

January 13, 1989

LB 30-34, 361, 410-460

CLERK: Mr. President, I do, thank you. I have a reference report referring LBs 374-409, signed by Senator Labedz as Chair of the Reference Committee.

In addition to that, Mr. President, I have received a communication from the Chair of the Reference Committee referring the communication received from the University Board of Regents regarding the University Health Care project. That has been referred to Appropriations Committee for public hearing.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 30 and recommend that same be placed on Select File; LB 31, LB 32, LB 33 and LB 34, all on Select File, Mr. President, all with E & R amendments attached. (See pages 223-26 of the Legislative Journal.)

Mr. President, new bills. (Read LBs 410-449 by title for the first time as found on pages 226-49 of the Legislative Journal.)

Mr. President, in addition to those items I have notice of hearings from the Agriculture Committee offered by Senator Rod Johnson as Chair; from the Business and Labor Committee offered by Senator Coordsen as Chair; from the General Affairs Committee. That is offered by Senator Smith as Chair. And, Mr. President, a notice of hearing from Senator Warner as Chair of the Appropriations Committee.

SENATOR HANNIBAL: Mr. Clerk.

CLERK: Mr. President, new bills. (Read LBs 450-459 by title for the first time. See pages 236-38 of the Legislative Journal.)

Mr. President, finally, I have an announcement the Urban Affairs Committee has selected Senator Korshoj as Vice-Chair of the committee.

Senator Rod Johnson would like to add his name to LB 361 as co-introducer. (See page 238 of the Legislative Journal.)

(Read LB 460 by title for the first time. See page 238 of the Legislative Journal.)

February 7, 1989

LB 36, 38, 45, 46, 51, 53, 60
79, 123, 145, 168, 159, 189, 190
207, 237, 273, 308, 338, 410, 414
418, 431, 449, 458, 506, 706, 733

LB 36, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60,
LB 189, LB 207, LB 45, LB 168, and LB 169.)

Retirement Systems reports LB 46 to General File; LB 308,
General File; LB 145, General File with amendments; LB 237,
General File with amendments; LB 418, General File with
amendments; LB 506, General File with amendments. Those are all
signed by Senator Haberman as Chair. (See pages 635-40 of the
Legislative Journal.)

Health Committee reports LB 449 to General File with amendments;
LB 733, General File with amendments. Those are signed by
Senator Wesely as Chair. Business and Labor reports LB 410 to
General File; LB 414, General File. Those are signed by Senator
Coordsen as Chair. Banking Committee reports LB 431 to General
File; LB 706, General File. Those are signed by Senator Landis
as Chair. (See page 637 of the Legislative Journal.)

Mr. President, Senator Rogers has amendments to be printed to
LB 273; Senator Labedz to LB 338; Senator Smith to LB 338; and
Senator Nelson to LB 458. That's all that I have,
Mr. President. (See pages 637-38 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The Chair recognizes Senator
Conway. Would you care to adjourn us, Mr. Conway.

SENATOR CONWAY: Mr. Speaker, members, I move that we adjourn
until 9:00 a.m., February 8th.

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn
until tomorrow morning at nine o'clock. Those in favor say aye.
Opposed no. Carried, we are adjourned.

Proofed by: Arleen McCrory
Arleen McCrory

March 20, 1989

LB 410

possible, to proceed into another bill or two. Apparently there are no problems with the bill on General File, 410. If there are no major objections, may we proceed into one or possibly two bills? Should not take a whole lot of time. If they do, we will simply adjourn. Mr. Clerk.

CLERK: Mr. President, LB 410 was a bill introduced by the Business and Labor Committee and signed by its members. (Read title.) The bill was introduced on January 13, referred to Business and Labor, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President, and members of the body, as was indicated by the Clerk, this is...by the Speaker, these two bills, LB 410 is the first one, are not complicated bills. LB 410 was brought to the Business and Labor Committee by the Workers' Compensation Court. It addresses a circumstance that was brought about when the Nebraska Supreme court ruled in July of 1988 that several sections of our statutes contain language that they feel is unconstitutional. This bill deals with Section 48-140 and 48-141 which deal with settlements and awards by the Workers' Compensation Court. Currently, if a settlement or award is paid out over a period of time of six months or more, then such settlement or award is reviewable by the Workers' Compensation Court. However, if a settlement or award is paid out over a period of time of less than six months, then such settlement or award is not reviewable by the Workers' Compensation Court. Such settlement or award is final and not subject to a readjustment or review. The Supreme Court ruled that this is an unreasonable classification in violation of the Equal Protection Clause of the United States Constitution and of the Nebraska Constitution. This bill strikes some language...and you can look at it in your...it strikes the language that refers to the reviewable six months or less. This is a housekeeping bill and it will put our statutes in line with what the Nebraska Supreme Court has ruled. Thank you.

