

January 11, 1989

LB 112, 324-329

PRESIDENT: Any further dis... Senator McFarland, did you wish to speak about this? All right. You have heard the motion, the question is to withdraw LB 112. All those in favor vote aye, opposed nay. Please vote if you care to. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the withdrawal of LB 112.

PRESIDENT: LB 112 is withdrawn. Senator McFarland, for what purpose do you rise?

SENATOR MCFARLAND: Mr. President, I rise for a point of personal privilege. A lot...

PRESIDENT: State your point, please.

SENATOR MCFARLAND: A lot of concern has been expressed since I was locked in the bathroom on the first day of the legislative session and that's particular concern since sometimes I work down here in the evenings. If that ever happens again, I may not ever get out. But I want to assure you that I have been given a gift from our Governor today and it's wrapped in a nice bow and it's a can opener, and if ever I have the same experience again, I will be well prepared. So I'm going to keep this in my pocket and carry it everywhere I go for the rest of this session, so the rest of you won't have to worry about it. I thank you very much.

PRESIDENT: Thank you. And with the word "can" meaning so much more than it used to years ago, I am afraid to comment further. We will move on to the introduction of new bills.

CLERK: Mr. President, new bills. (Read by title for the first time LBs 324-329 as found on pages 176-77 of the Legislative Journal.) Mr. President, that's all the new bills that I have at this time.

PRESIDENT: Senator Crosby, would you do a special task at this moment, please?

SENATOR CROSBY: Thank you, Mr. Chairman, and members of the Legislature, it's my privilege to recognize Dr. Fleischli today, of Lincoln, who is serving as doctor of the day. He is a member of my district so I'm especially pleased to see him. He's here

March 7, 1989

LB 135, 136, 246, 324, 402, 605, 698
702, 775
LR 46, 47, 48

SENATOR HABERMAN: Regular order.

SPEAKER BARRETT: Regular order. That is in order. Will members please sit in their seats in preparation for a roll call vote. Proceed, Mr. Clerk.

CLERK: (Roll call vote read. See pages 1006-07 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President, on adoption of the committee amendments.

SPEAKER BARRETT: The committee amendments are adopted and the call is raised. Mr. Clerk, anything further on the bill?

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

SPEAKER BARRETT: That being the case, the Chair is pleased to take this opportunity to announce that Senator Rod Johnson has some very special guests. Under the south balcony, we have Yuki and Maki Machino and Eiko Sieto from Tokyo, Japan, with Mrs. Omer Troester of Hampton. Would you ladies please stand. Thank you. We're very pleased to have you as our guests this morning. For the record, Mr. Clerk.

CLERK: Mr. President, new resolutions, LR 46 by Senator Baack. (Read brief description of LR 46 as found on page 1007 of the Legislative Journal.) LR 47 by Senator Conway. (Read brief description of LR 47 as found on page 1008 of the Legislative Journal.) LR 48 by Senator Langford. (Read brief description of LR 48 as found on page 1008 of the Legislative Journal.)

Mr. President, Education offers notice of confirmation hearing. (See page 1009 of the Legislative Journal regarding appointment of J.L. Spray to the Coordinating Committee for Postsecondary Education.)

Your Committee on Business and Labor offers a corrected Standing Committee report to LB 605, and reports LB 698 as indefinitely postponed, both of those signed by Senator Coordsen.

Government Committee reports LB 135 to General File; LB 324, General File; LB 702, General File; LB 136, indefinitely postponed; LB 246, indefinitely postponed; LB 402, indefinitely postponed, all signed by Senator Baack as Chair. That's all that I have, Mr. President.

call of the house is raised. Senator Elmer.

SENATOR ELMER: Thank you, Senator Landis. Some of the questions raised are interesting. First of all, this is a very permissive bill. The County Board of Trustees for county hospitals at 3,600 inhabitants or more has been set at a maximum of \$100 per year since 1945. County hospitals are having a very difficult time trying to recruit members for their boards. The maximum that we can...the maximum number of people on a board are three to five members by statute, no more than five. The county boards have the option to set this salary at an amount that is commensurate or necessary in order to procure members for these county hospital boards. I think it's only fair that we allow this permissive setting of salaries for these county boards to be allowed and I would ask your vote to advance this to Select File, and if further questions can be answered at that time or clarifications could be made, I would like very much to work with Senator Smith or Senator Nelson or Senator Pirsch or whoever has questions about it. I would ask for the advance of the bill.

