

February 16, 1990 LB 163, 164A, 226, 260, 457, 571, 838
846, 866, 880, 958, 1003, 1019, 1028
1039, 1062, 1103, 1106, 1113, 1184, 1205
1215, 1229

Senator Hartnett. (See pages 846-48 of the Legislative Journal.)

Judiciary reports LB 838 to General File; LB 880, General File; LB 846, indefinitely postponed; LB 1103 and LB 1205, indefinitely postponed.

I have amendments to be printed to LB 866 by Senators Lamb, Haberman, Rogers and Crosby. (See pages 848-50 of the Legislative Journal.)

Mr. President, priority bill designations. Senator Labeledz has selected LB 457. Senator Hartnett for Urban Affairs has selected LB 1106, LB 1229; Senator Conway, LB 260; Senator Bernard-Stevens, LB 1062; Senator Beck, LB 958; Senator Rod Johnson, LB 1019; Senator Haberman, LB 1039, as one of the Retirement Systems priority bills. Senator Hall's Revenue bills are LB 1028 and LB 1215; Senator McFarland, LB 226; Senator Hefner, LB 571; and Senator Chizek's personal priority, LB 880, and Judiciary Committee's, LB 1003 and LB 1113.

Mr. President, Revenue Committee gives notice of hearing. And one new A bill, LB 164A by Senator Ashford. (Read by title for the first time as found on page 850 of the Legislative Journal.)

And, finally, Senator Scofield has amendments to LB 1184 to be printed. (See page 851 of the Legislative Journal.) That's all that I have, Madam President.

Madam President, when we left LB 163, the Enrollment and Review amendments had been adopted. Senator Johnson had an amendment to the bill that had been adopted. Senator Morrissey had amendments. Senator Hefner had his first amendment adopted. The bill was bracketed, Madam President. I now have pending Senator Hefner's amendment. Senator, this amendment is on page 599 of the Journal. I believe...it's AM2141, Senator, the biodegradable. Right. Okay.

SENATOR LABEDZ: Senator Hefner, on the amendment.

SENATOR HEFNER: Mr. President and members of the body, you will find this amendment on page 599. And what this would do, this would add a tax or a fee on disposable diapers...on nondegradable disposable diapers at the rate of 10 cents per dozen. The tax would be collected by the Department of Revenue

February 23, 1990

LB 164A
LR 259

something which has never happened to a Jaycee organization in this state before, the first time this state organization has ever led in the parade of states. Therefore, I would hope that you will join me in supporting the resolution and naming today as Nebraska Jaycee Governmental Affairs Day at the Nebraska Legislature. Thank you.

PRESIDENT: Thank you, Senator Barrett. May I also state that the group was in the south balcony a while ago and their expectations were that they would be announced at approximately the same time but it didn't quite work out that way. So we do welcome them earlier in the day to this. And the question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of the resolution.

PRESIDENT: The resolution is adopted. Move on to number seven, LB 164A.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of the resolution.

PRESIDENT: All right, we're ready to proceed on LB 164A at this time.

CLERK: Mr. President, 164A was a bill introduced by Senator Ashford. (Read title.)

SENATOR ASHFORD: Yes, thank you.

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President. LB 164 is the companion A bill to LB 164 which, as you recall...may recall, is the bill which authorizes or directs the Nebraska State Historical Society to take title to the Joslyn Castle in Omaha, Nebraska, at no cost. At the time that... and as you may also recall, the bill provides specifically that the Historical Society is authorized to take title but only in such a...in the case that it does not pay a purchase price for it but is actually given the title to the castle. At the time we discussed LB 164 on General File, I indicated to the body that there would be a small cost out of General Fund dollars for

