

presence today here today with us reminds us of the awesome responsibilities that we share. They are the reasons that we must choose carefully. They deserve the very best that we can give them--the best education, the best career opportunities, the best environment in which to grow and mature. So as you undertake the responsibilities of this session, may the faces of these young people be your reminder of the job that we all have to do and do reflect on how your actions will affect not only the parents and grandparents of these young people, but the future of all of Nebraska's children. You have my every good wish for a successful session, and my gratitude as well and the gratitude of our fellow Nebraskans who are so grateful for your willingness to serve. Thank you and may the God Almighty bless each and every one of you in your deliberations. Thank you. (applause.)

PRESIDENT: (Gavel.) Governor Orr, thank you for bringing us your State of the State Address and welcome to Bill, Suzanne and most of all, Taylor. We appreciate your coming at this time to give us your address. Will the committee please escort you from the Chamber at this time. (Gavel.) What do you have left, Pat? I understand we have more bills to introduce, Mr. Clerk.

CLERK: Mr. President, new bills. (Read LB 301-312 by title for the first time. See pages 152-55 of the Legislative Journal.)

Mr. President, in addition to those items I have a series of announcements. Senator Lamb announces that Senator Emil Beyer has been selected as Vice Chair of the Transportation Committee.

Mr. President, I have notice of hearing from the Urban Affairs Committee, signed by Senator Hartnett; and from the Education Committee, signed by Senator Withem. And, Mr. President, I believe that is all that I have.

Mr. President, I have a Report of Registered Lobbyists for the...up through January 9, which is required to be filed pursuant to statute.

PRESIDENT: We have a few more bills to introduce. We'll be at ease for just a few moments.

EASE

CLERK: The Executive Board will meet now in Room 2102;

April 21, 1989

LB 301-303, 303A, 305, 308, 309, 309A, 310
469, 508, 509, 605, 627, 669, 722
727, 793

May I introduce some guests please in the north balcony. Senator Hannibal has 75 eighth grade students from St. Roberts School in Omaha with their teachers. Would you ladies and gentlemen please stand and be recognized by the Legislature. Thank you for visiting us this morning. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 793, LB 508, LB 509, LB 605, LB 627, LB 669, and LB 722. We will move on to introduction of appropriation bills, Mr. Clerk.

CLERK: Mr. President, before, if I may, read some reports. Your Committee on Appropriations whose Chair is Senator Warner to whom was referred LB 301 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, as are LB 302, LB 303, LB 303A, LB 305, LB 308, LB 309, LB 309A, LB 310, LB 469, and LB 727, all reported to General File, all having committee amendments, all signed by Senator Warner as Chair. (See pages 1831-39 of the Legislative Journal.)

Mr. President, Senator Warner would move for the introduction of Committee Req. 1249.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, Req. 1249 would be the mainline budget bill. It would include everything other than...well, obviously, the bills, the constitutional officers are separate, legislative salaries are separate, salaries are separate, health insurance is separate, but this would include the other recommended appropriations for state agencies and state aid programs. I would move the suspension of the rule to permit its introduction.

PRESIDENT: Any further discussion? If not, the question is the introduction of the appropriation bill as described by Senator Warner. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, 1 nay, Mr. President, on the introduction of Req. 1249.

PRESIDENT: The bill is introduced. Do you have another one, Mr. Clerk?

April 26, 1989

LB 301, 591A, 611A

CLERK: LB 591A, Senator, I have no amendments to the bill.

PRESIDENT: Speaker Barrett, please.

SPEAKER BARRETT: Mr. President, I would move the advancement of LB 591A.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 611A.

CLERK: LB 611A, Mr. President, I have no amendments to the bill.

PRESIDENT: Speaker Barrett, please.

SPEAKER BARRETT: Mr. President, I move the advancement of LB 611A.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. Thank you, Senator Barrett, you did very well.

SPEAKER BARRETT: Thank you, sir.

PRESIDENT: Move on to General File, appropriation bills. For you students in the balcony, you hit us at a lucky time. We're going to be talking about how we are going to spend some tax money, so you hit us at a good time. Mr. Clerk, LB 301.

