

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?

report be made to the Legislature on the current energy efficiency status of the Nebraska public schools and the cost effective opportunities for a further public school weatherization and the advocacy of current funds to accomplish weatherization opportunities identified in the...in the report. And, as I indicated, to my knowledge, the agency does not object to the amendment. I also believe that Senator Wesely had an interim study resolution the other day in a...in a similar vein which I presume is for the purpose of a legis...some legislative committee and I don't recall if there was one designated, but a legislative committee to work with this report once it is completed November 1. So I would move adoption of Senator Wesely's amendment.

PRESIDENT: Any further discussion on the Wesely amendment? If not, the question is the adoption of the Wesely amendment. All those in favor vote aye, opposed nay. (Gavel.) Please vote if you care to. Need a little help now and then. Record, Mr. Clerk, please.

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

PRESIDENT: The Wesely amendment is adopted. Now, Senator Warner, on the advancement of the bill.

SENATOR WARNER: Mr. President, I move that LB 727 as amended be advanced to E & R Initial.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of the bill. All in favor vote aye, opposed nay. Pleases vote, ladies and gentlemen, if you care to. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 727.

PRESIDENT: The bill is advanced. Move on to LB 305, please.

CLERK: LB 305, Mr. President, 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 no amendments to the bill, Mr. President.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, I move the bill be advanced. This is a bill that was, as indicated by the Clerk, introduced by the Speaker on behalf of the Governor which permitted the...the transfer from the Employment Securities Special Contingent Cash Fund to the Nebraska Technical Community College Aid Cash Fund. What that says is that in the...this contingency fund in the Department of Labor, which has been there for a number of years and it's the area where interest and fines are accumulated by the enforcement regulations of the Department of Labor which has some very limited uses as to which it can have...can be used for. And this legislation is...will then do what was done a year ago, in fact, which transferred a portion of this money to the purpose of job training of new businesses coming into the state and providing assistance to those new businesses in developing new personnel for a new plant or plant expansion. And there is then appropriated from the...this fund for next year an amount of 400...about 150,000 General Fund in the case of the committee, 300,000 Cash Fund in the committee amendment which is contained in LB 813. The full 450,000 is taken from this fund which has a balance of in excess of a million dollars. And so that we're not depleting it all at one time, it will be funds to carry on for some period of time. But the legislation itself is solely the necessary legislation to transfer money from this fund that's been long established over to the Community College Aid Cash Fund for job training. I think Senator Moore and Senator Wehrbein may have some additional information on the details of the purpose of the money.

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Yes, Mr. President and members, as Senator Warner explained, this is basically a Cash Fund transfer from a fund that the...it's the Employment Security Contingent Fund and what that fund is it's, like Senator Warner explained, late payments on unemployments payments and penalties and things like that. That fund has accumulated. It's been accumulated to over \$2 million, actually, is the information that I have and there has been for a variety of, I guess, for at least the last couple of years there's been some question on just what exactly those funds can be used for. And, as a result of an in depth study this summer, it was discovered, I guess, you could say discovered that you could use these funds for some...for some of

these type of activities and said there is basically two types of activities are the intent in this bill, the industry training fund which would allow DED to contract with...to work with the community colleges and others on helping new businesses provide training to those new businesses when they come to Nebraska. So without...I'm afraid the more I say the more confused you will get and so if you have any questions, I will try and answer them and, as I said, Senator Warner and Senator Wehrbein will try and answer them.

PRESIDENT: Thank you. Senator Warner, would you like to close on the advancement of the bill?

SENATOR WARNER: If there is no further questions, I would move the bill...

PRESIDENT: No, apparently not.

SENATOR WARNER: ...the bill be advanced.

PRESIDENT: Okay, the question is, shall the bill be advanced? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays on the advancement of 305, Mr. President.

PRESIDENT: LB 305 is advanced. LB 310.

