

January 9, 1989

LB 112, 202-240  
LR 3

LBs 202-240 for the first time by title. See pages 100-108 of the Legislative Journal.)

Mr. President, I have a notice of hearing by Senator Rod Johnson who is Chair of the Agriculture Committee for Tuesday, January 17.

Mr. President, Senator Hannibal would like to announce that Senator Conway has been selected as Vice-Chair of the Intergovernmental Cooperation Committee.

Mr. President, a new resolution, LR 3. It is offered by Senator Baack and a number of the members. (Read brief explanation. See pages 108-109 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, I have a request from Senator Smith to withdraw LB 112. That will be laid over. I believe that is all that I have, Mr. President.

PRESIDENT: Senator Lynch, are you ready to go back to work now? We will return back to adopting of permanent rules. Senator Lynch.

SENATOR LYNCH: Mr. President and members, I have one more proposed committee amendment, simple little amendment. It has to do with cloture. This change would adopt a cloture rule that would become effective after 12 hours debate at each stage of debate on any appropriation bill, and after 8 hours at each stage of debate on all other bills. To briefly explain it, and then Senator Moore will take it from there, let me give you a scenario. Some of you may be familiar with 428, the motorcycle helmet bill. It was my bill. An amendment, say, was offered under this rule by Senator Moore to the bill. As you know, sometimes amendments can take and need more time for discussion and debate than the bill, itself. After 8 hours of debate on Select File, I would move for cloture, or if that bill happened to be a committee bill, the chairman of the committee would move for cloture. The presiding officer then, under this proposal, would immediately recognize the motion and orders debate to cease on Moore's amendment. The vote on the Moore amendment would be taken without further debate. After that, a vote on the cloture motion without debate, 33 votes would be needed for that motion on cloture would be successful. If the cloture motion were successful, a vote on the advancement of the bill,

SENATOR WESELY: Yes, Mr. Speaker, just briefly. Following up with Senator Johnson's concerns and following up on Senator Lynch's and Crosby's comments, Senator Johnson, there are tremendous pressures being applied to our nursing homes across the state through federal legislation recently and you may be thinking about those additional restrictions that are now being looked at. The committee is very concerned about that and we don't have much choice on that, but we are going to try and be on top that issue and we do have some other legislation addressing that, but it is not any...there is no bills that I know of this year to add additional restrictions but, in fact, there were a number of pieces of legislation trying to cope with those and it's the federal mandates that we're really having to struggle with right now. As for both Senator Lynch and Senator Crosby's comments, they are much appreciated. This is a facility that we've long needed and this bill is necessary to see that it's able to be functional once it is completed, so I, again, would urge adoption of this bill and advancement as quickly as possible.

SPEAKER BARRETT: Thank you, sir. You've heard the closing and the question before the body is the advancement of LB 733 to E & R Initial. Those in favor of that motion vote aye, opposed nay. On the advancement of the bill. Please vote if you'd care to vote. Record, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 733 is advanced. Senator Owen Elmer is pleased to announce that in the east balcony are guests from his district, Mr. Carlton Clark from Elwood and friends. Mr. Clark and your associates, would you please stand and be recognized. Thank you. We're glad to have you with us. Messages on the President's desk, Mr. Clerk.

ASSISTANT CLERK: Yes, Mr. President, first of all, a couple of announcements. Natural Resources will hold an Executive Session at one-thirty this afternoon in Room 1517. Appropriations Committee hearing today will be in Room 2414 rather than Room 1003 as previously announced.

I have a notice of committee hearing from the Appropriations Committee. Your Committee on Government reports LB 206 to

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LB 206, 756

or any combination of duties of any such offices or employments. It simply clarifies and makes it distinct that it's perfectly all right to bring these offices together and the duties and arrange them in the best manner for their city, and that is what the content of this bill is all about.

SENATOR LANDIS: Thank you, Senator Weihing. There are no lights on. You're recognized to close if you wish.

SENATOR WEIHING: I waive the closing and move that the bill be passed.

SENATOR LANDIS: The question is the advancement of LB 756. Those in favor vote aye, those opposed vote no. We're approaching two minutes on the vote on this measure. The Clerk will record.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill, Mr. President.

