

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

January 19, 1989

LB 51, 189
LR 13-19

Government, Military and Veterans Affairs, whose Chair is Senator Baack, instructs me to report the same back to the Legislature...to whom was referred LB 189, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File, signed by Senator Baack as Chair. (See page 350 of the Legislative Journal.)

Mr. President, Senator Wesely, as Chair of Health and Human Services, instructs me to report LB 51 to General File with committee amendments attached. (See page 350 of the Legislative Journal.)

LR 13, offered by Senator Baack; LR 14 offered by Senator Wesely; LR 15 by Senator Schmit; LR 16 offered by the Urban Affairs Committee, signed by its members; LR 17 by Urban Affairs; LR 18 by Urban Affairs; and LR 19 by Senator Hartnett. (Read brief descriptions of resolutions. See pages 351-65 of the Legislative Journal.) Mr. President, I believe...I believe, Mr. President, that is all that I have at this time.

SPEAKER BARRETT: Thank you. Senator Warner, would you care to adjourn us until tomorrow morning at nine o'clock. Thank you. Those in favor of the motion to adjourn please say aye. Opposed no. The ayes have it, the motion is carried, we are adjourned.

Proofed by:


Sandy Ryan

SENATOR LAMB: No other speakers, Senator Johnson, do you care to close? Waive closing. Motion is the advancement of LB 207. Those in support vote aye, those opposed vote nay.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Have you all voted? Please record.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 207.

SPEAKER BARRETT: LB 207 is advanced to E & R. LB 189.

CLERK: (Title read.) The bill was introduced on January 5, referred to the Government Committee for public hearing, advanced to General File, Mr. President. I have no committee amendments.

SPEAKER BARRETT: Senator Lynch, please.

SENATOR LYNCH: Mr. President and members, the Rules Committee discussed this and a number of other proposed recommendations. This would simply provide that the body would elect the Chairman of the Retirement Committee rather than at the present time the chairman and the members of the committee being chosen by the Executive Board. The members of the committee would also be chosen by the Committee on Committees as other committee memberships are. I should point out to you that it also provides that under this new proposal the ex officio membership to the committee by the Chairman of the Appropriations Committee would be eliminated. In 1959, some background on the committee, the committee was first originated. At that time the Chairman of the Executive Board, the Chairman of the Committee on Committees and three members were appointed by the Executive Board to serve on the Retirement Committee. I'm not quite sure, someone around here might remember, but before that time it apparently was not important that some kind of an oversight committee existed and that is generally what was accomplished. However, today it is different. The committee does, in fact, introduce and consider legislation as well. We simply recommend this. We think it is a good idea and ask for your support.

SPEAKER BARRETT: Thank you. An amendment on the desk.

CLERK: Mr. President, Senators Haberman and Warner would move to amend the bill. (Amendment found on page 367 of the Legislative Journal.)

SPEAKER BARRETT: Senator Warner, please.

SENATOR WARNER: Mr. President, members of the Legislature, the amendment has been passed out. As the bill was reported yesterday, didn't really have...which is no problem, but was not a lot of lead time. The amendment does two things. First, as has been pointed out, it changes the method of selection of a committee and its chairman which, you know, whatever the Legislature wishes to do is fine, but it seems to me traditionally when these kind of changes have been made, the effective late for that change has been at the completion of the term for which the individual or individuals serving that committee have been selected. And, obviously, since the existing Retirement Committee has been selected as provided by law, it seems to me it is appropriate that any change, rather than being made during the interim, that is, the current chairman, by law, would be wiped out 90 days after the session. It seems to me it would make sense that that change should occur at the beginning of a session and in this case it would need to be the 1991 session of the Legislature. A precedent for that, I can only think of two, where it was not done and I can recall two committees that legislation was introduced after an individual was selected, but in both cases, to serve as chairman, but in both cases it was done with the people knowing that that committee was to be abolished and was in concurrence with it and, in essence, they served in that position only to fill it, knowing it was going soon to be abolished. So I think that part of the amendment is an appropriate change to take place. The second one is probably more difficult to...for me to argue since the position I currently have the privilege of holding is involved, but I do believe in the retirement system that it is desirable irregardless of who the individual might be, that the Chairman of the Appropriations Committee is there, and the reason is twofold. One, you could argue the same for any committee and that is that if there is an impact on financing, why, somehow or other, it affects appropriations somewhere in the future, and that would not be a very strong argument as I indicated, you could make that of every committee. Wouldn't be an argument at all, as a matter of fact. But this one is different in two respects. Almost inevitably, the real impact from retirement programs are somewhere down the line and

there is a, I think at least, a desirable impact on, or input in legislation of this nature in which there is at least one person who has had some background and those that impact of future liabilities over which you have little control. And this is where retirement is different than any other program we establish. Any other program we establish, we can cap it, we can repeal it, we can abolish it and those things happen. Retirement, you're dealing with individuals. You're not going to go in, at least you cannot justify, we know the problem social security is facing. You cannot justify that you can worry about it later. You have to justify and anticipate that long-term impact and what ramifications it might have. And for that reason, because it is unique, you're dealing with individuals' retirement. You're affecting people very directly and individually on something that they had anticipated to exist throughout their working life. There is a much greater responsibility on what future impact that might have on the finances of the state. So I think in this particular instance, because if it is unique and most certainly, at least as long as I have been here, the Chairman of the Appropriations has been involved as a member, one time, it seems to me, Appropriations Committee, in fact, handled all retirement because it was unique, separate kind of approach and it has taken a variety of formations, but the approach that we have today was adopted. So I would urge the adoption of the amendment and it's not one that affects me at all, but I think it is exceedingly important that the long-term impact and as it relates to long-term budget impacts be represented on that committee during its discussions.

SENATOR HANNIBAL PRESIDING

SENATOR HANNIBAL: Thank you, Senator Warner. We have a motion on the desk, Mr. Clerk. Next speaker on the amendment would be Senator Nelson. You want to pass on the amendment and speak on the bill? Okay, thank you. Then Senator Haberman, please.

SENATOR HABERMAN: Mr. Chairman, members of the body, it is very vital that the Chairman of the Appropriations Committee, regardless of who it is, be involved with the Retirement Committee. I have learned this over the past two years, that there is a direct, vital link. Now I would also like to say that I don't believe I would care to even serve on the committee if Senator Warner was not a member of that committee as it takes continuity, it takes someone who knows what has happened in the past, who knows the pitfalls, who knows what can happen because

when you change a retirement system for one entity it is like dropping a pebble in a lake and the ripples keep on going and going and going. You're dealing here with somebody else's money and they are very conscious of what you do with their money, more so than on legislation. So you have to be extra careful as to what you do. Sometimes it will take two or three years before a change can be made in the proper manner. So I would strongly suggest that we adopt the amendment, leaving the chairperson of the Appropriations Committee, whomever it is, on the Retirement Committee. The second part of the bill, I would support the issue, or the amendment, taking place in 1990. However, I would like to call to the attention of this body that the Executive Board did exactly what the bill says, we chose a person from each of the four Committee on Committee districts. Now one of the reasons this happened is that there were senators who wanted to be on the committee from each of the four legislative Committee on Committee districts. In the past this has not happened. So Executive Board, in all its wisdom, said, here are three people from district three, here are two from one, let's take one person from each of the four Committee on Committees districts and put them on the Retirement Board. They did exactly what this legislation is going to do, and I am sure that the Executive Board will follow this procedure if there are enough senators who want to be on the committee. Now if you go into a Committee on Committees sessions and nobody wants to be on the committee, what are you going to do? You're going to put some senator on there who doesn't have the interest, who won't take the interest to learn the vocabulary, to go at noon meetings, to meet at noon from twelve to one and then go into another committee meeting at one-thirty, and I don't blame them for not wanting to do this. So I would say that we adopt the amendment and then in the end I'm going to recommend that we defeat the legislation. Thank you, Mr. President.

