

May 9, 1989

LB 355A, 355

promised and that everything will work out fine. I can assure you the Health and Human Services Committee will monitor and watch this situation very carefully, and that if there is further action we can take or need to take next session, we will want to cooperate with the different facilities involved and the different departments involved and try and get this resolved. But in any event, our back is against the wall. I think we need to adopt this bill and we need to proceed and then hope that it works, and if it doesn't work, we are going to be back and taking care of whatever problems come out of it, but I, frankly, don't see any alternative, and if we could do any more, we would, but I don't think we can, so I would move the advancement of the bill.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Senator Scofield, would you care to discuss the advancement of the bill? Any discussion on the advancement of LB 355? If not, those in support of the advancement of the bill vote aye, opposed nay. Have you all voted? Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 355.

SPEAKER BARRETT: LB 355 is advanced. To the A bill, please.

CLERK: LB 355A was introduced by Senator Wesely. (Read title.)

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker. As the result of the passage of this bill, there will be an additional reimbursement cost that we anticipate plus an implementation cost to cover the provisions of the bill. So those amount to about \$100,000 or so in the General Fund. With that, I would be happy to answer questions or move the advancement of the bill.

SPEAKER BARRETT: Are there questions of Senator Wesely on the advancement of the bill? Seeing none, those in favor of the advancement of LB 355A to E & R Initial vote aye, opposed nay. Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 355A.

SPEAKER BARRETT: LB 355A is advanced. LB 817, Mr. Clerk.

CLERK: LB 817, Mr. President, was introduced by the Speaker, Senator Conway, and Senator Wehrbein at the request of the Governor. (Read title.) It was introduced on April 27, referred to Government, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Conway, will you handle?

SENATOR CONWAY: Mr. Speaker and members, LB 817, as some of you are aware, is a bill dealing with a change in the boundary provisions between Nebraska and South Dakota. I, as the senator in the very northeast corner of the state, have been working with some of the Iowa and South Dakota senators for quite sometime relative to some of the concerns for the boundary, and there are lots of other concerns that are not addressed here. What we did find was the ability to focus on one specific area that is common to both South Dakota and Nebraska that we were able to resolve without much difficulty, whatsoever, and that is what is presented to you in LB 817. On your desk you will see a map that was passed out that, basically, shows the majority of Dakota County, Nebraska, and the adjoining properties. If you follow the river, you will see that the river splits right north of South Sioux, between South Sioux City and Sioux City, Iowa, and you will see one blue line going straight north, that is the Big Sioux River, and that ultimately is the border between Iowa and South Dakota, and then as the river goes on as the Missouri River, which is the border between South Dakota and Nebraska. These two counties, Union County, South Dakota and Nebraska have come to an agreement that we can solve some of the problems that are inherent to the river that changed over the years. We entered into a boundary compact with South Dakota back in the early 1900's of what the boundary would be, and since that time, the Corps of Engineers and the natural course of the river has changed. The river is now rock lined and so, therefore, the boundaries should not be bouncing around. But what it did do in its stable state is left these three parcels that are marked out and they are very dark, you can see between the South Dakota and Nebraska boundary there is three blackened in portions there. Those are three parcels in Nebraska that are currently considered to be Nebraska property although they are on the South Dakota side of the river. Those properties are basically accretion ground, timberland, and the like that has...being

some of the concerns we have with LB 187, except that as you all know 187 also provides a form of relief for some of those small, outstate counties as well, as all you folks should know, who are sharing some of the burden, and in fact an unfair burden for providing health care costs for the folks that come through their counties and get sick and would not help, would not be helped in any way by 525 and the Medicaid increases. They can only be helped, those hospitals that are now being hurt because of indigents coming through their counties, getting sick, and going to the county sponsored hospitals. Some of those will certainly not be helped by 525. I think we deserve to know the difference. So, with that, and assuming that that will all happen in good faith, from what I hear on the floor, Mr. Chairman, I respectfully withdraw my motion to bracket.

SPEAKER BARRETT: Thank you, Senator Lynch, it is withdrawn. And this might be a good time to again suggest, as Senator Lynch did, the conversation we had a few moments ago in bracketing a bill until Monday, despite the fact that I'm not generally in favor of bracketing, I repeat, bracketing a bill until Monday, with the pipeline as plugged as it is at the present time, might cause considerable problems. Monday will be the beginning of the countdown to Friday, five days left. The bill is on General File. It might have caused a considerable problem. Thank you, Senator Lynch, for your consideration. Mr. Clerk.

CLERK: Mr. President, if I might, some items for the record before we proceed.

SPEAKER BARRETT: Certainly.

CLERK: Your Committee on Enrollment and Review reports LB 352, LB 355, and LB 355A to Select File. I have amendments to be printed, by Senator Abboud, to LB 285; and Senator Withem to LB 813. (See pages 2276-78 of the Legislative Journal.)

Mr. President, we're back to committee amendments. And, pursuant to a ruling of the Chair, discussing Section 1 of the committee amendments.