CLERK: Mr. President, 301 was a bill that was introduced by the Speaker at the request of the Governor. (Read title.) The bill was introduced on January 10, referred to Appropriations, advanced to General File. I have committee amendments pending by the Appropriations Committee, Mr. President.

PRESIDENT: Senator Warner, are you going to handle this one?

SENATOR WARNER: Mr. President, members of the Legislature, this is, as you will recall, is the bill for the salaries of constitutional officers which is required by the Constitution to be in a separate appropriation bill and it includes the Supreme Court, the Clerk of the Supreme Court, Reporter of the Supreme Court, 53 district and juvenile judges, 57 county judges and then the Governor, Lieutenant Governor, Secretary of State,

Auditor, Attorney General, Secretary of State, Public Service Commission and the Tax Commissioner which is also an office which is named in the Constitution. The committee amendment to the original bill does three changes. As you will perhaps recall and you will notice it in every agency, that under the risk management pool, workmen's compensation for all agencies of state government will function somewhat as an insurance policy in which every agency contributes to the insurance pool for workmen's comp covering state employees proportionate to the number of employees, of course, they have and with experience it will also reflect a loss ratio, but this amendment adds to the workmen's comp premium, if I may call it that, for that insurance pool for the constitutional officers that was outlined. In addition there is also an amendment that reflects change in social security as has been calculated and then the major change, however, which is more than a type of change that I have described, is that I think most people will recall that under the statutes, Lancaster County, when it reached 200,000 population was to have an additional juvenile judge and I believe there was a letter from the Attorney General indicating some time ago now that one was not required to wait until the federal census had been completed or in 1991, but rather that determination of 200,000 would take effect before that. So the amendment provides that three-fourths of a year for an additional juvenile judge in Lancaster County and, of course, the full year for the second half of the biennium. The amount for the three-quarters of a year is, with salary plus benefits, \$51,263 and the full year's salary with benefits, \$72,289. I would move adoption of that amendment to LB 301.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Warner amendment to LB 301. All in favor vote aye, opposed nay. Need a little bit of help, ladies and gentlemen. We're voting on the adoption of the Warner amendment. Record, Mr. Clerk, please. Thank you.

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

PRESIDENT: It is adopted. Anything further on it, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: Senator Warner.

April 26, 1989

LB 301, 302

SENATOR WARNER: Mr. President, I move LB 301 be advanced.

PRESIDENT: Any further discussion? If not, the question is the advancement of LB 301. All in favor vote aye, opposed nay. We're voting on the advancement of LB 301. Record, Mr. Clerk, please.

CLERK: 25 ayes, 1 nay, Mr. President, on the advancement of LB 301.

PRESIDENT: LB 301 is advanced. LB 302, please.

CLERK: Mr. President, 302 was a bill that was introduced by Speaker Barrett at the request of the Governor. (Title read.) The bill was introduced on January 10, referred to Appropriations, advanced to General File. I have committee amendments pending to the bill, Mr. President.

PRESIDENT: Thank you. Senator Warner, please.

SENATOR WARNER: Mr. President, I move adoption of the amendment. This amendment...this bill is one that deals solely, as required by the Constitution, legislative salaries and the committee amendment adds the same provision for workmen's comp as I explained on the previous bill and as I indicated, will be found in every agency to contribute to the, in effect, the insurance pool for workmen's comp for all agencies.

PRESIDENT: You've heard the motion. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The committee amendments are adopted. Anything further on it, Mr. Clerk?

CLERK: Nothing further, Mr. President.

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

SENATOR WARNER: Mr. President, I move LB 302 be advanced.

PRESIDENT: Any further discussion? If not, the question is the advancement of LB 302. All those in favor vote aye, opposed

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain of the day Pastor Rusty Miller of the Capitol City Christian Church in Lincoln, Nebraska. Would you please rise for the invocation.

PASTOR MILLER: (Prayer offered.)

PRESIDENT: Thank you, Pastor Miller, we appreciate that. Come back and see us again some time. Roll call, please. Record, Mr. Clerk, please.

