?

SENATOR ASHFORD: That's correct. Was it...?

SPEAKER BARRETT: Thank you. It is withdrawn. Senator Wesely, would you care to discuss the advancement of the bill?

SENATOR WESELY: Mr. Speaker, members, I only would add a note of caution to the legislation which I was one of the few senators not to sign, and it looks like Senator Ashford did a good job of getting a lot of folks on board. I'm not going to raise a big fuss on General File, but I do assume there will be an A bill. I assume that there will be some funding involved here and I'm assuming also that the amount of money we're talking about is similar to what is identified in the A bill for LB 933. There it indicates costs in the range of \$1.5 million the first couple years and then 200,000 ongoing beyond that and I guess I haven't followed all this very carefully, but it seems like an awful lot of money to take a home and spend that kind of money just to make improvements on it, so I guess I'd be curious as time goes on to get more details about what is planned and the costs and that sort of thing and I assume some funding will go along with this and not simply just turn the property over without some plan on how we plan to deal with it. I want to be fair to Senator Ashford, just raise those questions, but I don't plan to oppose the legislation at this point and look forward to more information coming forward.

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

SENATOR ASHFORD: Thank you, just very, very briefly, Senator Wesely, I think as I mentioned on the amendment to the amendment without belaboring the point, the A bill, when it comes down, will be very, very insignificant in comparison to those numbers. The intent has been all along and will be in the future that the major cost, well certainly the operating expenses of the castle will be paid through operations and that the restoration, leases and other memberships, that the restoration cost, a substantial portion of which has been paid, is being paid through in-kind services provided by the Symphony Association and that if there

is a cost it will most likely be for an employee to simply to administer the guidelines to make certain that the castle conforms to Historical Society guidelines. So with that, I would again just urge that the bill be advanced. Thank you.

SPEAKER BARRETT: Thank you. The question before the house is the advancement of LB 164. All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance LB 164.

SPEAKER BARRETT: LB 164 is advanced. Mr. Clerk.

CLERK: Mr. President, I have a motion on the desk. Senator Schmit would move to suspend Rule 3, Section 13 with respect to hearing notice provision so as to permit cancellation of public hearing on LB 1231.

SPEAKER BARRETT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. Speaker, and members, I apologize to the body that I must request this cancellation of hearing notice. Do you want me to give the reason now, Mr. Speaker.

SPEAKER BARRETT: Yes.

SENATOR SCHMIT: LB 1231 was scheduled by myself for hearing on Wednesday, this coming Wednesday. Senator Baack and myself have co-sponsored the bill with Senator Sandy Scofield. Senator Scofield is going to be out of town that day and had requested that the hearing be held on February 16 and has made arrangements for some individuals to come and testify at that time. It was my mistake and I did not check back with her. In order for the public to be accommodated and for Senator Scofield to be here, we must reschedule the bill, and so, therefore, we would have to suspend the rules and I ask you to do so at this time.

SPEAKER BARRETT: Thank you. Discussion? Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President. I would just rise to support this suspension motion and thank Senator Schmit for offering it. We do have a company particularly from Colorado

February 5, 1990

LB 164, 520A, 708, 1004, 1032

the house is under call. Senators Schellpeper and Elmer, the house is under call. Senators Schellpeper and Elmer, please report to the Chamber. Senator Chambers. A machine vote has been requested. The question is the advancement of LB 708 to E & R initial. All in favor vote aye, opposed nay. Have you all voted? Roll call has been requested. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 664 of the Legislative Journal.) 18 ayes, 9 nays, Mr. President, on the motion to advance.

SPEAKER BARRETT: Motion fails. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, Natural Resources gives notice of cancellation and resetting of a hearing, signed by Senator Schmit as Chair. LB 1032 has been selected as one of the Speaker's priority bills.