SPEAKER BARRETT: Senator Landis, your light is on, would you care to discuss Section 1?

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I'll use this time, since I'm up, although I won't be referring to

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LB 285, 285A, 309, 355A, 653, 653A, 813
817A
LR 215

of the Haberman amendment to LB 813. All in favor vote aye, opposed nay. Voting on the Haberman amendment to LB 813. Record, please. A record vote has been requested if anyone else would care to vote before we record. Please record.

CLERK: (Record vote read. See pages 2410-11 of the Legislative Journal.) 10 ayes, 17 nays, Mr. President.

SPEAKER BARRETT: The motion fails. The Chair is pleased to announce that Senator Byars has some guests in the north balcony, 85 fourth graders from Fairbury and Jefferson Schools and their teacher. Would you folks please stand and be welcomed by the Legislature. Thank you very much. We're glad you could visit us this afternoon. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you. New resolution, LR 215, by Senator McFarland. (Read brief description of LR 215. See page 2411 of the Legislative Journal.) That will be laid over.

I have amendments to be printed to LB 355A by Senator Wesely. (See pages 2411-12 of the Legislative Journal.)

Enrollment and Review reports LB 285, LB 285A, LB 653, LB 653A as correctly engrossed. (See pages 2414 of the Legislative Journal.)

Senator Hall has amendments to LB 309. (See pages 2412-13 of the Legislative Journal.)

And a new A bill, Mr. President, LB 817A by Senator Conway. (Read title for the first time as found on page 2413 of the Legislative Journal.)

Mr. President, the next amendment to LB 813 is by Senator Chambers.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is an amendment that would raise the salary of the Parole Board. If you look for the pink sheet on your desk, you will find it. This is a matter that I had been working on for a number of years and last year there was an indication given to me by the Governor's Chief of Staff that she would support this proposition. We have finally discussed it and reached an accord

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LB 355A, 355

SPEAKER BARRETT: Shall the E & R amendments be adopted to the bill? Those in favor say aye. Opposed no. Carried, they are adopted.

CLERK: I have nothing further on the bill, Senator.

SPEAKER BARRETT: Mr. Chairman.

SENATOR LINDSAY: Mr. President, I move that LB 355, as amended, be advanced to E & R Final.

SPEAKER BARRETT: The question is the advancement of 355 as amended. Those in favor say aye. Opposed no. Carried, the bill is advanced.

CLERK: Mr. President, LB 355A, I have no E & R. I do have an amendment to the bill by Senator Wesely. Senator Wesely's amendment is on page 2411, Mr. President.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members. If you remember, 355 did make some changes mandated by the Attorney General's Office to training legislation dealing with medication assistants. The A bill that was attached to the bill we thought included increased reimbursement for CDCs, those are Community Development Centers, and those are primarily for mentally retarded. It was an oversight, the Fiscal Analyst's Office, and we have been in conversation, so we need this amendment to fully cover the bill. This will increase the cost, about \$46,000 in General Funds and about 9,000 in federal funds, to cover the additional reimbursement required under the training provisions of the bill. So, with that, I'd move for the adoption of the amendment, Mr. Speaker.

SPEAKER BARRETT: Thank you. Discussion on the Wesely amendment to 355A? If not, those in favor...

SENATOR WESELY: Mr. Speaker, Mr. Speaker.

SPEAKER BARRETT: Excuse me.

SENATOR WESELY: I'm supposed to talk a couple of...are we...oh, now I'm not supposed to talk, so everything...

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LB 355A, 761A, 762A

SPEAKER BARRETT: The question is the adoption of the amendment. All in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 355A be advanced to E & R for Engrossing.

SPEAKER BARRETT: The question is the advancement of LB 355A, as amended, to E & R Engrossing. Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. At this point I'd like to continue with four or five additional bills that we can handle at this point. These are bills to catch up with the parent bill, specifically 761, 762, 817, 815, all A bills. Mr. Clerk, proceed.

CLERK: Senator, I have on LB 761A, I have no amendments to the bill, Senator.

SPEAKER BARRETT: LB 761, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 761A be advanced to E & R Final.

SPEAKER BARRETT: The question is the advancement of LB 761A. All in favor say aye. Opposed no. Carried, the bill is advanced.

CLERK: The next bill I have, Senator, is LB 762A, and I have no amendments on that bill.

SPEAKER BARRETT: LB 762A, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 762A be advanced to E & R Final.

SPEAKER BARRETT: Shall the bill be advanced to E & R? All in

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LB 258, 279, 301, 302, 305, 308, 309
309A, 310, 355, 355A, 469, 588, 727
813, 814, 816, 816A

and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 816 passes. LB 816A.

ASSISTANT CLERK: (Read LB 816A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816A become law? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See pages 2566-67 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 816A passes. Pursuant to the agenda that you have in front of you, we will proceed to Select File and then return to item 6, Select File, LB 525, which was bracketed at one-thirty. The call is raised. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 813E, LB 814E, LB 301, LB 302, LB 308E, LB 309E, LB 309AE, LB 469E, LB 727, LB 305, LB 310E, LB 816 and LB 816A. Mr. Clerk, proceed to LB 279.