SPEAKER BARRETT: Thank you, Mr. Chairman. Is there discussion? If not, any closing comment?

SENATOR COORDSEN: Only to move LB 410. Thank you.

SPEAKER BARRETT: The question is the advancement of LB 410 to

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LB 410, 414

E & R Initial. All in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 410.

SPEAKER BARRETT: The bill is advanced. Thank you. Next bill, Mr. Clerk.

CLERK: Mr. President, LB 414 was a bill introduced by the Business and Labor Committee and signed by its members. (Read title.) The bill was introduced on January 13, referred to Business and Labor, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: Chairman Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, and members of the body, this is a bill...another committee bill that was brought to us by the Department of Labor. It attaches a penalty to employers who fail to submit quarterly wage information to the Nebraska Department of Labor. The purpose of gathering this detailed wage data is to provide for the exchange of information with agencies administering other entitlement programs for purposes of income and eligibility verification. The examples of such programs might be AFDC, Medicaid and food stamps. Without a penalty, many employers do not comply, although they are required to comply. They need an incentive...the Department of Labor feels they need an incentive for employers to comply and it is not fair to those employers who comply with the law and do report these figures. The penalty contained within LB 414 is an amount of one-tenth of 1 percent of the total wages paid during the quarter, a minimum of \$25.00 and a maximum of \$200, and this penalty can be waived by the Commissioner of Labor for extenuating circumstances. So, with that, I would move the advancement of LB 414.

SPEAKER BARRETT: Is there discussion? If not, the question is the advancement of LB 414. Those in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 414.

SPEAKER BARRETT: The bill is advanced. Messages on the

March 21, 1989

LB 326, 334, 340A, 340, 378A, 408A, 410
412A, 414, 440, 441, 489, 516, 556
574A, 714

SPEAKER BARRETT: Is there any discussion? Seeing none, those in favor of the advancement of LB 714 to Enrollment and Review please vote aye, opposed nay. Record, please.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 714.

SPEAKER BARRETT: LB 714 is advanced. Anything for the record?

CLERK: Mr. President, Enrollment and Review reports LB 340A to Select File; LB 378A to Select File; LB 408A, Select File; LB 412A, Select File; LB 574A, Select File; LB 410; LB 414, Select File. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Schellpeper, would you care to recess us until one-thirty.

SENATOR SCHELLPEPER: Yes, I will. Mr. Speaker and members, I would move that we recess until one-thirty.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Those in favor say aye. Opposed no. Motion carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you, sir. For the record, Mr. Clerk.

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication re signing of LB 326, LB 334, LB 440, LB 489, LB 516, LB 556, and LB 441. See pages 1259-60 of the Legislative Journal.)

Senator Bernard-Stevens has amendments to LB 340 to be printed, Mr. President. (See pages 1260-61 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Before proceeding into the

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LB 157, 250, 250A, 340, 410

you.

SENATOR LABEDZ: Senator Hall, there are no further lights. Would you like to advance LB 250 to E & R?

SENATOR HALL: Madam President, I would just move to advance LB 250 to E & R for engrossing.

SENATOR LABEDZ: You heard the motion. All those in favor of advancing LB 250 to E & R vote aye. Opposed nay. The bill is advanced. Mr. Clerk.

CLERK: Madam President, on LB 250A, I have no amendments to the bill.

SENATOR LABEDZ: Senator Hall.

SENATOR HALL: Madam President, I would move that LB 250A be advanced to E & R for engrossing.

SENATOR LABEDZ: You have heard the motion. All those in favor say aye. Opposed. LB 250A is advanced. Mr. Clerk, LB 340.

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

SENATOR LABEDZ: Yes, sir.

CLERK: Senator Hall would like to print amendments to LB 410; and I have an Attorney General's Opinion addressed to Senator Wesely regarding LB 157. (See pages 1318-20 of the Legislative Journal.)

Madam President, Senators Bernard-Stevens and Chambers would like to add their name to LB 250 as co-introducers. That is all that I have.

SENATOR LABEDZ: Thank you. Mr. Clerk.

CLERK: Madam President, the next bill on Select File for consideration is LB 340. The first item are Enrollment and Review amendments.

SENATOR LABEDZ: Senator Chambers, Senator Lindsay is off the floor, would you like to move for the adoption of the amendments?

March 27, 1989

LB 410, 414

SPEAKER BARRETT: You have heard the motion to adjourn until 9:00 a.m. tomorrow morning. Machine vote has been requested. Those in favor of adjourning please vote aye, opposed nay. Have you all voted on the motion to adjourn? Record, please.

CLERK: 8 ayes, 16 nays, Mr. President, on the motion to adjourn.

SPEAKER BARRETT: The motion fails. Mr. Clerk.

