hospital or whether he has returned home. So, do what you think you want to on that. Thank you. Mr. Clerk, some new bills.

CLERK: Mr. President, new bills. (Read LB 463-472 by title for the first time. See pages 242-44 of the Legislative Journal.)

Mr. President, new A bills. (Read LB 303A, and LB 309A by title for the first time. See pages 244-45 of the Legislative Journal.)

Mr. President, in conjunction with that, I have a motion from the Speaker. Mr. President, the motion offered by the Speaker relates to LB 309A and 303A. It moves to suspend Rule 5, Section 6(f) to refer those two A bills to the Appropriations Committee.

FRESIDENT: (Gavel.) If I could have your attention a moment, please, we're going to our Speaker for a special motion. Mr. Speaker.

SPEAKER BARRETT: Thank you, Mr. President, members. The motion which I have offered is essentially to suspend subsection (f) Section C. indicates which that appropriations bill is to be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure. The purpose of the motion is to suggest that these two appropriations bills, which are aligned with 303A...or 303 and 309, the salary bill and the health insurance bill, go to the Appropriations Committee as opposed to being referenced directly to General File. The A bills have come over from the Governor's office for the first time, at least in my memory, as A bills, and it seems only practical that the A bills go along with the policy statement in 303 and 309, let the Appropriations Committee handle them, amend or change, if necessary, and come back with the main line bill. That is essentially it, Mr. President. I would move for the adoption of the motion to suspend the rules.

PRESIDENT: Thank you, Senator Barrett. The question is the suspension of the rules, and at the same time you are voting on sending these two bills to the Appropriations Committee. So it will be one vote, requires 30 votes. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 30 ayes, 0 nays, Mr. President, on the motion to suspend that particular rule and refer 303A and 309A to Appropriations Committee.

PRESIDENT: The motion is carried, the rules are suspended, and the bills are referred to the Appropriations Committee. What would you like to do now, Mr. Clerk?

CLERY: Mr. President, Reference Committee will meet in Room 2102 now for referring of bills; Reference Committee in Room 2102 now for referring of bills.

PRESIDENT: The Reference Committee or the Executive Board will adjourn, leave us for a while. We'll stand at ease for a little while until they come back. So, relax.

EASE

CLERK: Mr. President, new bills. (Read LB 473-492 by title for the first time. See pages 245-50 of the Legislative Journal.)

Mr. President, I have a new resolution, LR 7, by Senator Hall. (Read. See pages 250-52 of the Journal.)

Mr. President, Senator Mcrrissey would like to add his name to LBs 356 and 438. Finally, Mr. President, I have a Reference Report referring LBs 410 through 462. That is all that I have, Mr. President.

PRESIDENT: If I could direct your attention, please, over under the north balcony we have a special guest. Senator Stephanie Johanns, it looks like you. Would you step out so we can see you. Please welcome former Senator Johanns back to the Legislature. Do you have any words of wisdom for us now that you are out? Senator Lynch, you haven't done much today. Would you like to...just a moment. Don't go to work yet. Just a minute. Mr. Clerk.

CLERK: Mr. President, a couple of bills coming in. In addition, I have hearing notices for the Education Committee and one from the Judiciary Committee signed by Senators Withem and Chizek as Chairs.

Mr. President, new bill. (Read LB 493-495 by title for the first time. See pages 254-55 of the Legislative Journal.)

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?

309.

SPEAKER BARRETT: LB 309 is advanced. The A bill.

Mr. President, LB 309A was a bill introduced by the Speaker. (Read title.) Referred to Appropriations, advanced to General File. I have committee amendments pending by the Appropriations Committee, Mr. President. (See page 1838 of the Legislative Journal.)

SENATOR WARNER: Thank you, Mr. President. The committee amendment to the A bill is fairly voluminous. It includes the salary adjustments for all agencies of state government in the A bill, and in addition, the committee amendment has that distribution language that we took out of 309A (sic) just a moment ago and inserted that distribution formula into the A bill and I move adoption of the committee amendment.

SPEAKER BARRETT: Any discussion? If not, shall the committee amendments be adopted? All in favor vote aye, opposed nay. Record, please.

26 ayes, O nays, Mr. President, on adoption of Appropriations Committee amendments.

SPEAKER BARRETT: Senator Warner.

SENATOR WARNER: Mr. President, I would move the bill be advanced. This includes all the salary adjustments and total salaries for all agencies of state government, that is their increase. I move the bill be advanced.

SPEAKER BARRETT: Any discussion? If not, shall advanced? All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, O nays, Mr. President, on the advancement of 309A.

SPEAKER BARRETT: LB 309A is advanced. LB 469.

LB 469, Mr. President, was a bill introduced by the Appropriations Committee. (Read title.) The bill was introduced in January, referred to Appropriations, advanced to General File. I have no amendments to the bill, Mr. President.