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

SPEAKER BARRETT: Certainly.

CLERK: Mr. President, explanation of vote by Senator Beck. (See page 2567 of the Legislative Journal.)

I have a report of Registered Lobbyists for this week. (See page 2568 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 258, LB 355, LB 355A and LB 588 as correctly engrossed. (See pages 2567-68 of the Legislative Journal.) Those are offered by Senator Lindsay as Chair of Enrollment and Review.

Mr. President, LB 279 is on Select File. I have no E & R amendments to the bill. I do have other amendments, however. The first is by Senators Landis, Wesely and Hartnett. Senator, I have AM1192 in front of me. That was printed earlier this year. It's on page 1464.

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LB 213, 258, 272, 279, 289, 289A, 355
355A, 357

may recognize you. Thank you for visiting us today. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 213, LB 258, LB 272, LB 279, LB 289 and LB 289A. Move on to LB 355 with the emergency clause attached.

CLERK: (Read LB 355 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 355 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2697-98 of the Legislative Journal.) 41 ayes, 0 nays, 7 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 355 passes with the emergency clause attached. May I introduce a couple of guests, under the north balcony, of Senator Scofield. We have Kathy Andersen and her son, Jason, from Lakeside, Nebraska. Will you folks please stand so that we may welcome you. Thank you for visiting us today. LB 355A with the emergency clause attached.

CLERK: (Read LB 355A on Final Reading.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 355A with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 2698 of the Legislative Journal.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 355AE passes. LB 357.

CLERK: (Read LB 357 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 357 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

SPEAKER BARRETT: Motion fails. Mr. Clerk.

CLERK: Mr. President, I have a second motion by Senator Landis to bracket LB 272A until January 3, 1990.

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Thank you, and I'll take this matter up briefly as well. Let me tell you my intentions and you'll be able to measure your own choices against them. I intend to offer this bracket motion. If it fails, I intend to have the bill read and rather than to make any request for a limitation of funds, we should read the bill straight up and see how it does. Now, having told you what my intentions are, let me tell you my reasons for this motion. I have since Select File had four, I would imagine four votes fall off the bill. It seems to me that I do not have 25 votes. I've got votes that want to vote for 272, want to vote for Commonwealth and believe it to be a priority, but not a higher priority than other important spending issues. And I can't disagree with them. A number of those priorities I voted for myself. I believe in them, I want to see them be law. I can understand why when they have to make a choice, if they are jeopardizing a higher spending priority by voting for this bill, that they create a problem for themselves, and frankly, you know that to be true and I know that to be true. And because that's the case, I want to live to fight another day. That's why I offer the motion. Thank you.

SPEAKER BARRETT: Thank you. For discussion, Senator McFarland, followed by Senators Warner, Moore and Hall.

SENATOR MCFARLAND: Thank you, Mr. Speaker. Ideally we should vote on bills not on the basis of what point we consider them in time or how are they, are listed on the agenda schedule or whether they come up during the middle of the session or in the last of the session. Ideally we should look at each bill on its own merits, vote on it whether we approve of it or disapprove of it and have those bills that are the most meritorious be the ones that pass. In my view, of course, this is one of the most if not the most meritorious bill that we had before us this session. The people of State Securities and Commonwealth and American Savings have been waiting years to be reimbursed on the guaranty that was provided to them when they deposited their savings, their life savings, their futures in the institutions only to find out that those savings were not protected and they

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LB 272A, 311, 355, 355A, 357, 357A, 362
362A, 377

where others have not a lack of priority or a responsibility for this issue, but a higher priority elsewhere which is endangered if this bill passes. In a Legislature of Timmy Hall's I'd run this bill in a minute, but that's not the situation today and, frankly, I need to live to fight another day and that's why I make this motion. I move to bracket 272 (sic) until next year.

SPEAKER BARRETT: Thank you. You've heard the motion to bracket the bill until January 3 of 1990. Those in favor of the bracketing motion vote yes, those opposed vote no. Have you all voted? Please record.

ASSISTANT CLERK: 25 ayes, 21 nays to bracket the bill until January 3, 1990, Mr. President.

SPEAKER BARRETT: The bracketing motion is adopted. The bill is bracketed. While the Legislature is in session and capable of transacting business, I propose and I do sign LB 355 and LB 355A, LB 357 and LB 357A, LB 362 and LB 362A, LB 311 and LB 377. (See page 2707 of the Legislative Journal.) Anything for the record, Mr. Clerk?

ASSISTANT CLERK: I have nothing for the record, Mr. President.

SPEAKER BARRETT: Senator Hefner, please.

SENATOR HEFNER: Mr. President, I move that we recess till one-thirty.

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

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated.) ...balcony, Senator Wehrbein has some guests. We have 40 fourth graders from Nebraska City, and their teachers. Would you folks please stand so we may welcome you to the Legislature? All of you students, please stand. Thank you for visiting us today. If you would start making your way to your seats, please, we would begin