

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,

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LB 61, 125, 231A, 240, 349, 360A, 421
431A, 494, 733, 790

and we don't have a system in our law to recognize that difference, when you make your change you resubmit your forms, your policies and your agents. Now, what are we going to do? We're going to approve them all, aren't we? But we're going to take them out and look at them and stamp them with another rubber stamp. It's unnecessary. So long as these items were approved by the department when they were initially brought to the state, they stay in effect while the transfer is made. If the provision is not here, unfortunately, that change of domicile will occasion a new filing of all of the forms we already have approved, totally unnecessary, therefore, the reason for this bill. It's standard practice elsewhere. I urge its adoption and advancement and applaud Senator Haberman for bringing this measure.

PRESIDENT: Thank you. Senator Haberman, did you wish to close? Okay, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 61.

PRESIDENT: LB 61 advances to E & R Initial. LB 349.

CLERK: Mr. President, before that, if I may, items for the record. Mr. President, new bills. (Read title for the first time to LB 431A, LB 231A, LB 360A and 520A. See page 675 of the Legislative Journal.)

Urban Affairs Committee reports LB 240 to General File; LB 790 to General File; LB 125 indefinitely postponed; LB 494 indefinitely postponed. Those are signed by Senator Hartnett as Chair.

Senator Wesely has amendments to LB 733 to be printed; Senator Smith to LB 421. (See page 676 of the Legislative Journal.)

Mr. President, the next bill, LB 349, was a bill that was introduced by Senator Conway. (Read title.) The bill was introduced on January 11, referred to the Banking Committee, advanced to General File. I have committee amendments pending by the Banking Committee, Mr. President.

PRESIDENT: Senator Landis, are you going to handle those?

March 30, 1989

LB 240, 582, 582A

SPEAKER BARRETT: LB 582 is advanced. The A bill, please.

CLERK: LB 582A by Senator Johnson. (Read title.)

SPEAKER BARRETT: Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President, I would just ask that the bill be advanced.

SPEAKER BARRETT: Thank you. Discussion? Seeing none, shall the bill be advanced? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 582A.

SPEAKER BARRETT: LB 582A is advanced. LB 240, Mr. Clerk.

CLERK: LB 240, Mr. President, offered by Senator Hall. (Read title.) The bill was introduced on January 9, referred to Urban Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Thank you, Mr. President. As the Clerk stated, LB 240 is just simply a change in the format for the handicapped placard. It allows for the use of a placard that would hang from the rear view mirror, readily visible for enforcement individuals as well as easily transferred from vehicle to vehicle because it is the individual who has the handicap, not the vehicle. And this is for those folks who currently use a card that is something similar to the size of an eight and a half by fourteen sheet of paper, roughly, and it's difficult for them to put that in their shirt pocket. This would provide for something that would be both visible and readily moveable from vehicle to vehicle. I would urge the...it also allows, the bill also allows that the department would use whatever supply of the current cards up prior to doing this. So I would urge the advancement of the bill.

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of the bill, please vote aye, opposed nay. Record.

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

March 30, 1989

LB 240, 777, 790

LB 240.

SPEAKER BARRETT: LB 240 advances. LB 790.

CLERK: LB 790 offered by Senator Hartnett. (Read title.) The bill was introduced on January 19, referred to Urban Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Korshoj, would you handle the bill, please.

SENATOR KORSHOJ: Yes, Mr. Speaker, and members, all this bill is is a technical change to a bill we passed last year, LB 625. It just spells out exactly how a mayor can vote if his vote is decisive or if it's needed to pass a bill, actually, or to pass what is on the agenda. And it's...the League discovered we needed this technical change to clarify when and how he could vote. And that's all we ask is the advancement of this bill.

SPEAKER BARRETT: Any discussion? Any questions? If not, shall LB 790 be advanced? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 790.

SPEAKER BARRETT: LB 790 advances. LB 777.

CLERK: Mr. President, LB 777 was a bill introduced by the General Affairs Committee and signed by its members. (Read title.) The bill was introduced on January 19, referred to General Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Smith.

SENATOR SMITH: Thank you, Mr. Speaker, members of the body, this is a bill that was heard in General Affairs and was passed out unanimously. Under current law, liquor distributors can ship liquor that is damaged or otherwise spoiled back from their retailer in order to destroy or replace that liquor. If the distributor just ships liquor out of the state, however, such as into Iowa, the distributor can't bring it back in to destroy it at this point in time and they are being forced to warehouse it

April 3, 1989

LB 44, 44A, 47, 66, 75, 78, 87
220, 240, 262, 348, 372, 399, 401
431, 438, 438A, 546, 548, 569, 569A
582, 582A, 592, 606, 608, 628, 637
681, 706, 777, 790

the time Senator Abboud can have to finish his closing.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Engrossing. All in favor vote aye...thank you. Roll call vote has been requested in reverse order. So be it. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1431-32 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement 592.

SPEAKER BARRETT: LB 592 advances. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 262 and recommend that same be placed on Select File; LB 569, LB 569A, LB 606, LB 628, LB 681, LB 78, LB 438, LB 438A, LB 706, LB 47, LB 75, LB 548, LB 582, LB 582A, LB 240, LB 790, LB 777, LB 44, LB 44A, LB 637, LB 66, LB 546, LB 87, LB 220, LB 372, LB 399, LB 401 and LB 608, some of which have E & R amendments attached, Mr. President. (See pages 1432-44 of the Legislative Journal.)

Mr. President, your Committee on Health whose Chair is Senator Wesely reports LB 348 to General file with committee amendments attached. That's signed by Senator Wesely as Chair. (See page 1444 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. As announced before recess, we will move back to LB 431 and LB 431A. LB 431, Mr. Clerk.

CLERK: Mr. President, the first item I have on 431 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 431 be adopted.

SPEAKER BARRETT: The question is the adoption of the E & R amendments to LB 431. Those in favor say aye. Opposed no. Carried. They are adopted.

April 18, 1989

LB 99, 240, 279, 361, 361A, 546, 548
582, 582A, 608, 637, 761, 777, 790

Record, Mr. Clerk. Senator Chambers.

SENATOR CHAMBERS: I want a call of the house and a roll call vote.

PRESIDENT: Okay, the question is, shall the house go under...okay, we are under call, Senator Chambers, but we will check in. Yes, all right. Please record your presence. Senator Lynch, would you record your presence, please. Senator Hefner, would you push...pardon me. Record your presence, please. Yes, we are, but we're checking in. Please. Senator Wesely, we're looking for and Senator Schmit. Did you ask for a roll call vote, Senator Chambers? All right. Okay, the question is the adoption of the Chambers amendment. Roll call vote has been requested. Mr. Clerk.

CLERK: (Roll call vote read. See page 1749 of the Legislative Journal.) 21 ayes, 24 nays, Mr. President.

PRESIDENT: The amendment fails. Do you have anything else on the bill?

CLERK: Nothing.

PRESIDENT: Do you have anything for the record, Mr. Clerk:

CLERK: I do, Mr. President. Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re: LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790 and LB 99.)

I have a motion to be printed by Senator Landis. (See page 1750 of the Legislative Journal. Re. LB 361 and LB 361A.)

PRESIDENT: The call is raised.

CLERK: Transportation Committee gives notice of confirmation hearing.

Amendments to be printed to LB 279 by Senator Chizek, and Senator Hall to LB 240. (See pages 1750-53 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: May I introduce some guests, please. In the north balcony Senator Byars has 80 fourth graders from Anderson Grove

amendments that I understand he is considering withdrawing.

SENATOR CHAMBERS: I have considered it. I ask to withdraw them.

CLERK: Mr. President, Senator McFarland, you have the next motion, Senator, which is a suspension motion.

