

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;

February 7, 1989

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

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

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

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

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

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

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

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

Proofed by: Arleen McCrory
Arleen McCrory

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 84, 308, 361, 361A, 508, 509, 591A
605, 627, 669, 722, 793, 813

SPEAKER BARRETT: Thank you, Mr. Chairman, and thanks to members of the Appropriations Committee for the overview of LB 813. Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, Government Committee gives notice of cancellation of hearing, confirmation hearing. Amendments to be printed to LB 308 by Senator Warner; and Senator Conway and Haberman to LB 84. (See pages 1934-35 of the Legislative Journal.)

Natural Resources offers a confirmation hearing report. Communications from the Governor to the Clerk. (Read. Re: LB 361, LB 361A.) A second letter. (Read. Re: LB 508, LB 509, LB 605, LB 627, LB 669, LB 722, and LB 793. See pages 1935-36 of the Legislative Journal.)

Enrollment and Review reports LB 591A as correctly engrossed, Mr. President. That is all that I have. (See pages 1936-37 of the Legislative Journal,)

SPEAKER BARRETT: Thank you. There are a number of motions on the desk. It occurs to the Chair...Senator Schmit.

SENATOR SCHMIT: I believe the comment from Senator Warner was that if there were comments relative or questions relative to the general explanation, that they would be in order before the motions, is that correct or not?

SPEAKER BARRETT: That is correct. You are in order, yes. Proceed.

SENATOR SCHMIT: Well, thank you, Mr. President and members. I appreciate this explanation of the budget this morning, and I know that although it was an overview it was detailed and there will be, no doubt, many other legislators who will have questions, and I want to ask the indulgence of the body this morning because of an issue which is of considerable importance to all of us, I believe, and to myself, in particular, and to all of those who are associated with agriculture, in particular also. Agency 60 on page 112, the Gasohol Committee, Senator Warner pointed out that the committee has appropriated for '89-90 only \$1,670,626 of that total 17 million plus money and I want to say at this time that there will probably be a lot of comment about that in the future, but I have discussed it just

May 9, 1989

LB 308, 814
LR 209, 210, 211

some bills across before we do adjourn that do not have amendments filed on them at the present time. There are about eight of those bills. Mr. Clerk, LB 308.

SPEAKER BARRETT: Mr. President, if I may right before that, three study resolutions, LR 209 by Senator Scofield, LR 210 and LR 211 by Senator Schmit. (See pages 2247-50 of the Legislative Journal.)

Senator Coordsen has amendments to LB 814 to be printed, Mr. President. (See page 2250 of the Legislative Journal.)

LB 308 was a bill introduced by Senator Barrett. (Read title.) The bill was introduced on January 10, referred to Appropriations Committee for public hearing, advanced to General File. I have committee amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, I will give you a little overview of the bill while the contents of the committee amendment is being passed out; well, in fact, we have an amendment to the amendment as well. This is the mainline deficit bill, those items which was felt did not need to be passed as soon. The total amount of funds in this bill in General Fund money is...well, with this bill and 812 that was enacted this morning, without the Pharmacy Building, the total amount is 11.7 million. The Governor's recommendation was at 11.2, and we can point out the differences in a little bit. The main items in the deficit bill which were included also in the Governor's recommendations in the bill, itself, is 450,000 for homestead exemption; 9,098,000, Department of Social Services for Medicaid; 450,000 in data processing for social services; 250,000 additional for a vet clinic at Clay Center; and there is 400,000 which is workmen's comp tort claims. It cleans up the claims that were in the process before we moved over to this other system where every agency is assessed the cost for the workmen's comp over time, but the total of those five items out of the total is 10.6 million, 10.6 million, almost 650,000, so that is the major items that would be included in this bill. I can take up, the first, Mr. Clerk, the amendments to...AM1409, there is amendment one and two. Do you have that one?

CLERK: Yes, sir, I do. It is on Journal page 1934, Senator.

SENATOR WARNER: This amendment is two items that is an amendment to the committee amendment. The first item adds 55,000 of General Fund money to the program in the Department of Education for school lunch. The practice has been for a number of years, because there is a matching requirement, that a portion of this is General Fund money, and then a portion of it is soft...what is referred to as soft match which essentially comes from local school districts. Those were estimates and the actual amount was less than...that was available for soft match was less than was estimated, so this adds 55,000 of General Fund money for that match. And, again, it is one of these maintenance of effort type of federal programs that if we do not make the match, why we are subject to the loss of the entire amount which is like \$4 million. So it is a necessity to do the 55,000 to protect about 4 million. And the second amendment is in Section 28 of the bill, the committee amendment which is filed inadvertently struck an appropriation to the Anti-Drug Abuse Act of 84,000 General Fund money, and it was not intended that that be stricken, and so this corrects that error in the first amendment that provides the necessary funds for the current year for the state match of antidrug abuse. So I would move adoption of the committee amendment to the committee amendments, contains only those two items.

