

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

Journal.)

PRESIDENT: Thank you. We'll move on to LB 431, please.

CLERK: Mr. President, LB 431 is the first priority bill scheduled for discussion this morning. It was a bill introduced by Senator Wesely. (Read.) It was introduced on January 13 of this year, referred to the Banking Committee for public hearing. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President, members, this piece of legislation is built on a program now in place in Lincoln, Nebraska, that is the concept of a match-maker. It takes different businesses that are looking for different supplies and tries to find instate suppliers to meet that demand, whereas currently that purchaser may be going outside of the state. The attempt is to keep business within Nebraska. This is working now in Lincoln, and has been for about a year. It was talked about a couple, three years ago to go statewide in Nebraska. And there have been some indications around the state of interest in trying to do this, but Lincoln is the only place that has actually proceeding. There we found for an investment of \$50,000 we've had over \$1.25 million in additional business brought into Nebraska based companies. This is quite a return on investment. For \$50,000, with this Lincoln-Lancaster connection, we are able to reach out and take Nebraska businesses and put them in touch with other Nebraska businesses, so that we can try to keep the business within the state. Now this benefits the state as we have additional sales taxes on these purchases, in some cases, it helps in jobs and job creation, but at the same time it helps the businesses that are making the purchases in many ways, they're able to find local suppliers that are maybe as good a quality or better quality, quicker delivery times. So everybody wins on this kind of an idea. A proposal like this, I think, is one where we can feel good about the solution. There are no losers, there are only winners on the effort. The other areas of the state that have looked at this have come back to me and said we'd like to get into this, but we simply don't have the resources on the local level to meet this need, so we would like to have a state match to help us with this problem. So this proposal would take \$125,000. Right now that money is being spent in the

telecommu...well actually it's not being spent in the telecommunications division and Department of Economic Development. Having worked on that issue for the last couple of years and been frustrated at the lack of action, we said there's got to be a better way to utilize those resources. And we looked at this program. Oregon has got something statewide, and we looked at the local effort here in Lincoln, and decided for the amount of money we're talking about we can get the biggest bang for the buck in economic development through this type of an effort. So we are proposing that the money, now designated to go to the telecommunications division of the Department of Economic Development, which has not been functioning, go into this effort and match that money with local money across the State of Nebraska. Probably setting up maybe around a ha'f dozen or so local, regional match-making projects like the Lincoln one. The Lincoln one would continue and we'd have these across the state, so the whole State of Nebraska would be covered. The Panhandle, as indicated in the handouts that I have an interest, Omaha, and we've gotten indications from around the state. So what we would do is, for instance, have these locations and put \$25,000 of state money up, matched by \$25,000 locally, there you have the \$50,000, which is what the Lincoln operation functions on. You'd hire staff and these people would work with local businesses, identifying their purchasing needs, identifying their suppliers, looking through the network into other suppliers potentially around the state, and being able to bring home that business that is now going outside of Nebraska. The concept is very simple. The program, I think, is very effective. It will end up accomplishing some very good things for the state. The concept, I talked about match-maker. It's a buy Nebraska concept without having the mandate there. This is a positive effort to buy Nebraska. By encouraging people and identifying these resources, and by working with these people we'll be able to keep that business here. Other concepts, import substitution, import replacement, this is the idea behind this piece of legislation. I have passed out a number of pieces of material about this. I'd be happy to answer any questions. We are continuing to work with different chambers of commerce and regional development districts. It's likely we'll be back on Select File to ask for potentially some amendments to the bill, but we're very excited about the local input. We're excited about the potential of this statewide. We do have a lot of excited people around the state ready to work on this project. Again, what we're trying to do is send the money through the department and into the



March 14, 1989

LB 431

private sector so that we can work with the private sector to maximize purchasing going on right now in Nebraska. I think this is a win-win proposition for everybody in the state, and I'd ask your support for the advancement of the bill.

PRESIDENT: Thank you. Senator Lamb, please.

SENATOR LAMB: Thank you, Mr. President, members. I have a question for Senator Wesely, if he'd care to respond.

PRESIDENT: Senator Wesely, please.

SENATOR LAMB: Really not about the bill, but about the change in the funding. As I recall you have, in the past, been very much interested in the telecommunications division well before it became part of the Department of Economic Development. And you touched on this briefly. I wonder if you would expand a bit, because I see that you are diverting funds from the telecommunications division in order to finance the bill, in the amount of \$125,000. Would you care to expound a bit on your problems or your change of heart in regard to telecommunications.

SENATOR WESELY: Certainly, Senator Lamb. I guess the simple response is I give up. We've tried for two years to try and get the telecommunications division to do something. They haven't hired anybody over there for two years, and they now are proposing, that is the department is proposing to eliminate the division in another piece of legislation. And we can argue that issue at that time. But in looking at it, it's clear that there is no desire to proceed. With the money, it's 143,000 is what is earmarked for that particular function. We find that we just thought there ought to be a better way to utilize that money for economic development than not do anything, as obviously where we're at. So this A bill does reduce, from that program, and put it into this effort in an attempt to try and not go back to the General Fund without having some source of the money. But essentially I just give up. It's clear that there is no desire to proceed in that area. Rather than continue to force the issue we thought we'd look for a better idea on what we could be doing.

PRESIDENT: Senator Wesely, would you like to close on the advancement of the bill.

March 14, 1989

LB 311, 431, 431A

SENATOR WESELY: Certainly, thank you. Mr. President, members, again we are continuing to work with different economic development interests around the state. They have expressed a great deal of desire to proceed with this legislation. And we hope to come back with even more ideas for you on Select File on how to improve the bill. I ask for the advancement of the legislation.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Please vote, if you care to. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 431.

PRESIDENT: LB 431 is advanced. LB 431A.

CLERK: LB 431A, offered by Senator Wesely. (Read.)

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Just again it would reduce the money now earmarked for the telecommunications division of 125,000 and put it into this program. I move for the advancement of the bill.

PRESIDENT: Okay. The question is the adoption of LB 431A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 431A.

PRESIDENT: The bill is advanced. LB 311.

CLERK: Mr. President, 311 was a bill introduced by Senators Landis, Weihsing and Schimek. (Read.) The bill was introduced on January 10, referred to Banking, advanced to General File. I do have committee amendments pending by the Banking, Commerce and Insurance Committee, Mr. President.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Thank you, Mr. Speaker. Let me open my book here and take a look at those amendments. Mr. Speaker, members

March 16, 1989

LB 41, 49, 72, 89, 152, 157, 265  
285, 287, 357, 357A, 373, 421, 431  
431A, 480, 501, 513, 613, 619, 637  
649, 758, 767, 776, 803

Retirement Systems report LB 41 to General File with amendments. That is signed by Senator Haberman. And LB 287 to General File with amendments, signed by Senator Haberman. Banking Committee reports LB 758 to General File with amendments; LB 776, General File with amendments; LB 480, indefinitely postponed; LB 613, indefinitely postponed, and LB 803 indefinitely postponed, those signed by Senator Landis as Chair. Transportation reports LB 72 to General File with amendments; LB 373, General File with amendments; LB 501, General File with amendments; LB 152, indefinitely postponed; LB 513, indefinitely postponed; LB 649, indefinitely postponed, those signed by Senator Lamb as Chair. Select File, E & R reports LB 49 and LB 431 to Select File and LB 431A to Select File. Enrollment and Review reports LB 157 correctly engrossed, LB 265, LB 357, LB 357A and LB 619 all correctly engrossed. General Affairs Committee reports LB 767 to General File with amendments. That is signed by Senator Smith. A series of amendments to be printed, Senator Lamb to LB 285, Senator Withem to LB 637, and Senator Smith to LB 421. (See pages 1182-93 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: May I please introduce some guests of Senator Schmit, please, in the...I don't know which balcony they are in. There are 41 seventh graders and their teacher from Aquinas School in David City. Are you folks in either balcony? Would you please rise and be recognized? Thank you for visiting us today. Senator Smith, did you wish to speak on Section 10 of the amendment? Senator Lynch, did you wish to speak on that?

SENATOR LYNCH: Only to save time, mention again, as Senator Warner and I discussed earlier, our agreement on this portion of the Scott Moore amendment, so we would ask for your support for this amendment.

PRESIDENT: Senator Moore, did you wish to close on the Section 10 portion of your amendment?

SENATOR MOORE: No, just ask that it be adopted.

PRESIDENT: All right, the question is the adoption of the second half of the Moore amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Moore's second amendment to the bill.

March 30, 1989

LB 108, 285A, 431, 465, 484, 552, 553  
554, 565, 579, 581, 526, 637, 699  
707, 719, 769, 806  
LR 66

CLERK: 25 ayes, 0 nays on adoption of Senator Withem's amendment, Mr. President.

SPEAKER BARRETT: The Withem amendment is adopted. Back to the bill as amended. Senator Baack, anything further?

SENATOR BAACK: No, Mr. Speaker, I would simply urge the body to advance this bill. I...I agree with Senator Withem, it's not something that I...that I particularly like, not being able to prohibit the payment of petition circulators but I think it's something that we have to deal with in our law right now. So I would just urge advancement of the bill.

SPEAKER BARRETT: Any discussion? Shall LB 637 be advanced? Those in favor vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 1 nay, Mr. President, on the advancement of LB 637.

SPEAKER BARRETT: LB 637 is advanced. Anything for the record, Mr. Clerk?

CLERK: Mr. President, thank you, yes. Your Committee on Judiciary whose Chair is Senator Chizek, to whom was referred LB 465 instructs me to report the bill back with the recommendation it be advanced to General File; LB 552, General File; LB 554, General File; LB 565, General File; LB 579, General File; LB 719, General File with amendments; LB 769, General File with amendments; LB 108, indefinitely postponed, as is LB 484, LB 553, LB 626, LB 699, LB 806, all those indefinitely postponed. (See pages 1404-05 of the Legislative Journal.)

Revenue Committee reports LB 707 to General File with amendments and LB 581, General File with amendments. Those are signed by Senator Hall as Chair. New resolution, LR 66 by Senator Rogers. (Read summary of resolution.) That will be laid over. Lobby report for this week, Mr. President. Amendments to be printed, Senator Lamb to LB 285A, Senator Wehrbein to LB 431. And, Mr. President, I have motions from Senator Warner, as Chair of the Appropriations Committee, regarding introduction of a new bill and a rules suspension accompanying that. Both of those will be laid over. That's all that I have, Mr. President. (See pages 1406-10 of the Legislative Journal.)

April 3, 1989

LB 44, 44A, 47, 66, 75, 78, 87  
220, 240, 262, 348, 372, 399, 401  
431, 438, 438A, 546, 548, 569, 569A  
582, 582A, 592, 606, 608, 628, 637  
681, 706, 777, 790

the time Senator Abboud can have to finish his closing.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Engrossing. All in favor vote aye...thank you. Roll call vote has been requested in reverse order. So be it. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1431-32 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement 592.

