

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;

January 25, 1989

LB 13, 18, 19-32, 58, 62, 70, 115  
128, 134, 142, 156, 255, 279, 283  
284, 296, 298, 312, 321, 322

SPEAKER BARRETT: Thank you. You have heard the closing on the advancement of 134. Those in favor of the motion to advance the bill please vote aye, opposed nay. Have you all voted on the advancement of LB 134? Record, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of 134.

SPEAKER BARRETT: LB 134 is advanced to E & R. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. Thank you. Your Committee on Transportation, whose Chair is Senator Lamb, to whom was referred LB 115, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 283, General File; LB 284, General File; LB 58, General File with amendments; LB 142, General File with amendments; LB 156, General File with amendments; and LB 128 indefinitely postponed. Those are signed by Senator Lamb. (See pages 439-41 of the Legislative Journal.)

General Affairs Committee, whose Chair is Senator Smith, reports LB 298 to General File, LB 70 to General File with amendments, and LB 62 indefinitely postponed. Those signed by Senator Smith as Chair. (See page 441 of the Legislative Journal.)

Your Committee on Education, whose Chair is Senator Withem, reports LB 312 to General File with amendments. That is signed by Senator Withem. Banking, Commerce and Insurance reports LB 279 to General File; LB 296, General File; LB 321, General File; LB 322, General File; those signed by Senator Landis as Chair. (See page 442 of the Legislative Journal.)

Mr. President, I have hearing notices from the Natural Resources Committee, signed by Senator Schmit; Health and Human Services, signed by Senator Wesely. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 13, LB 18, LB 19, LB 20, LB 21, LB 22, LB 23, LB 24, LB 25, LB 26, LB 27, and LB 28, and LB 29, LB 30, LB 31, and LB 32. The next bill, Mr. Clerk, LB 255.

the paper this morning. We're happy for you and for him and happy of his acceptance with the Lied Corporation, the City of Lincoln and the State of Nebraska, and certainly congratulations to you and to Mark for his great progress. We are mindful of it. We're proud of you. Also, Senator Dennis Byars, we haven't taken a vote on this but I think that most of us are happy to see you back and you apparently made it through the ordeal that you went through. So we're happy to have you back and we missed you and it's good to see you back. Mr. Clerk, shall we go on to General File at this time?

CLERK: Yes, sir. Mr. President, the first bill on General File this morning is LB 312 offered by Senators Withem, Lamb and Moore. (Read title.) The bill was introduced on January 10 of this year, referred to the Education Committee, advanced to General File. I have committee amendments pending by the Education Committee, Mr. President.

PRESIDENT: Senator Withem, do you wish to take up the amendments first or what?

SENATOR WITHEM: Yes, I'll take up the amendments but in taking up the amendments will explain what the bill does because the amendments are very general and then, hopefully, we'll dispense with a lengthy introduction of the bill itself. Last year we passed LB 940 which was a bill dealing with the delicate subject of school district reorganization. A portion of the bill dealt with the question of school finance. Everybody that looks at the reorganization question concludes that very much right below the surface of the reorganization question is the question of how schools are financed. The Task Force that created a lot of what is in LB 940 stated that we needed a thorough review of our school finance which we, as a Legislature, authorized that review to take place. We created a School Finance Commission and gave it about a \$100,000 appropriation to carry out its work. The Governor has appointed 16 members of that commission representing all aspects of the state. Three of those members are members of this Legislature. Senator Scott Moore, Senator Howard Lamb and me are the three legislative representatives. The commission has done a lot of work, has been meeting twice a month for four to five hours at a time. They have thoroughly examined all of the data we can find that deals with school finance and are well on our way...on their way to making a recommendation to the Legislature. The problem is we don't really know if we are going to get our work done by the