Joslyn Castle and during the time that the bill was discussed on General File and today the Fiscal Office has come up with what is 164A, which appropriates \$50,000 in the first year and \$52,000...\$52,500 in the second year to...for two purposes. And at the time we discussed this bill on General File, I told the body that the only expense that would be incurred in connection with Joslyn Castle would be a one-half time FTE from the Historical Society or full-time employee to help maintain and operate the castle and that possibly in addition to that there would be a need to, if there were no donations into the castle at all, to keep the building heated during the winter and the basic utility costs. So the \$50,000 in the first year and the \$52,500 in the second year in General Fund money is for those two specific purposes. The remainder of the appropriation is for the restoration, design and improvements of the castle and the...if you look at your A bill or if you want to look at your...at the fiscal note, excuse me, the trust which is set up for the donations to Joslyn Castle is broken down into three years, '90-91, '91-92 and then the third year which is not covered in the bill would be the third year for the completion of the project, and that number is the \$1,260,078 which is intended to come from donations and other sources. There will be amendments to LB 164 on Select File which will...which have been drafted and will be printed...have been filed and will be printed which specifically state that the state shall not be responsible to pay any portion of these restoration, design and improvement costs. So what we are doing here in the A bill is covering what I talked about earlier, which is a one-half full-time employee from the Historical Society to watch over the operation and maintenance of the castle and if...and the minimum amount necessary to provide for the utilities for the castle for the next two years. And also you might note in the fiscal note that the only part of the operating expenses covered by this appropriation are utilities. There are other operating expenses listed of \$114,500 the first year, \$194,774 the second year, and those amounts would come out of an operating trust fund which would be funded primarily except for this General Fund appropriation out of donations and other sources. I might also remind the body that, as an aside, that at the present time Joslyn Castle is being renovated by the Symphony Show House Guild, by designers and architects in the Omaha area, that the...that those improvements will have a value in excess of \$350,000 when they are completed and that, in fact, the Historical Society when they take title to the castle will, in fact, have a building which is substantially restored except for

some air conditioning work, some windows and other relatively, though important, relatively, compared to the total cost, relatively minor improvements. Much of the structural work has been done in the last 12 months, especially roof work, tuck pointing work on the Carriage House. In any event, I appreciate the body's patience over the last year in working with Joslyn Castle with me. Again, this appropriation is consistent with what I indicated early on would be necessary. It is a very small amount of money compared to the total amount that will be raised locally and from other sources to complete the Joslyn Castle project. I would appreciate your support in voting for 164A. Thank you.

PRESIDENT: Thank you. Senator Moore, please, followed by Senator Schellpeper.

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

PRESIDENT: Senator Ashford, please.

SENATOR MOORE: Now last year the state did or did not appropriate some money for the Joslyn Castle?

SENATOR ASHFORD: Right.

SENATOR MOORE: And I don't mean...if my memory serves me correctly, it was...the selling point at that time was, I think, \$50,000. Is that the correct figure from last year?

SENATOR ASHFORD: Right.

SENATOR MOORE: The selling point at that time would be a \$50,000 stopgap to find out what it is we need to do with Joslyn Castle. That's what...it was sold on the premise that it was \$50,000 one-time money.

SENATOR ASHFORD: For that purpose, right.

SENATOR MOORE: And then now you theoretically decided what's going to happen and you're back with an A bill of \$50,000 in each for the next two years appropriation. I guess, for one, that...I understand why it doesn't jive with the situation last year. I don't know, your consistency, I guess, is what I'm questioning. I think last year we said it was only going to be

one time and now we're coming back making it one time for two more years. The simple question is, is this it?

SENATOR ASHFORD: Right.

SENATOR MOORE: Is this the total, one of those, no, that will be it as far as General Funds? Or do we keep appropriating money for this purpose?

SENATOR ASHFORD: I think that the fair answer there, Senator Moore, is that last year we didn't have any idea what the study was going to say and the study came back and requested or basically said that we need some minimal...we need a half-time or some employee from the state to have some responsibility over the castle. If the state is going to take title, someone has got to have responsibility. And the utility cost, Senator Moore, is a bare minimum amount which would be utilized by the society only if those donations did not come in. It's not intended to be an off-the-top \$50,000 appropriation. It's what the Historical Society needs. In case no money comes in at all, they have a building that they need to heat. Also, on General File, I think I indicated that we were going to keep any General Fund appropriation at about the \$50,000 level. As far as what we're going to do two years from now, you know, it's our hope, and based on the information we're getting from Omaha and the interest in the castle, that the state General Fund appropriation would be very, very minimal going forward and would probably be limited to the full time employee or half-time employee.

SENATOR MOORE: But you do...there is some minimal ongoing General Fund impact? I mean, it's...

SENATOR ASHFORD: Yeah, it's got to have some.

SENATOR MOORE: ...minimal (inaudible).