SENATOR LANDIS: Thank you, Mr. Clerk. Let's move on, because that bill passes, to LB 206 introduced by Lowell Johnson. Mr. Clerk.

ASSISTANT CLERK: LB 206 was introduced by Senator Lowell Johnson. (Title read.) The bill was read for the first time on January 9. It was referred to the Government Committee and was reported to General File.

SENATOR LANDIS: Senator Johnson.

SENATOR L. JOHNSON: Mr. President and members of the Legislature, LB 206 addresses fees involving collection agencies in the State of Nebraska. The 105 collection agencies in this state are licensed by a board which is administered by our Secretary of State. There are fees for initial licenses, renewal of licenses, investigations, licensing of solicitors and others. Those fees in existence now were set in 1976 and have not been changed since that time. LB 206 would allow that fees be set at rates which will cover the cost of operating the collection agency. The yearly expenditures of the collection agency has been just under \$14,000 per year while the revenues received has been under \$10,000. The collection agency operates only on its cash funds and it is necessary then to adjust the fees to support the expenditures. LB 206 would allow the

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LB 206, 669

Secretary of State to set various fees for collection agencies not to exceed certain specified amounts. Currently, a flat fee is set in statute for the various types of the licenses. The current fees and revenue and the proposed maximum fees and maximum revenue are detailed and outlined in the fiscal note attached to the bill in your bill book. Please note that while the bill allows these maximum fees, the actual fees will be set by the Secretary of State and may be lower than these amounts since the bill also specifies that the fees charged shall not exceed the amounts actually necessary to sustain the administration and enforcement actions. The setting of maximum or range of fees for licenses or permits rather than a flat fee has been an accepted and established policy. Examples of such policy in our state agencies now exist in the areas of agriculture, insurance, accountancy, roads, health, Public Service Commission, engineers and architects and the fire marshal. Thank you, Mr. President.

SENATOR LANDIS: Thank you, Senator Johnson. There are no lights on, so you're recognized to close if you wish.

SENATOR L. JOHNSON: I hope that there is some left. I waive closing. Thank you.

SENATOR LANDIS: All right, we'll waive closing.

SENATOR L. JOHNSON: Move for advancement of LB 206.

SENATOR LANDIS: The question is the advancement of LB 206. Those in favor vote aye, those opposed vote no. Let me inform the body that the Pages have been collecting a quick survey of the body and we have exactly 25 members here. It varies between 24, 25 and 26, depending on who is in and out of the room at any one moment. So we'll be able to transact our business depending on how rapidly each and every member of the body performs their tasks and votes. The Clerk will record.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill, Mr. President.

SENATOR LANDIS: Thank you. That advances LB 206. We'll move on to LB 669, handled today by Senator Lindsay on behalf of Senator Hall. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 669 was introduced by

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LB 77, 99, 135, 143, 206, 213, 228  
228A, 247, 323, 324, 371, 381, 423  
486, 487, 487A, 488, 488A, 508, 509  
566, 592, 605, 627, 643, 669, 714  
722, 756, 781, 793  
LR 70

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 Dr. Paul Lundell of the Dundee Presbyterian Church in Omaha. Would you please rise.

DR. LUNDELL: (Prayer offered.)

PRESIDENT: Thank you, Dr. Lundell. We appreciate your message this morning. Roll call, please. Record, please.

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

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

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 77, LB 371, LB 592, LB 643, LB 714, and LB 781 as correctly Engrossed. Enrollment and Review also reports LB 99, LB 323, LB 143, LB 213, LB 381, LB 423, LB 509, LB 793, LB 605, LB 135, LB 324, LB 756, LB 206, LB 669, LB 486, LB 487, LB 487A, LB 488, LB 488A, LB 228, LB 228A, LB 627, LB 508, LB 722, and LB 566 to Select File, some of those having Enrollment and Review amendments attached. (See pages 1533-40 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 247 in the Legislative Journal. That's all that I have, Mr. President. (See page 1540 of the Journal.)