prescribed deadline of, I believe, July 1st when this commission is set to go out of existence. The commission debated fairly extensively among itself whether it was a good idea or bad idea to ask for this extension. There were some members that wanted to make...wanted to get busy and get the work done. It wasn't...it isn't a group that wants to perpetuate itself in existence forever. It was concluded that because of the question of whether we will get a final recommendation prepared by July 1, we should come to the Legislature asking for this authorization to continue the commission in existence. The bill, as it was drafted, changed not only the termination date but also changed the date in which a preliminary report would be given, from March of '89 to March of '90. The commission feels that we ought to come back with our preliminary report as it was originally stated in the bill, March of 1989. The committee amendment simply says that the original date of March 1, 1989 for the preliminary report coming to the Legislature, should be a date that we should live with. So that's what the committee amendment does is it changes the preliminary report date that originally said 1989. The bill changed it to 1990. This bill, the amendment returns that date, the preliminary report date, back to 1989. So that's what the committee amendment does.

PRESIDENT: Senator Moore, did you wish to speak about the committee amendments? All right, thank you. Senator Hartnett, did you wish to speak about the amendments?

SENATOR HARTNETT: Mr. President and members of the body, if I could ask Senator Withem a question. I didn't follow you, Ron. Maybe you were talking too fast, maybe I wasn't...I was trying to read the report, and so forth. You're going to have an interim report this year? Is that correct?

PRESIDENT: Excuse me. Senator Hartnett, would you speak into your microphone, it's difficult to hear you up here.

SENATOR HARTNETT: Okay.

PRESIDENT: Thank you.

SENATOR HARTNETT: Senator Withem, are you going to have an interim report this year or a final report next year?

SENATOR WITHEM: If the committee amendment is adopted, we will have an interim report March 1 of 1989. If the committee

amendment is not adopted and the bill passes in its current form, that date would be 1990. We think we ought to give the Legislature an interim report a month from now.

SENATOR HARTNETT: I agree that we should get something back from your group by this...so I will heartily support your amendment. Thank you.

PRESIDENT: Would you like to close on the amendments? All right.

SENATOR WITHEM: I will waive closing.

PRESIDENT: The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. We're voting on the adoption of the committee amendments. We need a little help. Record, Mr. Clerk, please.

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

PRESIDENT: The committee amendments are adopted. Senator Withem, now we're back on the bill, would you like to speak about that?

SENATOR WITHEM: Very briefly. I explained the bill with the committee amendments. This extends the termination date of the School Finance Review Commission from July of 1989 to July of 1990.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Yes, Mr. President, and members, I guess as a member...as a new member of this committee being appointed upon Senator...former Senator Campbell's resignation, I have enjoyed my tenure on this committee. But I guess one thing I probably need to explain is that when we debated this in the actual School Finance Commission I was one of the dissenting votes on extending the life of this commission and I did so because probably more out of my frustration of the overall property tax problem, and being somewhat new to the committee, I want to mention that Senator Withem has done a very, very good job of keeping us on track. But the problem is that what's frustrating to me is the commission, it seems like we've been studying property tax and school finances forever, I just sometimes

wonder whether I need to study it for another year because we have been doing it for the last 25 years, why do we need to study it one more year. The fact of the matter is there are two segments on this finance commission as there is on anything. There is a certain segment that the definition of property tax relief is increased funding for education and then there is the segment that defines property tax relief as dollar for dollar property tax relief and at some time those two facts just have to go to war and fight it out, and I understand this commission, we're making some great headway, particularly on the local income tax, adopting some sort of version of the Kansas plan, and even though I guess I, personally, wish we could do something this year, I understand why that can't be done. And, as you see, I am now a co-sponsor of this bill and encourage the body to advance it and extend for one year, and for one year only, the life of the School Finance Review Commission.