SENATOR ASHFORD: Yeah.

SENATOR MOORE: The last question I have, obviously, that you're anticipating generating a good portion from the private sector, so to speak,...

SENATOR ASHFORD: Right.

SENATOR MOORE: ...from all indications, that's possible, but I just...I'll give you the balance of my time, is what would your actions be if that fund drive falls short? In your opinion, would you be coming and asking for more money then?

SENATOR ASHFORD: Well, I think...I think the answer to that is that we looked...we're looking to two or three sources, and I will try to cut this as short as I can, to do this. One is, as I mentioned, the Symphony Show House, which is going to be doing a substantial portion of this work and the million dollar number was...will be substantially reduced. Number two, the operating expense of \$128,000 the first year, and the second year, we believe, can be covered substantially by tenants. We already have two, one very interested tenant and Douglas County committing to leasing the building. Three, the General Fund drive or the fund drive for Joslyn Castle, you know, whether or not that's going to fall short will depend, obviously, on how successful we are but I think we have got the numbers down to the point where we can go out and raise money for specific parts of Joslyn Castle, for example, window restoration or air conditioning and heating restoration and that's...those are incremental costs. I think it's going to be relatively easy to find money for those because the numbers are not substantial. If we are totally unable to do that and raise no money and can find no tenants, you know, I think we're going to have to reevaluate it and it may be necessary at that time, Senator Moore, and I am certainly pragmatic enough to admit that if that is totally unsuccessful, then we'll have to look at maybe some other potential buyer for the castle. But this gives me an opportunity to get two years to see what we can do.

SENATOR MOORE: Okay, thank you.

PRESIDENT: Senator Schellpeper, please.

SENATOR SCHELLPEPER: Thank you, Mr. President, and members, I, too, would have some questions for Senator Ashford. Senator, is this 1.2 million in a fund right at the present time?

SENATOR ASHFORD: No, the one...let me explain...no, can I explain it real briefly?

SENATOR SCHELLPEPER: Sure, go ahead.

SENATOR ASHFORD: The amendments to 164, which are currently

being printed, state that none of that money can come from General Fund appropriations. It's going to be a prohibition that would prevent the state from spending that money or Historical Society from using General Fund money to pay for restoration, improvements, the major cost. The Trust Fund is the mechanism to collect the cash or the donations. Then the Cash Fund Trust Fund is the mechanism to collect the cash that comes in from the operation of the castle. Those are two separate cash...one Cash Fund would be used for operations; the other Cash Fund would be used for restoration.

SENATOR SCHELLPEPER: So what you're really saying then, Senator, is that if you don't raise \$1.2 million, you will be back here to ask for some more money?

SENATOR ASHFORD: No, I'm not saying that at all, Senator Schellpeper, in the least. I think from the very beginning of this process what I have said is this is going to be a local project. The reason that we are...that I have insisted upon the Historical Society taking title is because this is a hugely significant historical building and that the only proper place to make sure that we preserve that building for all the Nebras...all Nebraskans is that the Historical Society take it so that it's preserved. Now, the money being raised to run it is going to have to come from local sources, either out of leases or donations. It is not my intention that we come...I come back to this body and ask for what in effect would be some kind of a deficit to make up the difference. It's just not going to happen, at least from this senator, and I don't think this body would approve it, because it's been my selling point all along that this is a local project. I would just reiterate again a substantial portion of the work that was called for in the study is being done from...by volunteers in the Symphony Show House project. So...and that's all volunteer, both materials and time, to complete the project.

SENATOR SCHELLPEPER: Okay, so then what you're saying is if we approve this \$50,000 on a per year basis, that you will not be back to ask for the 1.2 million if we don't raise it?

SENATOR ASHFORD: That's absolutely correct. Senator Schellpeper, that's absolutely correct. And Senator Moore brought up the issue of being consistent. I have tried to be as consistent as humanly possible on this but I think the Historical Society is basically saying, you know, what if we're

sitting there with a building, we've got to heat it, I've got to have some money to heat it, I think that's a reasonable request but certainly...and in line with what we have been saying, but we are not asking the state to restore this building, Senator Schellpeper.

SENATOR SCHELLPEPER: Okay, thank you. I think it's a building that needs to be restored too and I think it's very important to Nebraska. And I guess I would support the \$50,000 at this time, with the understanding that they will not be back for any more. Thank you.