SENATOR HANNIBAL: Thank you, Senator Haberman. Do we have an amendment on the desk, Mr. Clerk, amendment to the amendment?

CLERK: Mr. President, Senator Lynch would move to amend the Warner-Haberman amendment. (Read Lynch amendment as found on page 368 of the Legislative Journal.)

SENATOR HANNIBAL: Senator Lynch, on the amendment to the amendment.

SENATOR LYNCH: Mr. President, members, thank you. Yes, I do

suggest this. Also the amendment to the amendment goes on to say also to strike "committee" and insert "committees" to make it perfectly clear. Believe me, when we recommended this in the Rules Committee it was not intended to interfere with any kind of a process that was indeed important to this body. Hopefully, those of you who are on committees that spend money, can you show me, can I see the hands of any people who serve on committees that don't spend money, recommend the spending of money? You know, based on that argument, some are more important than others because some may spend more money. In this particular committee, on Retirement, for example, as I understand the committee, the retirement fund now is almost a billion dollars. That is a lot of money, but necessarily the money spent or recommended to be spent by every other committee is also important even though it may be a smaller amount. So I guess you could assume that, based on that, the more input, someone who deals with the budget in total in this body should be involved as an ex officio member of every committee. I only say that because I also understand that, for example, the ex officio membership provides generally that they are there to listen and recommend. Generally, ex officio members never vote. I'm not sure how traditionally it got started or if it even happens, to be completely frank, and some of the ex officio memberships on committees that may exist on the floor, but technically, ex officio members is an honorary thing provided for people who in a very important way should be in on and understand what happens on a day-to-day basis, on a regular basis within those committees. But, generally, they don't vote, and when they do vote it is specified why and when they should be voting. So in this case I don't oppose the recommendation and the amendment as originally proposed that has to do with the effective date, and, if, in fact, you would agree with me that it's important to have oversight and chairman of committees that not only wind up recommending what we spend, but also we're involved with the spending process and I would hope you would agree with me also, then in that case, we should have not only the chairman of the Appropriations Committee as ex officio on this committee, but also the chairman of the Revenue Committee as well. That seems to make sense to me. It is very even-handed. If, in fact, you think you got to have ex officio members some place, okay, but put the people on as ex officio members that really should be on then, too, and include everybody that is involved with not only raising money, but spending it as well. So I would respectfully suggest that you support my amendment to the amendment. I think it is good

policy for this state.

SENATOR HANNIBAL: Thank you, Senator Lynch. On the amendment to the amendment, Senator Nelson, please.

SENATOR NELSON: Mr. Speaker, members of the body, I was not going to address the amendment, and then when I realized that there may be a kill motion on this bill I chose to take the opportunity to address it right now. The first place is, I do support very much the continuity of the committee and also Senator Warner's expertise. I had the opportunity to serve on that committee for two years and the knowledge that you gain through actuaries, studying the basic facts of retirement, the terms and so on, is very important and, again, as I say, I support the Appropriations Committee chairman. I do have a little reservations that doesn't make that much difference whether or not the Revenue Committee chairman should have to serve on that committee or not. It is the long-term financial status of the state and the Appropriations Committee chairman is probably most knowledgeable. I also at this time, I would like to express...I very much am in favor of LB 189. I think that we have observed, as in all committee assignments, maybe or maybe not, where for some reason or another, maybe a little bit of political reason, political purpose or so on, as become involved in choosing the members of the Retirement Committee. I think people should be put on there that have learned the ropes. I've taken the time to express an interest in digging out the facts and finding out just exactly what our retirement is in the State of Nebraska. I guess maybe you think that I'm speaking with a little sour grapes in my mind or so on, but probably I am. In the choice of members of the Retirement Committee, I don't believe that that is any different than any other committee on the floor and that we should hope to have some continuity and some people in there that are interested and if they, themselves, take the time to study out what the committee does, and I very much support passage of LB 189. It is obviously needed.

SENATOR HANNIBAL: Thank you, Senator Nelson. Next to speak on the amendment to the amendment is Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. The amendment to the amendment deals with the issue of the chairman of the Revenue Committee being added to the Retirement Committee, and to be quite honest with you, I would, probably as

Chairman of the Revenue Committee, not prefer to have that happen if the bill stayed as it came out of committee. But when we look at the issue of long-term impacts on budget and long-term items that deal with fiscal matters, I think that we have to recognize that we have an Appropriations Committee and a Revenue Committee. We do not have a Budget Committee, and there is one committee that deals with the issue of appropriating the money and one committee that deals with the raising of that money, and those long-term impacts that I heard talked about affect both of those committees. It is not an issue for me of, do I need to belong on the Revenue Committee, or do I need to belong on the Retirement Committee, but if you are going to deal with the issue of looking at the fiscal impact to the state over a period of time, I think that if it is important to have the Appropriations Committee chair, then as well, it is important to have the chairman, whoever that might be, of the Revenue Committee, that deals with the fiscal matters on the other side of the ledger because it is a two-sided ledger, in this case the State of Nebraska, and I think that with Senator Lynch's amendment, if you choose to adopt that, I think you do represent that, you do say that there are two sides to the ledger and you recognize that by adopting this amendment. Now I will probably vote for the amendment as Senator Lynch has laid it out there, as an amendment to the amendment, but I don't think that I will vote for the Haberman-Warner amendment when it comes up, but I think in order to equal out that balance sheet you need to support Senator Lynch's amendment. Thank you, Mr. President.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. The discussion involves the amendment to the amendment, Senator Haberman, followed by Senator Warner.

SENATOR HABERMAN: Mr. President, members of the body, if this body agrees that we should have the chairman of the Revenue Committee, whoever that may be, I feel very strong that we should also have the chairman of the Military, Veterans and Government Affairs Committee on the committee because there is the state patrol involved and they are involved with the state patrol. I also feel we should have the chairman of the Judiciary Committee on there because they deal with judges and judges' salaries and issues come up before the Retirement Committee that pertain to judges. We should also put the chairman of the Education Committee on there because the

Education Committee handles teachers' involvement and the committee handles teachers' retirement. So as long as we're going to Christmas tree this bill, I believe that is the term that I first learned when I came down here, we might as well give everybody a shot...I'm so irate I can't figure out how to get the chairman of the Ag Committee on there, but I'll figure out a way before we're through maybe. Everybody should have a shot of being on this Retirement Committee which all of a sudden has become the focal point of this body. Now I don't know whether that is due to my charming personality or what, but it is rather pleasing that Senator Lynch and his committee should choose the Retirement Committee to take up our time this morning and to change the whole apple cart. It has been operating this way, I think fairly good. I'd have to say that, being the chairman. So I would ask that you defeat the amendment to the amendment and then I have an amendment up there that if that passes, to add the other three chairmen, so then we'll just go ahead our merry way. I would like to remind to you, it only takes a simple majority to amend an amendment to an amendment, so if you're opposed to this, watch how you vote. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I rise actually to oppose the amendment to the amendment. I indicated initially when I spoke that you could develop a rationale for every committee to have, as it has been pointed out, somebody from Revenue and somebody from Appropriations, and I also said at that point that was not a legitimate or a strong argument and I don't believe it is. I suspect maybe what we're really arguing about this morning is a bill I don't care what happens to, or two of them. As I recall, I heard yesterday a bill read in that the "ex officio" member of the Exec Board, which happens to be chairman of Appropriations, is to be removed or the other option I believe was for the chairman of the Revenue Committee to be added and I assume we're establishing a precedent, which is fine. See, I don't care on that one. I do care about this one and it isn't me I care about although I've heard that comment and it's nice when people say nice things about you and it is not so nice when they don't, but that is not the issue at all. The issue is that there is such a long-term impact, that that thought ought to be represented at all times on this particular committee. It came out of the Retirement Committee...it came out of the Appropriations Committee

originally. At some point at least there was...bills were referred to Appropriations, it became a specialized area and Senator Lynch has gone through some of the history. One time it was the Exec Board, when I was chairman of Exec Board we were automatically the Retirement Committee. I did not think that functioned well because there was a lot of turnover in it, although at all times the chairman of Appropriations was always there. I just simply think in this particular issue that it is uniquely different than any other of the appropriated committees that we have, all of which are authorized to enact new, consider and recommend to the body the enactment of new programs or expansion, restrictions, and do, and there is no reason for a mixture of either Revenue or Appropriations to be on those, but this one I think there is and I would hope that we do not get the structure of this committee mixed into what I suspect is another argument that is underneath it and one which...it's not an argument with me, I do have some other ideas of how you would restructure Exec Board that I will be glad at an appropriate time to talk about which I think might be helpful and would answer some of the problems that people may feel exist there, but that is not what is before us today. So I would urge that you would reject this amendment and adopt the amendment as it was originally offered.