SPEAKER BARRETT: LB 592 advances. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 262 and recommend that same be placed on Select File; LB 569, LB 569A, LB 606, LB 628, LB 681, LB 78, LB 438, LB 438A, LB 706, LB 47, LB 75, LB 548, LB 582, LB 582A, LB 240, LB 790, LB 777, LB 44, LB 44A, LB 637, LB 66, LB 546, LB 87, LB 220, LB 372, LB 399, LB 401 and LB 608, some of which have E & R amendments attached, Mr. President. (See pages 1432-44 of the Legislative Journal.)

Mr. President, your Committee on Health whose Chair is Senator Wesely reports LB 348 to General file with committee amendments attached. That's signed by Senator Wesely as Chair. (See page 1444 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. As announced before recess, we will move back to LB 431 and LB 431A. LB 431, Mr. Clerk.

CLERK: Mr. President, the first item I have on 431 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 431 be adopted.

SPEAKER BARRETT: The question is the adoption of the E & R amendments to LB 431. Those in favor say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, Senator Wehrbein would move to amend the bill. Those amendments are on page 1409 of the Journal.

SPEAKER BARRETT: Senator Wehrbein.

SENATOR WEHRBEIN: Yes, Mr. Speaker and members, this amendment, if you want to follow it, is printed in, like I say, on page 1409. It simply more firmly describes the guidelines to be used for the lead contractor and what shall be done in terms of this bill. Especially on page 6 of the bill, if you notice where the first wording fits in, simply what it says, "geographic distribution of local network offices to ensure maximum feasible access by all businesses throughout the state, prior experience of the applicant in the delivery of similar programs designed to strengthen local economies." It's simply a matter to broaden the defini...or not broaden but more clearly define the definition of what we mean here as we use...in this Nebraska network and to be sure that the best qualified contractor is, in fact, selected and that the guidelines are to be met. The same would go with the second section of the amendment. That will assure \$125,000 to be transferred, will be made available within the DED budget and the other phase does take \$50,000, the third part, and adds that too, so there is ample funds in the...in this to be...to carry out the purposes of the bill. I think that adequately explains the intent of it. It is intent to make the bill clearer as to what the intent of this is and I think it will lead to a much fairer consideration by all those involved, for those that are applying for these grants and will assure that the lead contractor is, in fact, the best qualified statewide.

SPEAKER BARRETT: Thank you. Discussion on the amendment offered by Senator Wehrbein. Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, and members, I would support the Wehrbein amendment. It is a clarifying amendment to deal with some concerns expressed by some regional economic development districts. We have been working with them on this proposal and I think it does clarify some concerns that they had and should lead to some improvements in the situation. Thank you. A little accident, we're fine ever here.

SPEAKER BARRETT: Any other discussion? Senator Wehrbein, anything further on your amendment?

SENATOR WEHRBEIN: No. If there are no further questions, I would move advancement of the amendment.

SPEAKER BARRETT: The question is then the adoption of the Wehrbein amendment to LB 431. All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Wehrbein's amendment.

SPEAKER BARRETT: The amendment is adopted. Mr. President, Senator Wesely would move to amend the bill. (The Wesely amendment appears on page 1445 of the Legislative Journal.)

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Thank you. All this does, this came from the fiscal office and it adds on page 6, line 25, strikes "There is hereby appropriated" and inserts "It is the intent of the Legislature that the funding level shall be". The bill does the appropriation, not the mainline bill. So this is to clarify that. It's from the fiscal office. I would move for the adoption of the amendment.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the Wesely amendment vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment to the bill.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Wesely, on the bill.

SENATOR WESELY: I move the advancement of the bill, Mr. Speaker.

SPEAKER BARRETT: Thank you. Discussion? Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, I...with the thorough discussion we have had on the bill maybe I

understand it but just in case I don't. As I understand, the bill will set up a number of con...of entities. Some group will be selected that will be designated contractors and they may be in a variety of areas around the state. Could I ask Senator Wesely, is that much right?

SPEAKER BARRETT: Senator Wesely, would you respond?

SENATOR WESELY: Yes. No, it doesn't set up any new entities. It's most likely that the lead agency would contract with economic development districts as per Senator Wehrbein's amendment, Nebraska Business Development Centers or some existing structure like that to handle this. So it wouldn't be creating anything new that I anticipate.

SENATOR WARNER: Okay. That part I wasn't clear on. If...but I still have a hesitancy, I know that there was a request in the following year's budget for...I don't recall the exact amount, 25 or 26,000 for the operation within the Department of Economic Development for at least what I believe is a similar type of proposal to this, provisions in this bill, substantially less. I appreciate that there is no question but what there is a place for this type of activity within the state but I am not convinced that we need to expand it to this level, nor am I convinced that it is inadequately being taken care of as it is now set up or proposed to be set up in the current budget deliberations which we will be undertaking in a few days. And, secondly, I'm a little confused when I look at the A bill. I understand what's trying to be done but it transfers from a program money over to fund this bill commencing July 1 of next year. Obviously, there may not be any money in that program when it comes to the time for the fiscal year to begin. And if that would prove to be the case, then the bill is unfunded unless there is perhaps an amendment to the A bill to make a straight up additional appropriation and I assume it has to be increased by the Wehrbein amendment, in any event. But I am hesitant to expand a program in this area when there is a program somewhat under way now currently planned to be expanded within the Department of Economic Development and I would be more comfortable to see whether the somewhat more modest proposal for expansion is implemented and whether or not that is adequate could be judged later on if we need to have a broader and more definitive program as apparently outlined in this bill. I really rise to express some reluctance to see this bill advance because it seems to me that at least the potential for a



comparable service at less cost is available and before the Legislature or will be before the Legislature through the budget discussions.

SPEAKER BARRETT: Thank you. Any other discussion? If not, Senator Wesely, anything further?

SENATOR WESELY: Thank you, Mr. Speaker. I would hope...I understand Senator Warner's concerns. I think the appropriate thing to do is to advance the bill to Final Reading and consider when the budget does come out exactly what appropriation level is funded in the appropriations package. What we're discussing here and we can get into it if, in fact, anything does come out of the Appropriations Committee in this regard is a totally different concept on how we move forward in the effort to match businesses in Nebraska to one another so that we can purchase Nebraska products and retain within Nebraska the business we already generate from our business community. This is an effort that is already under way in Lincoln and self-funded privately. This is a bill that's come out of the private sector that has come to me and said, we want to get involved with matchmaking on a local basis. We want to put up some private money but we want the state to be involved and we will match state money dollar for dollar, and this bill calls for that on a local basis, dollar for dollar matching the private money. There is no comparable proposal that's anywhere in sight. The budget proposal, as mentioned by Senator Warner, is only under consideration and I think the kind of concept we have here is the best route to take. For the money that we're talking about, for every 125,000 that would be distributed to the local regional councils involved, would be matched by the 125,000 in private resources. By doing that, you match the private sector with the public sector. You have local control involved. You have local businesses working together through the already existing structures of the economic regions or the...or the business development councils. This is the route that they prefer. This is the route that will be most successful. And if you have hesitancy, Senator Warner, and anybody else in the body, I suggest that we proceed with the bill at this point and consider further whatever budget proposals come through. The bill will have to be held with the A bill until the budget is dealt with and at that point we can deal with this issue further. But I would ask your support in the advancement of the bill at this time.

April 3, 1989

LB 77, 431

SPEAKER BARRETT: Thank you. The question is the advancement of LB 431. Those in favor say aye. Opposed no. Machine vote has been requested. All in favor of the advancement of LB 431 vote aye, opposed nay. Voting on the advancement of 431. Have you all voted? Have you all voted on the advancement of the bill? Have you all voted? Senator Wesely.

SENATOR WESELY: Yes, I would ask for a call of the house, Mr. Speaker.

SPEAKER BARRETT: Shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 20 ayes, 1 nay, Mr. President, to go under call.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Those outside the Chamber, please return. The house is under call. Senator Byars, please record your presence. Senator Langford, Senator Landis. Senators Elmer, Goodrich and Pirsch, the house is under call. Senators Schmit and Weihing, please return to the Chamber, the house is under call. Senators Elmer, Pirsch, Goodrich and Schmit, the house is under call. Senators Elmer, Pirsch, Goodrich and Schmit, the house is under call. Senator Wesely.

SENATOR WESELY: Yes, that's okay. We can go ahead with the roll call, awaiting those other people, we might as well go ahead.

SPEAKER BARRETT: You are requesting a roll call. Thank you. The question is the advancement of the bill. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1445-46 of the Legislative Journal.) 20 ayes, 15 nays, Mr. President, on the motion to advance the bill.

SPEAKER BARRETT: The motion to advance fails. The call is raised. Moving to LB 77.

CLERK: Mr. President, 77, I have E & R amendments, first of all.

SPEAKER BARRETT: Senator Lindsay.

it's an issue which is based on moral, religious, ethical principles and there is not going to be a resolution, so I will write them what my view is but not try to change their mind and that I have no expectation of doing that. What we're doing here is expressing our opinions and not one vote is going to change, not one mind-set is going to be altered. But I do believe things should be put into the record because there is an educational function that must be served by the Legislature and the record of what we do and say emerges from our debates. So, for that reason, as long as we discuss this issue and whenever we discuss it, I'm going to put into the...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...record those things I think ought to be there.

SPEAKER BARRETT: Mr. Clerk, you have a motion on the desk.

CLERK: Mr. President, I do. I have a priority motion. Senator Korshoj would move to adjourn until Monday morning, April 2nd at 9:00 a.m. May I read some items, Mr. President.

SPEAKER BARRETT: Have you items to read in?

CLERK: Very quickly. Senator Barrett has amendments to be printed to LB 1153. (See pages 1759-61 of the Legislative Journal.)

Senator Haberman would like to add his name to LB 1184, LB 1229, LB 610, LB 431 and LB 1088 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The motion before the house is one of adjournment. All in favor say aye. Opposed no. A machine vote has been requested. Will members please return to your desks and record your presence. Those members outside the Chamber, please return and check in, please. Senator Moore. Senators Schmit, Labedz, Haberman. Senator Wehrbein, the house is under call. The house is still under call. The question is adjourning until Monday morning at nine o'clock. Those in favor of that motion vote aye, opposed nay. Have you all voted? Have you all voted? Record. Record vote has been requested.

CLERK: (Record vote read. See pages 1761-62 of the Legislative

April 2, 1990

LB 272A, 431, 1059, 1090, 1124  
LR 239

please. Senators Abboud, Lamb, Lynch. Senators Peterson and Coordsen. Senators Scofield, Weihing, Wesely, Abboud, the house is under call. Senators Abboud, Lamb and Coordsen, the house is under call. Members, please return to your seats. Senator Chambers, did you ask for a roll call?

SENATOR CHAMBERS: Yes.

SPEAKER BARRETT: Thank you. The question is the adoption of the Chambers amendment to LB 239 (sic). Roll call vote. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 1800 of the Legislative Journal.) 32 ayes, 7 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. The call is raised. Mr. Clerk, have you items for the record?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review reports LB 1124 to Select File, that is signed by Senator Lindsay as Chair. Mr. President, a communication from the Governor to the Clerk. (Re: LB 272A.) Mr. President, I have amendments to be printed to LB 1090 by Senator Hall; Senator Haberman to LB 1059; Senator Wesely to LB 431. And that is all that I have, Mr. President. (See pages 1801-07 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Have you anything further on LB 239 (sic)?

