

January 12, 1989

LB 54, 111, 209, 268, 271, 325, 335
389-408

raised, please stay in your seats.

CLERK: 20 ayes, 21 nays, Mr. President, on the motion to rerefer.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk, continue with the introduction of bills.

CLERK: Mr. President, I might announce that the Reference Committee, the Reference Committee will meet in the Senate Lounge for referring of bills now; Reference Committee in the Senate Lounge now.

Mr. President, new bills. (Read LBs 389-406 for the first time by title. See pages 206-209 of the Legislative Journal.)

SPEAKER BARRETT: The body will stand at ease while the Referencing Committee handles some more bills.

EASE

CLERK: Mr. President, new bills. (Read LBs 407-408 for the first time by title. See page 210 of the Legislative Journal.)

Mr. President, in addition to those items, I have a notice of hearing from the Government Committee, that is offered by Senator Baack as Chair. Mr. President, I have received a reference report referring LBs 324 through 373.

Mr. President, in addition to those items, announcement that the Appropriations Committee....

Mr. President. some unanimous consent requests, Senator Schellpeper would like to add his name to LB 209; Senator Rod Johnson and Senator Morrissey would like to add their names to LB 325; Senator Dennis Byars to LB 111; Senator Haberman to LB 268, and Senator Haberman to LB 271 as well, and Senator Haberman to LB 335.

SPEAKER BARRETT: If there are no objections, so be it.

CLERK: Mr. President, I have a motion filed with respect to the investigating committee formed to review the Franklin Credit Union situation. That motion will be laid over, Mr. President. It involves the suspension of the rules. Those will be laid

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LB 247, 392, 395, 531, 564, 694, 748
760

that's already been made that some of the programs based on need, no doubt, would also be addressed to the needs of native Americans and that the actual dollars distributed would be something in excess of that amount that was specifically designated to go to the tribal areas. In any event, I would move that the report be advanced. Obviously, there's been many suggestions that other areas could be addressed. As I have indicated earlier, I know of no way that all of the needs that could be suggested could be addressed. Half the funds are contemplated to be a revolving fund, in nature they go back to the low income or needs primarily low in the way of loans which would be repaid and so there is, from that viewpoint, at least, the opportunity for reuse of these funds by many people over a period of time, which, incidentally, was a change from a couple of years ago. You may recall, we then were operating under the impression that these funds had to all be used, gone within a specified period of time, but that restriction seems to have been lifted somewhat and the revolving fund concept, which is being used in the one program, in fact, can exist and is being implemented. So I would move that the report be adopted as written. As several have indicated, it does point out broad areas which are consistent with the predisbursement plan that we would hope the Governor's office would take into account in the distribution of these funds' two specific projects.

SPEAKER BARRETT: Thank you. You have heard the closing. The question is the adoption of the Appropriations Committee report. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 3 nays, Mr. President, on adoption of the motion as offered by Senator Warner.

SPEAKER BARRETT: The committee report is adopted. For the record.

CLERK: Mr. President, your Committee on Revenue, whose Chairman is Senator Hall, to whom was referred LB 564, instructs me to report the same back to the Legislature with the recommendation that it be indefinitely postponed. That's signed by Senator Hall.

Education Committee reports LB 247 to General File; LB 392, General File; LB 395, General File; LB 531, indefinitely postponed; LB 694, indefinitely postponed; LB 760, indefinitely

bill, Mr. President.

SENATOR LANDIS: Thank you, Mr. Clerk. The motion carries, the bill is advanced. Before we proceed to LB 392 and Senator Baack, I'd like to announce that Senator Nelson has a number of guests in the north balcony, 46 fourth graders from Stolley Park School in Grand Island and their teacher. Children, if you'd stand up, we'd like to recognize you and welcome you to the Nebraska Legislature. Thank you. With that, Mr. Clerk, 392.

ASSISTANT CLERK: Mr. President, LB 392 was introduced by Senator Baack. (Read title.) The bill was read for the first time on January 12, was referred to the Education Committee. They report the bill to General File, Mr. President.

SENATOR LABEDZ PRESIDING

SENATOR LABEDZ: Senator Baack.