SENATOR MCFARLAND: I would like to withdraw that at this time.

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB 224. Senator McFarland has the option to lay the bill over, Mr. President.

SENATOR MCFARLAND: And I would like to lay the bill over. Senator Chambers and I are going to visit and try and see if we can work out any compromise here, and I would ask it lay over.

SENATOR LANDIS: An admirable decision on both your parts, gentlemen, thank you. The bill will be laid over. Mr. Clerk, what is the next order of business? Senator Pirsch, the two items before yours on the Select File listing of the Speaker, LBs 257 and 240, both have their introducers absent at the present time, and unless I have a signal from somebody who is prepared to take up LB 240, the Chair would suggest we go to LB 87, to change provisions for consultations regarding plea bargains, and is prepared to call upon you to introduce that measure, if you are going to take that moment up, that issue up. Would you like us to stand at ease for a moment while you prepare or are you ready to go on with LB 87?

SENATOR PIRSCH: Ready to go.

SENATOR LANDIS: Are you ready to go? Fine, thank you. Mr. Clerk, would you read about LB 87 and inform us of that measure, please.

CLERK: LB 87 is on Select File. The first order of business are Enrollment and Review amendments, Mr. President.

SENATOR LANDIS: The Chair would normally call upon Senator Lindsay to adopt the E & R amendments. He is not there. Perhaps, Senator Pirsch, you would move to adopt the...Senator Scott Moore, the E & R Chairman emeritus, would you address the E & R amendments, please.

January 16, 1990

LB 240, 514, 718, 855, 972, 1140-1147
LR 239

CLERK: (Roll call vote taken. See pages 330-31 of the Legislative Journal.) 16 ayes, 18 nays, Mr. President, on the advancement of the bill.

PRESIDENT: LB 514 fails to advance. Anything for the record, Mr. Clerk?

CLERK: Just one item, Mr. President.

PRESIDENT: The call is raised. Did you want to enter some bills, Mr. Clerk?

CLERK: Mr. President, I do. Thank you. Mr. President, new bills. (Read LBs 1140-1147 by title for the first time. See pages 331-33 of the Legislative Journal.)

Mr. President, in addition to those items, I have a new constitutional amendment, LR 239CA, offered by Senators Withem, Warner, Lindsay, Barrett and Weihsing. (Read brief summary of resolution. See pages 333-37 of the Legislative Journal.) That will be referred to Reference.

Finally, Mr. President, I have a notice of hearing from the Agriculture Committee, that's signed by Senator Rod Johnson as Chair of the committee. (Re: LB 855, LB 972, and LB 718.) That's all that I have, Mr. President.

PRESIDENT: Thank you. Senator Baack is not here at the moment, so we'll go to LB 240.

CLERK: Mr. President, LB 240 was a bill introduced by Senator Hall. It is on Select File.

PRESIDENT: Senator Hall, please.

CLERK: Mr. President, I do have an amendment. Senator, you want to take up your amendment, or you want to refresh the body as to the bill?

SENATOR HALL: Whatever you think is appropriate, Mr. Clerk.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. If I could

have the body's attention just very briefly,...

PRESIDENT: Just a moment, Senator Hall. (Gavel.) Could we please have your attention. Senator Hall has something to say to you.

SENATOR HALL: Highly unusual, but....Mr. President, members, LB 240 was a bill that was passed last year. The contents of LB 240 was amended into another bill that dealt with handicapped parking permits. It was a bill, I think, that Senator Wesely carried. So the contents of the bill was passed last year. LB 240 is a bill that's sitting on Select File. And I have an amendment that would gut the bill and place another bill into LB 240. So I have a motion to suspend the germaneness rule and offer the amendment. The amendment would be the bill that was before the Transportation Committee, LB 129, which deals with the issue of a statewide dual party relay system for the hearing and speech impaired. It is a very important issue. It's a very important issue, not only in Nebraska but nationwide. And I would ask the body's support in suspending the rules so that this bill could basically be discussed at this time and be presented to the full Legislature in the form of LB 240. Now, clearly this is the first time it's happened in the session. There are those who may not want to support this measure clearly on the basis of the parliamentary procedure. The fact that LB 129 had no opponents, was given, I think, a very thorough hearing in Transportation by Senator Lamb and the committee, had much support, and I think is very much needed and very timely. Currently, before both the Senate and the House in Washington there are proposals to mandate these relay systems. And that mandate will be done by individual telephone companies unless the state has already put this system into place on a statewide basis.

PRESIDENT: Senator Hall, may I interrupt? Could we please have your attention. There is a lot of noise. And for those who wish to listen, please let's hold it down. Senator Hall.

SENATOR HALL: Thank you, Mr. President. The issue is one of doing it in a very timely manner, doing it in a very efficient manner by putting the relay system into place across the state. Instead of having the hodgepodge, mismatched operation where each individual telephone company would be required, by federal mandate, to have this relay system, if we are to pass the contents of 129, have it in place prior to the federal

legislation that will go into effect, it's been passed out of both houses of Congress, we will have a system that is very much on-line, very efficient, very cost-effective to the people who are out there trying to use it. LB 129 has a number of supporters who are here today, out in the Rotunda, folks from both the Public Service Commission and the Commission for the Hearing Impaired who would be, I think, very happy to see your support for this measure. It's unfortunate that 129 will not be able to probably work its way through the system. If we do not suspend the rules, we won't very likely, unless the Speaker should special order it, be able to get to this issue yet this year and have the system on-line in time to add the statewide system in place prior to passage of the federal legislation. So I would hopefully, very earnestly ask the body for your support to suspend the rules and place LB 129 before us in the form of an amendment to LB 240. Thank you, Mr. President.

PRESIDENT: Thank you. The question before us, of course, is the suspension of the rules. Senator Lamb on the suspension of the rules.

SENATOR LAMB: Well, Mr. President and members, as Senator Hall mentioned LB 129, which will be adopted into this bill, is a bill that was advanced by the Transportation Committee. And LB 240, the original 240 was amended into another bill. So we have this vehicle here which Senator Hall would use to advance LB 129 and, of course, get it ahead of where it would be otherwise. I have no objections to the bill, LB 129, as it was advanced from the committee, I support the bill. The only question I think is whether or not you want to adopt this procedure of advancing this bill, in this manner, ahead of some other bills that might logically come before it. So I will support the bill, I may not take part in the suspension process, but that certainly is your decision.

PRESIDENT: Thank you. Senator Hall, would you like to close on the suspension.

SENATOR HALL: Just to say, Mr. Speaker, I appreciate Senator Lamb's comments and the work that the Transportation Committee has put into this for the last couple of years. This amendment has been filed on LB 240 since last year, so it is not something that was brought to the Clerk's desk this morning. It is an important issue. I would urge the body's support to suspend the rule.

PRESIDENT: Thank you. The question is the suspension of the rules. All those in favor vote aye, opposed nay. Requires 30 votes. We're voting on the suspension of the rules. Record, Mr. Clerk, please.

CLERK: 30 ayes, 2 nays, Mr. President, on the suspension of the germaneness rule.

PRESIDENT: The rules are suspended. Now we're back to the bill. Senator Hall.