SENATOR LANDIS: Thank you, Senator Elmer. All those in favor vote aye, those opposed vote no. The Clerk will record.

ASSISTANT CLERK: 25 ayes, 1 nay on the advancement of the bill, Mr. President.

SENATOR LANDIS: The bill is advanced. We'll move on to LB 324, principal introducer Jerry Conway. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 324 was introduced by Senator Chizek. (Title read.) The bill was read on January 11, referred to the Government Committee. They report the bill to General File.

SENATOR LANDIS: Senator Conway, opening on LB 324.

SENATOR CONWAY: Mr. Speaker, members, this is a very simple bill. It was brought to me by the county treasurers in recognition of some of the fees that they collect, that the forms themselves are actually costing more now than what the fee is they are allowed to attach to that particular item. There are three in question. The first two, they are currently under law allowed to charge 50 cents. One form is the issuance of distress warrants, the other one is deeds or certificates issued

in conjunction with sales taxes. They are allowed to collect 50 cents each on those. They would like to move those to \$2.00 to cover the cost of the form as well as the mailing and other, any sundries research that's needed to compile the form and the other one is they are allowed to receive 15 cents under current law for receipts issued in conjunction with the redemption of land sold on a tax sale. They would also like to move that to \$2.00, so it is these three areas they would like to move to \$2.00 which would not make them any money under the fiscal note but it would at least cover the cost of the forms and the processing. So it is just simply those items.

SENATOR LANDIS: There are no lights on, Senator Conway. You are recognized for the purposes of closing. Senator Conway waives closing. We'll proceed to voting on LB 324. Those in favor vote aye, those opposed vote no. Senator Conway, we've been here over a minute now awaiting the results of the body. Touche, Senator Conway. The Clerk will record.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill.

SENATOR LANDIS: The motion carries, the bill is advanced. We'll move to LB 756, Senator Weihsing the principal introducer, Mr. Clerk.

ASSISTANT CLERK: LB 756 was introduced by Senator Weihsing. (Title read.) The bill was read for the first time on January 19. It was referred to the Urban Affairs Committee. They report the bill placed on General File.

SENATOR LANDIS: Senator Weihsing, to open.

SENATOR WEIHSING: Mr. Speaker and members of the Legislature, LB 756 was brought to me by the League of Municipalities. It relates to the first and second class cities. This is strictly a clarification bill. Within the statutes offices can be merged. That's clearly pointed out, but the duties within offices were not mentioned. The cities have oftentimes wondered whether or not they were legal in merging duties. This is a clarification to make it certain that the cities themselves can go ahead and merge their offices. The local governing body of the city may, at its discretion, and this is the way it's written within the statutes, by ordinance combine and merge any elective or appointive office or employment. Now added to that,

April 6, 1989

LB 77, 99, 135, 143, 206, 213, 228
228A, 247, 323, 324, 371, 381, 423
486, 487, 487A, 488, 488A, 508, 509
566, 592, 605, 627, 643, 669, 714
722, 756, 781, 793
LR 70

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day Dr. Paul Lundell of the Dundee Presbyterian Church in Omaha. Would you please rise.

DR. LUNDELL: (Prayer offered.)

PRESIDENT: Thank you, Dr. Lundell. We appreciate your message this morning. Roll call, please. Record, please.

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

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

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 77, LB 371, LB 592, LB 643, LB 714, and LB 781 as correctly Engrossed. Enrollment and Review also reports LB 99, LB 323, LB 143, LB 213, LB 381, LB 423, LB 509, LB 793, LB 605, LB 135, LB 324, LB 756, LB 206, LB 669, LB 486, LB 487, LB 487A, LB 488, LB 488A, LB 228, LB 228A, LB 627, LB 508, LB 722, and LB 566 to Select File, some of those having Enrollment and Review amendments attached. (See pages 1533-40 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 247 in the Legislative Journal. That's all that I have, Mr. President. (See page 1540 of the Journal.)

PRESIDENT: Okay. We'll move on to LR 70.

CLERK: Mr. President, LR 70 has been offered by Senators Ashford and Moore. It's found on page 1476. (Read brief summary of resolution.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. Last year we passed legislation which authorized the profession of

April 7, 1989

LB 135, 206, 324, 487, 669

LB 135.