PRESIDENT: Okay. We'll move on to LR 70.

CLERK: Mr. President, LR 70 has been offered by Senators Ashford and Moore. It's found on page 1476. (Read brief summary of resolution.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. Last year we passed legislation which authorized the profession of

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LB 135, 206, 324, 487, 669

LB 135.

PRESIDENT: LB 135 is advanced. LB 324.

CLERK: LB 324, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 324 be advanced to E & R for Engrcssment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 206.

CLERK: LB 206, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments.

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

CLERK: Nothing further, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 206, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 669.

CLERK: LB 669, Senator, has no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the advancement of LB 669.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 487.

CLERK: LB 487, Senator, I have E & R amendments pending.

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LB 99, 135, 206, 228, 228A, 323-325, 381  
423, 487, 487A, 508, 509, 605, 627  
669, 722, 793

chemicals. There are other bills coming up this session that deal with solid waste disposal that I hope that we'll get to yet this session. So I think that there are people in this body who are committed to doing something in respect to the environment and I take some exception to the statements made by Senator Chambers on the fact that this body is not interested. I think we are interested and I think the message is beginning to come across to us that we need to begin to look at the environment, whether we come from the country or the city, it's just as important to all of us. So I support the bill and other bills. Hopefully, it will be forthcoming this session.

SPEAKER BARRETT: Thank you. There are no other lights. The question is the advancement of LB 325 to E & R Initial. Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB 325.

SPEAKER BARRETT: LB 325 is advanced. Messages on the President's desk, Mr. Clerk.

CLERK: Mr. President, Enrollment and Review reports they have carefully examined and engrossed LB 99 and find the same correctly engrossed, LB 135, LB 206, LB 228, LB 228A, LB 323, LB 324, LB 381, LB 423, LB 487, LB 487A, LB 508, LB 509, LB 605, LB 627, LB 669, LB 722 and LB 793, all reported correctly engrossed. (See pages 1671-72 of the Legislative Journal.)

Senator Abboud would like to add his name to LB 325 as co-introducer, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. Senator Schellpeper, would you care to adjourn us?

SENATOR SCHELLPEPER: I sure would. I would move we adjourn until April 13th at 9:00 a.m.

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LB 135, 206, 323, 324

SPEAKER BARRETT: You're concerned, Senator Kristensen, that my position affected the rights and the dignity and the integrity of this Legislature? Is that your point?

SENATOR KRISTENSEN: Most notably, the integrity, yes.

SPEAKER BARRETT: Your point is not well-taken. You're out of order. (laughter) An announcement with reference to Final Reading. We will roll over 323, LB 323 will not be read this morning. Members will please return to their seats for Final Reading. Senator Haberman, while we're waiting for people to get to their seats, do you have a point?

SENATOR HABERMAN: Yes, Mr. President. In regards to Senator Kristensen's remarks and your ruling, I would like to debate and make a motion to overrule the Chair.

SPEAKER BARRETT: I know your request is well-intentioned, but you're out of order, too. Please be seated for Final Reading. Mr. Clerk, LB 135.

CLERK: (Read LB 135 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 135 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1770 of the Legislative Journal.) 37 ayes, 3 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 135 passes. LB 206.

CLERK: (Read LB 206 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 206 pass? Those in favor vote aye, opposed nay. Record.

CLERK: (Read record vote. See page 1771 of the Legislative Journal.) 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 206 passes. LB 324.



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LB 89, 135, 206, 324, 381, 392, 482

CLERK: (Read record vote. See pages 1774-75 of the Legislative Journal.) 42 ayes, 1 nays, 2 present nays, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 482 passes. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign, LB 482, LB 392, LB 381, LB 324, LB 206 and LB 135. (See page 1775 of the Legislative Journal.) Matters for the record, Mr. Clerk.

CLERK: I have nothing at this time, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to Select File, senator priority bills, LB 89. The call is raised.

CLERK: Mr. President, LB 89 was considered yesterday by the Legislature. At that time there were two amendments by Senator Lynch that were adopted. The first amendment I have to the bill this morning, Mr. President, is by Senator Moore. Senator, I have your amendment AM1130 found on page 1449.