CLERK: Mr. President, 310 was introduced by the Speaker at the request of the Governor. (Read title.) The bill was introduced on January 10, referred to Appropriations. The bill was advanced to General File. I do have committee amendments pending by the Appropriations Committee, Mr. President.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, LB 310 deals with the Cash Reserve Fund. Many of you will recall that a couple, three years ago, well, it's at least three years ago that \$13.5 million was transferred from this fund. At that particular time, a portion of it went to State...to Commonwealth and a portion of it to the operating budget, 5 million. And then there was the provision that that money was to be paid back to the Cash Reserve Fund and each year since

May 11, 1989

LB 137A, 162, 162A, 280, 305, 309, 309A  
310, 311, 444, 467, 727, 815  
LR 213

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Okay. Senator Moore.

SENATOR MOORE: I move we advance LB 280 to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Enrollment and Review reports LB 162 as correctly engrossed; LB 162A correctly engrossed; LB 311, correctly engrossed, all signed by Senator Lindsay. (See page 2313 of the Legislative Journal.)

New A bill, LB 137A by Senator Warner. (Read by title for the first time. See page 2314 of the Legislative Journal.)

LB 309 is reported to Select File with E & R attached; LB 309A, likewise; LB 467, E & R attached; LB 727, Select File with E & R; LB 305, Select File; LB 310, Select File with E & R; LB 815, Select File. (See pages 2311-12 of the Legislative Journal.)

Mr. President, new resolution, LR 213, introduced by Senators Crosby, Ashford and Langford. (Read brief description of LR 213 as found on pages 2314-15 of the Legislative Journal.) That will be laid over. That's all that I have at this time, Mr. President.

PRESIDENT: We will move on to LB 444.

CLERK: Mr. President, 444, the first item I have are Enrollment and Review amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: I move we adopt the E & R amendments to LB 444.

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

CLERK: Mr. President, Senator Lindsay would move to amend.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, Senator Chizek would move to amend.

SPEAKER BARRETT: Senator Hall, would you handle it please.

SENATOR HALL: I sure will, Mr. President. Thank you very much. This amendment is not printed but it is up on the Clerk's desk and it would, on page 56 of the budget bill, take and strike a million dollars that is currently being put into the Department of Economic Development that creates a cash fund, it is called a "Job Training Cash Fund". This amendment correlates to LB 305, which is farther down the line of the Appropriation bills, and there was little or no debate on it when we addressed it. It was introduced on behalf of the governor by Senator Barrett. But what it does is, there are portions, two really distinct and separate portions of the bill, really three, but LB 305, and this amendment that I offer on behalf of Senator Chizek would strike the transfer of monies that LB 813 allows for and it is a million dollars that would be transferred from federal monies and the Department of Labor cash funds over to the Department of Economic Development under the newly created, as it would in LB 305, and there is an amendment to strike that provision on LB 305 that has been offered, the job training cash fund. I guess that the point in offering the amendment is one of asking why? I think we should adopt the amendment because what we are doing is we are taking responsibilities for twenty plus years has been the responsibility of the Department of Labor, things such as, and I'm reading directly from LB 305. "Provide reimbursement for job training activities including employee assessment, pre-employment training, on the job training, training equipment costs and other...", and this is something different, "reasonable cost related to helping industry and business locate or expand in Nebraska. Provide updated skills training of existing labor force, with regard to new technology and introduction of new product lines." What we are talking about here through my amendment is taking the money out, that has been appropriated to DED, just striking that provision. The money still stays then, I guess, excuse me, with the Department of Labor. They would...there is a correlating amendment to LB 305 that would strike Section 3 of the bill that creates the job training cash fund, which would be the new recipient of this transfer of funds. So it is not a appropriation of additional dollars, it is a transfer of funds and a transfer of responsibilities. There is a transfer of one million dollars