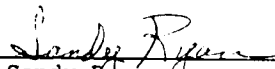
Senator Rogers has amendments to LB 1004; and Senator Schellpeper to LB 520A. (See page 665 of the Legislative Journal.) Mr. President, Senator Abboud would like to add his name to LB 164 as co-introducer. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Schimek, please, would you care to adjourn us.

SENATOR SCHIMEK: Yes, thank you, Mr. President. I move we adjourn until tomorrow morning at nine o'clock.

SPEAKER BARRETT: Thank you. You have heard the motion to adjourn until nine o'clock tomorrow. All in favor say aye. Opposed no. The ayes have it, carried. We are adjourned.

Proofed by:


Sandy Ryan

February 6, 1990

LB 164, 663, 742, 1059, 1064, 1140, 1238
LR 251

personnel please leave the floor. Senator Lamb, Senator Abboud, Senator Morrissey, please. Senator Moore, the house is under call. Senator Goodrich, please report your presence. Senator Schmit, please check in. Senator Goodrich, please. Senators Chambers and Moore, the house is under call. Senator Moore, would you check in, please. May we proceed, Senator Wesely? A request for a roll call vote in reverse order and the question is the Wesely amendment to LB 742. Mr. Clerk, proceed.

CLERK: (Read roll call vote. See pages 681-82 of the Legislative Journal.) 15 ayes, 17 nays, Mr. President.

SPEAKER BARRETT: Motion fails. Anything for the record? The call is raised.

CLERK: Mr. President, priority bill designation by Senator Wesely for the Health Committee, LB 1064.

Mr. President, new resolution offered by the LR 232 Special Committee. It is signed by Senators Schmit, Baack and Lynch. (Read brief description of LR 251CA. See pages 682-84 of the Legislative Journal.) That will be referred to Reference Committee.

Mr. President, Senator Withem would like to add his name to LB 1140; Senator Dierks to LB 1238, Senator Dierks to LB 1059 and Senator Beck to LB 164. (See page 684 of the Legislative Journal.)

Mr. President, Senator Scofield has amendments to be printed to LB 663. (See pages 684-85 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Landis, your light is on.

SENATOR LANDIS: Let ask what's on the...the board reveals that there is an amendment. Is there an amendment for the body...

SPEAKER BARRETT: No.

SENATOR LANDIS: It's just the bill, right? Let me take just...

CLERK: I have an amendment to the bill.

SPEAKER BARRETT: I'm sorry, we're between amendments.

February 7, 1990

LB 163, 164, 348, 369, 953, 953A, 980
987A, 1059, 1070

SENATOR HANNIBAL: Senator Wesely, please.

SENATOR WESELY: Yes, thank you. We are to the last bill today. We appreciate all your patience. This is also the last of the three pieces of Governor Orr's "year of the family" package, the last two bills are part of it. This is the third piece. Deals with special need children. I'm carrying a bill for Governor Orr, yes. (Laughter.) This bill deals with....she doesn't it know, though. But....This bill deals with special needs children. Currently, if they are placed by public agency, the Department of Social Services special needs children can get additional assistance, private agencies don't get that assistance. This would expand, and this is a federal requirement, so we need to adopt it. And I'd move for the advancement of the bill.

SENATOR HANNIBAL: Any discussion? Seeing none, Senator Wesely, would you care to close? Senator Wesely waives closing. The issue before you is the advancement of LB 1070. All those in favor vote aye, opposed nay.

(No tape overlap. Vote on advancement of LB 1070 was 23 ayes, 0 nays.)

SENATOR HANNIBAL: The bill is advanced. I really appreciate you taking the time to stay around here. Is there anything for the record, Mr. Clerk?

ASSISTANT CLERK: Yes, Mr. President, I do.

SENATOR HANNIBAL: I've been informed that refreshments will be served in the Senators Lounge very quickly.

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review reports LB 980 to Select File with amendments; LB 164 to Select File with amendments; LB 348 to Select File; LB 953 to Select File with amendments; LB 953A to Select File. (See pages 715-17 of the Legislative Journal.)