CLERK: Mr. President, the next bill is LB 410. The first item, I have no E & R. Senator Hall, I understand you want to withdraw your amendment, Senator.

SPEAKER BARRETT: Withdrawn.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 410 be advanced to E & R Final.

SPEAKER BARRETT: Any discussion? If not, those in favor say aye. Opposed no. Ayes have it. Carried. The bill is advanced. The next bill.

CLERK: Mr. President, LB 414, Senator. I have no amendments to that bill.

SPEAKER BARRETT: No amendments to the bill. Would you care to move to advance the bill, Senator Lindsay?

SENATOR LINDSAY: Mr. President, I move that LB 414 be advanced to E & R Final.

SPEAKER BARRETT: Any discussion? If not, those in favor of advancing the bill say aye. Opposed no. Carried. The bill is advanced. Anything further, Mr. Clerk?

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

SPEAKER BARRETT: Senator Hall.

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LB 147, 279, 281, 319, 340, 340A, 410
414, 587, 588, 733

SENATOR PIRSCH: And under the present law that...you could do nothing really.

SENATOR LANDIS: That is not embezzlement, that's right. Embezzlement is where you steal money from the firm.

SENATOR PIRSCH: Right. Thank you, I appreciate the explanation...

SENATOR LANDIS: Sure, you bet.

SENATOR PIRSCH: ...and I support this bill.

SPEAKER BARRETT: Thank you. Any other discussion? Seeing none, Senator Landis, anything further?

SENATOR LANDIS: Waive closing.

SPEAKER BARRETT: Thank you. Closing is waived and the question is the advancement of LB 319 to E & R. All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays on the advancement of 319, Mr. President.

SPEAKER BARRETT: LB 319 is advanced. Any messages on the President's desk?

CLERK: Yes, Mr. President, I do. Senator Hartnett has amendments to be printed to LB 588, Senator Chizek to LB 279, Senator Chambers to LB 281, Senator Landis to LB 279. (See pages 1462-64 of the Legislative Journal.)

Enrollment and Review reports LB 147, LB 340, LB 340A, LB 410, LB 414, LB 587 and LB 733 as correctly engrossed. (See page 1457 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Peterson, would you care to adjourn us until tomorrow?

SENATOR PETERSON: Mr. President and members, I'd be delighted to adjourn us till tomorrow morning at ten o'clock, is that, Senator Barrett, beings we lost an hour?

April 6, 1989

LB 410, 506

motion to return?

SENATOR WITHEM: I think both with Senator Haberman's comments, Senator Wesely's questions and my introduction, there appear to be no other questions, so I'll just close by asking to return the bill.

PRESIDENT: Okay, the question is, shall the bill be returned to Select File? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President.

PRESIDENT: The bill is returned to Select File. Senator Withem.

SENATOR WITHEM: Yes. The amendment that I'm asking you to adopt is an amendment to allow individuals currently who are currently school employees covered under the School Retirement System to be then employed by the State Department of Education to be given an election, within 30 days after employment in the department, of whether they wish to be covered by the State Employees Retirement System or continue to be covered by the School Retirement System.

PRESIDENT: Any further discussion? Thank you, Senator Withem. The question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Withem amendment is adopted. Senator Withem, on the advancement.

SENATOR WITHEM: Senator Haberman's bill, but I'll just move to readvance the bill.

PRESIDENT: Okay, the question is the advancement of the bill to E & R Engrossing. All those in favor vote aye, opposed nay. Say aye. Opposed nay. It is advanced. LB 410. Would you please return to your seats again, gentlemen. Mr. Clerk.

CLERK: (Read LB 410 on Final Reading.)

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LB 410, 414

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 410 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 1541-42 of the Legislative Journal.) 38 ayes, 0 nays, 11 excused and not voting, Mr. President.

PRESIDENT: LB 410 passes. LB 414, please.

CLERK: Mr. President, I have a motion on the desk. Senator Hall would move to return the bill for specific amendment. Senator Hall's amendment is on page 1522, Mr. President.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President. The amendment, as the Clerk stated, is found on pages 1522 through 1526 of the Journal. And they deal with the issue of unemployment compensation and the increase that is found in a bill that was brought to the Business and Labor Committee by Senator Lindsay. The motion here is one to return LB 414 to Select File, at which time I will move to suspend the rules so that the amendment can be offered, and because I think clearly the issue of germaneness would be raised, and that spectrum would be raised anyway. But the point is one of an increase in benefit amount. An agreement, so to speak, I guess was worked out, and the bill that Senator Lindsay brought before the committee was advanced. But because of time it will not be heard this year. The bill, as we have done in the past, in the last increase that was allowed for spreads the increase out over a two year period. It would allow for an \$8 increase January of 1990, and an additional \$8 in January of 1991. The...I don't think there is much discussion necessary on whether or not the increase is necessary. It has, I think for the first time ever, received editorial support from the state's largest newspaper, the first time that I can remember anyway. And it is an issue that affects the greatest number of employees that find themselves, through no fault of their own, out of work. Nebraska has one of the lowest, if not the lowest unemployment benefit amounts, maximum amounts of any state. And in many senses that is very good because our unemployment fund is very healthy. We have not had the problems that other states have had because of the numbers of people that have found themselves out of work. But

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LB 410, 414, 587, 733, 810

error on this simple majority, because it involves money, so go ahead and vote, if you like. But I'll check to see if I made a mistake or not. Have you all voted? Record, Mr. Clerk, please.