from the Department of Labor, the cash funds and some federal monies, and these cash funds come from fines and penalties that are levied on employers because they have paid their contributions either to unemployment, workers comp, those kinds of things, a...late or they haven't paid them so they are being caught up but the bulk of it comes from the cash fund side, there are some federal monies involved. But the principle here is one of, I guess, does this belong as a job responsibility or duty of the Department of Economic Development? I would argue that it does not. That this is a issue that has been one traditionally, and I think everyone would agree that it falls within the parameters and the guidelines, the expertise of the Department of Labor. That is where it really should stay. In order to, it is a little bit of the cart before the horse, but LB 813 is before us and there is a need to strike the million dollar transfer and then deal with the issue of the program in 305 when it follows. But I would urge the body to support the amendment. It does, would wipe out that transfer of funds and there will be an amendment that follows in LB 305 that would strike the portion, Section 3 of the bill, that creates a job training cash fund in the Department of Economic Development because I don't see where there is a (A) a need to strip duties and responsibilities that the Department of Labor currently perform and I don't think there are any provisions that would keep them from continuing to perform those. I think very likely what we are doing here is setting up a duplication or a duplicative program and I don't understand why we are transferring this money or creating this program within the Department of Economic Development when it currently exists in the Department of Labor and they do an excellent job there. So I would urge the body to adopt the Chizek amendment that would strike the funding for this program. Thank you, Mr. President.

SPEAKER BARRETT: Senator Scofield, do you care to discuss the motion?

SENATOR SCOFIELD: Yes, Mr. President and members. The only concerns I would raise on this I guess are largely technical and Senator Hall has addressed one already as far as saying that, yes, he is going to amend the language in 305 to be consistent with this. The other issue that I think needs to be considered here is that as this is currently presented it would be necessary to find somewhere some administrative funds, which would not be accounted for up till now. Senator Hall, you may want to consider that as you bring this up. The background on



this also, this is really the first time we've really used these funds in this manner, so it would not necessarily be a departure from anything we've been doing. You will recall that the source of this money is from that unemployment compensation penalty section. Senator Hall is raising a question that, frankly, was raised...came up last year for the first time and there was a study done on whether you could even use these monies for any activity like this, and it was determined, after asking the federal government, that you could, in fact, do that. And so really the only technical questions here that you need to be consider...concerned with at this point is the administrative portion of that. The reason you don't see any administrative funds currently showing up in there is this particular area has been administered by another position in DED for I think about seven years out of the Small Business Division, so there are some definite problems that this would create if this particular shift were accomplished. So I guess, at this point, being hit with this at this late hour I think you need to be aware of some of the problems this particular shift would cause. This is in no way a comment one way or the other about either agency. It's just simply there are some technical problems with making this kind of shift that I think we need to be aware of and probably should not embark upon at this point. With that, I guess I'll relinquish the rest of my time. Thank you.

SPEAKER BARRETT: Senator Warner, did you care to discuss it?

SENATOR WARNER: Well, Mr. President, members of the Legislature, Senator Scofield essentially pointed out the...some issues that have to be considered in the adoption of the amendment, but, in addition, as has also been stated I think both by Senator Hall and Senator Scofield, this was both the...conceptually, this was contained in legislation introduced by the Governor. They're both code agencies under the direct control of the office of Governor, and it seems to me that it makes sense that the responsibility for this...the use of these funds in a manner that it will be permitted with the passage of LB 305 be within a single agency as the Governor had requested and rather than having it split between two agencies.

SPEAKER BARRETT: Senator Abboud, please. Senator Morrissey next.

SENATOR ABOUD: Mr. President, colleagues, just a couple words. I rise in opposition to this particular amendment. I think the

with state funds, and so it's not like this is happening right now. Well, the reason I guess I, myself, prefer to keep this in DED is the fact that the whole...when Department of Economic Development approaches an industry, it does not seem...I think they should be able to, you know, where we've sat here all day today and talked a lot about giving DED the rein to do some things. This is one where I guess it would make sense because they're the ones that are going to put the package together. And if job training is part of that package, it does not make sense they would have to go to Department of Labor, or the Department of Labor have to work with them to do that. I think DED should have the power to do that. That's why the million dollars in Department of Economic Development as opposed to Department of Labor. And, once again, I think it must be made very clear this particular money from the contingency fund is this...this is...just this year was the first year that we've decided to pull money out of this contingency fund and so this is a new funding source for all of these job training type programs. There is no precedent here. I like the precedent from here on out to be that this job training money is going to be with Department of Economic Development.

SPEAKER BARRETT: Senator Hall, followed by Senator Abboud.