PRESIDENT: LB 135 is advanced. LB 324.

CLERK: LB 324, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 324 be advanced to E & R for Engrcssment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 206.

CLERK: LB 206, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

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

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

CLERK: Nothing further, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 206, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 669.

CLERK: LB 669, Senator, has no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the advancement of LB 669.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 487.

CLERK: LB 487, Senator, I have E & R amendments pending.

April 12, 1989

LB 99, 135, 206, 228, 228A, 323-325, 381
423, 487, 487A, 508, 509, 605, 627
669, 722, 793

chemicals. There are other bills coming up this session that deal with solid waste disposal that I hope that we'll get to yet this session. So I think that there are people in this body who are committed to doing something in respect to the environment and I take some exception to the statements made by Senator Chambers on the fact that this body is not interested. I think we are interested and I think the message is beginning to come across to us that we need to begin to look at the environment, whether we come from the country or the city, it's just as important to all of us. So I support the bill and other bills. Hopefully, it will be forthcoming this session.

SPEAKER BARRETT: Thank you. There are no other lights. The question is the advancement of LB 325 to E & R Initial. Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB 325.

SPEAKER BARRETT: LB 325 is advanced. Messages on the President's desk, Mr. Clerk.

CLERK: Mr. President, Enrollment and Review reports they have carefully examined and engrossed LB 99 and find the same correctly engrossed, LB 135, LB 206, LB 228, LB 228A, LB 323, LB 324, LB 381, LB 423, LB 487, LB 487A, LB 508, LB 509, LB 605, LB 627, LB 669, LB 722 and LB 793, all reported correctly engrossed. (See pages 1671-72 of the Legislative Journal.)

Senator Abboud would like to add his name to LB 325 as co-introducer, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. Senator Schellpeper, would you care to adjourn us?

SENATOR SCHELLPEPER: I sure would. I would move we adjourn until April 13th at 9:00 a.m.

April 19, 1989

LB 135, 206, 323, 324

SPEAKER BARRETT: You're concerned, Senator Kristensen, that my position affected the rights and the dignity and the integrity of this Legislature? Is that your point?

SENATOR KRISTENSEN: Most notably, the integrity, yes.

SPEAKER BARRETT: Your point is not well-taken. You're out of order. (laughter) An announcement with reference to Final Reading. We will roll over 323, LB 323 will not be read this morning. Members will please return to their seats for Final Reading. Senator Haberman, while we're waiting for people to get to their seats, do you have a point?

SENATOR HABERMAN: Yes, Mr. President. In regards to Senator Kristensen's remarks and your ruling, I would like to debate and make a motion to overrule the Chair.

SPEAKER BARRETT: I know your request is well-intentioned, but you're out of order, too. Please be seated for Final Reading. Mr. Clerk, LB 135.

CLERK: (Read LB 135 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 135 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1770 of the Legislative Journal.) 37 ayes, 3 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 135 passes. LB 206.

CLERK: (Read LB 206 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 206 pass? Those in favor vote aye, opposed nay. Record.

CLERK: (Read record vote. See page 1771 of the Legislative Journal.) 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 206 passes. LB 324.

April 19, 1989

LB 324, 381, 392, 482

CLERK: (Read LB 324 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 324 become law? All in favor vote aye, opposed nay. Record.

CLERK: (Read record vote. See page 1772 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 324 passes. LB 381.

CLERK: (Read LB 381 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 381 become law? All in favor vote aye, opposed nay. Record.

CLERK: (Read record vote. See pages 1772-73 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 381 passes. LB 392.

CLERK: (Read LB 392 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 392 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1772-74 of the Legislative Journal.) 40 ayes, 2 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 392 passes. LB 482.

CLERK: (Read LB 482 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 482 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

April 19, 1989

LB 89, 135, 206, 324, 381, 392, 482

CLERK: (Read record vote. See pages 1774-75 of the Legislative Journal.) 42 ayes, 1 nays, 2 present nays, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 482 passes. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign, LB 482, LB 392, LB 381, LB 324, LB 206 and LB 135. (See page 1775 of the Legislative Journal.) Matters for the record, Mr. Clerk.

CLERK: I have nothing at this time, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to Select File, senator priority bills, LB 89. The call is raised.