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

SENATOR WITHEM: Yes. First of all, I would like to say I'm glad Senator Moore has enjoyed his work with the commission. We'll take a vote at the next meeting to see if the feeling is mutual or not but I assume that it is. That's a good comment, Scott, and just wanted to reflect again...and I think Senator Moore's statements did accentuate this point, this is not a commission that wants to continue in existence forever. It was a fairly lively debate as to whether we should ask for this extension or not. Those who felt that if we come in with a proposal that is not thoroughly researched and thoroughly worked out, we would be better...we will be in trouble, that it won't pass and this issue is so important to the state that we get it resolved effectively, that we should at least assure that we have the additional time. It is still our desire, still the desire of a lot of people on this commission that we will work through a proposal and bring it to the Legislature this year, maybe not for passage this year but at least bring a final proposal to the Legislature for your consideration and have it here in the legislative arena before we adjourn this year. It's not our...it's not our desire to work up through June 30th of 1990. With that, I would urge you to pass this bill.

PRESIDENT: The question is the advancement of LB 312. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 312.

PRESIDENT: LB 312 advances to E & R Initial. LB 279.

CLERK: LB 279, Mr. President, offered by Senator Landis. (Read title.) The bill was introduced on January...early January, referred directly to Banking Committee for public hearing, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. President and members of the Legislature, before you is LB 279, one of the changes suggested by the Task Force that Director Bill McCartney has chaired over this last year with the assistance of former Senator Wiley Remmers and his staff. A number of the provisions that the Task Force agreed to were placed in a very major bill, LB 92. About three or four ideas that were somewhat related but not directly on point were also introduced as separate bills and this is one of those. Now, this is a bill that changes the authority level for writing insurance or for retaining insurance for what's called an industrial insured. So let's start at square one. In Nebraska, there are domestic insurance companies and foreign insurance companies. And domestic insurance companies are those that are authorized directly under Nebraska law. We are their state of origin, if you will. There are also foreign insurance companies, companies that began in another state but have made special application to come to Nebraska to write business. When they come here, they have to prove up their financial solvency. They have to prove up their relationship to a home state and that they are governed. And they have to ask for a certificate of authority to do business in Nebraska. All companies then that write business in Nebraska are either domestic or foreign and they have got a certificate of authority. So far, so good. However, there is a list of exceptions to that rule by which an insurance company that is not admitted to this state can write insurance in Nebraska and those exceptions are called the Uniform Unauthorized Insurers Act, and we passed that act about 20 years ago in 1969. One of the exceptions to doing business in this state, to the normal rule of having a certificate of authority, is an industrial insured. What's an industrial insured? As a matter of fact, this is just a term of art made

January 31, 1989

LB 165, 177, 221, 279, 296, 312, 321  
322

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us today as the chaplain of the day Reverend Carl Godwin of the Bible Baptist Church in Lincoln, Nebraska. Would you please rise for the invocation.

REVEREND GODWIN: (Prayer offered.)

PRESIDENT: Thank you, Reverend Godwin. Please come back to see us again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 312 and recommend that same be placed on Select File; LB 279, LB 296, LB 321, LB 165, LB 177 and LB 221, all placed on Select File, some having E & R amendments attached. (The Journal also shows LB 322 placed on Select File. See pages 515-16 of the Legislative Journal.)

PRESIDENT: May I just say that I do appreciate many of you coming, showing up for the convocation this morning. The prayer this morning was much nicer than yesterday when no one was here when we were ready for the morning prayer. Thank you for doing that. Also, under the south balcony we have a distinguished guest this morning. We have a former member of this legislative body, Mr. Lester Harsh from southwest Nebraska. Senator Harsh, would you please stand up so that we can see you and recognize you. Thank you for visiting us today, Senator Harsh. We will move on to motions, number 5, Credentials Committee by Senator Warner. Mr. Clerk.