CLERK: Mr. President, Senator Schimek would move to amend the resolution. (See AM7187 on page 1807 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Schimek.

SENATOR SCHIMEK: Thank you, Mr. President, and members of the body. My amendment is really quite simple. It addresses something that Senator Chambers raised on the floor a little while ago regarding the appointed members to both the Board of Regents and the Board of Trustees, and the wording on page 3 of the amendment says, "No more than three of the appointed members initially appointed shall be of the same political party." My amendment simply changes that to say, "No more than three of the

April 4, 1990

LB 431, 854, 976, 1054, 1055, 1062, 1090  
1124, 1221  
LR 239

unusual thing yesterday. We went ahead and moved nine or so bills without any debate and without any further amendment, controversial bills at that on General File, moved them to Select File, and I think we all knew what was going on that day. But what we did yesterday, in essence, I think as a body was decided that we could do this to the rules because of the situation that we are in in order to get some things done, and I want to try to give the body at least a chance to do the same thing today. I am not trying to do as others, I am not trying to say I don't want an abortion fight today. I am ready for an abortion fight today. I am ready for it now. I am ready for it an hour from now. I am ready for it at four o'clock, and I am ready for it at 11:59 tonight. It doesn't bother me when we are going to have that fight and I want to have that fight. What I am also suggesting, though, is that we have a chance now in the beginning to say as we did yesterday that there are some things we, as a body, can do that will not jeopardize the fight that is to come, but we can do these things today. I am suggesting to you that I am not trying to put off the fight. I am, in fact, trying to give the body an opportunity to at least say when the fight is going to take place. What my amendment would do, what my motion would do, excuse me, would change the agenda in the following way, and it is not a major change so it's easy to follow. If the motion is agreed to, we will simply jump to item six and item seven on the agenda. Those are bills on Final Reading that need to come back for specific amendment. I know Senator Hall has an interest in LB 1090. I know on item seven, if I understand that motion correctly, it is on the low-level nuclear waste, LB 1054, that needs to come back for a specific amendment. After we take care of item six and seven, which will take some time, I am then proposing that we go back to Select File, right at the top of Select File. I am also going to suggest, and actually it is not a suggestion, it is in my motion, I want you to know also what I have done. I have also said that if you look at Select File, we have got LB 431, which, Senator Wesely, regardless of what we do today, that will be the first bill up and there is going to be an attempt and an amendment on that one, I know. LR 239CA, I don't know what is going to happen. Originally I had heard from Senator Withem that there is a motion filed, and I believe it was filed, to have a discussion whether or not the body wants to bracket LR 239CA. If you go down with me on the Select File list, LB 1055, LB 1221, LB 1124 are gone. We passed them yesterday. Which brings us to LB 976 and LB 854. Beneath LB 854 is a bill, LB 1062 which I, myself, in discussion with Senator Lynch, I

April 4, 1990

LB 431, 854, 866A

SENATOR WITHEM: Senator Labedz, it is my intent, I have a motion filed to bracket 239CA. I want to discuss 239CA a little bit and then let the body decide whether they want to bring it up or not.

SENATOR LABEDZ: Thank you.

SENATOR WITHEM: I will the bracket motion to be debated and will bring it to a vote and however the body votes, it's their choice.

SENATOR LABEDZ: I just discussed with the Speaker a moment ago on the agenda, LB 239 (sic), and I can understand his reasoning. It was passed over yesterday. By all account it should be at the bottom of the list, but he said, and I know the confusion yesterday, the agenda was printed before we adjourned, well it was very close to the time that we adjourned because I remember picking it up after we adjourned, and actually 239CA should be below LB 866A. So we do have a lot of confusion this morning but overruling the Chair's decision at this moment with 25 votes and then 30 votes will bring 854 up and gone, up or down, to Final Reading. Thank you.

SPEAKER BARRETT: Senator McFarland, you are recognized.

SENATOR MCFARLAND: I'll just withdraw the motion, Mr. Speaker.

SPEAKER BARRETT: Thank you. It is withdrawn. Mr. Clerk, to the next item on the desk. Perhaps a point needs to be made with the withdrawal of the motion and so forth that the Chair has effectively ruled today then that there will be no other motions recognized to overrule the Speaker's order, and I think that should be made clear. Thank you. Mr. Clerk.

CLERK: Mr. President, LB 431 is on Select File. Enrollment and Review amendments were adopted last year. There was an amendment by Senator Wehrbein adopted to the bill, as one from Senator Wesely. Mr. President, Senator Wesely would now move to amend and, Senator, your amendment is on page 1807 of the Journal.

SPEAKER BARRETT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Mr. Speaker, before you leave, I just want to have, instead of going up there and discussing, I just

want to have your...there is a motion that I filed on a bracket to a time certain, and I understand that may just conflict with what you just said, and I just want to have a confirmation that that is in conflict with what...with the previous decision you made on the agenda. Is that correct?

SPEAKER BARRETT: You are asking the Chair a question as to whether or not that motion to bracket is in conflict with...

SENATOR BERNARD-STEVENS: Correct.

SPEAKER BARRETT: Yes, I would think it would be.

SENATOR BERNARD-STEVENS: Okay, thank you.

SPEAKER BARRETT: Thank you.

CLERK: Senator, we're on your amendment to LB 431.

SENATOR WESELY: Mr. Speaker, members, I did pass out earlier today the amendment. It is co-signed with Senator Hall, Senator Korshoj, Senator McFarland...I'm trying to remember who all we have on the amendment, but is essentially LB 1028 which came out of the Revenue Committee. It was a committee priority bill and deals with the topic of disclosure on LB 775, an issue I have been working on since the bill passed in 1987. We have reached a compromise with the chamber of commerce, state chamber of commerce, I don't know what chamber of commerce, Lincoln Chamber of Commerce, with the language that we offered you. The bill was amended by committee. The amendment that we're offering is essentially that version of the bill. Then we further worked with John Cederberg and we have a follow-up amendment that will deal with his technical changes and then further worked with the chambers to deal with the reporting required in the September report under the amendment and with this amendment and the two amendments to it, we will, hopefully, have reached a point of compromise with the chamber. Let me give you thrust of what we're trying to do. In 1987, we did pass the LB 775 tax incentives, but in passing that bill we did amend it with language Senator McFarland, myself, Senator Vard Johnson offered to the bill, but we found later that that disclosure was inadequate. It did provide for every year an annual report which you've seen, but the report is inadequate in terms of truly analyzing the situation and so we continue to have different viewpoints on the issue. What we found was that the

report does not include all the information the Department of Revenue receives. In one of the handouts I've given to you it's...at the top, says LB 1028, Public Disclosure and Analysis of LB 775, that we looked at what information is available to the Department of Revenue are simply asking that that information then be made available to the public with the report to the Legislature. So we're not trying to add another staff, another person to analyze or any of the other things that I have proposed in the past. All we're saying is, information available to the Department of Revenue as people apply for LB 775 incentives would then be made public to the Legislature, so that we would have an opportunity to have that information as well. It's a simple concept. I would hope you would support the amendment and we'll be ready to go the amendments at any point you feel would be appropriate.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Thank you. I have several lights on and I don't know whether you folks would like to talk on this. I'll ask you. Senator Schmit. Senator Bernard-Stevens. Senator Landis, on this item.

SENATOR LANDIS: I support this amendment.

PRESIDENT: Okay. Mr. Clerk, you have amendments to the amendment. Let's take those up now, please.

CLERK: Mr. President, Senator Wesely would move to amend. Senator, I have 3349 in front of me, AM3349. (Wesely amendment appears on page 1872 of the Legislative Journal.)

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Yes, Mr. President, this amendment, again, was distributed on the handout, they are summarized. This is brought to me by John Cederberg who has been working with us on this issue and was very involved in 775. It is technical in changes, recognizing what information is available and how it would be gathered. And so we are accepting this adjustment to the amendment so that we can meet the technical objections that he had as an accountant. And with that, all I need to say is this is an accountant's amendment to the bill and hope that you don't ask any questions.



PRESIDENT: I'll go through this list, continue on through this list to see if you wish to speak about the amendment. Senator Lamb, amendments to the amendment. Senator Wesely. Senator Hall. Okay.

SENATOR HALL: Thank you, Mr. President, members, the amendment that Senator Wesely mentioned is one that was requested by Mr. Cerderberg who happens to also be an accountant for many of the firms that use the advantages that we built into the Business Incentive and Growth Act. I would ask you to, as we go through these, they are very simple. I view the whole legislation as technical changes to that act that we passed in 1987 known as LB 775. If you would look at the one handout that Senator Wesely gave you that is topped, it says, LB 1028 and it says "summary" on it, it will show you really what the changes that we are making are and it adds a number of reporting requirements that are out there that the department currently receives and what we do is we ask them to submit that information to us in these specific categories. They currently have that. In a few cases it is churned together with some other information and the argument could be made that it is there and it is reproduced for the public, but you cannot dissect it out unless we ask for it in this way. They do not have the authority, I guess, or the desire at present to do that. The question has always been raised as to why we feel we need it. I think it's important to understand when you make the kind of investment we did in the Investment Growth Act to find out through reporting requirements that we ask these businesses to give us information that tells us just how they are performing, how the legislation is performing. When you make the kind of investment we did as a state through credits to our tax base, it makes sense for me to see how is it functioning, how is it working. Let's take a look and see how things are going. Is it basically doing what we thought it would do? Is it doing better than we thought it would do? That's all LB 1028 and the amendments provide for. The amendments that Senator Wesely is offering are technical changes to take care of some of the problems that we had. If you look at the committee amendments you'll basically see a mirror image of the committee report. You'll see a mirror image of the handout that Senator Wesely has given you. The only opposition to the bill at the time dealt with a couple things that Senator Wesely is now correcting in his amendment and one of the issues that was brought up was reporting by taxpayer. We, instead, changed that to reporting by class and we did a couple of other things that

were raised in the committee. There was some vague language in there that asked for any additional information that the Legislature deemed necessary. The opponents to the bill didn't think that was necessary. That has been stricken. I think what we have here now is a good piece of legislation that ensures that there is open, honest reporting on the Investment Growth Act, that it will provide information to us that currently exists that is out there and that will either, will basically let us make a good decision on whether or not we feel the legislation has done what we hoped it would do and also I think guarantee the fact that if it has done that that it will continue to prosper in the statutes as long as the lobby deems it is necessary. With that, Mr. President, I would urge the adoption of this amendment that Senator Wesely has explained and the subsequent amendments, I think, too, that follow.

PRESIDENT: Thank you. Senator Nelson, did you wish to talk on these amendments? Okay.