SENATOR HALL: Thank you, Mr. President, members. I appreciate that last vote. I would ask you if you would please, the amendment that you have before you is LB 129. If you would open your bill books to that bill, probably the best explanation that I can give is to ask you to look at the explanation from committee counsel for the Transportation Committee and also the fiscal note that accompanies the bill. It explains the dual party relay system and how it would operate. Currently in Nebraska there are two systems that are in place. The City of Omaha and the City of Lincoln have this system that allows those folks who are hearing impaired or speech impaired to basically call in, use a device that is known as a TDD device, that I happen to have here, and what they do is they place their phone cradle into this machine. And then the machine will just print out what the message is so those individuals who cannot hear or cannot speak in a manner that is audible for other individuals can just read what the message is. And it's unique, it is what...I think the things that we talk about technology should be doing and allow folks who have a handicap to basically function no different than you and I. We often times take for granted the simple operation of a telephone and forget that Alexander Graham Bell, when he was inventing the machine, was doing it as a way to help those who were hearing impaired. The telephone industry is very supportive of the measure. A relay system is one that has, I think, currently in place in about 16 states. And, as I mentioned in my opening in the rule suspension, is currently in the process of coming down some mandate from the federal government in the discrimination bill that came out of the Senate and the House, so that it is just a matter of time before these relay systems will be required to be in place. By doing it on a statewide basis I think we accomplish a number of things. Most importantly is we have a uniform system across the state that provides 24-hour service,

seven days a week to these individuals so that they can basically call up, use the system, as long as they have one of these machines. And there is a companion bill to this that we probably won't be looking at this year, but we will probably be addressing, hopefully next year, that allows for the Public Service Commission to distribute TDD devices to those individuals who are unable to afford them. Currently in Nebraska our best estimate is that approximately 7,500 individuals would use this system. Those would be individuals who were hearing impaired. We would also think that there's probably half again as many who would use that who have speech impairments and we guess approximately anywhere from 10 to 12 thousand people would be using this system immediately. Part of the problem with determining that is we don't know how many people there are out there that could use this system. It is often times, as my good colleagues, Senator Haberman, knows, folks who have hearing impairments can run the gamut. They can be individuals no different than you and I that just have a slight hearing problem, to those who are born with severe deficiencies in the areas of speech and hearing. It's amazing technology that is out there today that allows these individuals to function on a day-to-day basis no different than you and I and take advantage of something as simple as talking to friends and relatives who may not be anymore than two miles away, but yet they have no ability to talk to them. The whole issue of emergency services, providing these individuals the same kinds of access to fire, safety and other kinds of operations that are out there that we also take for granted, is something that we don't need to go into. You understand the ability that this will give those individuals. The relay system would work, it would be funded through an access charge. In other words, there would be a charge to every phone line in the state up to the first ten lines. So, in other words, if you owned a telemarketing company you would not be charged for all 150 lines that you happen to have, you'd only be charged for the first 10 lines. The Public Service Commission would be involved from day one, they would be involved with setting the rate. The rate could not exceed 10 cents per line per month. They would determine what the appropriate amount of revenue would be needed to operate the system, they would review it on an annual basis and it would be something that would fall under their preview as the Public Service Commission so I think we clearly don't have a problem in terms of the regulation issue. The only, I think, discussion that we had with regard to the telephone industry who again have been very supportive, who have championed this issue

in other states, not only in the Midwest but across the country, is the issue of whether or not there should be a collection fee for what they do. And to be quite honest with you, they talked about that just this past week and they, frankly, said well, we guess we don't need that. They have, I think, recognized the need for this system to provide the service to individuals who fall into these categories. With that, Mr. President, I will offer the amendment to the body. I'd be willing to answer any questions that members may have about how the system would work, the funding of it or any other areas. Thank you.

PRESIDENT: Thank you. Senator Crosby, please, followed by Senator Haberman and then Senator Schmit.

SENATOR CROSBY: Thank you, Mr. President and members. I'm so pleased and it's a real privilege to support this bill this morning and pleased to see that Senator Hall has amended it into LB 240 and that you voted to suspend the rules so that could be done. You'll notice on the hearing sheet that nobody opposed the bill. The telephone association came in as a neutral. Everyone who testified was for the bill. I know of one instance in particular because I want to bring to your attention, and Senator Hall touched on this too, it's not just for hearing impaired people. It's people who have lost their ability to speak could also use this telephone mechanism. I know of one instance in particular, a young woman who had grave injuries in an automobile accident several years ago and along with that, so far her ability to articulate has not come back to her. It's an air problem or other related things from the injuries that she suffered, the nerve damage that she suffered. She uses her computer, she can type, she uses a voice pack to communicate but having a telephone mechanism like this would literally take away the walls and give her a freedom that she has not experienced this last several years. It would help her in furthering her education, it would help her to be employed in a different way and in a more meaningful way because she would be able to communicate by telephone. So I urge you this morning to vote for this to move onto...include it in this bill, in LB 240, and move it on to Select File. Senator Hall, if you need some more time you can have what I have left.

PRESIDENT: Thank you. Senator Haberman, please, followed by Senator Schmit.

SENATOR HABERMAN: Mr. President, members of the body, Senator

Hall, if I make some remarks that are incorrect, please correct me. As I understand it, this bill started out that it would affect only Omaha and Lincoln, and now from looking through my material and listening to Senator Hall, it's going to be statewide. I would like to draw to attention of the body that they're setting up a new committee or a commission or what have you, of seven people, the Public Service Commission is planning on having offices in Omaha and Lincoln. The '89-90 cost is \$210,000. My figures show that the fiscal impact ranges from 93,000 at one cent surcharge to a million dollars at ten cents, and I understand that it is ten cents. So I'm wondering if Senator Hall would please explain to me, my figures here, that it is a million dollars. Is that going to the telephone company or who...where is the money going and who is going to pay it?

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, members. Senator Haberman, the money would be...the way the bill is currently drafted, it would be assessed based on the determination by the Public Service Commission as to how much revenue would need to be raised to cover the cost of this system. The system would be mandated by the state to the telephone companies. The relay system would be set up and it would be paid for by those individuals who have phones, not just the individuals who use the system, but all phone users.

SENATOR HABERMAN: Every individual in the state that has a telephone would be assessed for this impartial hearing or hard of hearing issue. Is that correct?

SENATOR HALL: That's correct and the estimates at present would lead us to believe from the Public Service Commission that it would be about four cents.

SENATOR HABERMAN: Four cents? But it could go as high as ten cents?

SENATOR HALL: That's correct. The bill was drafted to allow from one to ten cents.

SENATOR HABERMAN: Well four cents would raise yearly \$375,000. That would...well that's what the fiscal note shows.

SENATOR HALL: Oh, I believe you.

SENATOR HABERMAN: And that money would go to the telephone companies.

SENATOR HALL: They would be collected by the telephone company.

SENATOR HABERMAN: And is the money for the new commission and for the new rent and for the new office buildings and so and so forth, that would be paid out of what fund?

SENATOR HALL: The cost for the entire system would be paid out of the access charge that would be on. So in other words, the three hundred odd thousand dollars that the four cents would raise, Senator Haberman, would cover the cost of the system. That is including all those things that you just named.

SENATOR HABERMAN: Then all costs to LB 129 will be paid for out of the present four cents access line charge which could go to ten cents.

SENATOR HALL: That is correct.

SENATOR HABERMAN: Is there any limit as to when the telephone companies or whoever could raise it to ten cents?

PRESIDENT: One minute.

SENATOR HALL: It would be at the, again, discretion of the Public Service Commission and it would be reviewed on an annual basis.

SENATOR HABERMAN: Would it not be from this new commission that is being started?

SENATOR HALL: No.

SENATOR HABERMAN: The advisory commission?

SENATOR HALL: No.

SENATOR HABERMAN: What is their role going to be?

SENATOR HALL: Their role will be to work with the hearing impaired community, those individuals, to establish, help establish the system and make sure that it is up, operating and

that individuals know and are aware of it so that they can take advantage of it.

SENATOR HABERMAN: Will the low income people who have trouble with their telephone bills be assessed this also?

SENATOR HALL: It will be assessed across the board.