SPEAKER BARRETT: Thank you. Before recognizing Senator Schimek for discussion on the amendment to the amendment, the Chair is pleased to announce that we have five cub scouts in the north balcony representing Den 8, Pack 128 in Lincoln from Senator McFarland's district. They are accompanied by their sponsor, Shelley Armstrong. Would you people please stand and be recognized, you young men, and Mrs. Armstrong. Thank you. We're glad to have you with us this morning. Senator Schimek, please, followed by Senator Withem.

SENATOR SCHIMEK: Senator Chairman and members of the body, I simply have a question about what this amendment...what both amendments will do. Is the effect of this, Senator Lynch, to make it a six-member body including the chairman, plus two ex officio members? And does...and this really goes back to the original motion, does this make this a standing committee through this election process with a regular scheduled calendar? I may not be asking this at the right time but...

SPEAKER BARRETT: Senator Lynch, would you respond to the question?

SENATOR LYNCH: Mr. President, thank you, yes, Senator Schimek, I think it is an appropriate question. The last question first, no, it does not make it a standing committee. There has been some discussion in the Rules Committee for a long time and on the floor for a long time because of the amount of money involved with this responsibility that it probably could be a standing committee. However, after talking with Senator Haberman and some others, it was agreed that it didn't have to be. Secondly, the amendment offered by Senator Warner actually changes what the original intention of the Rules Committee was and that was simply to provide that with the bill, the body, not the Executive Committee, but the body would decide, number one, who the chairman is rather than the Executive Committee, as it should with this kind of an important responsibility and, secondly, the other four, other members would be chosen by the Committee on Committees just as we do for all of the other standing committees, so it is not a complicated bill. It just simply transfers the responsibility for this committee from the Executive Board to the body. The amendment by Senator...and it also provided that the ex officio member would no longer exist, the chairman of the Appropriations Committee. That being said, it...right now it appears that mostly what we're talking about is ex officio membership rather than what we originally recommended and that's all right because that is an important part of it. This is indeed an important committee, but on the other hand, please remember that all the money in that budget wasn't developed necessarily by the Appropriations Committee or by any other committee in this body. The money in that budget is there because of negotiations between the employees of the state and the administration of the state. And there are other people who participate in that group. There are some county officials, for example, that are involved in that pension fund. I guess you could assume because it involves at least five agencies of government and affiliated agencies of government, that if you're going to have ex officio membership on that committee, rather than just have the chairman of the Appropriations Committee who represents those who are probably state employees, why not have a county official on it as well? Why not have somebody who is a teacher on it as well because there are some teachers involved and then so on? The ex officio membership is important only in that somebody should be aware of what is going on, but nothing happens in that committee except any legislation that could be developed and that's the reason the body should elect its chairman and also elect its members

because it does involve at this point, legislation, but at that point, we all know about it. An ex officio member is supposed to advise, period.

SPEAKER BARRETT: One minute.

SENATOR LYNCH: So in that particular case I would just simply and respectfully suggest, to answer your question, that I hope this doesn't get out of proportion and turn into what could appear to be a...you know, kind of a political thing almost between who is going to have what authority and power because it is not really intended to do that at all, simply to recognize what the committee is actually all about and provide the committee makeup elected by the body and do away with whatever kind of concern or confusion might exist about ex officio membership, but the amendment offered by Senator Warner just complicates that more, in my opinion, because it doesn't address legitimately the people that should be on it, in an ex officio capacity if, in fact, the intention is to have oversight as it involves people affected by that particular budget. So I'd recommend that we support the amendment to the amendment. At least it would recognize money coming in and going out. Oppose the amendment offered by Senator Warner and then ultimately support the bill.

SPEAKER BARRETT: Thank you. Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, although I serve as a loyal member of Senator Lynch's Rules Committee, I'm not going to support his amendment to the amendment because I don't think we should be...I think the purpose of the bill is to say we ought to treat the Retirement Committee like we do any other committee of the Legislature. The membership ought to be chosen as other committees should be chosen and you can make an argument on, certainly, certainly, Education Committee. Fifty percent of our state budget is spent on education. You could make a strong argument that the chair of the Appropriations Committee and the Revenue Committee ought to serve as ex officio members of that committee and down the litany. I'm sure, Senator Haberman, I could even think of a rationale for them being on the Ag Committee in this particular case. I think the Rules Committee was making a fairly simple suggestion, totally independent of any other bills dealing with, when we made this suggestion last December it was long before anybody talked about Executive Board membership or any of those other things. We

looked at the selection of members of the Retirement Committee as being somewhat out of sync with the way we choose all of the other memberships and the way we choose all of the other chairmen, and that is simply what we're trying to do. That...for it to get tied in with personalities of what particular chairman should have particular seats, I think is not particularly good worthwhile debate and not particularly good discussion. I, therefore, am going to oppose this particular amendment to the amendment. After it is disposed of, I'm going to file a request with the Clerk to have this issue divided because I think part of what Senator Warner is suggesting is excellent, that we should make this an effective date after the conclusion of this term. I think, at least in my mind, it's probably an oversight from the committee that we didn't do that. I would suggest that our system of choosing memberships to committees works quite well. If those individuals in the first congressional district caucus feel that the chair of the Appropriations Committee should sit on the Retirement Committee, they are certainly welcome to have that individual represent them on the Retirement Committee and he could make strong reasons as to why he should be. But to stipulate in statute that a particular member of...chairman of a particular committee should serve on a particular committee, I don't think is good policy, therefore, I'm going to oppose this particular amendment to the amendment and will be opposing the portion of the Warner amendment that reinstates the chair of the Appropriations Committee as an ex officio member of this committee.

SPEAKER BARRETT: Thank you. Senator Scofield, please.

SENATOR SCOFIELD: Question.

SPEAKER BARRETT: Question has been called. Do I see five hands to cease debate? I do. Those in favor of closing debate at this point please vote aye, opposed nay. Record.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. For purposes of closing on the amendment to the amendment, Senator Lynch.

SENATOR LYNCH: Mr. Chairman and members, just so you understand something here. Couldn't help but overhear one of the senators close to me say there must be something going on. Members, there is nothing going on. There is nothing going on at all.

But there comes a point in time on this floor when we have to think about the past and we have to think about the future and we have to think about what is right and what is wrong. To be completely frank, I might even vote against my own amendment at this point in time because I offered it because the previous amendment, except for the effective date, made no sense to me either. If it made sense, we wouldn't have suggested the rules change as we recommended out of the body. Ex officio membership can be very patronizing in a lot of ways. It doesn't necessarily mean it's right. It is an important responsibility, like I said before. The money in that fund is determined not by anybody except approved by and recommended by this body after negotiations by employees; have the list, for example, of the people involved in that plan. There are teachers, there are state patrol, there are judges, there are state employees and county employees. Now if you want to have ex officio members, put a teacher on it, put a state patrolman on it, put a judge on it, put a state employee on it, put a county employee on it, put the chairman of the Appropriations Committee on it, I don't care. But that oversight responsibility could just as well, and should probably, also include those as well if, you, in fact, think there should be some kind of ex officio membership at all. So I know it's not going to make it, but I thought I'd get that last shot in on it. There is nothing going on here except people recommending what is right, and I think our committee recommended what they thought in their heart was right. That is all there was to it and I hope we ultimately get back to the bill in its original form and we support that. With that, I'll close.