SPEAKER BARRETT: Thank you. Any discussion on the Warner amendment to the committee amendments? If not, those in favor of the adoption please vote aye, opposed nay. Please record.

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

SPEAKER BARRETT: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Hartnett would move to amend the committee amendments.

SPEAKER BARRETT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. Speaker and members of the body, I think it is being passed out to you right now. The amendment is found on page 1837 and what I am doing is adding some language on line 17 after museum, and it says, construct an addition to Strategic Air Command Museum and remodel and improve existing facilities at the Strategic Air Command Museum. And then on line 20, we are adding the words "and improvements", and so

forth. The story behind this is that the SAC Museum is the last museum that is under the Department of Economic Development and the money was authorized, and the cash money was authorized two years ago. It wasn't spent. It was to add an addition on, and what this amendment does is to reinstate the \$200, or 200,000, excuse me, money from the Cash Fund, and also allows them to raise a 100,000 from private donations and it is also the intent that they can go up above the 100,000 for private funds, and so with that I would ask that the amendment to the amendment be adopted.

SPEAKER BARRETT: Any discussion? Senator Warner, did you care to discuss the Hartnett amendment?

SENATOR WARNER: I would just indicate that his amendment is consistent with the purpose of the original amount and would support it.

SPEAKER BARRETT: Thank you. There are no other lights on. Anything further, Senator Hartnett? Thank you. Those in favor of the adoption of the amendment to the amendment please vote aye, opposed nay. Please record.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Hartnett's amendment to the committee amendments.

SPEAKER BARRETT: The Hartnett amendment is adopted. Back to the committee amendments as amended, Senator Warner, anything further?

SENATOR WARNER: Mr. President, members of the Legislature, you had handed out to you section by section of what each of the items are in the committee amendment. Also those of you who still have that light blue colored book, all of the detail of the deficits are listed on page 159 through page 171, and those items that were included in LB 812 that was enacted this morning, when you look in that light blue book, there are parentheses under the dollar amount which indicates or states LB 812, so some of the amendments that are included here, for example, Section 1 strikes from 308 the Calamus Fish Hatchery but it was in LB 812 this morning. As you will recall, for example, that was one that was put in so that the work there could be accelerated and at one time we thought sooner than the deficit bill being passed. As it comes out, it is only a week or ten days difference, but nevertheless, the purpose was to do

that. Some of the other additions that I will try to be very brief but I don't want to just pass them all over, Section 2 deals with Law Enforcement Training Center at Grand Island. This year we are appropriating General Funds to some portions of that operation that has historically functioned primarily on fees, tuition, that are not sufficient. Obviously, you could increase some of those fees and tuitions but then they will fall on local governments and state agencies that use the facility and there is nothing to gain from that. Section 3, as I indicated, is for the completion of the Veterinary Service/Training Facility at Clay Center. There is an additional or like dollar amount of 250,000 of federal funds that were available for this, too, but this will complete that facility, which, as you will recall, we have a cooperative agreement with Kansas State as far as a veterinary program. There is a Cash Fund deficit, the Supreme Court on their reports and advance sheets, which just merely reflects additional requests for those advance sheets, and it authorizes a higher Cash Fund authorization so that those additional sheets and reports can be sold. Section 5 was...originally the bill called for a Asbestos Removal Cash Fund to have I think it was 67,000 transferred to the General Fund and that should not have been in the original bill because it is eliminated, no money would be taken out of the Asbestos Removal Cash Fund. The 270,000 is taken out of this is in LB 812, that was the renal disease program. A minor adjustment of State Treasurer's Cash Funds with the unclaimed property. There is a number of small changes in the Department of Education ranging from some minor costs for preparation of asbestos management. You can read those yourselves. They are all relatively small items. The Department of Insurance, there is a deficit in there. In part, some of the costs of the Department of Insurance has increased because of an additional activity in inspections by that agency of different departments, different insurance companies.

SPEAKER BARRETT: One minute.