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

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

CLERK: No corrections, Mr. President.

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

CLERK: Mr. President, Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 301 and recommend that same be placed on Select File, and LB 302 on Select File. Those signed by Senator Lindsay as Chair.

Mr. President, Senator Scofield would like to print amendments to LB 683. And that is all that I have, Mr. President. (See pages 1964-66 of the Legislative Journal.)

PRESIDENT: Move on to the confirmation report, number five.

CLERK: Mr. President, Natural Resources Committee offers a confirmation report on the appointment of Mr. Floyd Vrtiska, it's on page 1934 of the Journal.

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Mr. President, members, the Natural Resources Committee had the hearing in regard to the appointment of Mr. Floyd Vrtiska to the Environmental Control Council. He is well qualified. The committee unanimously approved the resolution to recommend adoption of this report, which

May 9, 1989

LB 301, 541, 630

SPEAKER BARRETT: Senator Lindsay.

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

SPEAKER BARRETT: Shall the E & R amendments to LB 541 be adopted? All in favor say aye. Opposed no. It is carried. They are adopted.

CLERK: I have nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 541 as amended be advanced to E & R Final.

SPEAKER BARRETT: Shall LB 541 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 630.

CLERK: LB 630, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 630 be advanced to E & R Final.

SPEAKER BARRETT: The question is the advancement of LB 630. Those in favor say aye. Opposed no. The ayes have it. Carried. The bill is advanced. LB 289.

CLERK: Senator, on LB 289, I have E & R pending.

SPEAKER BARRETT: Chairman Lindsay.

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

SPEAKER BARRETT: Excuse me, Senator Lindsay, we will pass over 289. The next bill is LB 301, Mr. Clerk.

CLERK: LB 301, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

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

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LB 301-303, 813
LR 212

LB 301.

SPEAKER BARRETT: Shall LB 301 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. And finally LB 302.

CLERK: LB 302, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the advancement of LB 302.

SPEAKER BARRETT: Shall LB 302 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. Any messages on the President's desk?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 813 to Select File, signed by Senator Lindsay.

Mr. President, a study resolution, LR 212 by Senator Wesely, and, Mr. President, amendments to be printed to LB 303 by Senator Moore. I believe that is all that I have, Mr. President. (See pages 2252-57 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The question before the body then is the motion to adjourn until tomorrow morning at eight o'clock. Those in favor say aye. Opposed no. The ayes have it. Motion carried.

Proofed by:

LaVera Benischek
LaVera Benischek

May 11, 1989

LB 137, 182A, 301, 302, 444, 541, 630
640

goes below a quorum, because right now there is no provision in our statutes for the...for the Secretary of State to hold special elections for those two entities. There are provisions for providing for all other entities but those two don't have any. The specific example happened in Ord recently where they...their hospital board fell below a quorum. They...there was a real process in trying to determine how they were going to get back to a quorum. Because they were under a quorum, they couldn't appoint other members. This provides a procedure for doing that. That's what the amendment does. Thank you.

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

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Baack's amendment.

PRESIDENT: The Baack amendment is adopted. Anything further on the bill?

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

PRESIDENT: Senator Moore.

SENATOR MOORE: I move we advance LB 640 to E & R for Engrossing.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 653.

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

PRESIDENT: Yes, you may.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 182A and find the same correctly engrossed; LB 301, correctly engrossed; LB 302, correctly engrossed; LB 541 and LB 630, correctly engrossed. (See page 2317 of the Legislative Journal.)

Mr. President, Senator Hartnett would like to add his name to LB 444 as co-introducer, and Senator Haberman to LB 137.

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LB 301, 302, 308, 814

and Byars. Senator Rod Johnson, please report to the Chamber. All present and accounted for. A roll call vote has been requested on the passage of the bill. Thirty-three votes necessary. Proceed with the roll call, Mr. Clerk.

CLERK: (Roll call vote read. See pages 2556-57 of the Legislative Journal.) 36 ayes, 12 nays, 1 present and not voting, Mr. President, on the passage of LB 814.