SENATOR HABERMAN: Everybody, but the industry is going to carry the brunt of it, is that correct, or the (inaudible) of the line?

SENATOR HALL: Industry tends to have more lines than you and I do

SENATOR HABERMAN: Thank you, Senator Hall, thank you, Mr President.

PRESIDENT: Thank you. Senator Schmit, please.

SENATOR SCHMIT: Yes, Senator Hall, would you yield to a question, please?

SENATOR HALL: Sure.

PRESIDENT: Senator Hall.

SENATOR SCHMIT: I'm sorry, Senator Hall, I did not hear how many people will be served by this service.

SENATOR HALL: Senator Schmit, our estimate at present is that we can identify approximately between 10 and 12,000 people that will automatically from day one begin to use the system. Currently there is a system that is in use in Omaha and in Lincoln that allows these individuals to access a dual party relay system. This would expand it to the entire state, make it a statewide system that would be uniform.

SENATOR SCHMIT: And the system will cost 375 annually?

SENATOR HALL: That's what our current estimate is, is that it will take an access charge of about four cents a line to cover the cost at present.

SENATOR SCHMIT Okay. Under the new deregulated telephone

system is it not possible for the industry to do this without the introduction of a bill?

SENATOR HALL: Yes.

SENATOR SCHMIT: Then why do we have a bill?

SENATOR HALL: Because, Senator Schmit, I wanted to see that it took place. I...

SENATOR SCHMIT: You don't believe that the motivation of the industry toward service of the public is sufficient to bring about this kind of a service to those who need it?

SENATOR HALL: No, Senator Schmit, every once in a while they just need a nudge. This is a nudge.

SENATOR SCHMIT: I see. Well, you know, Senator, some time ago I was driving through Omaha and I used a pay phone to call another senator and I know I've been accused of talking too long, but after 10 minutes I was notified that I had to deposit another 25 cents and, of course, that means that we now have local measured service, at least on some of the pay phones, and I would assume that there will be an adjustment and an indication of leaning toward this type of charge and I know this four cent is a minuscule thing and I don't object to that at all to provide service to these people who obviously need it, but an industry which is propelled by public service and generates billions of dollars of revenue, it seems to me that it would be totally...it would be a total embarrassment to the industry to have this bill introduced, that they just ought to take care of it and I guess my question to you is this, certainly, you have seen the need for this bill. Have you observed any other kind of problems that might be prevalent among the low income individuals who mentioned that, the lifeline type program or that sort of thing? Are there needs there that are not being met?

SENATOR HALL: Senator Schmit, I think you're aware that there have been other bills introduced to deal with the...for example, the 911 system across the state. I think that is going to be addressed later this session. There are, just as...the other half of this bill, the companion bill that I mentioned briefly dealing with the TDD devices, these are not inexpensive items. To put the system in place and then not have the machinery

available to those individuals is ridiculous, so my efforts working with the industry are to try to get the industry to basically ante up the cost of the devices so that they then can be distributed by this commission that Senator Haberman talked about and the Commission for the Hearing Impaired so I want to see them to continue to buy in to a greater extent in this program, you're absolutely right that they could very well absorb the cost themselves. This is a straightforward approach on my part in terms of paying for it as we go, but that probably is the policy question and you, as always, have touched on it without too much maneuvering.

SENATOR SCHMIT: Thank you, Senator Hall. I would just like to add that I do not see among the proponents any members of the industry...

PRESIDENT: One minute.

SENATOR SCHMIT: ...I would have hoped they would be there in full force and about four abreast and ten deep promoting this industry or this idea. I see that Mr. Osland, Nebraska Telephone Association, is neutral on it, but I would just hope that members of this body who were so adamantly concerned with the benefits of telephone deregulation will find that those benefits do not necessarily trickle down to the people whom Senator Hall is attempting to serve here and that when they do become available to those individuals, it almost has to be by legislative mandate. So I guess I'm a little bit surprised, Senator Hall, that the industry is willing to allow legislative encroachment in this area after having fought so valiantly and, I might add, well, just valiantly, I'll let it go at that, for deregulation. But let this be a lesson to all of us that when a real need is discovered out there and a service has been determined to be lacking, then once again this body will act in the role that the Public Service Commission acted in for many years and if this body does not do so, then that need is not going to be met. That's the end of my editorial for today. Thank you very much.

PRESIDENT: Thank you. Senator Hall, would you like to close on your amendment, please?

SENATOR HALL: Just, Mr. President, members, I would urge the body to adopt LB 129 into the current LB 240. Thank you.

PRESIDENT: The question is the adoption of the Hall amendment. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Hall's amendment.

PRESIDENT: The Hall amendment is adopted. Senator Hall.

CLERK: Mr. President, Senator Hall would move to amend his bill. Senator I believe this is your date change amendment. (Hall amendment appears on page 338 of the Legislative Journal.)

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, members, now that we have amended LB 240 we have to change the dates that were in the original LB 129. We strike October 1, 1989 and insert January 1, 1991 for the effective date throughout the bill. We also add the language that the proceeds from the surcharge shall be remitted monthly, no later than 30 days after the end of the month in which they are collected. This is so that the industry sends the money to the Public Service Commission so that we can basically pay for the relay system. And then we also add language that specifies the dual-party relay system shall assure prompt and accurate relay of all messages seven days a week, 24 hours a day, including holidays. It's basically a change of the date and clarifying language with regard to the intent of the bill. I would urge the amendment's adoption.

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

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Hall's amendment.

PRESIDENT: The second Hall amendment is adopted. Now we're ready for the advancement, Senator Hall.

SENATOR HALL: Mr. President, I'd be move that LB 240 be advanced to E & R for engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. We'll move on to LB 486.

January 19, 1990

LB 87, 159, 163, 163A, 220, 240, 257
313, 315, 397, 399, 486, 488, 488A
756, 856, 911, 963, 1002, 1026, 1033
1037, 1050, 1051, 1090, 1108, 1109, 1141
1168, 1181, 1190
LR 239, 240

PRESIDENT: Okay. Thank you. Senator Ashford, you are next, but may I introduce some guests under the south balcony, please. We have from District 22, which is Senator Robak's district, Dianne Foltz of Platte Center and Betty Grant of Columbus, Nebraska. With them are three AFS students, Jean/David Miquel of Paris, France, and Patty Cervantes from Bolivia, and Shane Walker from Australia. Would you folks please stand and be recognized. Mr. Clerk, you have something for the record?

CLERK: I do, Mr. President, very quickly. Enrollment and Review reports LB 163 to Select File, LB 163A to Select File, those signed by Senator Lindsay as Chair. Agriculture Committee, whose Chair is Senator Rod Johnson, reports LB 856 to General File. (See page 429 of the Legislative Journal.)

Mr. President, Senator Coordsen, as Chair of the Business and Labor Committee, has selected LB 313 and LB 315 as the committee priority bills for the year. And Enrollment and Review reports LB 87, LB 220, LB 240, LB 257, LB 397, LB 399, LB 486, LB 488, LB 488A, LB 756 all correctly engrossed. Those signed by Senator Lindsay as Chair. (See pages 430-33 of the Legislative Journal.)

Mr. President, notice of hearings from the Education Committee and from the Natural Resources Committee, signed by the respective chairs. (Re: LB 1190, LB 1181, LB 1168, LB 911, LB 1050, LB 1090, LB 1033, LB 1037, LB 963, LB 1026, LB 1108, LB 1109, LB 1141, LB 1002, LB 1051, LR 239 and LR 240.) And Senator Haberman has amendments to be printed to LB 163. That's all that I have, Mr. President. (See pages 433-34 of the Legislative Journal.)