SENATOR NELSON: Mr. Speaker, members of the body, I, too, certainly endorse Senator Wesely's effort in bringing us these amendments. As you know, in the debate on LB 1059, and I didn't want to make a big issue of it and so on, and I passed out to you the sales tax refund to all businesses in reference to new equipment purchased. Obviously, if you studied them and if you looked at them and so on, from the time that LB 775 became in effect, a tremendous jump. For example, Lincoln's sales tax refund in '86-'87. Well, I'll go back to '85 and '86, 14,000; '87, 127,094 up to \$834,000. That's approximately about a 4 percent personal, if you revert it LB 1059, 4 percent personal tax, real estate tax. Omaha, much, much greater. Their refunds when LB 775 came into place, and these are actual figures from the Revenue Department and from Omaha and Lincoln there...and they are supported. In Omaha their sales tax refund, they had a large construction project in '81 and '82 which is up to \$333,518 but then it is down to 91, 68, 39, 59, 54,000. When LB 775 came in place, 976,000; 1989, \$2,311,000. Folks, that's property tax dollars. That's dollars. Our public should know. Now that does not necessarily mean that that's all 775. That is all businesses, so it's very hard to pinpoint, but I think that out in God's country or greater Nebraska, whatever it is, a lot of the doubt and the suspicion of about LB 775 would be taken away and be it for a good bill or be it for a bad bill or if we have made a mistake or if we need adjustments to be made, simply that we're not privileged to as much information as we should

and I know in business we can't make decisions if we don't have a few figures available to us, and accurate figures. These figures that are thrown around in projections, I can project anything, doesn't make any difference what it is, and it is really meaningless. And that's what we're finding right now and these are just technical, help to clean up, help the public understand and help us as legislators if we need to make needed changes. And right now I have a concern in my own area of corporate offices, some of the country general stores leaving Grand Island and so on and yet we're giving a lot of tax benefits and credits and I think that we need to know those things. It's a good amendment and I don't know how anyone in good conscience could not support the technical changes that this amendment and the others bring. Thank you.

PRESIDENT: Thank you. Senator Langford, did you wish to talk on this amendment to the amendment?

SENATOR LANGFORD: Yes, I'd like to ask, Mr. President, I'd like to ask Senator Wesely some questions if I could.

PRESIDENT: Senator Wesely, please. I don't see him at the moment. Senator Wesely...

SENATOR LANGFORD: He's standing in the aisle.

PRESIDENT: ...would you respond, please. Thank you.

SENATOR WESELY: Yes.

SENATOR LANGFORD: You didn't mention whether you were gutting the bill or not.

SENATOR WESELY: Yes.

SENATOR LANGFORD: You're taking out the whole bill.

SENATOR WESELY: Right, yes.

SENATOR LANGFORD: And have you gotten a fiscal analyst's answer on the cost of what you're asking?

SENATOR WESELY: Yes, there is no fiscal impact.

SENATOR LANGFORD: There is no cost?

SENATOR WESELY: No.

SENATOR LANGFORD: It doesn't cost anything to put out whatever it is you're...

SENATOR WESELY: No. Senator Langford, this is all information that they are already supplying to the Revenue Department now. They'll just send it on to us then on a yearly basis, so it shouldn't...there is no additional staff, or analysis, or anything.

SENATOR LANGFORD: Well, there has to be a cost.

SENATOR WESELY: You can ask Senator Hall, but there is none that we know of and the fiscal note indicated no cost.

SENATOR LANGFORD: Well, we have no fiscal note on your amendment. We only have it on the bill.

SENATOR WESELY: That is because there is no fiscal impact. Senator Hall might be able to answer that.

PRESIDENT: Senator Hall, would you like to respond to that.

SENATOR HALL: If Senator Langford would like me to, I'd attempt it. There was no fiscal impact on LB 1028, Senator Langford, and I would refer you to the lack of a fiscal note or the fiscal note on that bill which shows that currently this reporting is being done to the Department of Revenue. Parts of it are separated out and then sent on to the Legislature. All we do through the passage of the Wesely amendment is then receive more information. In other words, they add some lines to the report, separate out some more information and then submit that report to us as well as they currently do now. They currently submit a report. All we ask through this amendment is for a little more information. It in no way should have a fiscal impact at all.

SENATOR LANGFORD: All right, thank you.

SENATOR HALL: Mmmm, hmmm.

PRESIDENT: And thank you. Senator Bernard-Stevens, did you wish to speak on this amendment to the amendment?

SENATOR BERNARD-STEVENS: Senator...I guess, I'm a little bit confused. Is the amendment to the amendment Senator Hall's and...

PRESIDENT: No.

SENATOR BERNARD-STEVENS: ...it's Senator Wesely's?

PRESIDENT: Senator Wesely's.

SENATOR BERNARD-STEVENS: Senator Wesely, would you just take a minute and, again, just a minute and a half, if you can, or so, and again, explain to me what the amendment to the amendment will do.

SENATOR WESELY: Okay.

SENATOR BERNARD-STEVENS: I'm sorry, and I know you've done that two or three times and I apologize for that.

SENATOR WESELY: No, no, what I did was I asked for no questions because this came from John Cederberg. John looked at our...

SENATOR BERNARD-STEVENS: That's another reason why I think I should ask some questions.

SENATOR WESELY: Well, what he said was that there are certain...it's on one of the handouts, you'll see, and it goes through it, but it's mostly technical in nature. For instance, we talked about one of the items we wanted information on was how much of the credits went to shareholders and he indicated, well, it really wouldn't go to shareholders. The better question we need to ask, what we're trying to find was how much of the credits go to the corporate tax, how much are then used for individual tax reduction, just to get a delineation there, and so that's one of the changes. We get at the issue better and he helped us try and identify more clearly how to get the information that we needed. Also, the information would be, on employees would be on a quarterly count instead of an uncertain date. It's easier for them to do that on that basis, and so mostly he was looking at it from an ease of compliance viewpoint. I have no problem with what he was trying to do.

SENATOR BERNARD-STEVENS: Thank you, Senator Wesely. I hope Mr. Cederberg has a better grasp of this concept than he did the

agricultural analysis he did on LB 1059, but I assume he has. My question I guess to you would be the following, Senator Wesely, and you can take either the rest of my time or...because I'll punch in again and talk about it. How, if we pass this amendment, the amendment to the amendment, and we're going to do this, how actually do we get the information from the companies? In other words, are we going to have people actually going and audit and find out? I assume not. So are we going to do what we kind of had in Government Committee not so long ago, a question where we actually call a company and ask them to give us information on what, in fact, they have done?

SENATOR WESELY: Thank you. Yeah, should I go ahead?

PRESIDENT: Yes, please.

SENATOR WESELY: Senator Bernard-Stevens, currently, okay, one of the other handouts I have is a chart and this chart, if you could find it, it has three columns in it and it shows state statute requires now to be reported what the Department of Revenue currently includes in the report and then it shows the information available to the Department of Revenue. There is what is called LB 775 end form I believe, and this...what we did, the way we are going at this now is different than any year in the past because we went to the form they are currently filling out and submitting in application. The way the process works is you apply to the Department of Revenue and there are forms you have to fill out. These forms request certain amounts of information, then the department negotiates with the business about the credits involved and do they apply or don't they apply and so this information comes in. After they go through all this then they have the 775 end report and what we're saying is that sort of information is all submitted to the department. We'd like to send some of that, not all of it, but some of it back over to us in this annual report that we have. And so as far as the auditing and all that, they're already doing that. This sort of information is already coming in, they're already checking and verifying it and we're simply saying is that is public information that would be valuable for the public to know about.

SENATOR BERNARD-STEVENS: Thank you, Senator Wesely. I guess that goes to my concern...I don't even know if concern is strong enough, it maybe is a too strong of word, for the amendment to the amendment. If I understand Senator Wesely and if he wants

to punch in again or I have, I can give him some more of my time later, if I understand you correctly, the information that...if the amendment to the amendment were agreed to, this information is currently being provided to the Department of Revenue. What we're saying is that we'd like to duplicate that and have the information also provided to...what, policy?

PRESIDENT: One minute.

SENATOR BERNARD-STEVENS: Senator Wesely, again, I'll give you some time so you can clarify that for me.

SENATOR WESELY: No, no, no, we're not trying to duplicate it. They take it, they take the information and then they send it over to us but it's not exactly...it's not going to be broken down by individual company. It is going to be aggregated and sent over to us.

SENATOR BERNARD-STEVENS: Okay, and then I guess the other question I would have then, if what your amendment would do is to tell them that they have to send the information over to us?

SENATOR WESELY: The Department of Revenue would. I mean, they have an annual report.

SENATOR BERNARD-STEVENS: Right.

SENATOR WESELY: All we're doing is saying that annual report stops with the information that it sends and should extend into other information that would be valuable to us.

SENATOR BERNARD-STEVENS: Okay. If we then, Senator Wesely, if we ask the Department of Revenue to also send to us, by, whether it would be the Revenue Committee or the Government Committee, that information that it used to come to its conclusion, do you think the department would do so?

SENATOR WESELY: No, I don't think so.

SENATOR BERNARD-STEVENS: And why is that?

SENATOR WESELY: Well...

SENATOR BERNARD-STEVENS: I mean, information asked for by a Legislature of an agency of the government, they would refuse to

give that information?

PRESIDENT: Senator Bernard-Stevens, you're starting on your next five minutes now.

SENATOR BERNARD-STEVENS: Okay, thank you.

SENATOR WESELY: Well, we've tried to do that. If you recall, we tried to allow the information they got, the reports and information they got, accessible to the Legislature, and the way we had to work it out was to have a half legislative, half Revenue Department employee go in and look at it. There is some restrictions on access to that information. So the previous two bills I've had had that provision in it, for us to look at exactly what they got and then for us to draw out of it the information we needed. But the difficulty in doing that, the complexity of it was such that we thought this was a much simpler way to actually get the information and, frankly, the Revenue Department has written to me and indicated with the committee amendments, they support it and the chambers are now in support and so I feel like we've reached a pretty good compromise.

SENATOR BERNARD-STEVENS: Okay, then also, Senator Wesely, if I can continue to ask, when the information is provided to us, who will then be responsible for evaluating that information?

SENATOR WESELY: There is no evaluation required under the bill. It would come to us just as this report, only it would be a slightly more extensive report because it would have the additional information we're requesting. But there is no evaluation done of it under this bill. I mean...

SENATOR BERNARD-STEVENS: So, again, I'm just trying to piece this together as far as, and I apologize for trying to do this on the floor, but I guess since it is offered as an amendment on the floor, this is the area that we must try to do it. What we're doing is that we're going to ask the Department of Revenue to send us an expanded booklet, and I assume each member would get one.

SENATOR WESELY: Right.

SENATOR BERNARD-STEVENS: And then what we'll do then is each member, as we all read those booklets we get from the agencies



thoroughly, we will at the same time then, read that information and then come to whatever conclusions we want to come to and then we will do whatever we wish to do based on those conclusions.

SENATOR WESELY: Right.

SENATOR BERNARD-STEVENS: It is also my understanding that the Department of Revenue is saying that if...that they have no particular problem with the process as you envision doing. I guess the question I have is if they don't have any problems in doing it, why don't they just simply say, hey, it's a good idea, we'll provide that as our agency, that information, to you. Why do we have to legislate that in order to get them to do that which they have already said they agree upon doing?

SENATOR WESELY: No, they haven't agreed to doing it, and they could do it. They just don't...they're not...they support the bill as I understand it...