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.

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 may 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.)

30 ayes...I'm sorry, Mr. President, 27 ayes, 0 nays on adoption of the amendment.

SENATOR LAMB: The motion by Senator Hall has been adopted.

CLERK: Mr. President, Senator Warner would move to amend by adding the severability clause. (The Warner amendment appears on page 2440 of the Legislative Journal.)

SENATOR LAMB: Senator Warner.

SENATOR WARNER: Mr. President, I so move. As I indicated. this...obviously we need to suspend the rules but there may be an outside possibility of two subject matters and in the event that challenge would be there it's important that the body of the bill, as it now stands without this amendment, is not jeopardized. So I would move the adoption of the severability clause to the extent that that would help.

SENATOR LAMB: Any further discussion in regard to Senator Warner's motion? If not, those in support of the motion signify by voting aye, those opposed no. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, O nays, Mr. President, on adoption of Senator Warner's amendment.

SENATOR LAMB: Senator Warner's amendment has been adopted.

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

SENATOR LAMB: The Chair recognizes Senator Chizek, on the bill.

SENATOR CHIZEK: I think somebody...I think. Never mind.

LAMB: Senator Chizek waives off. Any further discussion on LB...the advancement of LB 309? If not, Senator Warner, do you care to close? The motion is the advancement of Those in support say aye, those opposed no. Ayes have it, the bill is advanced.

CLERK: Mr. President, LB 309A, I have Enrollment and Review amendments pending, first of all, Mr. President.

SENATOR LAMB: Senator Warner.

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

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

CLERK: Mr. President, Senator Warner would move to (The Warner amendment appears on page 2363 of the Legislative Journal.)

SENATOR LAMB: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, this is a minor increase in the bill to correct an error. Increases the funding of \$1,792 for '89-90 and \$3,652, was inadvertently...one position was left out in the calculations for salary adjustments for those two years and this reflects the necessary amount to reflect salary policy. would move adoption of the amendment to correct the bill.

SENATOR LAMB: Any further discussion on Senator Warner's amendment to LB 309A? If not, those in support of the motion signify by voting aye, those opposed no. Have you all voted? Record, Mr. Clerk.

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

SENATOR LAMB: Senator Warner's amendment has been adopted.

CLERK: Mr. President, Senator Scofield would move to amend the (The Scofield amendment appears on page 2441 of the Legislative Journal.)

SENATOR LAMB: The Chair recognizes Senator Scofield.

SENATOR SCOFIELD: Thank you, Mr. President, and I have an amendment to this amendment just as a technical oversight more than anything else. The purpose of this amendment is to provide personal service limitation flexibility to the State College Board of Trustees, specifically to take care of the options should they wish to use sources other than General Funds for

salary increases. An area of particular concern this year has been professional staff salaries and so this would simply change the personal services limitation to indicate that if funds other than funds appropriated in this section are utilized for salary improvements in fiscal year '89-90 and '90-91 personal service limitations for the state college system may be administratively increased to reflect utilization of such other funds. As I mentioned, there is an amendment to that amendment up there which clarifies that General Funds will not replace, at some point in the future, any decisions made at this time. But it is simply a mechanism to provide some flexibility to the individual campuses to make the salary adjustments. Thank you.

SENATOR LAMB: Is there any discussion in regard to Senator Scofield's amendment to Senator Scofield's amendment? If not, Senator Scofield, do you have any closing? She waives closing. The motion is the adoption of the Scofield amendment to the Scofield amendment. Those in support vote aye, those opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the amendment to the amendment.

SENATOR LAMB: The amendment to the amendment has been adopted. Senator Scofield, on the amendment.

SENATOR SCOFIELD: Thank you, Mr. President. Now the description again. This is merely a flexibility mechanism raising the personal service limitation that as amended it would specify that General Funds would not replace those Cash Funds that might be used to adjust salaries on the individual campuses. Thank you.

SENATOR LAMB: Any discussion on the amendment offered by Senator Scofield? If not, those in support of the amendment signify by voting aye, those opposed no. Have you all voted? Record, Mr. Clerk.

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

SENATOR LAMB: Senator Scofield's amendment has been adopted.

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

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 do have an amendment to the bill by Senators Chizek (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 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 Deparkistorically, has been the training arm. Department of 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 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. 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 agency who is starting with a million dollars for training, if

May 17, 1989

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

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 mays, 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 ave, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2560-61 of the Legislative Journal.) 45 ayes, 0 mays, 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 ave, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 2561-62 of the Legislative Journal.) 46 ayes, 0 mays, 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 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.) Α fourth communication, Mr. President, Mr. President, and Senators. (Read. Re: LB 183, LB 183A.) fourth, M... President, to the Clerk. (Read. LB 132. Re: 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. pages 2720-22 of the Legislative Journal.)