PRESIDENT: Senator Ashford, did you wish to speak on the first set of Kristensen amendments?

SENATOR ASHFORD: I call the question.

PRESIDENT: Oh, you call the question. The question is, shall debate cease? All those in favor...Do I see five hands, first? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. What do you think, Senator Ashford? Record, Mr. Clerk.

CLERK: 16 ayes, 0 nays to cease debate, Mr. President.

January 22, 1990

LB 240, 567, 769, 799, 830, 842, 857
874, 893, 918, 930, 933, 940, 941
970

Mr. President, amendments to be printed. I have amendments to LB 240 by Senator Baack; Senator Haberman to LB 567; and Senator Emil Beyer to LB 799. (See pages 453-58 of the Legislative Journal.)

Mr. President, I have a confirmation hearing report from the Natural Resources Committee. That's signed by Senator Schmit. (See page 459 of the Legislative Journal.)

Government Committee reports LB 830 to General File; LB 857, General File; LB 874, General File; LB 893, General File; LB 918, General File; LB 930, General File; LB 933, General File; LB 970, General File. Those are all signed by Senator Baack.

Natural Resources Committee reports LB 842 to General File; LB 940 to General File and LB 941 to General File. Those are signed by Senator Schmit as Chair.

Finally, Mr. President, I have amendments to be printed from Senator Scofield to LB 769. (See pages 459-461 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: The motion is to adjourn and a machine vote has been requested. All those in favor vote aye, opposed nay. Until nine o'clock tomorrow morning. This will take a simple majority. Have you all voted? Record, Mr. Clerk, please.

CLERK: 21 ayes, 7 nays, Mr. President, on the motion to adjourn.

PRESIDENT: We are adjourned until nine o'clock tomorrow. And it's been a very enjoying morning. Thank you.

Proofed by: Arleen McCrory
Arleen McCrory

January 26, 1990

LB 87, 240, 257, 397, 486, 534, 567A
567, 601, 730, 756, 818-820, 960A
LR 248

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 567.

PRESIDENT: LB 567 is advanced. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. New A bill, LB 960A offered by Senator Withem. (Read by title for the first time. See page 536 of the Legislative Journal.)

Bills have been presented to the Governor that were read on Final Reading this morning, Mr. President, as of 10:50 a.m. (Re: LB 87, LB 257, LB 397, LB 486, LB 756, LB 534, LB 601, LB 730, LB 818, LB 819, and LB 820. See page 536 of the Legislative Journal.)

New resolution, LR 248, offered by Senators Rogers and Lamb. (Read brief description of resolution. See pages 636-37 of the Legislative Journal.) That will be laid over, Mr. President.

Senator Baack has amendments to be printed to LB 240 in the Journal. (See pages 537-41 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. We'll go on to LB 567A.

CLERK: Mr. President, 567A, (title read.) Senator, I have two amendments filed. I assume the latter in time is the one you prefer?

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yeah, this reduces the appropriation bill by \$6,000, I believe, reflecting the amendment we made, taking the commission out and it also changes the years, would urge the support of the amendment.

PRESIDENT: Any further discussion on the Withem amendment? If not, the question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. We're voting on the adoption of the Withem amendment. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: Any discussion? If not, those in favor of the readvancement of the bill please say aye. Opposed no. Ayes have it, motion carried, the bill is readvanced. Mr. Clerk, LB 240.

CLERK: Mr. President, 240 has motions. The first is offered by Senator Baack. Senator, this is your AM2173, first one you gave me, Senator.

SENATOR BAACK: Yes, I would like to withdraw that, please.

SPEAKER BARRETT: So ordered.

CLERK: Mr. President, Senator Baack would move to return the bill for specific amendment. AM2276, Senator, is what I have in front of me. (Baack amendment can be found on page 537 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Baack.

SENATOR BAACK: Yes, Mr. Speaker and colleagues, I think you all have a sheet on your desk, and this explains the amendment to 240 that we're trying to attach here. What this amendment is, it's LB 719 that was heard last year before the Judiciary Committee. They advanced the bill. There were no opponents at the hearing. There was one neutral testifier, but there were no opponents at this hearing. What this...what LB 719 does is it talks about setting up a system so that we can provide 911 emergency telephone service in this state and have a system set in place for providing those services. And what it does is it says that it allows a body, and I stress that it allows them to do this, it does not mandate that they use this system to set up 911 in their area. It allows the governing body to impose a surcharge on the monthly telephone bill for the imple...for either the implementation or the upgrading of the 911 services. It also is the...the bill is one that encourages the local governing bodies to jointly utilize the 911 services. It is, as I said earlier, it is permissive, it's not mandatory. The local entity makes that decision. If they are already providing 911 services, are using their own local revenues to do that, they may continue to do that. But this also gives them the option of using a surcharge on the telephone bills to provide that service. It also...I think this is really important, especially in my area where they're trying to set up some 911 services in some of the counties that are very sparsely populated, they need

a method of generating some revenue so that they can have a good countywide or regionwide 911 service. We have some problems. Scotts Bluff County has set up a countywide 911 service, they are funding it presently with property tax dollars. For them, this would be a form of property tax relief, because they would be able to use this surcharge, if they so choose, instead of using property tax dollars to support their 911 services. The goal is eventually, hopefully that we will be able to have some kind of a statewide 911 service so that everyone in the state, when they dial 911, will be connected to the proper authorities and their emergency message will be relayed properly. The telephone company would be responsible for the collection of this surcharge, and then the monies would be reimbursed back to the governing body and they would be placed in a separate fund to be used specifically only for the 911 services and not for any other, they would not be put in the General Fund of the county, they would only be used for the services of 911 that they put in place. I think that there were a couple of committee amendments, or one committee amendment, I think, as it came out of the Judiciary Committee. That committee amendment is in the bill. There is also...in the bill there was a certain amount of discussion as to the liability provisions in the bill, and the original bill said that it was willful and wanton neglect on the part of the telephone companies before they could...before they would be liable. My bill only reads that if they have actions that are unreasonable they would still be liable for these actions. So mine is a lesser liability clause, there's no doubt about that. And there are some telephone companies that are objecting to that, they would just as soon have the willful and wanton. But I think that in my mind the idea of providing the basis for 911 services is much more important than trying to deal with this liability provision right up front. So, with that, I would just encourage the body to adopt the amendment. If there's questions, either I or Senator Withem can try and answer those. I think that I probably have....How much time do I have left, Mr. Speaker?

SPEAKER BARRETT: I'm sorry, sir.

SENATOR BAACK: How much time do I have left?

SPEAKER BARRETT: Approximately one minute.

SENATOR BAACK: One minute? I talked nine minutes already?

SPEAKER BARRETT: I'm sorry. Six minutes, Senator Baack.

SENATOR BAACK: Okay. I would like to yield the rest of my time to Senator Withem, because he was a co-introducer of LB 719, and I will give him that time.

SPEAKER BARRETT: Thank you. Senator Withem, proceed.