SENATOR HANNIBAL: The call is raised.

ASSISTANT CLERK: Senator Beyer has amendments to LB 369 that he asked to be printed; Senator Haberman to LB 1059. New A bill. (Read LB 987A by title for the first time.) Amendments to LB 163 to be printed from Senator Schimek. A report of

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of the confirmation reports as offered by the Health and Human Services Committee.

PRESIDENT: Those mentioned by Senator Wesely are confirmed. Anything further on that?

CLERK: I have nothing further in that regard, Mr. President.

PRESIDENT: The call is raised. Mr. Clerk, do you have things for the record?

CLERK: I do, Mr. President, thank you. Government Committee, who is Chaired by Senator Baack, reports LB 931 to General File with committee amendments attached. (See pages 962-65 of the Legislative Journal.)

Mr. President, I have notice of hearing from the Judiciary Committee for next Friday. Senator Ashford has amendments to LB 164 to be printed. (See page 966 of the Legislative Journal.)

Two new A bills. LB 220A by Senator Pirsch. (Read by title for the first time as found on page 966 of the Legislative Journal.) And LB 42A by Senator Schmit. (Read by title for the first time as found on page 966 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: We will move on to number six, Mr. Clerk.

CLERK: Mr. President, Speaker Barrett offers LR 259, found on page 908 of the Journal. (Read brief description of LR 259.)

PRESIDENT: Senator Barrett, please.

SPEAKER BARRETT: Thank you, Mr. President, and members, I am pleased to be able to present this resolution for the Jaycees of this state, the organization that does develop young leaders, an organization which is with us today, an organization which has been deeply involved in youth programs, aid to the elderly, muscular dystrophy, cystic fibrosis, foster children, cancer, governmental affairs and so forth. These people are with us today as the number one Jaycee chapter in the United States, under the direction of State President Gary Person. This is

March 5, 1990

LB 164, 980, 980A

aye. Opposed nay. It is advanced. LB 980A.

CLERK: LB 980A, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, Senator Lamb, Senator Ashford. Senator Ashford, do you want to move the advancement of the bill? Senator Lamb, do you want to move the advancement of the bill, please.

SENATOR LAMB: Yes, Mr. President, since Senator Ashford is reticent, I'll move that LB 980A be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 164.

CLERK: Mr. President, 164 is on Select File. First item are Enrollment and Review amendments.

PRESIDENT: Senator Ashford, do you want to move the adoption?

SENATOR ASHFORD: I would move the E & P amendments, Mr. President.

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

CLERK: Mr. President, Senator Ashford would move to amend the bill. (The Ashford amendment appears on page 966 of the Legislative Journal.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President, members, this is three brief amendments that are inserted in the bill to conform LB 164 to LB 164A. Essentially, the amendments do two things. One is, it makes it absolutely clear that it is the intent of the Legislature that no General Funds be expended for the renovation, restoration or tenant improvements described in the Joslyn Castle Reuse Study and, secondarily, it creates the Joslyn Castle Trust Fund and the Joslyn Castle Operations Cash Fund which are referred to in LB 164A which was advanced last week. So that's all that these amendments do, and I would just move the amendments.

PRESIDENT: Thank you. Senator Moore, please, the amendment.

SENATOR MOORE: Yes, if Senator Ashford would yield to a question.

PRESIDENT: Senator Ashford, please.

SENATOR MOORE: Senator Ashford, I'm trying to think, as I look at this bill, from a senator from York and Seward County. I'm looking at it and trying to see what would be the criteria that I would support a bill appropriating money to Joslyn Castle. I'm just trying to think that one out. I've defended on the manner that, you know, it's one of those things that serves a good state purpose. Joslyn Castle is a unique building and should be saved. Is that...can you give me any further ammunition to go to my district and sell this appropriation?