SPEAKER BARRETT: LB 814E passes. LB 301.

CLERK: (Read LB 301 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 301 pass? All in favor vote aye, opposed nay. Record, please.

CLERK: (Record vote read. See page 2557 of the Legislative Journal.) 47 ayes, 0 nays, 2 present and not voting, Mr. President.

SPEAKER BARRETT: LB 301 passes. LB 302.

CLERK: (Read LB 302 on Final Reading.)

SPEAKER BARRETT: All provisions relative to law having been complied with, the question is, shall LB 302 pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 2558 of the Legislative Journal.) 47 ayes, 1 nay, 1 present and not voting, Mr. President.

SPEAKER BARRETT: LB 302 passes. LB 308 with the emergency clause attached.

CLERK: (Read LB 308 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 308 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 2558-59 of the Legislative Journal.) 47 ayes, 1 nay, 1 present and not voting,

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LB 258, 279, 301, 302, 305, 308, 309
309A, 310, 355, 355A, 469, 588, 727
813, 814, 816, 816A

and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 816 passes. LB 816A.

ASSISTANT CLERK: (Read LB 816A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816A become law? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See pages 2566-67 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 816A passes. Pursuant to the agenda that you have in front of you, we will proceed to Select File and then return to item 6, Select File, LB 525, which was bracketed at one-thirty. The call is raised. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 813E, LB 814E, LB 301, LB 302, LB 308E, LB 309E, LB 309AE, LB 469E, LB 727, LB 305, LB 310E, LB 816 and LB 816A. Mr. Clerk, proceed to LB 279.

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

SPEAKER BARRETT: Certainly.

CLERK: Mr. President, explanation of vote by Senator Beck. (See page 2567 of the Legislative Journal.)

I have a report of Registered Lobbyists for this week. (See page 2568 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 258, LB 355, LB 355A and LB 588 as correctly engrossed. (See pages 2567-68 of the Legislative Journal.) Those are offered by Senator Lindsay as Chair of Enrollment and Review.

Mr. President, LB 279 is on Select File. I have no E & R amendments to the bill. I do have other amendments, however. The first is by Senators Landis, Wesely and Hartnett. Senator, I have AM1192 in front of me. That was printed earlier this year. It's on page 1464.

May 24, 1989

LB 44, 44A, 49, 49A, 162, 162A, 247
247A, 250, 250A, 277, 277A, 301, 308
813, 814
LR 115, 213, 214, 215, 217, 218, 220
221, 223

Mr. President, a series of veto messages. (Read. Re: LB 44, LB 44A, LB 162, LB 162A, LB 49, LB 49A, LB 277, LB 277A, LB 250, LB 250A, LB 247, LB 247A.) The last message, Mr. President. (Read. Re: LB 301, LB 308, LB 813, LB 814. See pages 2723-29 of the Legislative Journal.)

Mr. President, that completes the items that I have.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 115, LR 213, LR 214, LR 215, LR 217, LR 218, LR 220, LR 221. We will move on to number five, resolutions, Mr. Clerk, LR 223, please.

CLERK: LR 223 was introduced by the Appropriations Committee. It is found on page 2680 of the Journal. It asks the Legislature that pursuant to the provisions of Section 85-404 and LR 69 adopted by the Ninetieth Legislature to call for the issuance of bond anticipation notes and/or revenue bonds in the amount not to exceed \$4,925,000.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Yes, Mr. President, and members, I know we are all busy, a beehive of activity this morning, but this first thing out of the shoot is of some significance. You may or may not want to listen. What this is is the approval for the bond financing of Phase III of the rec center construction. Those of you that were around in 1987 will remember at that point in time when we approved the indoor practice facility, that was the first of three phases of activity in the total hyperfitness area, whatever it was called, I forget. And Phase I and Phase II have already been...Phase I and Phase II have already been either built or in the process of being built and paid for, and the university is coming down...coming back with LR 223, and if you remember back, LR 69 two years ago, it basically said...we basically said we approve Phase I and Phase II and Phase III; if on the chance that when you go to Phase III, and Phase III is rebuilding of the coliseum, which I would like to explain a little bit, if we get to Phase III, it is the university's choice to use bond financing, and they must come back to the Legislature for our approval. That is, indeed, what has occurred. That is what LR 223 is talking about. It grants the authority for the university to bond up to \$4.9 million for the UN-L recreation/athletic facility. Now as you remember, the indoor practice facility, you all remember, Phase II of that

May 24, 1989

LB 301, 308, 813, 814
LR 228

Class C Nebraska State Golf Championship.