SENATOR WITHEM: Yes, I'd like to yield the time back to Senator Baack, please. (Laughter.) Thank you, Senator Baack. I appreciate your giving me some time to speak on this. LB 719 was a bill that was brought to me, actually, by the...originally it was a bill that was sponsored and endorsed by our local county commissioners when they were in the process of attempting to create an enhanced 911 system. Frankly, my county, as I understand it, Senator Hartnett, has gone ahead and done this pretty much. So it's not something that's going to be a terribly direct benefit back to our particular county. Last year it was the US West that indicated they thought that this was a good product, the enhanced 911, and more communities ought to have the ability to participate in the program. So we introduced the bill primarily on their behalf. At the same time, on the other end of the state, Senator Baack's constituents were very interested in enhancing their 911 program. It's a really fascinating concept, this enhanced 911. It is really one of the things that we can pass in here, though actually in a documented fashion will save lives. Particularly as you get to the remote areas of the state the ability to communicate quickly, when there is an emergency, and to locate exactly where that spot is, is of prime importance. With the enhanced 911, the individual can dial 911, the 911 equipment locks in on that location, will tell the emergency personnel what the location is, what the phone number is and be able to dispatch help immediately. There have been cases where a person maybe can get to the phone, a child can get to the phone and dial 911, but can't give directions to the home under our current system. Or the individual may, in fact, be choking and not be able to communicate over the telephone. So it is a system that definitely enhances the quality of life throughout our state, and I think maybe more so in some of the remote portions of our state. Problem is it's a very expensive system. And so with the ability to place the 50 cent surcharge on the lines of individuals that are getting the benefit of this service, it's a way in which local communities can, in fact, pay for their 911 equipment. I think it's a good bill. I

appreciate very much Senator Hall's willingness to allow us to have this discussion with his bill, and I would urge you to support it.

SPEAKER BARRETT: Thank you. The Chair recognizes the member from the 7th District, Senator Hall.

SENATOR HALL: Thank you, Mr. President, members. I rise in support of the motion to bring back LB 240, the bill that we amended the provisions of LB 129 into a week ago. If you recall, it deals with the relay system for the hearing impaired. I appreciate Senator Baack, Senator Withem's motion that they bring to us, the former LB 719 I think it is. I do, though, want to point out to the body that with the return of the bill, the adoption of the amendment into 240, I do have a couple of amendments that I will ask very briefly. They are, I think, real cut and dried amendments to follow. I've talked to at least Senator Baack, because Senator Withem was not here yesterday, about those amendments, and I don't think they will take much time. But please know that I will follow the adoption of this amendment with two amendments that deal with the adoption of 719 into 240. But I would urge the body to return the bill for purposes of amending it. Thank you.

SPEAKER BARRETT: Thank you. Senator Hartnett, would you care to discuss the motion to return the bill?

SENATOR HARTNETT: Mr. President, members of the body, I'd like to ask Senator Withem or Senator Baack a question and so forth, because I think Senator Withem is correct, is that in Sarpy County we already have this system. I think we have in Sarpy County we have two systems. (Laugh.) With this amendment and so forth, I haven't studied it but, Senator Withem, would this just limit to only one system within a county? Or maybe Senator Baack, I guess that's...because right now we have two ongoing systems in Sarpy County. Would it just limit it to one system per county is my question?

SPEAKER BARRETT: Senator Withem, would you respond.

SENATOR WITHEM: Yes. I don't believe it does, Senator Hartnett. I might, frankly, given the size of our county I think it's kind of silly that we have two different systems, that the people ought to be able to communicate and create one. But I believe what this does is it gives the governing body,

that could either be a county or a city, the opportunity to create this system. And, if the configuration in a given county were more than one, there would be no problem doing that, whether it's a good idea or not is not addressed in here.

SENATOR HARTNETT: Senator Baack, I guess, wants to respond.

SPEAKER BARRETT: Senator Baack, please.

SENATOR BAACK: Yes, Mr. Speaker and colleagues. Yes, Senator Hartnett, it does not require that they go to one, that's very true, it does not require that, and it does not change any systems that are in place now, except in areas such as Scotts Bluff County, they had a couple of systems. One of them was more countywide, then one was in the city, and it got very, very confusing and really caused a lot of problems there in the 911 service.

SPEAKER BARRETT: Senator Baack, excuse me, would you speak into the microphone.

SENATOR BAACK: Yes, I will. This will allow them probably a better way of providing that service so that they can have countywide service rather than having separate services.

SENATOR HARTNETT: Thank you.

SPEAKER BARRETT: Senator Wesely, further discussion.

SENATOR WESELY: Thank you, Mr. Speaker, members. Because of the rapid action on this issue, I'd just like to note for the record that there are concerns being expressed about the liability provisions of the amendment. On page 541, Section 15 there is quite an alteration of current liability under the statutes involved in this area. And there is a great concern about that change in liability. I talked to Senator Baack about it, and rather than try to amend or deal with it at this time, because there is some confusion, all I am doing is noting a concern in that we may need to readdress that particular part of this amendment. And I'm anticipating it being adopted, but I think we're going to need to work this out and readdress that at a later point. But we're not, I think, prepared to deal with it right now. But I thought the body should be alert that there is one element of the amendment that does have some concern. Otherwise I think everything is pretty much okay.

SPEAKER BARRETT: Thank you. Any further discussion? Senator Baack, would you care to make a closing statement?

SENATOR BAACK: Yes, Mr. Speaker and colleagues, just a short closing. I noted Senator Wesely's concern already in my opening because there is a concern about that provision, and that is something that in another year I think maybe I'm willing to look at it and to face straight up and just deal with the liability issue. I think what's more important is that we're...with this we are going to provide an accessibility for 911 service to a number of areas of the state that do not have 911 service now. And I think it's really important that we do that. So, with that, I would just urge the body to return this bill to Select File for that specific amendment. Thank you.

SPEAKER BARRETT: Thank you. The question before the body is the adoption of the motion to return the bill to Select File. All in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned to Select File. Senator Baack, on your amendment.

SENATOR BAACK: Yes, Mr. Speaker and colleagues. I would just urge the adoption of the amendment. Thank you.

SPEAKER BARRETT: Thank you. Any discussion? Seeing none, those in favor of the adoption of the Baack amendment please vote aye, opposed nay. Please record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Baack's amendment.

SPEAKER BARRETT: The member from Kimball, please, Senator Baack.

SENATOR BAACK: I would move to readvance LB 240 to E & R.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the readvancement please say aye. Opposed no. Ayes have it, motion carried, the bill is readvanced. Mr. Clerk.

CLERK: Mr. President, Senator Hall would move to return the bill for specific amendment. Senator, I have AM2380 that you filed with me earlier. (Hall amendment appears on page 645 of the Legislative Journal.)

SPEAKER BARRETT: Chair recognizes Senator Hall.

SENATOR HALL: Thank you, Mr. President, members. As I stated earlier in supporting Senator Baack's amendment, I would have a couple of amendments. And this amendment, if you would open the Journal to page 540, which is the Baack amendment that was just adopted to the bill, on page 540 of the bill (sic), lines 9 through 12 deal with a 2 percent collection fee that the phone companies would be allowed for providing this 911 billing service. The original bill, LB 240 as it currently sits, the deaf relay system bill, the companies had also asked for this. Basically, I just said, you know, I don't...not only do I not think you deserve the 2 percent collection fee, I think you ought to be doing it for free, but, of course, that was not a position that the companies agreed with. They did finally say, okay, we can deal without the 2 percent collection fee. In Senator Baack's version of the 911 proposal, that 2 percent collection fee was...is put back into the bill. All my amendment does is strike the 2 percent collection fee. I think that the telephone companies, granted, I understand they are in business to provide a service and to make money for their investors, their shareholders. But in this case we're dealing with providing a service of an emergency nature, the 911 proposal. The earlier proposal that the original bill dealt with on the relay system for the hearing impaired does not have a 2 percent collection fee. I'm trying, through this amendment, returning the bill to strike that 2 percent collection fee in this portion of the bill that was just adopted. I would urge your support to return the bill.

SPEAKER BARRETT: Thank you. Discussion on the motion to return the bill? If not, those in favor of that motion vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator Hall, please.

SENATOR HALL: Mr. President, I would move the adoption of the

amendment.