SENATOR WARNER: Section...one more, I guess you can read the rest of them. Section 10 was also put into LB 812, so that is not needed. There is some salary adjustment limits which are not additional funding, just authorizing to spend the money. DAS is primarily increased costs revolving or related to data processing, the bulk of them are in those areas. Small adjustment, Foster Care Review Board, and the other large item, a little larger item is 85,000 for a sewer line connection at

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LB 308, 309

the Fitzgerald Veterans' Home, Cash Funds, actually it is federal funds, and that is what is in the bill. I would move it be advanced.

SPEAKER BARRETT: Thank you. Discussion? If not, those in favor of the adoption of the committee amendments please vote aye, opposed nay. Please record.

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

SPEAKER BARRETT: The committee amendments are adopted. On the bill as amended, anything further, Senator Warner?

SENATOR WARNER: Not unless there are questions. Mr. President, I move the bill be advanced.

SPEAKER BARRETT: Thank you. Any discussion, any questions? If not, shall the bill be advanced? Those in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 308.

SPEAKER BARRETT: LB 308 is advanced. LB 309.

CLERK: LB 309, Mr. President, was a bill 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, Mr. President. (See page 1837 of the Legislative Journal.)

SPEAKER BARRETT: Senator Warner on the committee amendments.

SENATOR WARNER: There are no...did you say there was a committee amendment?

CLERK: Yes, sir.

SPEAKER BARRETT: Yes.

SENATOR WARNER: My apologies, slipped my mind. The committee amendment to this bill, if you look in your bill book, it explains that the original bill had the salary distribution language in the bill itself and that was put into the A bill,

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LB 308, 639, 769, 813, 814, 817

motion.

SPEAKER BARRETT: Motion fails. Senator Landis, for what purpose do you rise?

SENATOR LANDIS: I move we recess until one-thirty this afternoon.

SPEAKER BARRETT: Motion to recess until one-thirty. Mr. Clerk, for the record.

CLERK: Mr. President, one item. I have amendments to be printed to LB 813 by Senators Lynch, Crosby, Chizek and Hall. That's all that I have. (See pages 2300-01 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The question is recessing until one-thirty. All in favor say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 817 and find the same correctly engrossed. Enrollment and Review also reports LB 814, and LB 308 to Select File, Mr. President, with E & R amendments. (See pages 2302-03 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you. Proceeding then to General File, committee priority bills, LB 639.

CLERK: Mr. President, LB 639 was a bill that was originally introduced by the Government, Military, and Veterans Affairs Committee. It is signed by its members. (Read title.) The bill was introduced on January 19, referred to Government Committee. The bill was advanced to General File. Senator, do

May 15, 1989

LB 89, 137, 308, 309A, 761, 781, 813
814

site. We haven't taken anything away from the power companies. We haven't taken anything away from anybody who can be opposed to the amendment. You really have got to prove to me that this amendment is not good. I can't see where it hurts one person. The only thing it can do is provide good and provide community consent and provide the input that these people have asked for all this time. It is a simple duty to the citizens of this state. There can be no reason that I can see to not support the amendment. I appeal to your sense of decency and your sense of respect for the people of this state to support this amendment. Thank you.

SPEAKER BARRETT: Thank you. The question is the adoption of the Dierks amendment to LB 761. Those in favor vote aye, opposed nay. Have you all voted?

SENATOR DIERKS: Mr. Speaker, let's just have a call of the house and a reverse order roll call vote please.

SPEAKER BARRETT: Shall the house go under call? All in favor vote aye, opposed nay. Record, please.

CLERK: 17 ayes, 1 nay to go under call.

SPEAKER BARRETT: The house is under call. Members, please record your presence. Those outside the Chamber, please return and record your presence. Member, please take your seats in anticipation of a roll call vote in reverse order. Senator Scofield, Warner, Wesely, Kristensen, Senator Moore, Senator Lindsay, Senator Ashford, please. Senator Kristensen, the house is under call. Mr. Clerk, please proceed in reverse order.

CLERK: (Roll call vote taken in reverse order. See page 2357 of the Legislative Journal.) 16 ayes, 27 nays, Mr. President.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk, what have you for the record?

CLERK: Mr. President, an Attorney General's Opinion addressed to Senator Haberman. (Re: LB 137. See pages 2358-59 of the Legislative Journal.)

Amendments to be printed to LB 781 by Senator Smith; Senator Nelson to LB 89; Senator Warner to LB 814, LB 813, LB 309A, LB 308. (See pages 2359-64 of the Legislative Journal.)

May 17, 1989

LB 308

SENATOR LAMB PRESIDING

SENATOR LAMB: (Microphone not activated) ...85th day of the Ninety-First Legislature, First Session. This morning we will welcome the chaplain of the day who is Reverend John Mikkelsen from the United Methodist Church in Columbus in Senator Robak's district. Reverend Mikkelsen. (Gavel.)