SENATOR HALL: Thank you, Mr. President and members. The...and I appreciate the fact that I'm following Senator Moore because the issue that he raises with regard to monies going toward some of the traditional purposes that DED has performed would not, through my amendment to LB 305 be changed. They would still be able to request those funds from the Department of Labor. But what we do by adopting Senator Chizek's amendment here is to strike that million dollar transfer of funds that have come from penalties and fines that have been paid by employers, some federal dollars, into the Department of Labor. Now you're going to take a million dollars, move it over here, give it to DED to, as Senator Abboud said, bring business into the state. Well, I'm not opposed to bringing business into the state, but the fact of the matter is that until the federal government said, well, look, you can spend that money for different types of things, I guess no one raised the issue and now, at this point in time, we're going to put a program together and spell it out as the Department of Economic Development Job Training Cash Fund, and take a million dollars from Department of Labor for services that are spelled out in LB 305 that they have traditionally done and transfer that to Department of Economic

SENATOR LAMB: Senator Warner.

SENATOR WARNER: (Microphone not activated) ...309A be advanced to E & R for engrossment.

SENATOR LAMB: Any further discussion on LB 309A? If not, those in support of advancement signify by saying aye. Those opposed no. The bill has been advanced.

CLERK: Mr. President, LB 305 is the next bill. I have no E & R. I do have an amendment to the bill by Senators Chizek and Hall. (The Chizek-Hall amendment appears on pages 2441-42 of the Legislative Journal.)

SENATOR LAMB: The Chair recognizes Senator Chizek.

SENATOR CHIZEK: Mr. President and colleagues, this amendment is similar to one of the amendments we dealt with on 814 yesterday. Basically, what we have is you're taking the section of the bill that addresses the training funds, takes a million dollars out of the penalty interest fund from employment security, creates this Cash Fund with Economic Development for training purposes. Now I guess my posture is this will be...if this is done, you will then have four agencies of state government, that I'm aware of, in the training business. You will have the Department of Labor. You will have Social Services. You will have Voc Rehab and now Economic Development. I understand the arguments of those people who support Economic Development now getting into the job training business. The Department of Labor, historically, has been the training arm. The Department of Labor has 35, 40 years experience. There have been occasions where they have housed one of their people with Economic Development to help set up whatever structure is necessary, whether it be for a new employee or whether it be for a training program. The Department of Labor has offices from one end of the state to the other. The Department of Labor has staff in place. Obviously, colleagues, you know that Economic Development doesn't have all of the staff in place. As late as yesterday, we were dealing with four additional offices. So I think that if we're going to take the penalty interest money that the employers in this state pay on unemployment insurance and give it to Economic Development for training, I think we're making a mistake. Bear in mind you already have three state agencies in the training business. If you want to have another agency who is starting with a million dollars for training, if

that's what we want, then oppose the amendment. The amendment will change nothing other than the fact the Department of Labor will administer and work with...they can subcontract with the vocational schools as they can now. Anything that you have been told that Economic Development can do, the Department of Labor is in the position now, has been in the position for 10, 20, 30 years to accomplish the very same thing. So I would ask your support in the adoption of the amendment.

SENATOR LAMB: The Chair recognizes Senator Moore.

SENATOR MOORE: Mr. Speaker and members, looks like my good friends from Omaha are learning from my seatmate, Senator Schmit. If you run that old one-eyed steer through the sale ring enough times, somebody will finally buy her. This is the amendment that we discussed last night that was defeated soundly. Now there is a question of whether or not you can even do it like this and I think I will defer to Senator Warner to talk about some of the actual technical problems with the amendment and why maybe it won't work quite as...won't work as good here as it would in 813. But I would like to talk a little bit and renew some of the arguments I made last night regarding to why this fund should stay in the Department of Economic Development. I said last night, I mean, for one, the Department of Economic Development is the agency whose job it is to recruit industry and recruit business to the State of Nebraska. Now it makes simple sense to me that instead of adding one more layer of bureaucracy, the Department of Economic Development is the agency that puts together the package, makes the deal with the industry to bring them to Nebraska or have them expand in Nebraska and it just makes more sense to keep it all in one place. Another argument is the fact that the Department of Labor is, by its very role and mission in state government, a regulatory agency. That's what the Department of Labor is. And the Department of Economic Development, on the other hand, is an advocacy agency to help businesses grow in the State of Nebraska and, for that reason alone, it makes more sense to keep the whole funds in DED. One other thing, you know, this whole fund, the contingency fund can only be...you know, the Commissioner of Labor has to make a recommendation on how to use it and in the recommendation the present Commissioner of Labor did not mention the Department of Labor as a possible agency to using this money. And so...now maybe when Senator Chizek was...back when he was Commissioner of Labor he would have had different views but that's not the way it occurred right now. And so, for a

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variety of reasons, I think the body made a wise choice last night when we soundly defeated this amendment and I trust that my fellow colleagues will make a wise choice again this morning and defeat it just as soundly again this morning.