SENATOR ASHFORD: Well, I think generally the state already...the state has two other houses that are administered the way that Joslyn Castle will be administered, the Willa Cather Center and the Ferguson House. And, in both cases, the state has title to the house and the State Historical Society manages it. Omaha, the largest metropolitan area of the state, does not have such a facility in it. That doesn't help you in York, I guess, except that it does...I think you could argue in York and anywhere else in the state that we do have a pretty good policy statewide to preserve buildings of historical significance. Joslyn Castle, I think, clearly is one of those buildings as are others across the state. We need to have a statewide preservation policy that is consistent and preserving Joslyn Castle is consistent with policies we've adopted in the past with other houses across the state, so I would...

SENATOR MOORE: So you're saying that, looking beyond the scope of parochial, my district is one of those things that, no, there is no direct benefit in my district, but it's of state benefit, therefore, state senators should support it. Correct?

SENATOR ASHFORD: That's correct, Senator.

SENATOR MOORE: Okay, thank you.

PRESIDENT: Thank you. Senator Haberman, please.

SENATOR HABERMAN: Mr. President, members of the body, would Senator Ashford yield to a question?

PRESIDENT: Senator Ashford, would you respond, please.

SENATOR ASHFORD: Yes, Senator Haberman.

SENATOR HABERMAN: Is this going to take any General Funds, operating funds, Senator Ashford?

SENATOR ASHFORD: Fifty thousand this year and 52,000 next year, Senator Haberman. We went through that on General File, but basically those funds would be used for...the State Historical Society felt they needed a person to watch over the house and they needed a fund to make sure that the utility bills were covered if the funds were not raised locally to pay the utilities, but the vast majority of the money is raised locally, as you can see in the A bill. The A bill created...there are two funds created, the substantial...almost all of the money for the castle project comes from local...or from contributions and donations and the bill itself states that no General Fund money can be used for restoration or renovation.

SENATOR HABERMAN: Well, Senator Ashford, the fiscal note states that there will be \$200,000 responsibility of the state from the General Fund annually. Is that correct?

SENATOR ASHFORD: Well, no. What...

SENATOR HABERMAN: It says that the...approximately \$200,000 will be required annually for operating expenditures. This responsibility of the state from the General Fund could be reduced by any private funding that is generated. So my question is, if there is no private funding generated, then is this going to cost us \$200,000?

SENATOR ASHFORD: I think the answer to the question...well, thank you, Senator Haberman. I think the answer to the question is that the 200,000 assum...is assuming that the house is operational, but the bottom line point is that the only money that is going to be appropriated out of the General Fund is the 50,000 and the 52,500 for the next two years. I mean, the other money is...and it's clearly stated in the...potentially if the house is operating, Senator Haberman, there is an operating cost of \$200,000. Now, that money will also generate operational revenue.

March 5, 1990

LB 164

SENATOR HABERMAN: Well, I'm not going to fuss with you on this, Senator Ashford, if you would just tell me it's going to cost 50,000 a year for two years in General Funds. Is that correct?

SENATOR ASHFORD: Fifty thousand the first year and 52,000 the second year.

SENATOR HABERMAN: That's \$100,000 and then the state is through with it. Is that correct?

SENATOR ASHFORD: Well, I don't know if the state...I think there is always going to be a need for an employee to look over the house. I mean, I'm not going to sit here and tell you that we're not going to have a Historical Society employee that is going to...if the state is going to own the castle, it is going to want to make sure that it is maintained properly and that may require an employee, Senator Haberman. Now whether that is going to come out of operat...the intention is, as I've said before, to you and on the floor, is that that would come out of operations but two years from now, I can't...you know, to say that absolutely there would never be a requirement for a Historical Society employee, I guess I don't want to say that absolutely.

SENATOR HABERMAN: Well, is there \$1,260,000 now in the Joslyn Castle Trust Fund?

SENATOR ASHFORD: No, if you want me, I'll go through that again...

SENATOR HABERMAN: Is there that money there or not?