SPEAKER BARRETT: Thank you. Any discussion on the Hall motion to adopt the amendment? If not, those in favor of that motion vote aye, opposed nay. Please record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Hall's amendment.

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Mr. President, I would move the bill be advanced to E & R for engrossing.

SPEAKER BARRETT: Any discussion? If not, those in favor of that motion say aye. Opposed no. Ayes have it, motion carried. Mr. Clerk.

CLERK: Mr. President, Senator Hall would move to return the bill for a specific amendment. (Second Hall amendment is printed on page 645 of the Legislative Journal.)

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Thank you. Mr. President, members, again, the second amendment, if you would turn to Journal page 539, and this strikes one line out of the entire...excuse me, two lines out of the entire bill that deal with providing that the 911 charge and the charge for the hearing impaired relay system would show up on the telephone bill as a separate line item. So, in other words, this would strike that provision so that these costs that are imposed by the local governing body will be included into the overall bill. Does not change in any way, shape or form the fact that the telephone company receives the money for them, that the costs are paid by the user of that telephone line. All it does is strike the provision that lists it as a separate line item on the bill, that's all. I would urge the adoption of the amendment after we return it to Select File for that purpose. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. For discussion purposes, Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, members, I'd ask Senator Hall to yield.

SPEAKER BARRETT: Would you respond to a question, Senator Hall?

SENATOR HALL: Yes, Mr. President.

SENATOR WESELY: Why?

SENATOR HALL: Senator Wesely, why what?

SENATOR WESELY: Why the amendment, what is the purpose?

SENATOR HALL: Mr. President, members, Senator Wesely, in my opinion there is no reason to spell out the difference between the cost of your traditional phone system, I guess, why not then, and the difference between the 911 service that is provided or the relay costs. If we're to adopt this, I think we start a precedent where one could argue that we should not only spell out the costs for these two items, but we should very possibly spell out the costs for each of those individual phone companies, the way they break down according to what goes toward administrative costs, what goes toward operating costs, what goes toward repairs and services of those natures. I see no reason to spell these out specifically in the bill and show them as a separate line item. I see no problem with having them lumped into the overall cost of your telephone service as a person who has a line and pays for that bill, but to have that show up as a line item, from month to month, and spelled out, and in the case of the...excuse me, the original 240 that we had the other day, it would be a 4 cent line item. It would say .04 cents for the cost of that line item on each of our bills. What purpose does it serve to have it in there? I would revert the question back to Senator Wesely and say, what purpose does it serve then to include it into the bill. And the only reason that I got from the companies was that, well, we want to show that the cost was not imposed by the company. When people see that their phone bill went up 4 cents, or their phone bill went up 2 cents because now the cost of the 911 system is included in there, they're going to think that we raised our rates. Well, that could very easily be handled with an insert, as we get many of them in our phone bills on a monthly basis, to explain what those costs now are, and that through passage of legislation down here, LB 240, these costs are now going to be part of your overall phone bill. But to include that ad infinitum, I mean from the first month that this passes and that gets put into place, to have that on the bill, I think, is discriminatory to

those people who are going to receive the 911 service and to those people who are going to take advantage of the relay system for the hearing impaired. You're singling those folks out and saying we're going to charge you for that service, here's why your phone bill is going up, it's because we're going to help these people. Well, lump it into the overall bill, just have it in the overall bill, send out the statement, send it out for three months in a row to explain to people why their phone bill has gone up maybe 8 cents, maybe 10 cents. But after that there is no need to spell it out as a line item on the bill. And, if the costs increase from year to year, send out that little notice that says why the costs are going to increase. The phone companies do not now send out a bill that is itemized and broke down according to administrative, operating, what other kinds of costs there are. When they have a rate increase, they send out a little notice in the bill that explains that, the reasons for that, the fact that it had to go before the PSC. I see no reason, in dealing with these two items that are going to be added as part of their service, that are going to be spelled out as a separate line item in that bill. And I would think that that would cost the phone companies more money to implement that and put that into place rather than to figure it in...

SPEAKER BARRETT: One minute.

SENATOR HALL: ...to the overall bill, lump it together, send out your notice so that people understand why. Clearly, I have no problem with that. But to put it in from here to forever, as a line item, I think there is no good reason why, Senator Wesely, and that's my purposes for returning the bill to Select File to strike that provision.

SPEAKER BARRETT: Thank you. Senator Wesely, 30 seconds.

SENATOR WESELY: I'll wait until I get another chance.

SPEAKER BARRETT: Thank you. Senator Elmer, further discussion, followed by Senators Withem and Wesely.

SENATOR ELMER: Thank you, Mr. President. Would Senator Hall yield to a question, please?

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Yes, Mr. President.

SENATOR ELMER: Senator Hall, will the information about the individual costs that each telephone user is paying, will that be available from the phone company by walking in and asking for it, or will they routinely, from time to time, provide a little statement stuffer that says these are all the different kinds of costs that are included in this basic program so that they have a little bit of an idea of what their bill comprises?

SENATOR HALL: Senator Elmer, I'm sure that they are available now. I mean the phone company clearly is a...probably one of the best citizens we have in the state. I....This is not a punitive amendment on my part. All it does is say that, look, you shouldn't separate these two out. And I think today, if you were to walk into the local phone company, you would be able to get a breakdown of your bill by sitting down with a service rep who would say here's where those dollars are spent, here's how we can raise them. I don't think you'd have any problem at all receiving that information. Now, with regard to what their policy is on it, that I cannot answer, Senator Elmer.

SENATOR ELMER: Thank you, Senator Hall. I think it's incumbent on a utility, like telephone company that is performing a public service, to provide these kinds of information to the consumers, if they so request. And I can see the reason for not having to delineate them all on each individual statement, because it could get very cumbersome, as we all know. But somewhere in between there the information should be available, in my opinion. Thank you, Senator Hall.

SPEAKER BARRETT: The Chair recognizes Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker. Again, Senator Hall, if you'd respond to a question. As I understand it, I went up and looked at your amendment, and basically it strikes the same language in both the Baack amendment and in what was your amendment previous to this?

SENATOR HALL: That's correct.

SENATOR WITHEM: Okay, point number one. Point number two, currently the bill indicates that there will be specific language contained...there will be a legal mandate that there will be language contained on each bill.

SENATOR HALL: Senator Withem, that's exactly right. That's the point, it is...

SENATOR WITHEM: Okay.

SENATOR HALL: By taking this amend...by adopting this amendment we take out the mandatory provision that requires that they be spelled out separate.

SENATOR WITHEM: But, by the same token, any telephone company that has the ability to write bills, write their bills can put this line on there, if they choose to do so.

SENATOR HALL: Absolutely, absolutely.

SENATOR WITHEM: Thank you very much. Seems reasonable to me.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker. The only reason I follow up is Senator Hall used all my time in answering the question. And I appreciated giving him that time to better understand what the motive was behind the amendment. All I'd point out is that phone companies, in general, do spell out, within their billing charges, access fees that they have to pay, the different requirements in terms of long distance and where those long distance charges go, and they do attempt to delineate for consumers more information than just a general bill. So this, I guess, if it is optional that they can do this on their own, it would make some sense. But at least there is some understanding of where Senator Hall is coming from and some concern on the part of those that want to make sure that telephone consumers understand where their money is going to and for what purpose. I think that's a good thing to do, but I guess I also understand where Senator Hall is coming from and hope that that option would continue for phone companies to let consumers know what their bills are going to and what charges are being added onto those bills.

SPEAKER BARRETT: Any other discussion? Senator Hall, would you care to close?

SENATOR HALL: Mr. President, just urge the body to return the bill to Select File. As has been stated, it takes out the mandatory requirement that says they shall print this as a

separate item. I'm sure that most phone companies currently have the ability to do that but, for example, if there was a small company that did not have that ability, they would still be required to do that with the passage of this law. I would urge the body return the bill.