SENATOR LAMB: The Chair recognizes Senator Warner, followed by Senators Coordsen and Wesely. Senator Warner.

SENATOR WARNER: Well, Mr. President and members of the Legislature, Senator Moore has indicated that there will be more than a technical problem if you adopt this amendment inasmuch as the amendment that was offered last night on LB 813 was not adopted. The amendment...the bill itself created a fund in that DED would be able to have access to...for job training. This strikes the fund and keeps the...keeps it in DED and would establish the fund in the Department of Labor for the purpose. But the problem rests is that the appropriation is contained in DED's department. So if we do not...if you adopt this amendment, you will have no appropriation to expend the money, being an appropriation for DED for money that's not there, the money will be in Labor and cannot be spent. So I would suggest you do not adopt the amendment at this point because there will be no funds available without a change in 813 and I don't know if that's possible to do.

SENATOR LAMB: The Chair recognizes Senator Coordsen, followed by Senator Wesely and Senator Chizek.

SENATOR COORDSEN: Thank you, Mr. Speaker. I would have a question of Senator Chizek.

SENATOR LAMB: Senator Chizek, would you respond?

SENATOR COORDSEN: Senator Chizek, as I understand it, in the past few years that the Department of Labor has been conducting all of the job training programs or most of the job training programs that have been in place in the state.

SENATOR CHIZEK: Most of them...most of them, Senator Coordsen, plus, as I mentioned, there are others involved in training but job training, as we know it, most of the monies have come through the Department of Labor.

SENATOR COORDSEN: And to accomplish that they have developed a process for acquiring federal grants to leverage the funds and

this sort of thing?

SENATOR CHIZEK: That's correct, Senator, and this is the first time that I am ever...that I have ever been aware of that they are taking penalty interest funds for this purpose.

SENATOR COORDSEN: I missed part of the conversation here because I was in another conversation but has DED ever been involved in job training before?

SENATOR CHIZEK: Not per se. They may have...at one time I know there were people from the Department of Labor, they paid the salary and they were housed with DED to help them set up any kind of training or anything like that that was necessary for recruitment or expansion where training was needed, Senator.

SENATOR COORDSEN: Okay, thank you. That's all.

SENATOR LAMB: Senator Wesely, followed by Senator Chizek and Moore.

SENATOR WESELY: Mr. President and members, I would rise in support of the Chizek amendment, as I did last time when we discussed Senator Hall's handling of the amendment. I am afraid that once again we're late in the session and I understand Senator Warner's concern but it would seem wise to me if we're not certain about how we're proceeding, not to spend a million dollars unwisely and if we can't spend it right, let's not spend it at all and perhaps we can reconsider and revisit this issue next session. I would rather not take the million dollars and send it over to the Department of Economic Development and start this new trend perhaps than proceed and hold the money back by eliminating this fund through this amendment. I don't know if Senator Chizek is going to pursue it or not but I am glad Senator Chizek and Senator Hall raised the issue before. You know, the big problem here is that we have one-time money. This isn't going to be coming back. I think we have 3 million in the fund and this is going to use a million three of it. And really what we're talking about is another pot of money for the Department of Economic Development to go out and try and buy business to come into the state and is it wisely going to be used for job training or is it just going to be another inducement to bring businesses into the state that are really going to be perhaps questionable in terms of their overall impact on the economic welfare of the state. You know, we're