SPEAKER BARRETT: Thank you. The question is the adoption of the amendment to the amendment to LB 189. All in favor vote aye, opposed nay. Record.

CLERK: 7 ayes, 20 nays, Mr. President, on adoption of the amendment to the amendment.

SPEAKER BARRETT: Motion fails.

CLERK: Mr. President...

SPEAKER BARRETT: Mr. Clerk. The Chair recognizes Senator Withem.

SENATOR WITHEM: Yeah, Mr. Speaker, I don't know if a speech is

warranted here. I'm merely exercising the prerogative a member has in the rules to ask that a question be divided. I would suggest that we divide the Warner amendment to consider first the provision dealing with the effective date which does not seem to be terribly controversial and then deal separately with the other portion of it.

SPEAKER BARRETT: The Chair is of the opinion, Senator Withem, that the amendment is divisible. You are suggesting that we take...that we divide between questions, or points one and two. Is that correct?

SENATOR WITHEM: Correct.

SPEAKER BARRETT: Is it also your position that we consider point two first, that is the matter of the operative date, or does it make any difference?

SENATOR WITHEM: It...that is my suggestion because that appears to be the less controversial. I guess that is the prerogative of the Chair, the order in which you would bring those up.

SPEAKER BARRETT: The Chair feels that there is no problem in considering the second point first and that is the matter of Section 3 referring to the bill becoming operative on January 1, 1991. Would you care to make a statement then, Senator Withem, on...?

SENATOR WITHEM: Yes, Mr. Speaker. I just am supportive of this. I don't...not speaking for Senator Lynch, but as a member of the Rules Committee it was not my intent at this time to deny any properly elected chairman of a committee or member of a committee their rights and privilege to complete their tour of duty; making this effective in 1991 may not be such a good idea after all. I just got to thinking of it, maybe I have a question for Senator Warner here. If it is effective in 1991, then in December of 1990 would the Executive Board elect a chairman and a new Retirement Committee to serve for a period of one month and then the new...the body would make that one or should the effective date maybe be something like November of 1990 or something along that line? Will we run into any problems? And that is just a mechanical question. I think your overall suggestion is a good one and I'm not...it just hit me, I'm not sure when the best effective date would be.

SPEAKER BARRETT: Senator Warner.

SENATOR WARNER: Mr. President, the reason that we picked January 1 is that, obviously, the next Legislature, in its composition, would be making the selection and that is at the point it ought to be effective. As a practical matter, the Exec Board, I assume, could make a designation next December, but as a practical matter it would be for, as you stated, for one month and be meaningless and so...(interruption)

SENATOR WITHEM: They probably just...

SENATOR WARNER: ...with me any way. The idea is that it takes effect prior to the time that the next Legislature convenes and at that point would be...the selection method would be changed...

SENATOR WITHEM: Okay.

SENATOR WARNER: ...prior to the time we actually convene.

SENATOR WITHEM: Okay. Yeah, you're probably right. As a practical matter, it doesn't make that much difference, it's just the question came to my mind while I was speaking, if the intent of it is that next time we reconvene that the new procedure would take place, I think you're making a good suggestion.

SPEAKER BARRETT: Senator Haberman, would you care to discuss the proposal?

SENATOR HABERMAN: Mr. President, members of the body, I have no objections to electing the chairman from the floor and I have no objections to having members of the Retirement Committee be picked by the Committee on Committees. My remarks previously was to show this body that the Executive Board did exactly what the bill is going to do. So I will support electing the chairman from the floor and having the Committee on Committees members select the members of the committee and I also will support this amendment to do it in 1990, or 1991, the amendment says 1991, as my understanding is that at that time we're going to review this new committee makeup that we adopted two years ago. We're going to get a report on, did it do what it was supposed to do? But, regardless of that, I will support the legislation and I will support this amendment. Thank you,

Mr. Chairman.

SPEAKER BARRETT: Thank you. Senator Warner.

SENATOR WARNER: Am I closing?

SPEAKER BARRETT: This would constitute a close, yours is the last light.

SENATOR WARNER: Thank you, sir. I merely want to indicate initially that there was no problem about separating the issue. In fact, I thought about filing two separate motions and it seemed foolish to waste 50 pieces of paper to pass out two separate motions, so I anticipated the division of the question and had no problem with that. I just move adoption of that portion that deals with the effective date. That seems to be a more orderly way to do it and I assume it's not controversial, so I'd move adoption of that portion of the amendment.

SPEAKER BARRETT: Thank you. The question then is the adoption of the second part to the amendment to 189 in which the operative date becomes January 1, 1991. Those in favor of that motion vote aye, opposed nay. Please record.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of that portion of the amendment.

SPEAKER BARRETT: Motion carries. Back to the first part of the division of the question. Senator Withem, any comment? Senator Withem, would you care to make a comment on the first part of the amendment?

SENATOR WITHEM: Mr. Speaker, it's not my amendment. My request was to have it divided. I'd be happy to open and close for Senator Warner, but I don't think he'd like me to, on this, so I'll just wait and speak in my regular speaking order.

SPEAKER BARRETT: Thank you, Senator Withem. Discussion on the question, Senator Haberman, followed by Senator Lynch.

SENATOR HABERMAN: I'll defer to Senator Lynch first and come on afterwards.

SPEAKER BARRETT: Thank you. Senator Lynch, please.

SENATOR LYNCH: Mr. Chairman, can I yield back to Senator Haberman. Out of all due respect and courtesy I appreciate it very much but I'd certainly respect any comments you'd have to say and really be grateful to know what they are before I say anything. Thank you.

SPEAKER BARRETT: Thank you. Senator Haberman, the floor is yours.

SENATOR HABERMAN: Well, I'm just going to repeat what I said earlier, that regardless of who the chairman of the Appropriations Committee is, I feel it is imperative that he be a full voting member of the Retirement Committee. Now, quite possibly, two years ago I would not have stood up here and made that statement. I would not have stood up here and defended the Retirement Committee because I wasn't on the Retirement Committee and I had no knowledge, no knowledge whatsoever as to what the Retirement Committee did, with the exception when they came to the legislative floor with bills and the chairman or whoever got up and explained why it was a good bill and everybody else, including myself, I'll use my own self here, said, boy, that's complicated, that's awfully complicated. I'm sure glad the committee has an actuary; I'm sure glad that they met with these people; I'm sure glad back in the old days they used to meet at night from seven to nine-thirty; I'm sure glad they did that; if that's what they are going to recommend, I'll go along with it. But I'll tell you, folks, after being on that committee two years, especially in Senator Warner's position as Chairman of the Appropriations Committee, quite frankly, I need him. I need his wisdom, I need his say, I need everything that he projects into that committee. Now we don't always agree with Senator Warner, however, all of his testimony has been good testimony and things that we didn't know, hadn't thought of. Now I appreciate the fact that maybe some day Senator Warner won't be here. I don't know when that is going to be because he could probably live another 30 years and still be in the Legislature, but, however, it will be just as important then to have the chairman of the Appropriations Committee as a full-fledged member of the Retirement Committee and I ask for your support to this amendment. Thank you, Mr. Chairman, Mr. President.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Lynch.