SPEAKER BARRETT: Senator Scott Moore, on your amendment, please.

SENATOR MOORE: Well, it's one of those things where I'm probably going to sit here and talk for a while and tell you a little story about some things we talked about in the interim of last night and today. I think one thing, a few things that are important to point out that some of us, at least, have always had some problems with 89, one, because of the minimum salary language and, two, because of the sustainability of the dollar amount. And I know there were some of us back in January that said \$150 million you can do, maybe you can do 20 or 25 or something like that. And there were some of us that always said, well, it's bad policy to put in statute a minimum salary dollar amount because once you do that you have basically taken the local school board out of setting salary policy and making the State Legislature the state school board, and I think that's bad policy. But as people like myself always made those arguments, you always made it clear that, no, we're not against raising teachers' salaries and, as a matter of fact, I'm speaking for myself now, I am very concerned about beginning teachers' salaries because the fact of the matter is that I only graduated from college a few years ago myself. That is one of those things I sat there in my freshman and sophomore year in

that's who was invited to try to sort out this pile of amendments that we had on the desk and if Senator Lamb would have had his amendment up there, he would have been invited, I'm sure. I don't think there was anyone that was excluded for any particular reason other than the fact that those with amendments was who the Chairman invited in to try to sit down and not spend all day on this issue by running through a lot of amendments what were, in many cases, trying to accomplish some of the same things. With that, I think most people have developed at least, hopefully, a good understanding of what the attempt is. Primarily, again, this amendment it eliminates Phase I. It sets the level at 20 million which I incorporated in my amendment so that we could run them all together. That was not my particular proposal but that was going to follow in another amendment so I simply added it to mine. We changed the factor so that we can get some incentive going early on and we lowered that threshold from, the original bill was 18, down to 16 is when you can start participating. So it's basically fairly simple if you thoroughly understood the original bill. If you didn't have time to process the original bill, well, then this has to be...

SPEAKER BARRETT: One minute.

SENATOR CONWAY: ...incorporated and done that way. So, with that, Mr. Speaker, I urge the body to attach the Conway amendment to LB 89.

SPEAKER BARRETT: Thank you, sir. You have heard the closing and the question is the adoption of the Conway amendment to LB 89. Those in favor of that motion, please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Conway's amendment.

SPEAKER BARRETT: The amendment is adopted. For the record, Mr. Clerk.

CLERK: Mr. President, I have a reference report for gubernatorial appointees referring them to the appropriate Standing Committee for confirmation hearing. (See page 1778 of the Legislative Journal.)

Bills read on Final Reading have been referred to the Governor. (Re: LB 135, LB 206, LB 324, LB 381, LB 392 and LB 482.)

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LB 47, 66, 99, 135, 206, 247, 247A  
324, 372, 381, 392, 395, 401, 482  
506, 546, 548, 582, 582A, 608, 611  
637, 777, 790  
LR 81, 82

advancement of LB 247.

SPEAKER BARRETT: LB 247 is advanced. Anything for the record? The call is raised. Senator Withem, would you like to handle the A bill at this point? (LB 247A)

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

SENATOR WITHEM: Move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the advancement of the A bill say aye. Opposed no. Carried. For the record.

CLERK: Mr. President, thank you. Communication from the Governor to the Clerk. (Read communications regarding LB 135, LB 206, LB 324, LB 381, LB 392, LB 482, LB 395, LB 47, LB 66, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790, and LB 99 as found on pages 1809-10 of the Legislative Journal.)

Study resolution, Mr. President, by Senator Goodrich and some other members regarding a review of state institutions where there is a permanent residence population. That will be referred to Reference Committee. (LR 81.) LR 82 is a resolution by Senators Pirsch and Lindsay asking the Legislature to applaud the efforts of 120 students in the...for their academic achievement. That will be laid over. (See pages 1810-12 of the Journal.)

Mr. President, Government Committee gives notice of confirmation hearing for May 4. That is offered by Senator Baack as Chair. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to the next bill on Select File, LB 611.

CLERK: Mr. President, the first item on LB 611 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 611 be adopted.