SENATOR ASHFORD: Senator Haberman, it takes a little bit more of an answer than that. You know, no, the money is not there.

SENATOR HABERMAN: Well, then why, in the fiscal note on the A bill, does it say that?

PRESIDENT: One minute.

SENATOR ASHFORD: I don't think it says that there is money in the Trust Fund. I think...

SENATOR HABERMAN: There is hereby appropriated 50,000 from the General Fund, 78,000 from the Joslyn Castle Operating Cash Fund

and \$1,260,000 from the Joslyn Castle Trust Fund. So...

SENATOR ASHFORD: I think, technically, to answer your question, Senator Haberman, is that because it will be owned by the state, we need to authorize them to spend the money and that is what the A bill does do. It authorizes the state...or it authorizes the Historical Society to spend the money. It is the intention of this bill, the clear intention, that that money be raised by donations and contributions and operating income.

SENATOR HABERMAN: But if it isn't, then the state picks up the tab, is that right?

SENATOR ASHFORD: No, that's not correct. We specifically say here in the bill that the money cannot be used for renovation nor for restoration or any of those purposes. So it would take an act of this body to change that policy.

SENATOR HABERMAN: Thank you, Senator Ashford.

PRESIDENT: Senator Abboud, please.

SENATOR ABOUD: Mr. President and colleagues, I rise to support Senator Ashford's amendment.

PRESIDENT: Senator Ashford.

SENATOR ABOUD: No, I'd rise to support his amendment.

PRESIDENT: Okay.

SENATOR ABOUD: I'm not going to ask Senator Ashford any more questions. I think he's had enough grilling here this afternoon. It does...when this discussion of renovating Joslyn Castle came up last year, there was some people that were apprehensive in that there would have been a tremendous cost in the renovation of this particular structure and, though I supported it last year, I realized that there would be some problems with the cost of renovation. We do have a rare opportunity to actually pick up Joslyn Castle and at a relatively good, good price in that we will not be paying for that particular parcel of property and, more importantly, the reproduction and restoration of the Joslyn Castle is being provided for by the Symphony Show House. As a result of that, I feel that the support that I've seen in the Omaha area for the

Joslyn Castle has been quite good and the support in the restoration, the support in keeping the Joslyn Castle from costing the state money, I think, will be there in the future and I think that this particular amendment allows us to get those private fundings that we're going to need to support the Joslyn Castle without having to come back to the state for additional funding. And so I support this particular amendment as a way to reduce the cost to the state and, at the same time, keep a historically founded piece of architecture that is very difficult to find in the state or, for that point, in the entire Midwest, keep that in good order for future generations. And I would urge the body to adopt the amendment and move the bill. Thank you.

PRESIDENT: Thank you. Senator Ashford, did you want to close on your amendment?

SENATOR ASHFORD: I think we'd just go ahead and move the amendment.

PRESIDENT: Okay, the question is the adoption of the Ashford amendment. All those in favor vote aye, opposed nay. Please vote if you care to. Record, Mr. Clerk, please.

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

PRESIDENT: The Ashford amendment is adopted. Anything further on the bill, Mr. Clerk?

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

PRESIDENT: Senator Ashford, on the advancement of the bill.

SENATOR ASHFORD: I just ask that the bill be advanced. Thank you.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. LB 164A.

CLERK: Mr. President, 164A, the first item is an amendment to the bill by Senator Ashford. (Ashford amendment appears on page 1147 of the Legislative Journal.)

March 8, 1990

LB 164, 164A, 259A, 260, 260A, 313, 313A
348, 542, 594, 642, 678, 843A, 855
855A, 953, 953A, 965, 980, 980A, 1032
1136, 1236
LR 239

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

March 29, 1990

LB 163, 163A, 164, 899

Journal.) 41 ayes, 2 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 899E passes. This completes the processing of the budget bills on Final Reading. You'll note by today's agenda we will proceed with additional Final Reading until noon, beginning with LB 163. Also a reminder from the Chair that members are to be in their seats during Final Reading until the vote has been announced. The exceptions are when we are discussing motions or amendments or when you are excused. Appreciate your cooperation. Mr. Clerk, LB 163.