CLERK: Mr. President, I have a report from the Credentials Committee. The motion is found on page 502 of the Journal. I might indicate, Mr. President, the report of the committee is actually found on page...starting on 502 and the pages thereafter. The motion would read as follows: (Read the Warner



February 7, 1989

LB 296, 312A, 312

SENATOR WITHEM: Yes, Mr. President, members, this is a wonderful A bill in that we've already appropriated this money last year. This...basically, all this does is reappropriate unexpended balance from an appropriation we made last year. Last year we established the School Finance Review Commission, was supposed to have terminated its work in July of this year. LB 312 extends the termination date. LB 312A merely reappropriates the unexpended money that is still in the fund. We're not asking for any new dollars to be appropriated. As a matter of fact, we're likely to complete this project with some money left over. I'm not sure.

PRESIDENT: The question is the advancement of LB 312A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 312A.

PRESIDENT: LB 312A advances. We'll move on to Select File, number 8. May I introduce some guests that we have this morning. Senator Conway would like to recognize Dr. Willis Wiseman of Wayne who is our doctor of the day. Would you please stand and be recognized, Dr. Wiseman. Dr. Wiseman, welcome. All we ask is that you keep us all healthy through the day. Welcome to our midst. We appreciate it. We'll start with Select File and for the time being we'll go right down the line and if we run into trouble timewise, toward the end we may take those who have...those bills who have no amendments on them. LB 312, Mr. Clerk.

CLERK: Mr. President, on LB 312, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please. No amendments.

SENATOR LINDSAY: Mr. President, I move that LB 312 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. All opposed nay. It is advanced. LB 296.

CLERK: LB 296, Senator I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

February 8, 1989

LB 43, 80, 82, 92, 92A, 106, 113  
116, 158A, 165, 166, 171, 172, 175A  
177A, 177, 194, 200, 208, 238, 261A  
267, 277A, 284A, 296, 312A, 312, 321  
322, 353, 357, 369, 458, 459

PRESIDENT: Senator Nelson, would you object to the bracketing?

SENATOR NELSON: No. I just tried to get some attention on my mike. I didn't run up there at the front and no one asked me. I didn't say yes, I didn't say no, and it is all right with me to pass over the bill until February 22. As I've said many times, I'm willing to listen, I'm willing to learn, I'm willing to amend the bill as it is, but we're talking about a serious thing so I'm very willing.

PRESIDENT: May I ask, are there any objections to bracketing this bill until February 22? If so, now is the time to say so. If not, the bill is bracketed until February 22. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 92 and recommend that same be placed on Select File; LB 459 Select File; LB 458 Select File; LB 116 Select File; LB 267, LB 208, LB 92A, LB 158A, LB 175A, LB 177A, LB 261A, LB 277A, LB 284A, LB 312A, all on Select File. Those are signed by Senator Lindsay. (See pages 647-51 of the Legislative Journal.)

Mr. President, your committee on Transportation whose Chair is Senator Lamb reports LB 369 to General File with amendments. That is signed by Senator Lamb. Your Committee on Enrollment and Review reports LB 43, LB 80, LB 82, LB 106, LB 113, LB 165, LB 166, LB 171, LB 172, LB 177, LB 194, LB 200, LB 296, LB 312, LB 321, LB 322 and LB 353 all are reported correctly engrossed, Mr. President. That is all that I have at this time, Mr. President. (See page 651 of the Legislative Journal.)

PRESIDENT: Very good. We'll move on then LB 238.

CLERK: Mr. President, 238 was a bill that was introduced by Senator Hall. (Title read.) The bill was introduced on January 9, referred to Business and Labor, advanced to General File. I do have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, are you going to handle those committee amendments?

February 21, 1989      LB 298, 312  
LR 32

PRESIDENT: We're on the advancement of the...