really into a Department of Economic Development philosophy that says recruitment is their role and this ties into that role and I understand why they want the money. But Economic Development is much more than that and job training is much more than that. It's more than just using a pot of money to bring somebody in and you give them the money and supposedly, hopefully, they use it for job training that they need. But there are horror stories out there of utilization of job training funds to bring in businesses and then they just turn around and fire employees and rehire them and just use the money in a fashion that isn't necessarily what we want to see happen. And so I hope we won't revisit that sort of a problem with this redistribution of funds over to the Department of Economic Development. The Department of Labor is where we have had this activity. There was cooperation, as Senator Chizek talked about, for a while with an employee in both departments trying to work out these arrangements. And so I'm just worried about where the money is going to go, how it's going to be used. I have very little faith in the Department of Economic Development and what they would use it for. And so I think Senator Chizek makes an excellent point and if we can't spend the money right, let's not spend it at all and we can come back and look at this issue again next year.

SENATOR LAMB: The Chair recognizes Senator Chizek, followed by Senator Moore and Senator Langford.

SENATOR CHIZEK: A couple questions of Senator Moore, please.

SENATOR LAMB: Senator Moore, would you respond?

SENATOR MOORE: I would love to.

SENATOR CHIZEK: Senator Moore, before I ask you a question, well, I guess maybe I would put it this way. Does that one-eyed steer you referred to taste any different than the one...

SENATOR MOORE: No, well, for hamburger it sure doesn't.

SENATOR CHIZEK: Yeah. Did you refer to Economic Development as an advocacy agency?

SENATOR MOORE: Uh, that's the right term in words but more so than the Department...the Department of Labor is a regulatory agency.

SENATOR CHIZEK: Well, what do they regulate in the department...the Division of Employment Security, Senator Moore?

SENATOR MOORE: The Department of Labor?

SENATOR CHIZEK: No, Employment Security, because that's where you're taking the money from.

SENATOR MOORE: Taking the money from. The Department of Labor?

SENATOR CHIZEK: The Division of Employment, Senator Moore.

SENATOR MOORE: I do not know the answer to that question.

SENATOR CHIZEK: Well, then how can you say they're a regulatory agency?

SENATOR MOORE: Well, as a whole, the Department of Labor is.

SENATOR CHIZEK: They're an advocacy agency. They are a true...

SENATOR MOORE: The Department of Labor is?

SENATOR CHIZEK: The Department of Labor is the people that, Senator Moore, with their monies recruit minorities from one end of the state to the other. Now I'm wondering with this million dollars, will Economic Development be subject to the same rules and regulations in terms of recruitment as the Department of Labor is, Senator Moore?

SENATOR MOORE: To my knowledge, no, but I could be incorrect in answering that.

SENATOR CHIZEK: Thank you. Once again, colleagues, what it boils down to is...is we are now again creating a fourth training agency, not two not three, not four. Maybe next year we'll be back for the other 2 million in that penalty interest fund. And it simply amazes me, a few years ago there were substantial restrictions on how that fund can be used. I have seen the letters that Senator Warner's committee wrote asking questions about utilization of the monies. Also, Senator Warner might be aware that the Commissioner of Labor can make a request of the Governor for expenditure of those funds for those legitimate purposes they can be used for. All I'm saying,



colleagues, is that here we are another training agency, another, another. You're taking someone who has been in the training business for over 30 years, over 30 years, and beginning with a fourth. If that's how we want to spend our money, duplication, duplication, duplication, then vote down the amendment.

SENATOR LAMB: The Chair recognizes Senator Moore, followed by Senator Langford and Senator Warner.

SENATOR MOORE: Call the question.

SENATOR LAMB: The question has been called. Do I see five seconds? I see five seconds. All those in support of ceasing debate vote aye, those opposed no. Have you all voted on the motion to cease debate? Record, Mr. Clerk.

CLERK: 25 ayes, 3 nays, Mr. President, to cease debate.

SENATOR LAMB: Debate has ceased. Senator Chizek, to close.

SENATOR CHIZEK: Virtually, colleagues, I will quickly reiterate what this does is it leaves the million dollars of penalty interest money, of penalty interest money with employment security. It would prohibit...it would not necessarily prohibit but it would not provide the direct monies to Economic Development to begin a fourth training program that I am aware of in this state. I just think it makes good sense to allow that agency who has a track record, who has an experience record, who has the infrastructure available all over the state, has the employees all over the state to deal with this particular job type training program. I would yield the rest of my time to Senator Morrissey.