SENATOR BAACK: Yes. Madam Chairman and members, LB 392 is a bill that is introduced to require if we're going to issue...as we issue future teacher certificates and administrator certificates it would require those people to complete at least three semester credits in special education. This does not necessarily require that a...that the college of education would provide for a separate course in special education, this requirement could be met by providing some instruction within the present course work dealing with special education. We find now that approximately 90 percent of all the school age children in Nebraska that are identified as handicapped, in one way or another, are educated in the regular classroom. And with this...as a result of this mainstreaming, we are finding that the regular classroom teachers are responsible for a lot of the education for these handicapped students. So what this bill does is it puts us in line with 33 other states that already require this. Our teachers now that are certificated in Nebraska, if they went to have a reciprocal agreement with a number of other states, would not be able to be certified in those states because they do not meet the requirement for special education certification. What it would do...What it does is it says that, if we're going to teach all these children in a regular classroom, then these teachers ought to have some awareness of the special problems that these handicapped students require and some of the special needs that they have in learning the basics that we have in the classroom. So I think

this is a good piece of legislation because it's telling the regular classroom teacher you are going to be involved with special ed students in your regular classroom, we are going to give you some working knowledge of the special kinds of things that these students are going to require. And I think we had a teacher candidate testify at the hearing and she said that she had been...she was like in her fifth year and just about to get her certificate and had not had any exposure at all to dealing with handicapped children. I think this is something that we simply cannot have in this state anymore, and we need to have these teachers have this kind of training to deal with the handicapped students. With that, I would just urge your advancement of the bill.

SENATOR LABEDZ: Senator Bernard-Stevens, on the advancement of LB 392.

SENATOR BERNARD-STEVENS: Thank you, Madam President. I'm not going to say very much. I have difficulty with this particular bill. I had difficulty on the bill in committee. I didn't vote against it, I didn't vote for it either so that the bill could at least be talked about on consent calendar at some point. But I always have a problem making blanket rules that everyone will follow, whether it will apply to them or not. I know of many, many, many instructors who have not had a handicapped person within one of their classrooms in over 13 to 15 years of teaching. To me somehow it seems more reasonable to say something to the tune of if an instructor is going to have or is scheduled to have, or has a class that certainly there will be handicapped students, that the district offer the proper inservice so that an instructor would have that inservice before that situation arose. But to simply say we're going to have a blanket course, and then maybe 15 years later or 10 years later I happen to have a handicapped student, and assume that that course is, in fact, going to have been of great value to me 10 or 15 years later, I think is stretching the imagination somewhat. So to that degree I'm not real pos...I don't have real positive feelings for this particular bill at this time. Thank you, Madam President.

SENATOR LABEDZ: Is there any further discussion on the advancement of LB 392? Senator Baack, there are no further lights, would you like to close?

SENATOR BAACK: Just a short closing. I understand Senator

Bernard-Stevens' problem with the bill. But I think that we're finding that I am very surprised to hear that there are teachers that haven't had any handicapped students in their classroom for that many years. I can't hardly believe that. But they do have to deal with these students on a daily...even if they're not in their own classroom, they still have to deal with them in the other functions that a teacher has, counseling service, or counseling, some of those kind of things that they do on a day to day basis in visiting with these children. I think they need to know their special needs and I think they need to have some special instruction in that process. So, with that, I would just urge the advancement of the bill.

SENATOR LABEDZ: We're voting on the advancement of LB 392. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk.

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

SENATOR LABEDZ: LB 392 is advanced. Mr. Clerk, LB 99.

ASSISTANT CLERK: LB 99 was introduced by Senator Landis. (Read title.) The bill was read for the first time on January 5th, was referred to the Banking Committee. They report the bill to General File.

SENATOR LABEDZ: Senator Landis.