SENATOR LANDIS: In that case let me just say, I didn't remember the vote on that one. I glad it got adopted. If you'll...now on the question of the advancement of the bill and you're listening to the argument, there are two or three questions to ask yourself. If you think that the law should force somebody to operate or sell a product at a loss, vote against the bill. If you think that there is no difference between the cost structure of printing a thousand newspapers and printing 100,000 newspapers, vote against the bill. But if you have some belief in the notion of the marketplace where a consumer comes to somebody who is selling a product and if the product's price is too high they can walk away, then I think you have every reason to think that 298 is going to work. What it says is, if a newspaper will not charge the legal rate but wants to charge more than the legal rate, whoever is doing business with them can walk away and publish their notice on the courthouse door, and that should suffice. That is what a consumer does when they are getting an extortionate price put on a product. It is what we normally believe in and that is that there is discipline in the marketplace that will work here, we allow the political subdivisions to walk away if the newspapers won't charge the legal rate. That is a reasonable method of discipline. I urge the advancement of the bill.

PRESIDENT: The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 35 ayes, 0 nays, Mr. President, on the motion to advance LB 298.

PRESIDENT: LB 298 is advanced. LB 48.

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

PRESIDENT: Yes, sir, Mr. Clerk.

CLERK: Mr. President, new resolution, LR 32 offered by Senator Wesely. (Read brief explanation. See page 798 of the Legislative Journal.) That resolution will be laid over.

I have amendments to be printed to LB 312 by Senator Withem and

May 15, 1989

LB 285A, 312

they going to find the room for them, where are they going to put the eight employees, and just exactly what these costs are. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Lamb, would you care to close?

SENATOR LAMB: Well, Mr. President and members, I do have a sheet here in my hand which breaks down all these costs which I'd be happy to circulate and it's from the Fiscal Office on the Department of Motor Vehicles and it does break down all the costs, and in Fiscal Year...I could just read a few of them: Fiscal Year '89-90, and we have expenditures, expenditures administrative assistant, one full-time, FTE, 26,000; driver's license examiners, eight FTE, \$24,420; benefits, \$10,084, for a total of \$60,504. So then we have this whole sheet and I'll just circulate it so you can see it and...because there are no secrets here and we'll...we will make this readily available and, in the meantime, I'd hope that you would adopt the amendment and readvance the bill.

SPEAKER BARRETT: Thank you. The question is the adoption of the Lamb amendment to LB 285A. All in favor vote aye, opposed nay. Please record.

CLERK: 29 ayes, no nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Lamb.

SENATOR LAMB: I would move to readvance the bill, Mr. President.

SPEAKER BARRETT: Thank you. Shall the bill be readvanced to E & R Engrossing? All in favor say aye. Opposed no. Carried. It's readvanced.

CLERK: Senator Haberman, would you like either of your...? I have nothing further on the bill, Mr. President.

SPEAKER BARRETT: Thank you. LB 312.

CLERK: Mr. President, Senator Withem would move to return Legislative Bill 312 to Select File for a specific amendment. Senator, your amendment is on Journal page 798.

May 15, 1989

LB 312, 611

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Yes, thank you, Mr. Speaker, members of the body. LB 312 is the bill that continues the School Finance Review Commission into a second year. Since I filed this amendment, this commission has gained maybe some additional pressure on it to deliver a quality product. If you remember on LB 611, Senator Moore's bill, we are committing ourselves to a change in the way we finance public education in our state and it is I think the intent of the supporters of LB 611 that the School Finance Review Commission, while we're not giving them a blank check, we are certainly saying that they are probably the most respected, at least, group in the state now working on this problem. The way LB 312 is currently written, the Commission expires in June and this bill would not go into effect until the end of August, so there'd be a two and a half month dead time when the Commission would not be operating until the bill went into effect reauthorizing it. What the amendment to 312 does, very simply, is it adds the E clause. Would appreciate your adoption of this amendment. If you have any questions, I'll answer them.

SPEAKER BARRETT: Any questions? Any discussion on a motion to return the bill? If not, those in favor of its return vote aye, opposed nay. Record, please.

CLERK: 28 ayes, no nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator Withem.

SENATOR WITHEM: I would move the adoption of the amendment which simply adds the E clause.