SENATOR BERNARD-STEVENS: They support the bill that would force them to do it.

SENATOR WESELY: Yeah. They could do it on their own, but they haven't done it. I think they want the Legislature to determine that we want this to be done and I think we should.

SENATOR BERNARD-STEVENS: Yeah, I guess therein lies, members of the body, therein lies my difficulty with trying to grapple with the issue. And it stems from, if I could give a little background, it stems from a bill Senator Wesely had in front of the Government Committee that I think this year might have gone to the Revenue Committee, I'm not sure. I can understand why it went to the Revenue Committee and not the Government Committee, but the Government Committee had a large discussion and a long-standing discussion as to the differences on 775 and the reporting process and can we get better information. And I'll be honest with you, the Department of Revenue came in front of the committee and they were very, very obnoxious in their presentation, very arrogant in their presentation, but that was a long time ago. That was a year ago. I'm sure they would not make the same mistake again. The problem that we ran into with the committee, members of the body, is that when all the smoke cleared and all the rhetoric stopped about the benefits or nonbenefits of 775 and are we getting this, or are we not

getting that information? The bottom line came that when the Department of Revenue goes to companies and asks, for example, how many jobs were created from 775? When they actually do that, the only way we get that information is from the companies themselves. I mean, they will now say they will tell us or the Department of Revenue, this many jobs were created because of 775, these jobs are not a part of 775, we would have done this anyway. I mean, that is the nature of the information we get. We have no way of going in, to my knowledge, based on that hearing at least, there is no way that we have going in to audit to actually find out what really happened. Did we really get these jobs because of 775 or did they take the tax advantages and also do what they were going to do anyway? I mean, I don't know, and that is the burning question we're going to all have for a long, long time.

PRESIDENT: One minute.

SENATOR BERNARD-STEVENS: Was 775 good or was it not good? And quite honestly, I don't think any of us will ever know. We'll all look at the record and say, listen, we had a big improvement after 775, but on the other hand, we know that the Midwest was beginning an upturn from a major recession anyway. Would that have happened in due course? Would there have been more job creation? I don't know. But some of the information that we have know, what Senator Wesely is saying, is that now we have a Department of Revenue who, Senator Wesely, and I have no reason to doubt him, says does not want to give the information in the way that we would like to have it given to us. But they are supportive of this bill which would require them to give us the information in a particular packet that we're all supposed to read and come to different conclusions. And I guess I would say that we're kind of spinning our wheels here. If the Department of Revenue is willing to have us pass a bill that would require them to do so, I suspect that if we ask them to do so, they would, in fact, do which they say they are in support of doing.

PRESIDENT: Time.

SENATOR BERNARD-STEVENS: So I think at this point, urge that we not agree to the amendment to the amendment at this time.

PRESIDENT: Thank you. Senator Wesely, you're ready to close, but may I introduce a couple of guests before you do so. Senator Moore has two groups in the south balcony. We have

23 students from Stromsburg. Would you folks please stand and be recognized. We also have nine students from Benedict, Nebraska. Benedict, would you please stand up and their teacher. Teacher, would you please stand up so we can have a look at you. Thanks to all of you for visiting us today. Senator Wesely, to close on your amendment to the amendment.

SENATOR WESELY: Thank you, Mr. President. I'll have to respond to Senator Bernard-Stevens' point at another level because he wasn't really addressing the amendment. This is the technical amendment to clarify some technical problems with the bill as John Cederberg brought to us. I'd ask for the adoption of this amendment.

PRESIDENT: Thank you. The question is the adoption of the amendment to the amendment. All those in favor vote aye, opposed nay. Requires 25. Senator Wesely, if you care to vote, please do so.

SENATOR WESELY: A call of the house.

PRESIDENT: Okay, the question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 10 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence, and those not in the Chamber, please return promptly so that we may move on. Look up to see if your light is on and if it isn't, please turn it on. Thank you. Senator Smith, Senator Coordsen. Did you wish to have call-ins, Senator Wesely?

SENATOR WESELY: Yeah.

PRESIDENT: Did you wish to have call-in votes?

CLERK: Senator Moore, you did vote, Senator. Senator Hartnett voting yes. Senator Schellpeper voting yes. Senator Kristensen voting yes. Senator McFarland voting yes. Senator Elmer voting yes. Senator Lowell Johnson voting yes.

PRESIDENT: Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the amendment to the amendment.

PRESIDENT: The amendment to the amendment is adopted. The call is raised.

CLERK: Senator Wesely would move to amend the amendment, Mr. President. I now have, Senator, your handwritten amendment which I've actually converted into a bill drafting amendment, 3352. I believe you've got a copy in front of you.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Yes, again, Mr. President, members, this amendment was brought to me by the state chambers, Omaha Chamber, the... John Cederberg. What it deals with is in the report we ask for a retrorespective report on September 1. What we do with this amendment is recognize that not all that information will be available by then so we ask that what they have available be included, but if they don't have it, they would wait till the next annual report. This recognizes some difficulty in collecting the information. So we would ask for the adoption of this report, this amendment.

PRESIDENT: Thank you. Senator Hall.

SENATOR HALL: Mr. President, again, I would rise in support of Senator Wesely's amendment. It does deal with the reporting issue that some of the information will be available on a prospective basis once the legislation is passed. The only concern was if the information is not available from those individuals who are currently under contract through the 775 provisions, that if it's there, the department is more than willing to submit it, but if they don't have it, they don't feel that they should be required to give it. I don't blame them. That's what Senator Wesely's amendment deals with.

PRESIDENT: Thank you. Senator Landis, please.

SENATOR LANDIS: (Response inaudible.)

PRESIDENT: Okay. Senator Wesely, would you like to close? No close. The question is the adoption of the Wesely amendment to the amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

April 4, 1990

LB 431

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the Wesely amendment to the amendment.

PRESIDENT: The Wesely amendment to the amendment is adopted. Mr. Clerk. We're back to the Wesely amendment now. Thank you. Senator Wesely.

SENATOR WESELY: Thank you. Again, appreciate very much the cooperation of Senator Hall, the Revenue Committee in advancing the bill. Appreciate the cooperation of John Cederberg. The chambers have been willing to cooperate as well on this. We've had a long-standing concern about this issue and I'd very much like to see this amendment adopted. I'd move for the adoption of the amendment.

PRESIDENT: Thank you. Senator Hall, please. Any close, Senator Wesely? The question is the adoption of the Wesely amendment. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of Senator Wesely's amendment.

PRESIDENT: The Wesely amendment is adopted. Do you have anything further on it, Mr. Clerk?

CLERK: I do, Mr. President. Actually, I have a motion from Senator McFarland to suspend the rules and vote upon the advancement of LB 341 without further amendment or debate.

PRESIDENT: Mr. Clerk, I thought we had a ruling against that type of motion today. Am I incorrect? Okay. Is Senator McFarland around? Was anybody authorized to handle the matter for Senator McFarland? Is that official, Senator Hall? Let's move on to the next amendment since nobody is authorized to take it for him.

CLERK: Do you want your first motion, Senator Bernard-Stevens, to bracket?

SENATOR BERNARD-STEVENS: No, if we're not going to take up the latter, I'll pull that one.

CLERK: Okay.

PRESIDENT: It is withdrawn.

CLERK: All right, so, Senator, you want your amendment then? Okay. Mr. President, Senator Bernard-Stevens would move to amend the bill by adding one-half FTE to the Fiscal Policy Office in order to analyze the information provided by LB 431.

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you. I guess, Mr. President, members of the body, Mr. President, I'm going to ask a question maybe of Senator Wesely. Did you get a chance to actually open on the bill as amended? And if you want to do that, I will allow you to do that at this time, to open on the bill as amended before we get into any amendments to that.

SENATOR WESELY: No, go ahead.

SENATOR BERNARD-STEVENS: Okay. Members of the body, again, I just want to throw up some cautions or, oh, I don't know if cautions might be too strong a word, some concerns that I have about this particular piece of legislation that we have now before us. I guess whenever I feel we get the Lincoln Chamber and Senator Wesely and other people in agreement on something on 775, I'm already becoming suspicious that it probably won't do anything if everyone is happy with it. And I suspect there is a lot of truth to that at some point. The way I have it in my mind and, again, I apologize for taking time this morning on it, but when these things come up on the floor as an amendment, this is where we have to discuss it, at least at some point in the amendment process. The way I have it in mind from the discussion this morning is Senator Wesely is saying that the Department of Revenue does not want to give us particular information even though they could. They have chosen not to. On the other hand, I'm hearing that the Department of Revenue would, in fact, be willing to give us the information if we'd pass this particular law. And I guess they are saying, listen, if you require us to, we'd be more than happy to do so. And I guess I'd like to ask the question that no one apparently wants to ask is, what information is it that the Department of Revenue actually is saying that they don't want public? I'm not arguing that it shouldn't be made public, I'm just saying maybe there is some sensitive things that certain companies want to have that they're willing to tell the Department of Revenue that if it is

going to be made public, that they may not want to tell the Department of Revenue. An example would be it may be how much money is going to create new jobs or how much money is going to go to some other area because of 775. I don't know, but obviously there is some information the Department of Revenue feels it does not want to make public unless it is absolutely forced to do because I assume it will infringe upon their ability to collect that information. And it goes back to the committee hearings that we had again last year on this particular topic, though this bill is somewhat different now, and that is the Department of Revenue really has a difficult time in the final analysis, actually finding data that will give us accurate information on 775. Whenever you get down to it, it's very, very subjective. The information is subjective. You ask a company how many jobs are created because of 775. Now, don't tell us how many jobs you would have done, I mean, look into that, how many jobs would you have done on your own and then how many jobs would you not have done but you did because of 775 and then you give us that information. It's very, very subjective. And we'll have other bits of analysis. I suspect what the Department of Revenue is saying, and I don't know because I haven't talked to them on that, is that if we require them to do so, they'll have no problem providing the information, but then here is what we're going to have. Forty-nine individual state senators having a pamphlet with expanded information giving us more information that all of us are supposed to go through and look. Well, I would put to the body that only a select few of the body is actually going to go through and look to find the subjective information to use that material for whatever purpose they want to use it for and we're going to have even more confusion. So my amendment is quite simple. If the body is actually going to do this and we're all going to get this expanded version of information, then we might as well hire a half-time FTE person in the Fiscal Policy Office so that we can have one person who, at least on a half-time basis, which is what we had previously, will go through and actually look at the information provided to us and give us some analysis of it. So we have one person give us some, hopefully, unbiased analysis rather than having 49 biased analyses. And, again, the thought that enters my mind at some point is, since much of the information is subjective and now some of that information that previously was not going to be disclosed will be disclosed, will that type of information be as easily obtainable? I don't know, I don't have the answers to that. But I don't think this bill is, particularly the way we have

now, it's the way we want to go. If the body does want to do so, we should have at least somebody up there that is going to, at least unbiasedly, look at the information and give us a report so then we can analyze it. That's the nature of the amendment.