SENATOR LANDIS: Thank you, Madam President, members of the Legislature. We're about to enter the twilight zone of consent calendar day. It happens when you come to the noon hour. Things start getting sluggish about eleven o'clock. Votes start peeling off, going home, and then when the noon hour comes, that's when it really gets slow, like working through molasses, and all of my bills on consent calendar are just coming up while everybody else's have galloped through early in the day. But we're here, let's take up LB 99. Corporate securities, stocks and bonds have traditionally been sold to individuals, and to represent the share of stock that you have, you're given a certificate. Now in fact what you own is not the certificate, it's the portion of ownership in the company itself. If the stock burns up, if the piece of paper burns up, you get another piece of paper. It's not the piece of paper that's important, it's the share of the ownership that's on record with the

April 4, 1989

LB 137, 335A, 392, 482, 611, 695, 705

SENATOR HALL: I would move that LB 335A be advanced to E & R for Engrossing.

SPEAKER BARRETT: Shall LB 335A be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 705.

CLERK: Mr. President, may I read some items for the record? I have a proposed rules change offered by Senator Wesely. That will be referred to the Rules Committee.

Enrollment and Review Committee reports LB 482, LB 695, and LB 392 to Select File some having E & R amendments attached. (See pages 1489-90 of the Legislative Journal.)

Mr. President, Senator Bernard-Stevens would like to add his name to LB 137 and to LB 611 as co-introducer.

Mr. President, the next bill is LB 705. The first order of business are adoption of Enrollment and Review...consideration of Enrollment and Review amendments, Mr. President.

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 705 be adopted.

SPEAKER BARRETT: You heard the motion to adopt the E & R amendments. Those in favor say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, Senator Moore would move to indefinitely postpone the bill. Senator Lindsay would have the option to lay the bill over, Mr. President.

SPEAKER BARRETT: Senator Lindsay, your wishes.

SENATOR LINDSAY: We will take it up.

SPEAKER BARRETT: Take the bill up, thank you. Senator Moore.

SENATOR MOORE: Mr. Speaker and members, as you all remember, LB 705 is the bill that basically has the state giving a gift of about \$200,000 to Joslyn Art Museum down in Omaha, and I'm going to ask Senator Hall a question as I want to say this I have got

April 7, 1989

LB 99, 323, 392, 482

SENATOR LINDSAY: Mr. President, I would move the advancement of LB 482, as amended.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 392.

CLERK: LB 392, 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 to LB 392.

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 392, 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 99.

CLERK: LB 99, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that LB 99 be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 323.

CLERK: LB 323, Senator, has E & R 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.

biodegradable diapers at the present time and that's the Rocky Mountain Medical Corporation in Colorado. And they go on to say, and you can read it if you would care to, but babies will spend approximately 20,000 hours in diapers and then it goes on to say that a typical baby wears up to 9,000 diapers before he or she is toilet trained. There were more than 3.7 million births last year in the United States and nearly 85 percent of all diapers...diaper changes involved disposable diapers. This means that last year alone more than 20 billion diapers, 20 billion diapers which will not break down for hundreds of years in our landfills, they were dumped into the environment. The Environmental Protection Agency puts disposable diaper waste at some 5 million tons annually. Some cities estimate that disposable diapers alone account for more than 10 percent of landfill use. And the 5 million ton is by weight, so I ask you, what about the volume? That volume is going to be terrific. Also, in another part of your handout, and this was put out by Newsweek in the March 6 issue, 1989, the two biggest producers and manufacturers of diapers are Procter and Gamble, with their Pampers brand, and Kimberly-Clark, with their Huggies. And it goes on to say both of these companies are reportedly perfecting biodegradable models. It is hard to imagine that they could make diapers significantly better than they are today unless they come out in a biodegradable form. We do have some degradable plastic products over on the table just to the right of me under the north balcony, if you would care to look at a disposable diaper or some of the other degradable products, like the gallon milk bottle and some others. And so I believe at this time I would stop and if you have any questions, why I would be real happy to try and answer them for you.

SPEAKER BARRETT: Thank you. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you for the interruption. New A bill, LB 586A by Senator Kristensen. (Read by title for the first time as found on page 1666 of the Legislative Journal.)

I have Rules hearing scheduled for Thursday, April 20.

LB 392 and LB 482 have been reported correctly engrossed. Those are offered by Enrollment and Review, Chaired by Senator Lindsay. (See page 1667 of the Legislative Journal.)

Senator Labeledz has amendments to LB 769, Senator Smith to

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.