PRESIDENT: Senator Ashford, would you like to close, please.

SENATOR ASHFORD: I think we have said it all, Mr. President. I would just urge that the body pass LB 164A. Thank you.

PRESIDENT: The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 164A.

PRESIDENT: LB 164A is advanced. LB 313A.

CLERK: Mr. President, 313A was a bill introduced by Senator McFarland. (Read title.)

PRESIDENT: Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. President. LB 313 is the bill that we debated I think earlier this week dealing with the increase in Workers' Comp benefits to employees that are injured on the job. The bill, itself, in its present form will increase the maximum weekly Workers' Comp benefits from \$255 to \$265 this year and then...or, excuse me, from \$245 to \$255 this year and then from \$255 this year to \$265 next year. There is an A bill that is attached to it. It calls for appropriating \$52,000 to the Workers' Compensation Claim Fund. That, as I understand it, has to do with making money available to the state because there are state employees who receive Workers' Comp benefits. And so, with that, I would just ask that you advance the A bill along, too, so it will accompany LB 313.

February 26, 1990 LB 164A, 260, 313A, 708, 736, 980A, 1032
1090, 1100, 1159, 1236
LR 241, 257

and nonsmokers have a right to resent it." I do hope that this resolution will receive all of the votes present on the floor, Senator Goodrich said he will not vote for it, so I'll say, with the exception of the one who has expressed opposition to what the resolution attempts to do.

SPEAKER BARRETT: Thank you. You've heard the closing. And the question is the adoption of LR 257. All in favor of that motion please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of LR 257.

SPEAKER BARRETT: LR 257 is adopted. The Chair is pleased to note that Senator Wehrbein has 15 guests in our south balcony from Elmwood High School. Fifteen seniors are visiting with us this morning along with their teacher. Would you people please stand and be welcomed by your Legislature. Thank you. We're pleased to have you with us. Proceeding to the record, Mr. Clerk. Have you anything to read in?

CLERK: Mr. President, I do. Thank you. Some amendments to be printed to LB 708 by Senator Chambers. Enrollment and Review reports LB 1090, LB 1032, LB 1236, LB 164A, LB 313A, and LB 980A to Select File some of which have E & R amendments attached. General Affairs Committee, whose Chair is Senator Smith, reports LR 241CA to General File; LB 736, indefinitely postponed; LB 1100, indefinitely postponed; LB 1159, indefinitely postponed, those signed by Senator Smith. That's all that I have, Mr. President. (See pages 979-80 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Item 6, Mr. Clerk, LB 260 on General File.

CLERK: Mr. President, LB 260 was a bill introduced by Senators Conway, Baack and Schmit. (Read title.) The bill was introduced on January 9, last year, Mr. President, at that time referred to the Revenue Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Revenue Committee, Mr. President. (Standing Committee amendments are on page 724 of the Legislative Journal for the First Session, 1989.)

SPEAKER BARRETT: Senator Hefner, would you please handle 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.)

PRESIDENT: Senator Ashford.

SENATOR ASHFORD: Very briefly, Mr. President, all this amendment does is change the...it does not change the ceiling, Senator Haberman, of \$50,000 on the appropriation for operations, but what it does do is increase the amount authorized for an employee at the castle from \$11,730 to \$23,460 in the first year, and from \$12,315 to \$24,630 in the second year. This was requested by the Historical Society in order to have the requisite authorization if they need to actually have a full-time employee there. It is a simple technical adjustment and I would move the amendment. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of the bill. Excuse me, the adoption of the Ashford amendment. All those in favor vote aye, opposed nay. Need a little help, please. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB...I'm sorry, on the adoption of Senator Ashford's amendment to the bill.

PRESIDENT: The Ashford amendment is adopted. Senator Ashford, on the advancement of the bill.

SENATOR ASHFORD: I just move the advancement of the bill, Mr. President. Thank you.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 348.

CLERK: Mr. President, on LB 348, first item is an amendment to the bill by Senator Wesely. Senator Wesely's amendment is on page 976 of the Journal.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Pass over that, withdraw that.

PRESIDENT: It is withdrawn.

CLERK: Mr. President, Senator Wesely and Langford would move to amend. This amendment is on page 1046 of the 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

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, 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?