PRESIDENT: Thank you. Senator Hall, you're next, followed by Senator Warner and Senator Wesely, but may I introduce some guests in the south balcony of Senator Hannibal. He has 50 fourth graders from the Cottonwood Elementary School in Omaha with their teacher. Would you folks please stand and be recognized by the Legislature? Thank you all for visiting us today. Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. I rise to oppose Senator Bernard-Stevens' amendment. The issue in his amendment is adding a half-time person to the, I'm taking it to be the Legislative Fiscal Office, is that correct, Senator Stevens? Okay. I rise to oppose that purely on the basis that he has said the reason for it is to have them give us some objective understanding of the information that the Department of Revenue would then submit to this individual who is going to be a part-time employee, I guess. At that point in time then the information of then I guess this part-time employee would impart to the Legislature would be taken as gospel because then once you read it, I guess it would be not open to debate, interpretation or any kind of thought process on the part of the members of the Legislature. To me, the amendment clearly is nothing more than a tactic to keep us from getting down to the agenda and I don't have any problem dealing with that. The issue of whether or not the department or the Fiscal Office or anyone needed staff I think would have been addressed at the time that the bill was introduced. It would have been addressed at the time we had a committee hearing. It would have been addressed in a fiscal note. None of those are true. The issue here is one of let's just waste a little time and let's waste it on an issue, 775, that every once in a while tends to get people churned up, tends to get the blood flowing and people look at this as a hot issue. Well, to be quite honest with you, this is a very, very mild issue in terms of 775 as that goes. It clearly is nothing more than expanding the report that we currently get, and what you've got now is you've got the chamber and the folks who have traditionally fought some of these kinds of things recognizing the fact that they need to endorse the concept that Senator Wesely has now put into LB 431 and they are



willing to do that. They have said that, they're willing to do it and what they're going to do here is they are saying that if we're going to keep this kind of a proposal, the Investment Growth Act, in the statutes, we need to be open and honest and show folks like Senator Wesely that it is doing exactly what we want it to do. So they have come in and they have said, hey, we'll help do this. Yeah, they've had to be brought along with a collar a little bit and they've had to be tugged on more than once, but they have recognized that position. They have recognized that, hey, look, we currently give this information to the Department of Revenue, why shouldn't we open it up, give it to the Legislature and show them just exactly what takes place. They are being very honest and open about it at this point because they have said, with a few minor, technical changes that Senator Wesely had it adopted into the amendment and now in the form of LB 431, they are willing to take it. They can see that, yeah, this is going to help us protect what we put into place in 1987 through 775. There is no need for Senator Bernard-Stevens' amendment. All it does is try to delay the process this morning, keep us from getting to some bills that are farther down the agenda. I would urge you to reject it and vote to advance Senator Wesely's bill to E & R for final.

PRESIDENT: Thank you. Senator Warner, please. Okay, Senator Wesely, please.

SENATOR WESELY: Yeah, Mr. President, members, Senator Hall pretty much said what I was going to say so I'm just going to indicate that I understand, Senator Bernard-Stevens, you're attempting to take up some time and I appreciate that, I think you...but let me indicate that this is a very important issue to me. I've worked three years to try and deal with this problem and for once we see a light at the end of the tunnel; that for three years I have tried to indicate that the public is putting a great deal of resources into LB 775 tax incentives and they deserve to know what is happening with it. And we finally got the chamber of commerce and even the Revenue Department to agree that information they have available should be shared, that the Legislature should have access to it, the public should have access to it. The battles he is trying to raise with this amendment are battles of the past. The last two years we did have language in to have staff people access information, do analysis of it, and I still think that would be a wonderful way to go. I think that's not a bad solution to the problem, but it's not the solution we need and should pursue at this time.

What this information will provide is the base of information that we've always needed and always wanted to be able to better analyze the impacts of this legislation. We'll have to do it I guess independently of any particular staff or any particular mandate under the statutes but it will be done. And so, clearly, I think opening up 775 is the right thing to do and what we've proposed is a reasonable way to do it. It is less than I want, it is not what I had hoped for. I would have like to have had much more information, much more detailed even into individual companies and how much they are receiving, but in my estimation for now, for this time in place that we're at, this is the best I can hope for and I would not want any further amendments to the bill. I simply think that we should go forward with it and deal with the matter as we have worked it out and feel comfortable with that.

PRESIDENT: Thank you. Senator Moore, please, followed by Senator Schmit. I don't see Senator Moore. Senator Schmit, are you about?

SENATOR SCHMIT: Mr. President, members, I would have to oppose the Bernard-Stevens amendment and support the Wesely proposal. I appreciate what Senator Wesely is trying to do. I appreciate also the fact that it only took me a year to convince him that there might have been a problem with 775. The Lincoln press never reports that, Senator Wesely, and I don't really expect them to. They have pointed out some of the difficulties with 775 and some of the cost and that is very laudable. I think there is also another fact that we ought to remember; that notwithstanding where we happen to be relative to support or opposition of 775, that business has to operate as they see fit and what was wise in 1987 for business or wise in '88 or '89 or '90 may not be wise in 1991 or on down the road. Decisions are made based upon the economic facts of life and the CEOs of the various businesses are going to have to make those decisions on a day-by-day basis and there are going to be times when we stand on this floor and say, my golly, what a terrible thing happened. We mentioned the fact that earlier in the year local business had to roll back the salaries of some company employees from I believe around \$12 to 8.50 an hour. There is no section in the bill that penalizes that company for lowering the salaries of their employees. Had they reduced their employees by one-third, or by 30 percent, would have been a substantial penalty I am sure. But business can survive because business must survive in a very competitive world and as one of those fine gentlemen told

me many years ago, he said, we'll take anything you can give us but remember that we have to know what you're going to do on some kind of a consistent basis, and the facts are that Senator Wesely is saying, and I believe others agree, that the Legislature ought to know and the public ought to have some idea of what the cost of these various incentive programs are. We do not really have the luxury of going back perhaps and changing some of those costs, but we ought to know what they are and maybe we can learn a little bit from history. It may well be that the benefits outweigh the cost and that I was wrong and others were right and I'm not going to belabor that point. What I do think is that as we do with the appropriations process on this floor, if you go to the Appropriations Committee and ask for a million dollars, you have to justify it and you have to come back and say this is what it costs the taxpayer. If we give a tax exemption, a tax exemption such as included under 775, there isn't any really visible cost to the taxpayer and so we do not know what the revenue impact might have been. We can only speculate. There may be a time, there may be a time when we say that was a good deal, we ought to do more of it and encourage additional activity in that line. If so, we have something to go on and the Legislature ought to have that, those numbers. I don't think Revenue is concerned about facts, they ought to have some basis upon which to function and they do so. Mr. President, I oppose the Bernard-Stevens amendment and support the Wesely amendment.

PRESIDENT: Thank you. Senator Lynch, please.

SENATOR LYNCH: Question.

PRESIDENT: Question has been called. Do I see five hands? I do, and the question is, shall debate cease? All those in favor vote aye, opposed nay. We're voting on ceasing debate. Record, Mr. Clerk, please.

CLERK: 25 ayes, 1 nay, Mr. President, to cease debate.

PRESIDENT: Debate has ceased. Senator Bernard-Stevens, would you like to close, please?

SENATOR BERNARD-STEVENS: Yes, thank you, Mr. President, members of the body. The amendment is not a complicated amendment. It is very, very simple. I'm always intrigued, you know, by Senator Hall, and it's well done. I mean, I understand why he

is doing that and Senator Wesely will pick up on that. You know, it's easy to simply say when someone has a real concern about a bill that they really don't have a concern about a bill, this is an abortion delay, and I find that amusing but obviously under the situation, I can understand where Senator Hall would probably think that. The fact of the matter is if 431 would have been up as it was, I didn't have too many problems with it. The amended form as we're coming through, I would have had problems whether it would have been today, tomorrow, last year, 10 years ago. Well, 10 years ago is a little hard. We didn't have 775 then. All I'm doing is saying the following. If, in fact, we have Senator Wesely and Senator Hall and Senator Schmit, if we have those that are concerned with getting more information to the body, we ask ourselves a couple of questions that apparently no one wants to ask or the body is numb and just don't care to ask or there is a defeatist attitude. I don't know. But the questions that need to be asked are, why is some of the information not provided by the Department of Revenue and I suspect it's because some of it is somewhat sensitive in regards to some of the businesses that provide that information. The next question we ask is, the Department of Revenue is willing to give the information if we pass this law. In other words, the Department of Revenue is not going to defy the law and say if you pass it, we'll give it to you. That's fine. If that occurs, two questions arise. Number one, the first question that arises is, is the information that is provided by the companies to the Department of Revenue, is that information now going to be somewhat different in its presentation to the Department of Revenue because now some of the information that normally was going to be kept by the department is going to be made public? I suspect there is going to be a change in the type of information provided. And if I were a company and had sensitive information I knew would be made public, I would probably find a way to change that type of information reported. Because, as I mentioned before, it's very clear that the reporting of 775 benefits or faults is very subjective, very subjective. The second question that the body needs to figure out is, or come to a conclusion or consensus on, if we, in fact, get this information, how are we as a body going to get the information? Senator Wesely says we're going to get a booklet and it will be an expanded booklet which will have the expanded information in and each senator will get a copy. That's fine. We're going to have 49 senators read that information. I put to you that I suspect, as we all know, most of that information is not read in its entirety by all members. I suspect those people

that have some type of point to try to make on 775 will look at the information and come to their subjective conclusions based on the already subjective conclusions that have been presented by the Department of Revenue. All my amendment would do is to say, instead of having 49 different interpretations, 49 different uses for the information, we could at least have a person hired on a half-time basis in the Fiscal, excuse me, in the Policy Research and have a half-time person there that will look at that information and come to a report, come to a conclusion on what that information says in as much of an unbiased manner as possible. Then at least we all have the same criteria to look at. If we're going to get the information we might as well have someone that is going to analyze the information rather than each of us on our own. That is the nature of the amendment. It is clear and simple. The body can simply do as it chooses. Thank you.

PRESIDENT: Thank you. The question is the adoption of the Bernard-Stevens amendment. All those in favor vote aye, opposed nay. Please vote if you care to. Record, Mr. Clerk.

CLERK: 3 ayes, 14 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: The amendment fails. Anything further on it?

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

PRESIDENT: We're back to Senator Wesely.

SENATOR WESELY: Am I closing?

PRESIDENT: We're back to the advancement of the bill. Did you want to speak about that? You'll have a closing coming later, but did you wish...

SENATOR WESELY: No, I'll just wait to close.

PRESIDENT: All right. Senator Bernard-Stevens. Let's see, Senator Warner was ahead of you, I'm sorry. Senator Warner.

SENATOR WARNER: Mr. President, I only had a couple of questions for Senator Wesely, brief ones.

PRESIDENT: Senator Bernard-Stevens, would you reply, please.

SENATOR WARNER: No, Senator Wesely.

PRESIDENT: Oh, Senator Wesely. Senator Wesely, respond, please.

SENATOR WARNER: Senator Wesely, I want to be sure I understand. When is the effective date for this act and when would the first report be due, or is if this is passed, do we start to argue that it should all be done yesterday?

SENATOR WESELY: No. It would add the supplemental information from this time forward. I mean, that would...

SENATOR WARNER: And due when?