SPEAKER BARRETT: Thank you. The question before the house is the return of the bill to Select File for purposes of amending. All in favor vote aye, opposed nay. Please record.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: LB 240 is returned. Senator Hall.

SENATOR HALL: Mr. President, I'd move the adoption of the amendment.

SPEAKER BARRETT: Thank you. Is there discussion? If not, those in favor of the adoption of the Hall amendment please vote aye, opposed nay. Please record.

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

SPEAKER BARRETT: The amendment is adopted. Senator Hall.

SENATOR HALL: Mr. President, I'd move that LB 240 be advanced to E & R for engrossing.

SPEAKER BARRETT: Discussion? All in favor of the readvancement of the bill say aye. Opposed no. Ayes have it, motion carried, the bill is readvanced. Mr. Clerk.

CLERK: Mr. President,....

SPEAKER BARRETT: The Chair advises that we will proceed to one other bill on Final, LB 465, which has a very technical amendment, in an effort to save a few printing dollars. I'd like to recognize Senator Chambers. (Chambers amendment appears on page 557 of the Legislative Journal.)

SENATOR CHAMBERS: Thank you, Mr. Chairman and members of the Legislature, in order to explain this procedure, bills on Final Reading that need amendments were being called back this

SENATOR LANGFORD: Okay, I'll ask for a call.

PRESIDENT: The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence. Those not in the Chamber please return to the Chamber and record your presence. Please look up to see if you have touched the magic button.

SENATOR LANGFORD: Could we have a roll call vote in reverse order, please.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Senator Lamb, please check in. Senator Lindsay, please check in. Senator Ashford, the house is under call. Senator Nelson, please check in. Senator Haberman. Senator Scofield, please record your presence. Richard Peterson, Senator Peterson, please. The question before the house is the advancement of LB 348 to E & R Initial. A roll call vote has been requested. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 675 of the Legislative Journal.) 25 ayes, 6 nays, Mr. President, on the advancement.

SPEAKER BARRETT: The motion prevails and the bill is advanced. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. I have a reference report, Mr. President, referring certain gubernatorial appointments to the appropriate Standing Committee for confirmation hearing.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 107 and find the same correctly engrossed; LB 187A, LB 240, LB 465 all reported correctly engrossed. That's all that I have, Mr. President. (See page 676 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to Item 6 on the agenda, LB 953.

February 15, 1990 LB 143, 240, 240A, 465

CLERK: (Read LB 143 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 143 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 809 of the Legislative Journal.) 38 ayes, 3 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 143 passes. LB 240 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 240 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 240 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 809 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting.

PRESIDENT: LB 240 passes with the emergency clause attached. LB 240A.

ASSISTANT CLERK: (Read LB 240A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 240A pass? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 811 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 240A passes. LB 465.

ASSISTANT CLERK: (Read LB 465 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 465 pass? All those in favor vote aye, opposed nay. Have you all voted?

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663A, 692, 742, 1244, 1245
LR 8

takes 30 votes to do this at this time, and then we can go ahead and schedule the hearing and the hearing will be February 26, which is a week from Monday, should these bills be allowed to be introduced. Thank you.

PRESIDENT: Any further discussion? If not, the motion is to allow the introduction of the two bills. All those in favor vote aye, opposed nay. Requires 30 votes. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the introduction of the new bills.

PRESIDENT: The new bills are introduced.

CLERK: Mr. President, new bills. (Read LB 1244 and LB 1245 by title for the first time. See page 820 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and do sign LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742, LR 8CA. (See page 820 of the Legislative Journal.) We'll move on to General File, A bills, LB 663A.

CLERK: Mr. President, 663A offered by Senator Scofield. (Read title.)

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President and members. You will recall this is the bill that creates the Juvenile Services Act. The vast majority of the \$581,000 figure in this bill for fiscal year '90-91 and the \$565,928 figure for '90-92, the vast majority of those two fiscal notes are grants that would go out to communities to help them set up alternatives for juvenile incarceration, diversionary processes, if necessary, facilities to incarcerate juveniles. There is...the other piece of this that you need to know about is simply the administrative costs and the primary expenditure here is the \$28,000 figure for a juvenile coordinator with some secretarial support and some start up costs for the office. You will recall we made the decision to put this under Probation so that that could work more closely with the judges to help us solve that problem. It would be my intent that that juvenile coordinator position would

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350, 350A, 465, 692, 742, 844, 866
905, 919, 1080A, 1082, 1141, 1183
LR 8, 239, 256

CLERK: (Roll call vote taken. See page 830 of the Legislative Journal.) 2 ayes, 28 nays, Mr. President.

PRESIDENT: The motion fails. Anything for the good of the cause, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, Senator Kristensen has amendments to be printed to LB 159; Senator Withem to LB 259A. (See pages 830-32 of the Legislative Journal.)

A new resolution, LR 256 by Senators Wesely, Withem, Bernard-Stevens. (Read brief explanation. See pages 832-33 of the Legislative Journal.) That will be laid over.

An announcement from the Speaker regarding afternoon sessions next Tuesday, Mr. President; a reminder of the membership. Confirmation report from the Nebraska Retirement Systems Committee. That is offered by Senator Haberman.

Bills have been presented to the Governor, Mr. President, as of 10:43 a.m., those read on Final Reading this morning. (Re: LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742.) LR 8 presented directly to the Secretary of State.

A new A bill, LB 1080A by Senator Schellpeper. (Read for the first time by title. See page 834 of the Legislative Journal.)

Mr. President, Revenue Committee reports LB 844 to General File, LB 919 to General File, LB 1183 General File, and LB 1082 as indefinitely postponed. Those all signed by Senator Hall.

Mr. President, priority bill designations, Senator Byars has chosen LB 905; and Senator Lamb LB 866.

Mr. President, Education Committee, whose Chair is Senator Withem, reports LB 1141 to General File with committee amendments attached, signed by Senator Withem; and Education Committee reports LR 239CA to General File with committee amendments attached. (See pages 834-36 of the Legislative Journal.)

Finally, Mr. President, Senator Rogers would like to add his name to LB 866; and Senators Weihsing, Goodrich, and Coordsen to

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642, 692, 742, 1148, 1200

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...George W. Norris
Legislative Chamber. We have with us this morning for our
invocation our own Senator Carol Pirsch. Would you please rise.

SENATOR PIRSCH: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Senator Pirsch. We appreciate
that very much. Roll call, please. Mr. Clerk, please.

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

PRESIDENT: Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

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

CLERK: Mr. President, your Committee on Government, Military
and Veterans Affairs, whose Chair is Senator Baack, reports
LB 1200 to General File; LB 1148 as indefinitely postponed.
Those are signed by Senator Baack.

Mr. President, a communication from the Governor to the Clerk.
(Read communication regarding signing of LB 50, LB 143, LB 240,
LB 240A, LB 465, LB 350, LB 350A, LB 692 and LB 742. See
page 882 of the Legislative Journal.)

Mr. President, a series of appointments letters from the
Governor: Those will be referred to Reference.

I have an Attorney General's Opinion addressed to Senator
Schmit, Mr. President. And that's all that I have.

PRESIDENT: We will move on then, ladies and gentlemen, to our
General File and LB 642.

CLERK: Mr. President, LB 642 was a bill that was introduced by
Senators Ashford, Weihsing, Chambers and Crosby. (Read title.)
The bill was introduced on January 19 last year. At that time,
it was referred to Judiciary. The bill was advanced to General
File. I do have committee amendments pending by the Judiciary
Committee, Mr. President.