CLERK: (Read LB 163 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 163 pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See pages 1691-92 of the Legislative Journal.) 27 ayes, 14 nays, 4 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 163 passes. LB 163A.

CLERK: (Read LB 163A on Final Reading.)

SPEAKER BARRETT: (Mike off.) ...A pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1692 of the Legislative Journal.) 32 ayes, 11 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 163A passes. LB 164, Mr. Clerk.

CLERK: (Read LB 164 on Final Reading.)

SPEAKER BARRETT: (Mike not on.) ...164 pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1693 of the Legislative Journal.) 39 ayes, 2 nays, 5 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 164 passes. The A bill, Mr. Clerk.

CLERK: (Read LB 164A on Final Reading.)

SPEAKER BARRETT: (Mike not on.) ...provisions of law relative to procedure having been complied with, the question is, shall LB 164A pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1694 of the Legislative Journal.) 40 ayes, 2 nays, 3 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 164A passes. LB 187.

CLERK: Mr. President, I have a motion on the desk. Senator Moore would move to return LB 187 to Select File for a specific amendment, that amendment being to strike the enacting clause.

SPEAKER BARRETT: The Chair recognizes Senator Moore.

SENATOR MOORE: Well, Mr. Speaker and members, LB 187 is a bill that we've not debated for quite some time and I think at the very least we should remind the body of just what this bill is now and what it costs. You remember this bill first advanced over 12 months ago to General File and eventually to Select File and as I'm sure Senator Lynch will probably tell you in his time what happened to the bill last year and why it's in this form this year. But I think it's important that to begin with the body looks at the second page of the back part of the green sheet and looks at the price tag of this bill and understands the dollars that we're talking about. As you can see, if you look at that, we're talking roughly a half million dollars for this fiscal year and \$8.6 million of price tag in the years after that. That's the first point I just want to simply bring out that people are aware of that as we start reading the varieties of A bills this morning. Now, if you remember back last year on General File the debate on 187 at that time this bill carried a \$12 million price tag, one of the major selling points of this bill back then at least, was the fact that, you know, this was a cost of health care that county government has picked up and on this floor more than one senator voiced their support on LB 187 because it would help property tax relief. We tie that to a lot of things. If we didn't pass this bill it would be cost that would be incurred by local county

March 29, 1990

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

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

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

March 29, 1990

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

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

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

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

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

SPEAKER BARRETT: Proceed.

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

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

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

SPEAKER BARRETT: To the motion.

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

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

RECESS

April 5, 1990

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

PRESIDENT NICHOL PRESIDING

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

PASTOR MCGAFFIN: (Prayer offered.)

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

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

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

CLERK: No corrections, Mr. President.

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

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

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

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

PRESIDENT: Senator Lamb, please.

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

April 9, 1990

LB 164, 503, 503A

motion that LB 503 become law notwithstanding the objections of the Governor.

PRESIDENT: The veto is overridden on LB 503. LB 503A.

CLERK: Mr. President, Senator Kristensen would move that LB 503A become law notwithstanding the objections of the Governor.

PRESIDENT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you. In the interest of time, I would just urge the body to override LB 503A. Thank you.

PRESIDENT: Did you wish to close?

SENATOR KRISTENSEN: No.

PRESIDENT: Okay, the question is, shall the veto of LB 503A be overridden? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote taken. See page 2036 of the Legislative Journal.) 38 ayes, 6 nays, Mr. President.

PRESIDENT: The veto on LB 503A is overridden. LB 164, please.

CLERK: Mr. President, Senator Ashford would move that 164 become law notwithstanding the objections of the Governor.