REVEREND MIKKELSEN: (Prayer offered.)

SENATOR LAMB: Thank you, Mr. Mikkelsen, we appreciate your coming before us today. Roll call.

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

SENATOR LAMB: Do you have any corrections to the Journal, Mr. Clerk?

CLERK: Mr. President, I have no corrections this morning.

SENATOR LAMB: Any messages, reports or announcements?

CLERK: Mr. President, at this time I have no messages, reports or announcements.

SENATOR LAMB: What's the order of business, Mr. Clerk?

CLERK: Mr. President, the first bill for consideration is LB 308 on Select File. The first item I have on the bill are Enrollment and Review amendments.

SENATOR LAMB: Senator Warner, would you care to handle the E & R amendments for this bill?

SENATOR WARNER: Mr. President, I move the adoption of the E & R amendments to LB 308.

SENATOR LAMB: All in favor of the E & R amendments signify by saying aye. Those opposed no. They are adopted.

CLERK: Mr. President, Senator Warner would now move to amend the bill. Senator, your amendment is on page 2364. I have AM1812 in front of me, Senator.

SENATOR WARNER: Thank you, Mr. Clerk. Mr. President and

members of the Legislature, this is the other deficit bill which deals with appropriations for the balance of this fiscal year. There are three amendments to the bill. One is no additional funds but does reappropriate balances to the Department of Education in the Special Education Funds to pay some approved claims pursuant to amended financial reports for fiscal years '85-86 and fiscal year '86-87. By statute, school districts can, as...can go back with their final reports on their reimbursement for Special Ed and picked those up and there were, I forget, but 10 or...eight or 10 school districts which had small amounts that their Special Education should be adjusted by...and this would permit those to be paid out of the balance in those appropriations from the previous year. The second amendment is a small increase of \$5,412, Foster Care Review Board, that's to cover a couple, three items, 3,000 of it is for higher communication expenses than was budgeted; 2,400 of...\$2,400 is for unemployment compensation which small agencies usually cannot handle; and also it reappropriated up to \$1,072 of the deficit from '88-89 to '89-90. The other amendment is a more...is a larger one. It is for \$200,000 to the Department of Health and that's to provide additional funding for acquisition of measles vaccine. As you know, there are a number of areas in the state in which measles has become a very serious problem. The state does participate, along with some federal funds, in providing vaccinations for measles. And through the late request, in fact, dated the 10th of May, the Department of Health indicated that an additional 200,000 would be needed yet this year in order to assist in fighting the measles which I don't suppose have reached epidemic proportions but nevertheless are very serious and could become much more serious. Also, with the additional federal...or state funds, the likelihood of some federal funds is much more likely for additional assistance besides that if the state...there is some federal grants that are available but usually they are only available if there is strong state support for the same program and this should assist in acquiring additional federal funds as well. So I would move adoption of the three amendments.

SENATOR LAMB: Is there any discussion in regard to Senator Warner's amendment to LB 308? If there is no discussion, Senator Warner, do you have anything to add in closing? No closing. All those in support of the Warner amendment signify by voting aye, those opposed no. Have you all voted? Record, Mr. Clerk.

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LB 308, 309

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

SENATOR LAMB: The amendment has been adopted.

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

SENATOR LAMB: Any further discussion on LB 308? Senator Warner.

SENATOR WARNER: Mr. President, I move that LB 308 be advanced to E & R for engrossment.

SENATOR LAMB: Any further discussion on the bill? If not, those in support of advancing the bill signify by voting aye, those opposed no. The bill is advanced.

CLERK: Mr. President, the next bill, LB 309, the first item I have are Enrollment and Review amendments.

SENATOR LAMB: Senator Warner.

SENATOR WARNER: Mr. President, I move adoption of the E & R amendments to LB 309.

SENATOR LAMB: All those in support of the E & R amendments signify by saying aye. Those opposed no. The amendments are adopted.

CLERK: Mr. President, Senator Hall would move to amend the bill.

SENATOR LAMB: Senator Hall.

CLERK: Senator Hall's amendment is on page 2412 of the Journal.