PRESIDENT: Senator Korshoj, please.

SENATOR KORSHOJ: Mr. President and members, here comes another golf resolution. I did not introduce one two years ago when they won the tournament for the ninth straight year, or last year when they won it ten straight years, so I have determined it is no fluke. So I want to get your support for Oakland-Craig Class C state golf championship for the eleventh straight year, and commend their coach, Swede Hawkins, for a fine program. He has been the coach all of these eleven years, and I probably would allow Brad to put his amendment on here if he can beat this team, but he has got to beat them first before I'd want to put him on, and with that, I would just ask for your support. Thank you.

PRESIDENT: Senator Kristensen, please. He doesn't want your time? All right. The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 24 ayes, 0 nays, Mr. President, on adoption of the resolution.

PRESIDENT: The resolution is adopted. May I introduce some guests coming in the north balcony at the moment. Senator Abboud has 44 fourth graders coming in from St. Gerald School in Ralston with their teacher. Would you students please stand and let us welcome you to the Legislature this morning. Thank you for visiting us today. We will move on to the confirmation reports. The first one, Senator Baack, was the Government, Military Affairs, Mr. Clerk.

CLERK: Mr. President, if I might right before that, excuse me, Senator, this will take just a moment.

PRESIDENT: Okay.

CLERK: I have Appropriations Committee reports with respect to line-item vetoes on LB 301, LB 308, LB 813, and LB 814. It is my understanding that in each of the four instances the committee has recommended no overrides.

Mr. President, Senator Baack, as Chair of Government, would move

Mr. President and members of the Legislature, as you know, the rule requires that the Appropriation Committee make a report to the Legislature on the overrides of the mainline bills, in this case, the only two, well, three of them, LB 301, LB 308, which the committee's recommendation is for no overrides, and I will indicate to you that on 301, it dealt with judges salaries and there was a simple clerical I suppose you would call a math error which was in the bill from the Governor's bill through ours that was just simply never caught and so that is of no consequence. The second one on LB 308, it is 150,000, and at least in the claims portion which was reduced by the Governor, the number that the bill had in it originally would have been a number suggested to us by the agency probably six weeks ago now, maybe two months almost of an estimate, that is a deficit bill, of an estimate of what might be needed. My assumption can only be that with further time that the estimate of the amount of funds that are needed was reduced, hence we saw no need to override that. However, on LB 813 and 814, we had a divided vote of five to four, five members voting to recommend no overrides be enacted of the Governor's vetoes on those two bills. That was the one option. The other option was to recommend all of them, and the other is to take no position, and the third option was to make selected recommendations. However, I wish to call your attention, I suspect there may be some, and I hope it is not confusing, but there are some overrides that might be offered that by the nature of the bill's drafting, and it is drafted no different now than it has always been, but there may be more than one item within the same program and there is no way to separate those overrides. They both go or neither goes. In other cases, there could be many items where there is a lump sum appropriation to an agency, it might be many items, but by and large, there is no way to selectively override. You do them all or none. In other instances, there are a handful, some of you I suspect have already prepared motions, in which the dollar amount to the agency was vetoed but also some earmarking money within the budget where the language would say to the effect that contained within the appropriation is X amount of dollars for some purpose. You can override those earmarks, but that will not add any money to the appropriation to the agency. So whenever we do that, that particular function would be funded but also something else would not be, and we would not know what that is. So those things, you can argue it doesn't take any more money to make the override but you will be making a cut indirectly into something else. The final thing, we passed out two sheets of papers this morning, two different,