SENATOR LAMB: Senator Morrissey.

SENATOR MORRISSEY: Thank you, Senator Chizek. Mr. President and members, I completely agree with what Senator Chizek has said and we discussed this yesterday and it just makes a lot of sense to me. We're supposed to be encouraging cooperation between our departments in the state. To me, this is saying that the DED who, to me, has shown they have a hard time cooperating with other agencies cannot get along with my regional development people down there, gone so far as to request they not be invited to meetings I want to hold with

them. So now they can't get along with the department that we have, the proven department that is doing this process, has been doing it. No one has told me they have been doing a bad job. It's my understanding they have been doing a good job. We want to separate these funds, as Senator Chizek said, between four departments. Why not consolidate? Give the money to the Department of Labor and let them have the money where they have the expertise and the training to do this job. We have got the people in place. It's been proven they can do the job. They know what they're doing. There is no reason to give a million dollars to a new department or to a department to experiment in this and see if they can do the job. Let's see if they can do it. Let's give them the million dollars and see if they can take up this new task and do it good, see if they can perform as well as the Department of Labor. Like I said and like Senator Chizek said, it just doesn't make any sense. It's in place, it's working, why fix what isn't broke? I support Senator Chizek's amendment.

SENATOR LAMB: The motion is the adoption of the amendment by Senator Chizek. Those in support vote aye, those opposed vote no. Have you all voted? Senator Chizek.

SENATOR CHIZEK: Well, I don't normally do this but I want to see...I guess I want to see on record how many people want to duplicate. Call of the house and roll call vote.

SENATOR LAMB: Motion is a call of the house. Those in support vote aye, those opposed vote no. Record, Mr. Clerk.

CLERK: 12 ayes, 3 nays to go under call, Mr. President.

SENATOR LAMB: The house is under call. All unauthorized persons leave the floor. All senators please come to the Chamber and report your presence. We're looking for Senator Nelson, Senator Smith, Senator Landis. Please report to the Chamber. The house is under call. Senator Smith, would you care to record your presence? Senator Landis, please report to the Chamber and record your presence. The house is under call. We're looking for Senator Landis. The house is under call. Senator Chizek indicates that the roll call may begin. Mr. Clerk, call the roll.

CLERK: (Roll call vote read. See page 2442 of the Legislative Journal.) 19 ayes, 14 nays, Mr. President.

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LB 305, 815

SENATOR LAMB: The motion fails. Mr. Clerk.

CLERK: Mr. President, I have nothing further on the bill.

SENATOR LAMB: Is there any further discussion on LB 305? Raise the call. Senator Warner.

SENATOR WARNER: Mr. President, I move that LB 305 be advanced.

SENATOR LAMB: Those in support of advancing the bill signify by saying aye. Those opposed no. The bill is advanced.

CLERK: Mr. President, the next bill is LB 815. First, I have no Enrollment and Review amendments, Mr. President. The first amendment I have to the bill, Senator Smith, you had an amendment, Senator. I understand you want to withdraw this first amendment. Senator Smith. Senator, you had an amendment printed on page 2381. I understand you want to withdraw that one. Mr. President, Senator Smith would move to amend. Senator, I have AM1869 in front of me, on page 2407 of the Journal.

SENATOR LAMB: The Chair recognizes Senator Smith.

SENATOR SMITH: Thank you, Mr. Chairman. Mr. Clerk, did you say AM...what?

CLERK: AM1869, Senator.

SENATOR SMITH: I hope I have the right one.

CLERK: The one you withdrew, Senator, was 1841. That's the one you withdrew.

SENATOR SMITH: All right, thank you. This amendment, basically, sets up in the Charitable Gaming Commission an investigative petty Cash Fund. And the purpose of it is to provide money for Charitable Gaming investigators prospectively rather than retrospectively so that, in other words, they don't have to spend out-of-pocket money in order to do the things that they do in their sort of...when they're going out and checking and investigating and so on. It's similar to what we have set up in other like, for instance, the State Patrol, in use of under cover drug purchases. They have the Cash Fund which is

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LB 44, 44A, 49, 49A, 134, 137A, 158  
158A, 162, 162A, 175, 175A, 182, 182A  
198, 228, 228A, 305, 815, 816, 816A

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 2473-74 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228 passes. LB 228A.