SPEAKER BARRETT: Any questions? Any discussion? If not, those in favor of that motion vote aye, opposed nay. Record.

CLERK: 27 ayes, no nays, Mr. President, on adoption of the Select File amendment.

SPEAKER BARRETT: The amendment is adopted. Chairman Withem.

SENATOR WITHEM: Move to readvance.

May 15, 1989

LB 312, 312A

SPEAKER BARRETT: Thank you. Shall the bill be readvanced? Those in favor say aye. Opposed no. Ayes have it. Motion carried. The bill is readvanced. Mr. Clerk.

CLERK: Mr. President, Senator Withem would move to return LB 312A to Select File for a specific amendment. That amendment is on page 860.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: The amendment on 860 adds the E clause to LB 312A. Would urge you to do so.

SPEAKER BARRETT: Shall the bill be returned? Those in favor of that motion vote aye, opposed nay. Record.

CLERK: 25 ayes, no nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned for the purpose of amendment. Senator Withem.

SENATOR WITHEM: The E clause is the amendment. Appreciate your adoption.

SPEAKER BARRETT: Thank you. Discussion? Seeing none, those in favor of the amendment being adopted vote aye, opposed nay. Please record.

CLERK: 26 ayes, no nays, Mr. President, on adoption of the amendment.

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

SENATOR WITHEM: Move to readvance.

SPEAKER BARRETT: Shall the bill be advanced...readvanced to E & R Engrossing? Those in favor say aye. Opposed no. Carried. The bill is readvanced. The Chair is pleased to announce that Senator Rogers has some guests in our north balcony from Centura School. That's Boelus, Cairo and Dannebrog I believe. We have 51 eighth graders with their teachers, Emily Soderman and Donna Eriksen, who, incidentally, is a sister of our Sergeant-at-Arms, Del Whitefoot. Would you folks please stand with your teachers? Thank you. We're very pleased to

May 15, 1989

LB 175, 228, 312, 312A, 319, 323, 336  
340A, 357, 423, 744, 761, 813, 814  
815

PRESIDENT: We're still on the machine. Record, Mr. Clerk, please.

CLERK: 26 ayes, 8 nays, Mr. President, on adoption of Senator Lamb's amendment.

PRESIDENT: The Lamb amendment is adopted. Do have another one, please?

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

PRESIDENT: Yes, please.

CLERK: Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 319 and find the same correctly engrossed, LB 175, LB 228, LB 312, LB 312A, LB 323, LB 336, LB 340A, LB 423 and LB 744, all reported correctly engrossed.

I have amendments by Senator Warner to LB 813, Senator Schimek to LB 814, Senator Nelson to LB 357, Senator Smith to LB 815, Senator Warner to LB 814 and LB 813. That's all that I have, Mr. President. (See pages 2379-87 of the Legislative Journal.)

PRESIDENT: Okay, another amendment, please.

CLERK: Mr. President, Senator Scofield would move to amend the bill. (The Scofield amendment appears on pages 2387-88 of the Legislative Journal.)

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President, and members, I think this is a non...one of those rare noncontroversial amendments on this issue. You have a handout that's been circulated a little bit earlier. The purpose of this amendment is to put us...to slightly change our definition of low-level radioactive waste so that it conforms with what the current federal language is. Currently, our definition in the State of Nebraska we define low-level waste primarily by what it is not and the particular amendment that is being offered here would...if you will take a look at the handout, if you can find that under your materials there, under the Low-Level Radioactive Waste Policy Amendments Act of 1985 it specifically spells out