CLERK: 8 ayes, 12 nays, Mr. President, on adoption of Senator Lindsay's and Senator Morrissey's amendment.

PRESIDENT: The Morrissey amendment to the committee amendment fails. Now we're back on the committee amendment. Senator Coordsen, did you wish to discuss further?

SENATOR COORDSEN: No, only to move the committee amendment.

PRESIDENT: Okay. 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. Record, Mr. Clerk, please.

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

PRESIDENT: The committee amendments are adopted. May I direct your attention, please, to the northeast corner of the Chamber where we have a previous member of this Legislature, Senator Dick Fellman of Omaha. Please welcome Senator Fellman back to the body. Senator, you left this body, what, about 14 years ago, something like that. Long time ago. Thank you for being with us. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 410, LB 414, LB 587, and LB 733. We're back on the...Mr. Clerk.

CLERK: Mr. President, Senator Coordsen would move to indefinitely postpone the bill.

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the body. This is one of the IPP motions that is rare in this body, and that is a good motion. Since we've had the discussion on the bill, these claims that are contained within the bill now have been disallowed. There is no need for the bill beyond the need we've already accomplished of bringing the...several of the issues to the floor and giving the body the opportunity to look at the denied claims. So at this time it is appropriate to indefinitely postpone LB 810 and move on to the allowed claims.

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LB 410, 414, 587, 588, 642, 733, 812

future Governors would choose to do. And it seems to me that it makes a world of sense to have a fully funded state program allocated in a fashion that the state wants to do, rather than use the route that has now developed into the overmatch which the federal government decides the allocation of funds rather than the State of Nebraska deciding how its own funds and only its own funds are to be distributed. So I would urge that the amendment not be adopted. The two programs ought to be set up, even though the distribution would not be different in the funds, but the state had ought to not be burdened with that maintenance of effort if you wish to make a change in the future. We ought to control our own destiny and not have the federal government doing it.

SPEAKER BARRETT: Thank you, sir. Senator Hannibal. (Cavel.)

SENATOR HANNIBAL: Well, Mr. Speaker, I realize the time is getting very close to a recess. May I inquire of the Chair if we were going to continue after recess with the same issue?

SPEAKER BARRETT: That would be my wish.

SENATOR HANNIBAL: Would it be permissible to move we recess until one-thirty.

SPEAKER BARRETT: If the votes are there, it would certainly be in order.

SENATOR HANNIBAL: I would so move.

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

CLERK: Mr. President, Senator Korshoj has amendments to be printed to LB 588. I have a series of appointment letters from the Governor to be printed. Those will be referred to Reference Committee. (See pages 1550-54 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re: LB 410, LB 414, LB 587, LB 733.)

And the last item, Mr. President, is a motion by Senator Ashford with respect to LB 642. That will be laid over. That is all that I have, Mr. President.

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LB 46, 84, 145, 157, 231, 231A, 237
356, 379, 410, 414, 418, 587, 588
653, 733

CLERK: Mr. President, I have a reference report referring certain gubernatorial appointees to the appropriate committee for a confirmation hearing.

Senator Conway has amendments to LB 356 to be printed. Senator Conway would like to add his name to LB 84 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. On Senator Withem's motion to adjourn, those in favor...recess, those in favor say aye. Opposed no. Carried, we are recessed until one-thirty.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Back to LB 588. Mr. Clerk, could you bring us up to date as to our position just before recess.

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

SPEAKER BARRETT: Certainly.

CLERK: Your committee...strike that. A communication to the Clerk from the Governor. (Read communications re: LB 410, LB 414, LB 587, LB 733, LB 157, LB 46, LB 145, LB 231, LB 231A, LB 237, LB 379 and LB 418. See page 1600 of the Legislative Journal.)

Senator Hall has amendments to LB 653 to be printed, Mr. President. (See page 1601 of the Legislative Journal.)

Mr. President, the Legislature left LB 588 this morning and at that time Senator Smith via Senator Chambers had moved to reconsider adoption of Senator Labedz's amendment to the committee amendments. That motion is pending.

SPEAKER BARRETT: Thank you. Back then to the motion to reconsider. Senator Withem, would you care to continue the discussion on the motion to reconsider, Senator Chambers next.