SENATOR LYNCH: Mr. Chairman and members, you know this is a...a few minutes ago the chairman buzzed me because I had a minute to go. You know that's the first time I think I...since I've been in the body that I talked that long, so I apologize for that. Usually you can't learn nothing talking, so I try not to say too much. But the argument that Senator Haberman says is the need for somebody on the committee that knows what is happening, and that is appropriate. I have no problem with that at all. Of course, that is also the responsibility of the chairman and the members of the committee to know what is going on as well and I guess you can get advice from anybody, anytime, anywhere, if you want it. The one that is on the committee as ex officio and handy enough for that, that's okay too. When you talk about what we need though, remember that this budget, this amount of money is not just ours. Every dollar in there is matched by employees, it is matched by teachers, it is matched by state patrol, it is matched by judges, it is matched by state employees, it is matched by county employees, so you know if you're talking about oversight and if you need somebody in expertise, maybe you ought to think about that and maybe we ought to change it again. The reason we didn't recommend that it be a standing committee is because of that confusion who obviously caused, we're trying to reorganize the days and the Committee on Committees responsibility about who should serve on what committee and fill out the days, so we didn't do that. I think this is important but it is not that important that we have to have any single person on the committee at all. I think the recommendation made by the Rules Committee is ultimately fair. It is, obviously, not intended to recognize one degree of competence for one chairmanship as against the other at all. It is certainly nothing personal, just good policy. It identifies the responsibility with the committee and its members and they should know what is going on. I'd like to simply suggest that the way it was originally introduced to you without the amendment is the way the rule change should pass and I would simply recommend that you vote against the amendment in its present form.

SPEAKER BARRETT: Thank you. There are no other lights on. Senator Warner, would you care to make a closing statement?

SENATOR WARNER: Mr. President, members of the Legislature, like everybody, or several comments that have been made and I want to say this, too, right off the bat, and I'm saying it because I mean it, and that is, this is not personal with me. And as much

as I like to hear some nice things said and whatever as I indicated earlier, that is not the issue. It is policy with me. And as Senator Lynch pointed out, retirement is unique and which I agree it is unique. It affects a whole host of people. And the issue isn't whether there is adequate revenue to cover it in the future. The issue is it is an obligation which extends beyond any of the entitlement, what we usually call entitlement programs, extends far beyond any of the others. And I can think back in the years where particularly some local communities had gotten themselves in a real difficult situation which eventually was straightened out because they had enacted retirement programs, expanded them without adequately funding them. And the in fund liability was horrendous. The Retirement Committee over the years with a variety of members have developed some excellent policies which still primarily serve as the guideline for considering legislation and that was not done by me. It was done actually by the chairman and a variety of chairmen and staff that worked on those issues. But I still believe that this one committee is unique because of its purpose and how it so directly affects people that whoever...you know, as far as I am concerned, it doesn't have to be chairmen, I think it ought to be a representative of the Appropriations Committee if I am a problem. But there ought to be one person who is looking at both sides of that issue, the value of the program or the legislation which is important, but also have a natural inclination, because of other responsibilities, to look at that long-term impact and what its ramifications, if any, might be. So I would urge that the amendment be adopted because a policy of policies has been in existence for a great many years. It was in existence before I came along and it was put in, I'm sure, because past legislatures saw the wisdom of retaining that kind of continuity between two different committees.

SPEAKER BARRETT: Thank you. The question is the adoption of the second part of the divided question. Those in favor please vote aye, opposed nay. Have you all voted? Have you all voted? Please record.

CLERK: 25 ayes, 12 nays, Mr. President, on adoption of the second part of the Warner-Haberman amendment.

SPEAKER BARRETT: Motion carries.

CLERK: Mr. President, may I read some items for the record?

January 20, 1989

LB 35, 36, 38, 45, 53, 57, 79
123, 158, 168-170, 189, 190

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, I have a report of registered lobbyists for the week of January 19, as prepared by my office.

Mr. President, Business and Labor offers notice of hearing; Natural Resources Committee offers notice of hearing, signed by the respective chairs.

Natural Resources Committee reports on a confirmation hearing of Mr. Lawrence Myers.

Your Committee on Natural Resources to whom is referred LB 45 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 168 General File; LB 169 General File; LB 170 indefinitely postponed, those signed by Senator Schmit.

Enrollment and Review reports LB 190 to Select File; LB 35 to Select File with amendments; LB 36, Select File; LB 38, Select File with amendments; LB 158, Select File; LB 79, Select File; LB 53, Select File with amendments; LB 57, Select File and LB 123, Select File, those signed by Senator Lindsay as Chair, Enrollment and Review. (See pages 370-71 of the Legislative Journal for above announcements.)

Mr. President, the next amendment I have to LB 189 is offered by Senator Haberman. (Amendment appears on page 372 of the Legislative Journal.)

SPEAKER BARRETT: Senator Haberman, please.

SENATOR HABERMAN: Would you like to read the amendment, Mr. Clerk?

CLERK: (Read Haberman amendment.)

SENATOR HABERMAN: Mr. President, members of the body, the bill, LB 189, said, in essence, the chairperson and members shall be chosen in the same manner as chairpersons and members of the standing committees of the Legislature. That's fine. That's what we did. I agree with that. But now we reach the point that in 1991 should it or should it not be a standing committee? So let's examine the issue. If you will look on the work sheet dated January 20, 1989, there are 14 bills referred to General

Affairs, a standing committee. There are 13 bills also referred to the Retirement Committee. So I would like to have somebody explain to me if there is 13 bills going to a standing committee and 13 bills that are going to a committee that is not a standing committee but is being elected and chosen like a standing committee, that hears bills like a standing committee, that introduces bills like a standing committee, shouldn't be a standing committee. So that is what the motion says, in 1991 regardless of who the chairman is, regardless of who the members are, it will be a standing committee. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Senator Smith, followed by Senator Withem.

SENATOR SMITH: Thank you, Mr. Chairman. I would just like a little, a point of clarification. Senator Haberman, rather than 13 bills, at this point in time we now know that we have 20 bills with General Affairs.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Mr. Speaker, I have a question for Senator Haberman. Does by making this a standing committee, does that necessarily affect the day of the week in which it meets and the manner in which it meets or is it just a status change for the committee?

SENATOR HABERMAN: Senator Withem, it would not change the staff makeup of the committee, but it would, as I understand it, be assigned a day for the Committee on Committees to meet to have committee hearings from one-thirty to whenever. As it is now, the Retirement Committee meets if and when they can. They can meet in the morning before the session, they can meet during the lunch hour or they can meet in the evenings. So, basically, what this would do, Senator Withem, it would say that on a certain day, as other standing committees, the Retirement Committee will meet.

SENATOR WITHEM: Okay. Mr. Speaker, members of the body, I thought that is probably what Senator Haberman wanted to do. I don't know if automatically changing the title of a committee from special committee to standing committee does that. As somebody though that has had bills in front of the Retirement Committee, both under Senator Haberman's leadership and, frankly, I forget who the previous chair of the Retirement

Committee was...I can see why I forgot that in that case. There is a great deal of frustration, but I'm sure both by the committee members and by legislators who bring very complicated bills before a committee. They have to hear several of them during a period of an hour and a half, and it is a difficult process for the committee members and for the members bringing the bills and it deals with massive sums of money and I think it's a good idea, Senator Haberman. Frankly, I don't know where we're going to find time in our schedule to assign it a day, and I think that is something that maybe we need a study resolution accompanied with this to find that particular time. I think it's a good idea to change the name to a standing committee. I don't know if it necessarily, automatically gives it its day, but I think that is a problem we need to work on. I think it is a committee that does deserve...we give it a tremendous amount of responsibility, but not a tremendous amount of resources to deal with and I think we should do that. I'm going to vote in favor of your amendment.

SPEAKER BARRETT: Thank you. Senator Hall, please, on the Haberman amendment.