of these things that we're doing. The money probably is not going to be there to do LB 84, property tax relief, forget the bill number, the income tax relief bill, indigent care, teachers' salaries, all of those kind of things. It's not going to be there. We in this body need to set our priorities in the area of education which I, as you all know, carry deeply, care deeply about, end up carrying more education bills than anybody else in here. I probably ended up carrying more state aid to education measures than anyone else in this body. I have a set of priorities for this session, and I think I've discussed those with a number of people. In the spending area there are two things that are at the top. One of them is the teacher pay bill. Frankly, the other one is...everybody talks about LB 84, LB 84 is not just a one-year property tax relief package. The LB 84 package includes also LB 611. We forget about LB 611. Senator Moore, kicking and screaming all session long when you talk about property tax relief, has said, you've got to have a long-term property tax relief solution, and he is bringing it to us. Those are my priorities. We're putting \$98 million into property tax relief with the package being that that is to fund education when we get the permanent long-term solution together. That's what I'm for and that's what I support. And the thing that upsets me about this, I guess, in addition to my dishonesty with myself in thinking I could support this this morning and everything would turn out fine, is the fact that for 80 days of this session that appeared to be what the education lobby was supportive of. You didn't hear a peep out of them when LB 611 was going through. You didn't hear a peep out of them when LB 84 was going through, that that was what we were going to be doing to fix up financing of our schools. It's only at the last hour that they decided that they need more money out on the table. I guarantee you, Senator Kristensen, Senator Moore, Senator Baack, anybody else, Senator Korshoj, if we put \$20 million of state aid into this budget this year, in August of this year when they are back holding their public hearings, property taxes are still going to go up and you know whose fault it's going to be? It's going to be your fault, Senator Korshoj, your fault, Senator Baack, my fault, Senator Withem, because it wasn't enough. We didn't do enough, and we're going to get blamed anyway. For \$20 million you're not buying anything. All you're doing is taking \$20 million off of the table that will fund some of these other projects. The solution to school finance is a long-term solution through LB 611, through LB 312, the bill that we're having to expand the school finance provisions, through getting 84 passed and getting some



people were handing out yesterday having to do with LB 84 and possibly happen to raise their levies and it ultimately ending up with a \$68 increase or net savings on property tax relief? Have you seen those figures?

SENATOR WITHEM: No, I didn't see those figures.

SENATOR MORRISSEY: Okay, well I guess they just gave them to me. But anyway, they are claiming because of a reduction in state aid that my district especially is suffering and then, of course, they're thinking ahead to sunset on nonresident tuition that they're going to be really in a crunch. Do you really feel that's not factual?

SENATOR WITHEM: I think they're going to be in a crunch regardless of...I mean, \$18 million is not going to get them out of any sort of crunch at all. The only thing that will get them out of a crunch is a long-term sort of solution that this body has been working toward all year, frankly, without their input, consideration or seeming to care one way or the other.

SENATOR MORRISSEY: Well I might agree there because I was wondering where the argument, I mentioned it to a senator this morning, where the argument for state aid that, don't take a bite yet, where state aid to education has been all year long in the discussion, but why is LB 84 so vital to LB 611? I really like 611 and I used to like 84 but why is 84 so vital to 611 in this long-term planning?

SENATOR WITHEM: I'm not one of those people that put together the long-term plan. My understanding is that we have extra money this year, that there has been a strong resistance to any major increases in state aid because of the formula and that we're not going to get the formula resolved this year to put \$98 million into a state aid project, it's going to take some time to figure that out, so that's how the two go together. LB 84 is short-term this year, because the surplus is there and we need it for property tax relief. LB 611 LB 312, the School Finance Review Commission, all of those other things are the long-term solution and we're just not ready to go for them and Senator Moore is...I see you're pointing at him and he is probably more appropriately the one to answer that question.

SPEAKER BARRETT: One minute.

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LB 303, 303A, 312A, 312

CLERK: (Read record vote as it appears on page 2513 of the Legislative Journal.) 47 ayes, 0 nays, and 2 excused and not voting, Mr. President.

PRESIDENT: LB 303 passes with the emergency clause attached. May I introduce some guests in the north balcony who are guests of Senator Carson Rogers, we have 25 fifth graders and 10 sixth graders from Burwell Elementary School, also accompanied by three teachers. Would you folks please stand and be recognized. Thank you for visiting us today. LB 303A with the emergency clause attached.