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President, members. Briefly, I would like to go back to last year and just use my time to bring you up-to-date on what has happened at Joslyn Castle since February of 1989. At that point, as you recall, the school district in Omaha or the school board decided that it wanted to sell, or was going to sell Joslyn Castle, and a bidding process was undertaken, decision was made to sell for, at that time, for commercial purposes. It was at that point that I got involved, Senator Lindsay got involved and others to attempt to try to find other alternatives for this...for the castle. And we went through various alternatives. The body has been extremely patient and cooperative and supportive of our efforts throughout

this last 19 months to bring Joslyn Castle to its proper place. And I think that there have been at least three committee hearings on this bill, six or seven votes by the body, and I don't think there were any more than four votes no all the way through the process. Commencing in about four or five months ago there were...there was a significant amount of work undertaken to restore Joslyn Castle. And I've sent to you a list of what has been done as of this date. As you may recall, last year I promised or told you that there were going to be monies spent voluntarily by the citizen of Omaha and the school board to try to bring Joslyn Castle up to the state...up to a restored state. And, quite frankly, that has been done substantially in the last few months. As you will note, that already 239,500 dollars has been spent in restoring Joslyn Castle. Approximately twice that much, or a little more than 200,000 more dollars will most likely be spent before the project is completed. Last year this Legislature commissioned a study on Joslyn Castle, and that study was done over a four or five month period of time at the end of 1989. The study was funded by the state, it was approved by the Governor and was done by Marty Shukert in Omaha and others, the former City Planning Director. Mr. Shukert concluded after, and you've all seen the study, it's approximately 180 pages, the recommended option was or is that the Omaha Public Schools deed the castle property to the Nebraska State Historical Society at no cost. And the Historical Society would serve as the trustee of the property, but would not be involved in its day-to-day administration. It went on and reviewed some of the responsibilities that the State Historical Society would accomplish. Last year I made representations to this body that this...that the State of Nebraska would not be responsible for restoration or maintenance of Joslyn Castle, nor would it ever have to pay a purchase price for Joslyn Castle. And LB 164 is...I have followed through to the letter on LB 164 inasmuch as there is no purchase price included, there is no cost for restoration or maintenance. The cost of restoration and maintenance will be paid by the citizens of Omaha, the Symphony Showhouse Association, Douglas County and others that have contributed so generously to this facility and this project. Why is this an important thing to do now, and why should the state do it? It's important to do now because if we don't do it the school district will sell Joslyn Castle to the highest bidder. And that, most likely, will be to a private developer which will have then the advantage of all of this work that has gone into Joslyn Castle on a volunteer basis. And I think

that's extremely unfortunate. It's contrary to all of the votes that this body has given to Joslyn Castle, all the way through, from the beginning to now. As I suggested, I think there has never been less than 30 votes on any measure for Joslyn...in favor of Joslyn Castle since it started. And 34 of you voted or signed onto LB 164 when it was initially introduced. The last vote on LB 164 was 40 to 2. So, based on those, and somewhat in reliance upon the state's participation in the study and the state's continued support of Joslyn Castle, these renovations and restorations have occurred. If we do not act, if we let it go, if we bring it to the five yard line or further and do not complete the project, do not complete it to its end and let the State Historical Society take title to it, the project will be sold, and it will be sold for commercial purposes, it will not be open to...totally open to the public. It will not be...in all likelihood will not be owned by a public entity, but will be owned by private entities. Senator Moore asked me a question last time, why should I, as a Senator from Stromsburg, do this project? And the reason why Senator Moore and others should do...vote for this project as they have in the past is because this is such a unique situation where the citizens of Omaha have put in 240,000 dollars of money for this project and are willing to give it to the State of Nebraska, the people of the State of Nebraska at no cost. I don't know whether or not that has ever occurred in our history. I know there have been other homes that the State Historical Society has taken title to, the Kennard House across the street, the Willa Cather home, and in both those cases I believe the State Historical Society's involvement is much more significant. The restoration and maintenance, I know looking back at the history of the Kennard House, the restoration maintenance of the Kennard House is or has been and continues to be undertaken by the State Historical Society. Why the State Historical Society? Obviously the State Historical Society is the one agency that is charged with the mission of restoring or maintaining homes of this type and projects of this type throughout the State of Nebraska. Jim Hanson, the Director of the Historical Society, and others on the board and other historians have indicated that Joslyn Castle is the one or two...the first or second or third most significant homes in the State of Nebraska. If we...as I said at the outset, we should do this for two, basic reasons. One, we'll lose it. The state has participated in this project for one and a half years or more and now we get it to the point where it will be finished, it will become a wonderful project owned by the State of Nebraska at no cost and we just pull the