SENATOR WESELY: Well, every March 15 is when the annual report is, but for retroactive information that they have accumulated, the other materials that have come in over the past three years, that report would be out September 1, what they have available.

SENATOR WARNER: This year?

SENATOR WESELY: Yeah. So what we're trying to do is they have had this information, get that information September 1, but then from there on it would just be part of their annual report.

SENATOR WARNER: I see. Thank you.

PRESIDENT: Thank you. Senator Bernard-Stevens, followed by Senator Morrissey and Senator Lynch. Senator Morrissey. Oh, no, Senator Bernard-Stevens is there. Okay.

SENATOR BERNARD-STEVENS: Thank you, Mr. President, I'll go ahead and yield my time to Senator Morrissey at this point if he wants it, and if he has any time remaining and wants to yield some back, that's fine.

PRESIDENT: You have a motion on the desk, though?

CLERK: Mr. President, Senator Bernard-Stevens would move to indefinitely postpone the bill.

PRESIDENT: Senator Bernard...

SENATOR BERNARD-STEVENS: Mr. President, I filed this motion, hopefully, so that we can at least get some discussion or not. I think I'll wait for the discussion to take place as to whether or not I actually want to bring it to a vote. I don't know at this particular point. My intention right now is to bring it to a vote.

PRESIDENT: Senator Bernard-Stevens, just a moment, please. Senator Wesely, did you wish to take it up now?

SENATOR WESELY: Yes, absolutely, absolutely.

PRESIDENT: All right. Senator Bernard-Stevens, proceed, please.

SENATOR BERNARD-STEVENS: The bill itself I know has been compromised out and sometimes when we get on the floor we hear the discussion saying everyone has agreed to it, but sometimes we have to dig a little bit further and just ask, what is it that everyone has agreed to and is that which they have agreed to worth our doing? And I have some severe questions, some sincere questions about that. I don't view this anything more than simple harassment as far as in the future of what is going to happen with the figures that we have. I would again point out to the body that what will happen with the passage of this bill is that each of us would get a booklet with different information in, and at that point each of us can feel we're free to make whatever assumptions we want. And if that is what the body wants to do, that is fine. If we want to have 49 different assumptions of what the numbers mean and what they say and what it implies, that is fine. We also have a Department of Revenue that has this information and the department is saying for reasons that I would have to assume are legitimate, they do not feel that some of this information should be made public. I suspect it's because of some of the sensitivities that some of the companies have. I think what it comes down to is on every agency that we, for example, don't know if we trust their figures or numbers, are we going to have the agencies give us the reports so we can personally make the analysis? And if we're going to do that on 775, let's go ahead and get some of the information on foster care. Let's go get some of the information on Social Services. Let's go get some of the information elsewhere on mentally handicapped on some of the funds and where it is going. Let's make sure that we the Legislature have a report on all these things since we really

don't trust any of our agencies or the people there and let's go ahead ourselves to make those decisions and I think if we take that to its logical conclusion, that's absurd. I think in essence what we are doing here is an exercise in futility. We're passing something possibly because everyone has signed off, and I would put to you if the members that are all of a sudden in agreement on this issue, if you just look at who they are, at some point you have to kind of question and say, if they're all in agreement, what does this do? Because obviously they have been at loggerheads at different points. And what it does is exactly what I suspect it does, nothing. And I don't see any reason for us to pass it at this particular point. That's why the motion to indefinitely postpone. I'll be interested in the discussion. Thank you.

PRESIDENT: Thank you. Senator Morrissey, please, followed by Senator Lynch. Senator Morrissey, please.

SENATOR MORRISSEY: Thank you. Mr. President and members, I'd oppose the IPP motion. I think Senator Wesely has a good idea, the reporting and accountability of the act. I have wanted to say this last year and never did ever get a chance to get up and speak on the...any of the bills we had last year addressing this issue. I simply think that the CEOs and the board of directors of the large corporations that came in and requested this sweeping new policy by the State of Nebraska would be very hypocritical to ask or even suggest that it would be bad business for Nebraska to review that sweeping new policy. Any CEO that adopted broad changes in his corporation, convinced his or her corpor...executive board to adopt broad changes in their policies probably wouldn't be the CEO very long if they went on to keep the board in the dark as to the results of those policy changes. I think it's simply very good business for the State of Nebraska to adopt any method we can to get detailed analysis of the sweeping policy change that we took with 775. I think it's incumbent upon us as a Legislature to request that and ask for the most information that we can possibly get and the best analysis of that information. To do anything else would be purely bad business. If you make a big change in your company, you obviously make it because you feel it is going to be positive and for you to be so blind as to say it's going to be positive and we're not even going to look at the figures and do a detailed analysis of it is very hypocritical and I would simply oppose the IPP and support Senator Wesely's bill. Thank you.



PRESIDENT: Thank you. May I introduce some guests, please, in the south balcony. Senator Dierks has some guests from Petersburg, Nebraska High School at Petersburg, Nebraska, 10 high school students with their teacher. Would you students and teacher please stand up so we may recognize you? Thank you for visiting us today. Senator Lynch, please.

SENATOR LYNCH: Question.

PRESIDENT: The question has been called. Do I see five hands? I do, and the question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 1 nay to cease debate, Mr. President.

PRESIDENT: Debate has ceased. Senator Bernard-Stevens, please, to close.

SENATOR BERNARD-STEVENS: I will give the first few minutes of my closing to Senator Crosby who I believe had some comments she wanted to say.

PRESIDENT: Senator Crosby, please.

SENATOR CROSBY: Thank you, Mr. President and members. I'll just say one thing that I didn't...I voted against closing debate because I didn't think anybody would help Senator Bernard-Stevens and we do get these bills that on the surface seem to be...have a good motive, but I think Senator Bernard-Stevens had a point with his amendment and also with his motion to indefinitely postpone because I think that this gets very complicated for businesses to report every little thing, and I think if you pin them...if you get down to the point where they are supposed to tell everything and make all kinds of reports to the Department of Revenue that are going to made public, I think they probably won't make any reports at all. So I'm going to vote for the indefinitely postponement motion. Thank you.

PRESIDENT: Thank you. Senator Bernard-Stevens, do you wish to continue?

SENATOR BERNARD-STEVENS: Thank you, Mr. President. Members of the body, I guess I want to respond very quickly if I can to

Senator Morrissey and, Senator Morrissey, I agree with you. I wish that there would be a way that we would actually find out the true information on LB 775. I would really want to know, was it helpful, was it not helpful, was the Governor, you know, should the Governor be a heroine because of what was done; should she not be; should those that oppose 775, were they absolutely right? I would like to know the answer to the question about what really was the benefit of 775. The point I'm trying to make is through a hearing that we had in the Government Committee last year, and it was a rather extensive hearing, I don't believe, members of the body, you're ever going to know that. I really don't believe you'll ever know that. Example would be, when 775, LB 773 was passed, I was not in the body. I did not vote on the measure. I suspect if I would have been in the body I would have voted in favor of the measure. I don't know, those are unknowns. But I do know at that particular time the economy in the Midwest and the agriculture community, before that time, was in a deep, deep recession, some would call it a depression, if you look at the economic indicators over a four-month period, and at that point the recession began an upswing, as all cycles do in the economic sector. We were due for an upswing. Was that upswing because of 775? I don't know. Was that upswing because the economy was simply ready to do that on its own? I don't know. The reporting information we get from 775, will that tell us the true story? Will we ever really know if a company was going to provide new jobs anyway, but took advantage of 775 at the same time, or did they use 775 tax benefits in order to create the new jobs? We'll never know, members of the body. Senator Wesely's bill will simply give us 49 different people will give a booklet for expanded information of subjective information that you can come to whatever conclusion you want, and you can use that for whatever agenda you have. And that is all this bill is going to do. It will not give you any better information. It will not solidify the issues so we have a clear understanding. It will simply be a vehicle to be able to make whatever points we want to make for whatever agenda we have. I don't think that's important at this point. I don't think it's going to be advantageous for the body to do it, and I don't think it will help the state in any way whatsoever as well. And I hope the body goes along and votes to indefinitely postpone 431. And I'd like to have a call of the house and a roll call vote.

PRESIDENT: All right, the question is, shall the house go under

call? All those in favor vote aye, opposed nay. The question is, shall the house go under call? Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: If we're going to play games on it, because it is important as far as I'm concerned, I'll have a roll call vote on the call of the house at this time.

PRESIDENT: All right. Record, Mr. Clerk.

CLERK: (Roll call vote taken. See page 1874 of the Legislative Journal.) 13 ayes, 17 nays to go under call, Mr. President.

PRESIDENT: We are not under call. Okay. The motion before us at the moment is to take a roll call vote as to the call of the house. Mr. Clerk. Okay, we're past that, and the question now is, shall the bill be indefinitely postponed? And, Mr. Clerk, a roll call vote on that.

CLERK: (Roll call vote taken. See pages 1874-75 of the Legislative Journal.) 10 ayes, 25 nays to indefinitely postpone, Mr. President.

PRESIDENT: The motion fails. Do you have anything further on the bill at this time, Mr. Clerk?

CLERK: Mr. President, I have a priority motion. Senator Bernard-Stevens would move to bracket LB 431 until April 9.

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Members of the body, I filed this motion simply to make a point. If my point were to delay the bill indefinitely so that we don't get to LB 854, all I would have had to have done is on the motion earlier, simply to...on the motion to cease debate or call the question by Senator Lynch, Senator Lynch called the question, two of us had spoken. All I would have had to had done, members of the body, if I were truly going to stall forever on this particular bill, because you felt I was afraid of getting to 854, is to ask the Chair for a ruling. I'd ask the Chair, Mr. President, is it your ruling that there had been enough debate? And, as you know, it makes no difference what he would have said. If he would have said, yes, it's my ruling that one person pro and one person con is enough, or, if it's my ruling that it's not enough, I could have then motioned to override that decision, no matter what it was.

And at that point, no matter what the decision on overriding of the Chair, I could have asked for a roll call vote and I could have moved to reconsider. I could have done that. And I can do that at any time. So, if people are assuming that, by golly, we're not even going to allow a call of the house, if we're going to go that route because, well, this is an abortion fight, I've got news for you, that will never happen again. But I also have news for you, I said I was sincere on this bill and I meant it. I was sincere in my questions, I was sincere in my doubts, and if you all want to put abortion on every vote down here, that's fine, and we'll draw the lines here very soon, very soon. And I want to thank you in a way, you've given me some adrenaline, I'm ready to go, and let's go for it. But I mentioned to the body I was sincere on this in not trying to lay on this particular bill, and I mean what I say, therefore I withdraw the bracket motion.

PRESIDENT: Senator Hall, please. Oh excuse me, he withdrew it. I'm sorry, I was distracted. You have something else on the bill?

CLERK: Mr. President, Senator Warner would move to amend the bill.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: President, members of the Legislature, this will not take long. You can vote up or down. It's very simple. Motion is to strike the date of September 1st and make it December 1st instead for the first year. Obviously, it could be delivered much earlier than that if the work is completed, but December 1 gives ample time for the drafting of any legislation. Next session it would be appropriate for consideration and it seems to me that most reports that we ask for for considering legislation, at least most that I can think of, December 1 is usually the date and I would just move that motion.