CLERK: Mr. President, LB 89 was considered yesterday by the Legislature. At that time there were two amendments by Senator Lynch that were adopted. The first amendment I have to the bill this morning, Mr. President, is by Senator Moore. Senator, I have your amendment AM1130 found on page 1449.

SPEAKER BARRETT: Senator Scott Moore, on your amendment, please.

SENATOR MOORE: Well, it's one of those things where I'm probably going to sit here and talk for a while and tell you a little story about some things we talked about in the interim of last night and today. I think one thing, a few things that are important to point out that some of us, at least, have always had some problems with 89, one, because of the minimum salary language and, two, because of the sustainability of the dollar amount. And I know there were some of us back in January that said \$150 million you can do, maybe you can do 20 or 25 or something like that. And there were some of us that always said, well, it's bad policy to put in statute a minimum salary dollar amount because once you do that you have basically taken the local school board out of setting salary policy and making the State Legislature the state school board, and I think that's bad policy. But as people like myself always made those arguments, you always made it clear that, no, we're not against raising teachers' salaries and, as a matter of fact, I'm speaking for myself now, I am very concerned about beginning teachers' salaries because the fact of the matter is that I only graduated from college a few years ago myself. That is one of those things I sat there in my freshman and sophomore year in

that's who was invited to try to sort out this pile of amendments that we had on the desk and if Senator Lamb would have had his amendment up there, he would have been invited, I'm sure. I don't think there was anyone that was excluded for any particular reason other than the fact that those with amendments was who the Chairman invited in to try to sit down and not spend all day on this issue by running through a lot of amendments what were, in many cases, trying to accomplish some of the same things. With that, I think most people have developed at least, hopefully, a good understanding of what the attempt is. Primarily, again, this amendment it eliminates Phase I. It sets the level at 20 million which I incorporated in my amendment so that we could run them all together. That was not my particular proposal but that was going to follow in another amendment so I simply added it to mine. We changed the factor so that we can get some incentive going early on and we lowered that threshold from, the original bill was 18, down to 16 is when you can start participating. So it's basically fairly simple if you thoroughly understood the original bill. If you didn't have time to process the original bill, well, then this has to be...

SPEAKER BARRETT: One minute.

SENATOR CONWAY: ...incorporated and done that way. So, with that, Mr. Speaker, I urge the body to attach the Conway amendment to LB 89.

SPEAKER BARRETT: Thank you, sir. You have heard the closing and the question is the adoption of the Conway amendment to LB 89. Those in favor of that motion, please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Conway's amendment.

SPEAKER BARRETT: The amendment is adopted. For the record, Mr. Clerk.

CLERK: Mr. President, I have a reference report for gubernatorial appointees referring them to the appropriate Standing Committee for confirmation hearing. (See page 1778 of the Legislative Journal.)

Bills read on Final Reading have been referred to the Governor. (Re: LB 135, LB 206, LB 324, LB 381, LB 392 and LB 482.)

April 20, 1989

LB 47, 66, 99, 135, 206, 247, 247A
324, 372, 381, 392, 395, 401, 482
506, 546, 548, 582, 582A, 608, 611
637, 777, 790
LR 81, 82

advancement of LB 247.

SPEAKER BARRETT: LB 247 is advanced. Anything for the record? The call is raised. Senator Withem, would you like to handle the A bill at this point? (LB 247A)

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

SENATOR WITHEM: Move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the advancement of the A bill say aye. Opposed no. Carried. For the record.

CLERK: Mr. President, thank you. Communication from the Governor to the Clerk. (Read communications regarding LB 135, LB 206, LB 324, LB 381, LB 392, LB 482, LB 395, LB 47, LB 66, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790, and LB 99 as found on pages 1809-10 of the Legislative Journal.)

Study resolution, Mr. President, by Senator Goodrich and some other members regarding a review of state institutions where there is a permanent residence population. That will be referred to Reference Committee. (LR 81.) LR 82 is a resolution by Senators Pirsch and Lindsay asking the Legislature to applaud the efforts of 120 students in the...for their academic achievement. That will be laid over. (See pages 1810-12 of the Journal.)

Mr. President, Government Committee gives notice of confirmation hearing for May 4. That is offered by Senator Baack as Chair. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to the next bill on Select File, LB 611.

CLERK: Mr. President, the first item on LB 611 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 611 be adopted.