CLERK: (Read LB 303A on Final Reading.)

PRESIDENT: Having complied with all provisions of law relative to procedure, the question is, shall LB 303A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as it appears on page 2514 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 303A passes with the emergency clause attached. LB 312 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 312 on Final Reading.)

PRESIDENT: Having complied with all provisions of law relative to procedure, the question is, shall LB 312 pass with the emergency clause attached? All those in favor vote aye, opposed nay. I am reminded we are supposed to be in our seats during Final Reading please. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on page 2515 of the Legislative Journal.) 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 312 passes with the emergency clause attached. May I introduce some guests please of Senator Wehrbein. In the north balcony, we have 12 fifth grade students from Weeping Water. Will you folks please stand and be recognized. Thank you for visiting us today. Mr. Clerk, LB 312A with the

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LB 84, 95, 247, 247A, 250, 250A, 261  
261A, 272A, 277, 277A, 290, 283, 303  
303A, 312A, 312, 356

emergency clause attached.

CLERK: (Read LB 312A on Final Reading.)

PRESIDENT: Having complied with all provisions of law relative to procedure, the question is, shall LB 312A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on page 2516 of the Legislative Journal.) 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 312A passes with the emergency clause attached. May I introduce some guests in the north balcony, Senator Schmit has 30 third and fourth grade students from Dwight and their teachers. They are from the East Butler Elementary School. Will you folks please stand and be recognized. Thank you for visiting us today. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. I have an Attorney General's Opinion. (Re: LB 356, found on pages 2516-2520 of the Legislative Journal.)

I also have an explanation of vote, Mr. President, by Senator Warner. (Re: LB 84, found on page 2520 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign, LB 95, LB 247, LB 247A, LB 250, LB 250A, LB 261, LB 261A, LB 277, LB 277A, LB 280, LB 283, LB 303, LB 303A, LB 312 and LB 312A. Are you ready to go on?

CLERK: Yes, I am, Mr. President.

PRESIDENT: We will go on to the General File, LB 272A.

CLERK: Mr. President, 272A is a bill introduced by Senator Landis, it's a bill for an act to appropriate funds to implement the provisions of LB 272.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Thank you, Mr. Speaker. LB 272 is the Mortgage

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LB 95, 247, 247A, 250, 250A, 261, 261A  
272A, 277, 277A, 280, 283, 303, 303A  
312, 312A  
LR 216, 219

SENATOR LANGFORD: Mr. President and colleagues, I move we recess for lunch until one-thirty.

SPEAKER BARRETT: Anything to read in, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review reports LB 272A to Select File. Bills read on Final Reading have been presented to the Governor, Mr. President. That's all that I have. (Re: LB 95, LB 247, LB 247A, LB 250, LB 250A, LB 261, LB 261A, LB 277, LB 277A, LB 280, LB 283, LB 303, LB 303A, LB 312 and LB 312A. See page 2522 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. You've heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it, carried, we are recessed.

RECESS

PRESIDENT NICHOL PRESIDING

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

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 216. I would like to introduce some guests in the north balcony if I might. We have Carl and Iona Taylor of Lincoln, and Mrs. Taylor is a cousin of my wife. Would you folks please stand so we can welcome you. Treat them kindly and don't tell us about them and don't tell them about us. Thank you for visiting us today, Mr. and Mrs. Taylor. Mr. Clerk, before lunch, we were where?

CLERK: Well, Mr. President, we were, well, let me...may I read one item for the record, Mr. President, before I...

PRESIDENT: Yes, please.

CLERK: Senator, I have a new resolution, Mr. President, LR 219 offered by Senator Abboud. (Read brief explanation. See pages 2523-24 of the Legislative Journal.) That will be laid over.

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.)