SENATOR HALL: Mr. President and members, I also rise in support of Senator Haberman's amendment to LB 189. The issue, as he has pointed out, is one that the committee does receive a number of bills. It is very different from every other special committee that we have. Over the years it has gotten more and more bills that have been referenced to it. It has gotten more and more importance, if you will, with regard to the impact that it has. Clearly, that was laid out by Senator Warner with regard to his arguments for the chairman of the Appropriations to remain on that committee and those are good arguments in that regard. The issue that Senator Withem raises I think is spelled out in the rule book. You find it under rule number 3, Section 6, on page 18 of the book where it says, standing committees shall meet at 2:00 p.m. on weekdays unless otherwise approved by the Legislature and it says that they meet at two o'clock. We have otherwise decided that they meet at one-thirty, but, Senator Withem, it is my understanding, based on reading the rule book, that with this amendment the Retirement Committee would become a full-fledged standing committee and would then have to be slid into a slot and meet during the week sometime when the rest of the committees meet, and I think that is important. I think the fact that there are a number of bills that do go to that committee today, and there will probably be more into the

future, makes it important that those bills receive the same kind of public notice, public ability to attend those hearings and that it fall into the slot as a standing committee. I think we have been moving in this direction, at least the four years that I have been here I have noticed that there has been more and more impetus put on the Retirement Committee as we have dealt with those issues on the floor. I think that this amendment offered by Senator Haberman is just a natural progression in that...to that end, and I think it makes very good sense for us to do that and do that so that it is laid out in the future so that we can adjust for it, plan the committee structure for 1991 so that Retirement can become a full-fledged standing committee. I would support Senator Haberman's amendment. Thank you.

SPEAKER BARRETT: Thank you. Additional discussion on the Haberman amendment? Senator Wesely, followed by Senator Elmer.

SENATOR WESELY: Mr. Speaker, members, I would like to just make a couple of comments and first commend Senator Lynch and the other co-sponsors of this bill who, I don't recall who all they are, but Senator Lynch, in particular, for raising this issue. As a former chairman of the Retirement Committee though, Senator Withem may have had a lapse of memory since we had some experiences over there. Senator Harris preceded Senator Haberman and Senator Fowler preceded me and all of us have had the joy of trying to do business over lunch and in the evenings and snatching every minute of time you can between other assignments, and I think this whole issue by Senator Lynch and the other members on this bill is a good one because the Retirement Committee is an important committee and it really hasn't had the attention it needs and this bill is providing some of that discussion. I think Senator Haberman's amendment makes sense. It ought to be a standing committee and, in fact, we ought to look at the possibility of giving it a day or some sort of circumstance where it can not have to snatch lunch hours and evenings to do the work that they do. That makes sense. Now that gets into a complication that I don't know that we're ready to deal with with this bill. I guess Senator Lynch, as the chairman of the Rules Committee, might be able to handle it or look at it. I don't know how we go from here, but I just do argue as we get done with this piece of legislation and eventually make the changes I think are going to be made, the next logical question is, do they get a day, how do we fit it in, what sort of arrangement needs to be made in this regard?

So I do appreciate the work being done on this legislation. It has taken some time in debate, but it is something we haven't done for a long time and needed to be done and I appreciate that we've had the discussion.

SPEAKER BARRETT: Senator Elmer.

SENATOR ELMER: Thank you, Mr. Speaker and members. I rise to support Senator Haberman's amendment and also echo the statements by Senator Hall and Senator Wesely. As our population ages and demographically it is shown that it certainly is doing that, I'm sure we'll be addressing more and more issues for the population as it grows older, and a standing committee will allow those people who are older to come conveniently before it. We do have to address how to staff or how to man the committee and fit it in, and I would think that the Rules Committee and some of the input from the other senators over the next year and a half, next two sessions, this one and the 60-day session, we should be able to resolve a good method whereby the Retirement Committee would be able to fit in conveniently with the rest of the standing committees. Would suggest that while we're doing that, that we look at the possibility of some of the committees who have short hearing sessions, perhaps we could alternate the one days with the committees that have the least work that are already standing committees. With that, I'd urge the support for this particular amendment.

SPEAKER BARRETT: Thank you. Senator Haberman, would you care to close on the adoption of your amendment?

SENATOR HABERMAN: Mr. President, members of the body, I would urge you to support this amendment and I hope it turns out that the committee does get a day that we can find. I'm sure we can find a slot for it because it doesn't look too good, folks, to have a heavy issue or issues of retirement before the public and having people sitting there eating a sandwich, eating a salad and drinking coffee and milk because some people insist that they are going to have their noon lunch and that's when we meet, we meet for an hour. But the issues that we handle and as important as this committee is, I feel that it should have its slot, we should start at one-thirty, go as long as we wish instead of having 15 minutes on this issue and 15 minutes on that issue. So I thank the body for the support and ask you to adopt the amendment. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. The question is the adoption of the Haberman amendment to LB 189. Those in favor of that motion vote aye, opposed nay. Please record.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of Senator Haberman's amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Abboud would move to amend the bill. (Abboud amendment appears on page 372 of the Legislative Journal.)

SPEAKER BARRETT: Senator Abboud, please.

SENATOR ABOUD: Mr. President, colleagues, what I'm offering I hope will be viewed as a strictly technical and clarifying amendment as to committee structures. It's probably an amendment that should have been taken up on the very first day and in light of the comments we've heard this morning as how we want to make the committee system a better system. Equity arguments have been made that what is right is right and what is wrong is wrong and this is clearly right to have the entire legislative body make a decision on the membership, that I feel that this is probably one of those good amendments that should be attached to this bill. Now what it provides for is that the...I'm sure it was merely an oversight on the part of the Rules Committee that when they were looking at committees to make more fair in its representation, that they overlooked their own committee. And what I am attempting to do here today is to correct that mistake that was overlooked by the Rules Committee, by making the membership to be chosen by the entire legislative body instead of having it chosen by the Executive Board. In addition, I'm going to go beyond that and make another committee more fair as well by providing for the Committee on Building and Maintenance to be chosen by the entire membership. In addition, the chairman of that particular committee, the committee that deals with the building and maintenance, should also be chosen by the entire body and should not be chosen by the Executive Board. And by doing this, I hope to make our system even better, and I think that by having this type of system where everyone makes the decisions, maybe it will make everyone happy. Now, I know there has been some discussion about whether there is politics involved in the change and I think it probably

started the very first day...well, I should correct myself, but actually started during our special session when there was some talk about changing the structure of the committees so that Omaha would have a larger representation on these particular committees and Vard Johnson, who has since retired, at that time chose to raise the issue and the discussion at that time centered around the need to address this after the census. And maybe that is the approach we should look at with all these committees. I know Senator Haberman is talking about some changes with...some changes that need to be made in two years when we readdress the committee structure, but maybe, you know, maybe this is the time to...maybe that would be a time to take it up. But I think that it is important to address the issue and have the body be aware of some inequities that currently exist in the state, or currently exist in our committee structure. Now, by way of background, the Retirement Committee is somewhat of a unique committee that I have served on. We, as far as I know, it is the only committee that we hire an outside consultant to come in and analyze actuarial studies. We deal with a huge, huge pension program. I think someone estimated close to a billion dollars and I think that is probably accurate. A lot of states have taken the approach that this is a fund to be used for economic development. A lot of states have taken the idea that, governors in particular, and we had one in the past that looked at it seriously about using some of that funds for economic development within the state. In addition, there is always employees by a number of individuals to try to get us to invest in other less secure investments and you really have to make some tough decisions because what may, in fact, look like a good investment, maybe it's getting, you know, 16 percent return or a large rate of investment which would mean more money into the pension, could result in the pension or portions of the pension losing a great deal of money and actually going belly up. And, unfortunately, the State of Nebraska would be the one that would bear responsibilities 15, 20 years down the road. So you can introduce a bill that is incredibly popular when it is passed but its long-term implications are...financial implications have come down the road about 15 years.

SPEAKER BARRETT: One minute.

SENATOR ABBODD: What this amendment does though, is it corrects, I believe, a mistake on the part of the Rules Committee when they chose not to make their committee follow the

same rules that they'd like to see all committees follow and I can't imagine anyone opposing this particular proposal because I think it is probably in the interest of fairness and equity. It is something that should have been done a long time ago, if you support a piece of legislation like LB 189. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the Abboud amendment, Senator Nelson, followed by Senator Lynch.