plug, and that just is not reasonable and it's not appropriate. And, secondarily, the citizens of Omaha have made a significant contribution to what will become, hopefully, a state property by putting 240,000 dollars of work into it, and committing to do much more before the Symphony Showhouse opens. I urge this body to override this veto. Obviously, as you all know, I've been up here talking about Joslyn Castle for two years. It's something I care deeply about because it was a project that I started, and it would be obviously upsetting to lose something like this. But each of us have bills that would be upsetting to lose. This just seems to be so special, and the amount of money, \$50,000, so small, and the benefits already with 240,000 dollars already committed to the project, already in the project, right away we have, we have taken potential 50,000 investment and without even spending the 50,000 we've turned it into 250,000 dollars of private money. And I don't think we're going to find projects like that brought to us very often.

PRESIDENT: Senator Ashford, just a moment, please. (Gavel.) Will you please hold it down so we can hear the speakers. Thank you, Senator Ashford.

SENATOR ASHFORD: That's all I have at this point, Mr. President.

PRESIDENT: Okay. Senator Crosby, followed by Senator Korshoj.

SENATOR CROSBY: Thank you, Mr. President and members. I thank you...I just want to second everything that Senator Brad Ashford has said about Joslyn Castle. I'm just really impressed with the handout on what has been done, all the renovations and all the organizations and people in Omaha who have really worked to bring it up to the condition that it should be in. The Omaha Symphony Guild, of course, has it as their showhouse project. If any of you happen to see Brad Ashford and the people on television Sunday, you just got a quick glimpse of what it looks like and what...the tremendous work they've done. It's wonderful to see an organization like that work to help another organization to do something for Omaha and for the rest of us to preserve this wonderful home, this wonderful house. So, that's all I want to say. I just want a second. I'm going to support it, and I hope you all do.

SENATOR KORSHOJ: Question.

April 9, 1990

LB 164, 164A, 678

PRESIDENT: Question has been called. Do I see five hands? I do, and the question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Debate has ceased. Senator Ashford, would you wish to close?

SENATOR ASHFORD: Sure. I just urge that the body overrule the veto. Thank you.

PRESIDENT: The question is, shall the override of LB 164 be overridden...shall the veto of the override be overridden? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read as found on page 2037 of the Legislative Journal.) 33 ayes, 9 nays, Mr. President.

PRESIDENT: The veto is overridden on LB 164. LB 164A, please.

CLERK: Mr. President, Senator Ashford would move that 164A become law notwithstanding the objections of the Governor.

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: I'd just move the A bill, Mr. President.

PRESIDENT: Any further discussion? If not, the question is, shall the veto of LB 164A be overridden? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read as found on pages 2037-38 of the Legislative Journal.) 35 ayes, 4 nays, Mr. President, on the override of 164A.

PRESIDENT: The veto on LB 164A is overridden. LB 678.

CLERK: Mr. President, Senator Wesely would move that LB 678 become law notwithstanding the objections of the Governor.

PRESIDENT: Senator Wesely, please.

April 9, 1990

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

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

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

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

SPEAKER BARRETT: Thank you. Senator Schellpeper.

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

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

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

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