SENATOR HALL: Thank you, Mr. President, and members, the amendment that I offer is the same amendment that I offered yesterday, or I guess it was the day before, I don't know. But it deals with the salary that is currently provided for the directors of the Metro Area Transit. Senator Pirsch raised a question that I had placed it...in the amendment that I offered earlier in the incorrect place in the statute and she was right. This amendment does address it under the transit authority statute, the 1418-03. It changes, does nothing more than change

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LB 44, 44A, 49, 49A, 134, 158, 158A
162, 162A, 175, 175A, 182, 182A, 198
211, 228, 228A, 308, 309, 309A, 362
377, 429
LR 88

Mr. President, bills read on Final Reading today have been presented to the Governor. (Re: LB 44, LB 44A, LB 49, LB 49A, LB 134, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228 and LB 228A. See page 2482 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Hall to LB 211, Senator Ashford to LB 362, Senator Weihing to LB 377, Senator Lynch to LB 377. (See pages 2482-88 of the Legislative Journal.)

Enrollment and Review reports LB 308 as correctly engrossed, LB 309 and LB 309A as correctly engrossed.

And, Mr. President, I have a communication from the Chair of the Reference Committee rereferring study resolution LR 88 from the Banking Committee to the General Affairs Committee. That is signed by Senator Labedz as Chair. And that is all that I have, Mr. President.

PRESIDENT: We'll go to Final Reading on number 9. We'll start with LB 429, but we need to get into our seats and get ready for Final Reading, please. Mr. Clerk, LB 429.

CLERK: The first motion...I have motions on 429, the first is by Senator Wesely. Senator Wesely would move to return the bill, the purpose being to strike the enacting clause.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: I will withdraw that amendment at this time.

PRESIDENT: All right, it is withdrawn.

CLERK: Mr. President, Senator Moore and Lindsay would move to return the bill for a specific amendment. (Moore-Lindsay amendment appears on page 2489 of the Journal.)

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Well, it's another one of those cows to the ring and see who bought her this time. This time it's one of my old rangy old cow. This one I believe in. This is the Bergan Mercy amendment. Now 429 is a bill dealing with certificate of need, 429 introduced by Senator Baack and the intention of this bill I

May 19, 1989

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,

May 19, 1989

LB 308, 309, 309A, 469

Mr. President.

SPEAKER BARRETT: LB 308E passes. LB 309E.

CLERK: (Read LB 309E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 309, with the emergency clause attached, pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 2559-60 of the Legislative Journal.) 47 ayes, 0 nays, 2 present and not voting, Mr. President.

SPEAKER BARRETT: LB 309E passes. LB 309A with the emergency clause attached.

ASSISTANT CLERK: (Read LB 309A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 309A, with the emergency clause attached, become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2560-61 of the Legislative Journal.) 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 309A with the emergency clause attached passes. Let the record reflect that Senator Hall had some guests in our north balcony, 30 eighth graders from Marrs Junior High in Omaha. LB 469E.

CLERK: (Read LB 469E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 469, with the emergency clause attached, pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 2561-62 of the Legislative Journal.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

May 19, 1989

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,

CLERK: Mr. President, the first specific line-item override motion I have is from Senator Hall. Senator Hall would move to override the Governor's line-item vetoes regarding funding for the Nebraska Workers' Compensation Court, Agency 37.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. For some of you who may have taken a copy of the list that the Clerk had, I did withdraw the first motion to override that I had up there. So this one deals with the second one on your list that is the issue of the Nebraska Workers' Compensation Court. The line-item would deal with the area of the statistics funding that I think was, if I remember correctly, was in the budget bill itself, the issue that I adopted into 813 on General File which was an additional staff person, two additional staff persons and some monies for renovation work within the workers' compensation court area. The total dollar figure is somewhere in the neighborhood of about a hundred thousand dollars I think this year, and then it would drop off after that to the amount for the two positions, and then I would guess that the statistics monies would still be in there, and that would probably be somewhere in the neighborhood of about \$75,000 after this year. So it is not an issue of...it is one of those smaller things that is not going to have a tremendous impact in terms of dollars, but it does have an impact in terms of I think the ability for the court to function properly, and that is what we intend for them to do. As a matter of fact, the statistics funding is even something that is required by the federal government. OSHA, I think going back as far as 1971 was paying for much of the statistics information. That funding has dropped off. That's why the request in their budget for monies from the state to pick that up, to make up the difference so that they would be able to continue to provide those statistics. That particular line-item is for approximately \$28,000, just under \$28,000 in two different areas. With that...both LB 308 and 813...with that, Mr. President, I would move for the override of the monies that are directed specifically toward the Workers' Compensation Court area. Thank you.

PRESIDENT: Any further discussion? If not, the question is the override as explained by Senator Hall. All those wishing to override vote aye, opposed nay. All of the overrides will require 30 votes. Please vote if you care to so that we may