SENATOR NELSON: Mr. Speaker, members of the body, I, too, support Senator Abboud. It seems like that maybe through the years and when we observe how the body has operated and so on, maybe this is the time to change the method and bring it more fair, let the public know and also give a better opportunity for more people to show an interest in these committees and do their homework and to serve. So, I, too, support Senator Abboud.

SPEAKER BARRETT: Thank you. Senator Lynch, followed by Senator Withem.

SENATOR LYNCH: Mr. President, members, I would stand reluctantly but respectfully suggest we not support this rule change. Two reasons. First of all, the recommended amendment does not change what the policy already is and exists in the rules for the election of the Rules Chairman from the...by the body and the selection of the members of the Rules Committee at Committee on Committees. Secondly, the division of the question that has to do with the Maintenance Committee concerns me about putting a responsibility like that in the statutes. I understand the concern of Senator Abboud. However, it is the kind of responsibility, as important as it might be, that can change and probably will and maybe even should, in some cases, and that I think the way the system now provides where there is, in fact, some oversight offered by a representative group of senators, as it applies to those who maintain our buildings and our grounds, is really adequate. I would...I asked Senator Warner first if I could mention bad policy, and so I will. But maybe he'll do it again. This is one of those things where definitely I think the placing in the statutes of a committee chairmanship, such as maintenance and grounds, would be probably more bad policy than good, and respectfully suggest that we not support the amendment.

SPEAKER BARRETT: Thank you. Senator Withem, followed by Senator Warner.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body. I guess I probably should have shut my light off after Senator Lynch spoke. He said, basically, what I wanted to say. Just to reiterate, the members of the Rules Committee are currently selected, as all of the other committees are. I think what Senator Abboud suggests as a policy change, that the Building and Maintenance Committee should be chosen in that same manner, I think is a good policy change. My preference would be to leave that within the rules of the Legislature as opposed to putting it in statute. As an example, a few years ago when we made changes in our committee assignments we found it difficult to deal with the problem of the Retirement Committee. You needed a bill to change that. I think our committee structure, by and large, probably ought to be left more in the rules of the Legislature. And I think he raises good points about changing those particular rules. I would agree with Senator Lynch, though, that placing this into statute is probably not a good idea. We may, in fact, already have too much dealing with committee assignments in our statutes. The fact that we're having to spend half a morning debating, making what is a relatively simple change in a committee by passing a bill here on the floor might well indicate why we don't need more of this in the statutes.

SPEAKER BARRETT: Thank you. Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I would rise to oppose the amendment as well, for a number of reasons, one of which is nothing more than I don't see any point in mixing some of these other committees into this particular issue that is before us. As has been pointed out, my thought was the way this outlines the Rules Committee I thought was the way we did it. So I guess that is not a change. The Committee on Building Maintenance, I thought, is in statute, as I recall, which is another one of those committees that the Chairman of Appropriations is an ex officio member, by the way, which was not at my urging. There was a chairman, one time, that thought that is how it ought to be, of the committee. I said I really didn't want to be, but if he wanted to, that was fine. As far as I'm concerned that committee was designed as an oversight committee. At the time LB 309 was enacted we had massive deferred maintenance of multi-millions of dollars, we still have that. It's been worked on, it's working well. Some oversight is appropriate, probably, but I would tend to agree it really

doesn't need to be in the statute, which I believe it is. It could certainly be just a rules type thing rather than statutory. But I see no point in adding this amendment.

SPEAKER BARRETT: Thank you. Senator Abboud, would you care to close on your amendment.

SENATOR ABOUD: Mr. President, colleagues, the issue that I'm trying to raise with the amendment is that there are some systems that we currently have. I had another amendment in here which dealt with the Education Committee. Apparently we have a compact for education, Article III, Section A of the compact for education states that the members serving on an education commission of the state are not chosen, at this time, by the entire Legislature and it's another example in our current rules where committees, as well as chairmen of committees, chairpersons of committees are not chosen by the entire membership. We currently do not provide in statute, or in rules for that matter, that the Chairman of the Building and Maintenance Committee, which deals with a rather sizeable budget, of maintaining current state buildings, as well as its membership, is chosen by the Executive Board. I'm not saying that that is particularly bad, but I'm saying that, if you're going to make all of the systems the same, then we should start with all the committees and not just be singling out one particular committee or another committee. Mr. President, at this time I wish to withdraw the amendment and then proceed to a vote on the bill. Thank you.

SPEAKER BARRETT: Thank you. The amendment is withdrawn. Any other items, Mr. Clerk?

ASSISTANT CLERK: There is nothing further on the bill, Mr. President.

SPEAKER BARRETT: Then we are, at this point, back to the bill itself, LB 189, and the effort to advance the bill. Senator Lynch, we're back to the bill itself.

SENATOR LYNCH: Yes, Mr. Chairman and members, we've already discussed this issue at great length, a number of amendments at great length. I think we're all talked out enough on the issue. I accept the recommendation of the body and would suggest simply in opening that, unless there are any lights on, also waive closing, that we support this rules change in its present form

as amended.

SPEAKER BARRETT: Thank you, Senator Lynch. There are no other lights on. The question remains, shall LB 189 be advanced to E & R? Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on advancement of 189.

SPEAKER BARRETT: LB 189 is advanced. To LB 51, Mr. Clerk.

CLERK: Mr. President, 51 was a bill introduced by Senator Dierks. (Read.) The bill was introduced on January 5, referred to the Health and Human Services, advanced to General File. I do have committee amendments pending by the Health and Human Services Committee, Mr. President.

SPEAKER BARRETT: To the amendments, Senator Wesely.

SENATOR WESELY: Thank you. Mr. Speaker, members, the Health and Human Services Committee did hear this piece of legislation from Senator Dierks, and only have one technical change we're asking to be adopted as the committee amendment. Current language in the bill refers to a military agency. There was only a fear of a paramilitary group or something out there that might be misinterpreted under the language, so we add the word "governmental" military group so we know that it is clearly U.S. government, or state guard, or something so that it is a legitimate military agency. So I would ask for the adoption of this clarification and this committee amendment.

SPEAKER BARRETT: Thank you. Discussion on the amendments offered by Senator Wesely? There are no other lights on. Senator Wesely, shall we proceed to the vote? Thank you. Those in favor of the adoption of the committee amendments to LB 51 please vote aye, opposed nay. Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the Health Committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. To the bill, Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body. This bill that we have, LB 51, I guess currently Nebraska law

Withem, any comment? Thank you. Any discussion? Seeing none, we will proceed to the vote. The question is the suspension of Rule 3, Section 13. Those in favor vote aye, opposed nay. Record, please.

CLERK: 0 ayes, 28 nays, Mr. President, on the motion to suspend Rule 3, Section 13.

SPEAKER BARRETT: Motion fails. Proceeding then to the suspension of Rule 3, Section 19. Senator Withem. Thank you. Any discussion? Proceeding then to the vote. The question is the suspension of Rule 3, Section 19. Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 0 ayes, 30 nays, Mr. President, on the motion to suspend Rule 3, Section 19.

SPEAKER BARRETT: Motion fails. Anything on the desk, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, I have a motion from Senator Warner as Chair of the Credentials Committee. That will be read and laid over, Mr. President.

Mr. President, I have a series of gubernatorial appointments. Those will be referred to Reference. (See pages 395-97 of the Legislative Journal.)

Mr. President, hearing notices from the Transportation Committee, from the Banking Committee, from the General Affairs Committee, all signed by the respective Chairs.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 60 and report the same to Select File; LB 126, Select File; LB 207 to Select File, and LB 189, Select File; and LB 51, all reported to Select File, Mr. President. (See pages 398-99 of the Legislative Journal.) That's all that I have at this time.

SPEAKER BARRETT: Thank you. Proceeding then to General File. LB 45. Mr. Clerk.