ASSISTANT CLERK: (Read LB 228A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 2474 of the Legislative Journal.) The vote is 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 44, LB 44A, LB 49, LB 49A, LB 134 with the emergency clause attached, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228, and LB 228A. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you. Your Committee on Enrollment and Review reports LB 305, LB 815, LB 816, and LB 816A as correctly engrossed, all signed by Senator Lindsay as Chair of Enrollment and Review. (See pages 2475-76 of the Journal.)

I have a confirmation hearing report from Health and Human Services Committee signed by Senator Wesely as Chair. That's all that I have, Mr. President.

PRESIDENT: We'll move on to LB 137A.

CLERK: Mr. President, 137A is a bill introduced by Senator Warner. (Read title.)

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LB 305, 310, 469, 727

SPEAKER BARRETT: LB 469E passes. LB 727.

CLERK: (Read LB 727 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 727 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 2562-63 of the Legislative Journal.) 41 ayes, 5 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 727 passes. LB 305.

CLERK: (Read LB 305 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 305 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 2563-64 of the Legislative Journal.) 35 ayes, 9 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 305 passes. The Chair is pleased to note that Senator Conway has guests in our north balcony, 24 fourth graders from Wayne Elementary in Wayne, Nebraska with their teacher. Please stand and be recognized. Thank you. We're glad to have you with us. Incidentally, the process we're now involved in is the Final Reading of bills before they are passed into law. Our Constitution, our State Constitution, Article III, Section 14, states that all bills shall be printed and read at large before being voted upon and passed into law. That's the process we're involved at the moment with. LB 310E, Mr. Clerk.

CLERK: Mr. President, I have a motion on the desk. Senator Moore would move to return the bill for a specific amendment.

SPEAKER BARRETT: Senator Moore, please.

SENATOR MOORE: Mr. Speaker and members, LB 310 is the bill dealing with the Cash Reserve Fund. If you look on the green

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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 95, 132, 134, 158, 158A, 175, 175A, 182, 182A  
183, 183A, 198, 228A, 228, 261, 261A, 280, 283  
285, 285A, 302, 303, 303A, 305, 309, 309A, 310  
312, 312A, 335, 335A, 340, 340A, 469, 525, 566  
588, 651, 651A, 695, 706, 727, 781, 816, 816A

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us on our closing day as our Chaplain, Reverend Harland Johnson. Would you please rise for the invocation.

REVEREND HARLAND JOHNSON: (Prayer offered.)

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

PRESIDENT: Do we have any corrections this morning?

CLERK: Mr. President, one small correction. (Read correction found on page 2719 of the Legislative Journal.)

PRESIDENT: Okay, do you have any messages, reports, or announcements today?

CLERK: Mr. President, I do. I have a series of communications from the Governor. First of all, Mr. President, the last few bills read on Final Reading yesterday afternoon have been presented to the Governor as of 2:48 p.m., yesterday. (Re: LB 525, LB 566, LB 588, LB 651, LB 651A, LB 695, LB 706, LB 781. See page 2720 of the Legislative Journal.)

Mr. President, a series of communications from the Governor. (Read. Re: LB 228A.) A second communication to the Clerk. (Read. Re: LB 134, LB 158, LB 158A, LB 175, LB 175A, LB 182, LB 182A, LB 198.) A third communication. (Read. Re: LB 95, LB 261, LB 261A, LB 280, LB 283, LB 303, LB 303A, LB 312, LB 312A.) A fourth communication, Mr. President, to Mr. President, and Senators. (Read. Re: LB 183, LB 183A.) A fourth, Mr. President, to the Clerk. (Read. Re: LB 132, LB 285, LB 285A, LB 302, LB 305, LB 309, LB 309A, LB 310, LB 335, LB 335A, LB 340, LB 340A, LB 469, LB 727, LB 816, LB 816A.) The last letter I have received, Mr. President, with respect to signing of bills. (Read. Re: LB 228. See pages 2720-22 of the Legislative Journal.)