CLERK: Mr. President, LB 45 was a bill that was introduced by Senator Bernard-Stevens. (Read title.) The bill was introduced on January 5 of this year, referred to Natural Resources. It

January 24, 1989

LB 51, 60, 189, 207

SPEAKER BARRETT: Proceeding to Select File, Mr. Clerk, LB 60.

CLERK: Mr. President, on LB 60, I have no amendments to the bill.

SPEAKER BARRETT: E & R Chair, Senator John Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 60 be advanced.

SPEAKER BARRETT: The question is, shall LB 60 be advanced? Those in favor say aye. Opposed no. The ayes have it, carried. The bill is advanced. LB 207.

CLERK: LB 207, Mr. President, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 207 be advanced to E & R Final.

SPEAKER BARRETT: You have heard the motion to advance LB 207. Those in favor say aye. Opposed no. The ayes have it, carried. The bill is advanced. LB 189.

CLERK: LB 189, Mr. President, I do have E & R pending, Senator.

SPEAKER BARRETT: On the E & R amendments, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 189 be adopted.

SPEAKER BARRETT: You have heard the motion to adopt the E & R amendments. All those in favor say aye. Opposed no. Carried.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 189 be advanced, as amended.

SPEAKER BARRETT: You have heard the motion to advance LB 189 as amended. All in favor say aye. Opposed no. Carried. The bill is advanced. LB 51.

January 25, 1989

LB 51, 60, 94, 97, 175, 189, 207
251, 261
LR 20

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to this the 14th legislative day in the First Session of the 91st Legislature. Our chaplain of the day, Pastor John Eilers, Southview Christian Church in Lincoln. Reverend Eilers.

REVEREND EILERS: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend Eilers, we're glad to have you with us. Roll call.

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

SPEAKER BARRETT: Record, Mr. Clerk. Corrections to the Journal, please.

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any reports, announcements or messages?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 94 and recommend that same be placed on Select File; LB 97, LB 251 all on Select File, some of which have E & R amendments. (See pages 422-23 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 51 and find the same correctly engrossed; LB 60, LB 189, and LB 207 all correctly engrossed, all signed by Senator Lindsay as Chair.

Business and Labor, whose Chair is Senator Coordsen, reports LB 261 to General File, and LB 175 to General File with amendments. Those are signed by Senator Coordsen as Chair. (See page 423 of the Legislative Journal.)

Mr. President, new resolution. (Read LR 20 for first time. See page 424 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, hearing notices from Judiciary, signed by Senator Chizek as Chair; Revenue, signed by Senator Hall as Chair. Mr. President, a series of reports, two from the Lewis and Clark and the Middle Niobrara NRD districts regarding payment of

February 7, 1989

LB 51, 60, 189, 207

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 51 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 620 of the Legislative Journal.) The vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

PRESIDENT: LB 51 passes. LB 60.

ASSISTANT CLERK: (Read LB 60 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 60 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 620-21 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

PRESIDENT: LB 60 passes. LB 189, please.

ASSISTANT CLERK: (Read LB 189 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 189 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 621-22 of the Legislative Journal.) The vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

PRESIDENT: LB 189 passes. LB 207.

ASSISTANT CLERK: (Read LB 207 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 207 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 622 of the

February 7, 1989

LB 35, 38, 45, 51, 53, 60, 79
92A, 123, 168, 169, 189, 190, 207
379

Committee on Education whose Chair is Senator Withem would report LB 379 to General File and that is signed by Senator Withem as Chair of the Education Committee, Mr. President, and that is all that I have. (See page 625 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 35, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60, LB 189, LB 207, LB 45, LB 168, LB 169. (See page 625 of the Legislative Journal.) We'll move on to the General File A bills and, Senator Barrett, did you wish to make an announcement about later taking up the Select File?

SPEAKER BARRETT: Yes, Mr. President. Thank you, and members, just a reminder of something we've done in the past on numerous occasions, if we perchance have not completed Select File by adjournment time at noon, I'd like very much with your leave to move those bills on to Final that are not amended. Those bills that are clean, I'd like to move them, if at all possible, before we adjourn if we haven't completed Select File. Thank you.

PRESIDENT: Thank you, and in checking with the Clerk, he tells us he will be in shape to take those up a little bit before noon, so that will be fine. Thank you, Speaker Barrett. LB 92A, Mr. Clerk.

CLERK: Mr. President, 92A was a bill offered by Senator Landis. (Title read.)

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this is the omnibus insurance act. The Insurance Department is a cash funded agency based on examination fees that they obtain. This, I believe, is the reappropriation of roughly \$50,000 to accomplish the tasks of the bill and I would ask that we advance LB 92A to accompany LB 92.

PRESIDENT: Any further discussion? If not, the question is the advancement of LB 92A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

February 7, 1989

LB 36, 38, 45, 46, 51, 53, 60
79, 123, 145, 168, 159, 189, 190
207, 237, 273, 308, 338, 410, 414
418, 431, 449, 458, 506, 706, 733

LB 36, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60,
LB 189, LB 207, LB 45, LB 168, and LB 169.)

Retirement Systems reports LB 46 to General File; LB 308,
General File; LB 145, General File with amendments; LB 237,
General File with amendments; LB 418, General File with
amendments; LB 506, General File with amendments. Those are all
signed by Senator Haberman as Chair. (See pages 635-40 of the
Legislative Journal.)

Health Committee reports LB 449 to General File with amendments;
LB 733, General File with amendments. Those are signed by
Senator Wesely as Chair. Business and Labor reports LB 410 to
General File; LB 414, General File. Those are signed by Senator
Coordsen as Chair. Banking Committee reports LB 431 to General
File; LB 706, General File. Those are signed by Senator Landis
as Chair. (See page 637 of the Legislative Journal.)

Mr. President, Senator Rogers has amendments to be printed to
LB 273; Senator Labedz to LB 338; Senator Smith to LB 338; and
Senator Nelson to LB 458. That's all that I have,
Mr. President. (See pages 637-38 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The Chair recognizes Senator
Conway. Would you care to adjourn us, Mr. Conway.

SENATOR CONWAY: Mr. Speaker, members, I move that we adjourn
until 9:00 a.m., February 8th.

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

Proofed by: Arleen McCrory
Arleen McCrory

February 10, 1989 LB 35, 36, 38, 42, 44, 45, 51
53, 60, 79, 110, 123, 140, 168
169, 189, 190, 207, 408, 607, 610
708, 775
LR 2, 29

for the record, Mr. Clerk, at this time?

CLERK: I do, Mr. President. Mr. President, your Committee on Judiciary whose Chair is Senator Chizek reports LB 42 to General File; LB 44, General File; LB 708, General File; and LB 110 as indefinitely postponed. Those are signed by Senator Chizek.

Mr. President, Revenue committee whose Chair is Senator Hall reports LR 2CA to General File; LB 607, General File with amendments; LB 775, General File with amendments. Those are signed by Senator Hall. (See pages 690-91 of the Legislative Journal.)

Health and Human Services Committee whose Chair is Senator Wesely reports LB 610 to General File with amendments. (See page 691 of the Legislative Journal.)

Mr. President, Report of Registered Lobbyists for this past week as required by statute. (See page 692 of the Legislative Journal.)

I have amendments to be printed to LB 408 by Senator Barrett.

Mr. President, communication from the Governor to the Clerk. (Read communication regarding signing of LB 35, LB 36, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60, LB 189, LB 207, LB 45, LB 168 and LB 169. See page 693 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review reports LB 140 to Select File with E & R amendments attached. (See page 693 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: We'll move on to LR 29, please.

CLERK: Mr. President, LR 29 was offered by Senator Langford. It's found on page 656. (Read resolution.)

PRESIDENT: Senator Langford, please.

SENATOR LANGFORD: Mr. President and colleagues, I offer this resolution with a great deal of joy because this gentleman plays cards and plays golf with Jack, my husband, every day, practically, in the summer. He has been instrumental in the