PRESIDENT: Thank you. Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. The... I think Senator Warner's amendment is as straightforward as he presented it. The issue here though is really one of when does the report come out, before or after a little event that's going to take place in November called an "election", and I guess, you know, that's probably... we ought to just deal with it straight

April 4, 1990

LB 431

up because that's what it amounts to. I prefer Senator Wesely's proposal. We've had this information. In all cases, those folks who have filed, who currently are under contract, what we do through the Wesely version of LB 431 is allow for those reports. We give them plenty of time. We give them till September 1. Senator Warner wants to move that to December 1 for obvious reasons. Yes, it does allow for drafting of legislation. Doesn't always serve my purpose I guess, or at least part of my purpose, in having the September 1 date, but that's clearly what we're dealing with here. It is just a straight up or down vote and it may fall along party lines.

PRESIDENT: Thank you. Senator Wesely, please; followed by Senator Lynch.

SENATOR WESELY: Yeah, Mr. President and members, Senator Hall pretty well pointed out the situation. It is a before or after the election issue. The information is there and could be made public even, you know, within a matter of time. We felt that September 1 they would have enough time to pull it together and we could wait till December, but it would be after the elections and the thought is this bill, this issue, will be on the minds of people as we get into the elections and it should be an issue debated in full information. Having partial information has not seemed to work and that the public does deserve to have this information before... as soon as possible. Heck, I'd like to have it as soon as the session ended, but we obviously wanted to give some time for the department to pull that information together. In any event, the information will eventually become available and December 1 we could use it for the next session, and obviously we'd have to use it to draft legislation. That's part of the reason we have this bill. But I think September 1 makes sense. They've got it; they can make it available. To not do it September 1, frankly, it looks like, again, we're trying to hide information from the public that we've got, that we've got sitting over there and all we have to do is accumulate and put it out and make it public. So I think if it's there, let's share it, let's let people see it and the sooner the better.

PRESIDENT: Thank you. Senator Lynch, please.

SENATOR LYNCH: Pass.

PRESIDENT: Senator Bernard-Stevens. Senator Bernard-Stevens,

did you wish to speak on this? Followed by Senator Morrissey.

SENATOR BERNARD-STEVENS: Thank you, Mr. President and members of the body. You know, it's one of those things where, if you just kind of keep picking at a sore or a scab, pretty soon you kind of uncover what's really there. Maybe there's some dirt within. Maybe there's a foreign object. Maybe there's a piece of wood that's causing some infection that you can finally get down to. And I really appreciate Senator Warner for being probably more direct than I was on part of the dilemma that we have on this particular bill. You know, if you scratch at something long enough, sooner or later some of the... some of the foreign objects that were there that were before not seen all of a sudden come to the surface after awhile. And as I've kind of stated, at some point, I don't really feel there this is an intention at all about getting real information about 775. I don't think so at all. It never has been. Even assuming there weren't elections this year, even making that assumptions, there would be not any better information out there that not any of us could take one bit of the information and assume it one way and another bit of information and assume it the other way. We can do whatever we want to with the numbers. That has not changed and that will never change. But finally the other bits start to come to surface that this isn't what it was purported to be at all, this is simply an election issue. Do we want the Governor to look good or bad and, I'll be honest with you, maybe the figures will make the Governor look very good. Maybe the figures won't. I don't know, but what I do know is no matter what information that we do get, if anyone wants to make someone look bad they can use whatever numbers they want to to do so. If I choose to counter that using the same numbers, I can use those same numbers to make the Governor or anyone else look good, and it's a perversion of the system as far as what we're trying to do here. And I'm glad Senator Warner, through his amendment, has finally put the real issue up front and it's not getting better information on 775, it's how to harass or how to do other things for political agendas. Thank you.

PRESIDENT: Thank you. Senator Morrissey, please; followed by Senator Wesely.

SENATOR MORRISSEY: Thank you, Mr. President and members. I don't know if I agree with Senator Stevens (sic). I think we can, we should study this. We should study it. Sure, we can all use the figures any way we want. That's what we do with a

lot of things. But this basically... I am opposing Senator Warner's amendment. This is... this really reminds me of low-level waste. It's a put up or shut-up issue. You talk... you're guaranteed on low-level waste nothing will ever, ever happen. Don't worry about it. The facility is fine. You talk liability on that, they said, no, no, no, we can't do it. Well, folks, you can't have it both ways. It's the same issue here. Put up or shut-up. Let's take a look at them. It could do people some good. It could do them some harm, but let's take a look at the figures. Let's take a look at the figures. We all hope it worked out. Deep down, I would hope everybody's hoping that 775 was good for the state 'cause if some of the other predictions are true we could be in for a long, long row to hoe here later on. So let's take a look at it and let's get the information out as soon as possible because the people deserve that. If it becomes an issue, it becomes an issue. Could be good for the Governor; could be bad for the Governor. But she is confident that it will be good for her. All the rhetoric about it has convinced me that the Governor is confident and I think that she, if she were on this floor right now, would oppose Senator Warner's amendment, and I would go along with that and urge the body to do so also.

PRESIDENT: Thank you. Senator Wesely; followed by Senator Lynch.

SENATOR WESELY: Question.

PRESIDENT: Question's been called. Do I see five hands? I do and the question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 1 nay to cease debate, Mr. President.

PRESIDENT: Debate has ceased. Senator Warner, would you like to close, please?

SENATOR WARNER: Well, Mr. President and members of the Legislature, LB 775 is going to be an issue in a... not only Governor's campaign, I suppose it will be an issue in legislative campaigns too. I didn't happen to vote for it so if it's bad, why, my vote will be vindicated that much more, but, of course, I'm not running for anything either right now but you never know when a write in might start. (Laughter) But, again, the amendment was straight up and I appreciate and I understand

that it can be argued it was motivated for the reasons that some have outlined. I would suspect that it will be a positive report. There really isn't any doubt in my mind about it. And I suspect it will be hassled whether the report is out or not. I would suspect that it would be to the interest of those who supported 775 to have it out as early as possible to defend the benefits. My reason is straight up, even though I certainly understand the other side, but December 1 is the traditional date. I suspect there's two or three bills that are already going through or pending will have those same dates and I see no reason, unless, of course, those who are opposing it are right, I see no reason why one would not use that traditional date of December 1 for reports for pending legislation.

PRESIDENT: Thank you. The question is the adoption of the Warner amendment. All those in favor vote aye, opposed nay. We have a request for a record vote. Senator Warner?

SENATOR WARNER: I assume I'd need to ask for a call of the house and a call-in vote would be fine as close as it is.

PRESIDENT: Okay, the question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 17 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence. Those not in the chamber, please return. Call-in votes are authorized. Please record your presence. Some of you are here but have not lit up. Thank you. Senator Lynch. Senator Moore. Senator Barrett's on his way. Senator Labedz, would you light up, please? Thank you. Need Senator Lamb. Authorized, call-ins are authorized.

CLERK: Senator Barrett voting yes.

PRESIDENT: Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 1875-76 of the Legislative Journal.) 25 ayes, 14 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The Warner amendment is adopted. Anything further on the bill?



April 4, 1990

LB 431, 1043  
LR 421

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

PRESIDENT: Senator Hall, you wish to speak on the advancement of the bill? Senator Wesely, would you like to... there are no other lights on so would this be your closing...

SENATOR WESELY: Yeah.

PRESIDENT: ..for the advancement of the bill?

SENATOR WESELY: Yes. Thank you, Mr. President and members. Appreciate the concerns some have expressed on this legislation. Again, I reiterate, the bill came out of committee as a committee priority bill. I appreciate Senator Hall and the Revenue Committee advancing it. It got lost on General File and we did amend it into this bill. We negotiated further with the State Chamber, the Omaha Chamber. We have been in communication with the Revenue Department. I believe there is support for this legislation. I really believe strongly that this will be of benefit to the state to have this information. We've talked about it for a long time. We worked on it for a long time. There's been a lot of hard feelings about it. We finally reached some agreement. It's not all I want. It's less than I want. I wish we could get more, but it's enough to make me feel that we're taking a step forward, that the public will be allowed to have more information and so, with time running out, I'd ask very much for your support to advance the bill.

PRESIDENT: Okay, we're still under call, ladies and gentlemen. Would you please return to your seats and the question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. Mr. Clerk, anything for the record?

CLERK: Just one item, Mr. President. New resolution, LR 421 by Senator Moore. That will be laid over and considered another day, Mr. President. And Senator Lynch would like to add his name to LB 1043 as co-introducer; and Senator Hannibal withdraw his name as co-introducer to 1043. That's all that I have, Mr. President. (See pages 1876-77 of the Legislative Journal.)

PRESIDENT: Mr. Speaker, did you wish to give us any words of wisdom before we depart for lunch? Okay. Would you like to make a motion.

April 4, 1990

LB 431, 1124, 1141  
LR 422

bill, Senator Warner.

SENATOR WARNER: Mr. President, and members of the Legislature, just briefly, I would hope that the bill be advanced. I do not want to take more time. Senator Owen Elmer, I think, made a very excellent point earlier, much earlier this afternoon on the issue of public hearing. Obviously, a constitutional amendment, should it be placed on the ballot, provides the only real public hearing and real public input exists in that is where the voters get to directly consider a proposal, and I think this is...I hope is important enough that we will get some sense between now and next Monday between the two options. And, finally, I do want to make it clear if anywhere in my comments that I inferred that the total Board of Regents were in support of this as opposed to Chairman Blank expressing his own opinion, as Senator Scofield has pointed out, I think it is very indicative, in fact, he very pointedly stated he was speaking for himself and I would not want that impression to be misunderstood. So with that, I would ask that the bill be advanced and that we move on to other matters.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 1141. Those in favor say aye. Opposed no. A machine vote has been requested. Those in favor of the advancement of the bill vote aye, opposed nay. Voting on the advancement of the bill, have you all voted? Record vote has been requested. Record, please.

CLERK: (Record vote read. See page 1886 of the Legislative Journal.) 37 ayes, 6 nays, Mr. President, on the advancement of LB 1141.

Mr. President, items for the record, explanation of votes for Senator Haberman. New resolution, LR 422, by Senator Crosby asking the Legislature to send its congratulations to the Southeast High School Symphonic Band to be laid over (See pages 1886-87 of the Legislative Journal). Enrollment and Review reports LB 431 is correctly engrossed. It's signed by Senator Lindsay as Chair (See page 1887 of Legislative Journal). And I have an Attorney General's opinion, Mr. President, to Senator Crosby (LB 1124, see pages 1888-90 of Legislative Journal). And that's all that I have at this time.

SPEAKER BARRETT: Senator Bernard-Stevens, for what purpose do you rise?

April 4, 1990

LB 431A, 431, 1141A

a motion to challenge. Senator Smith.

SENATOR SMITH: Mr. Speaker, I guess maybe I would like to have clarification. It is my understanding that this morning there was a bill, LB 431A, that was sitting there, was not used because of what we've done prior to that in LB 431 and that bill was pulled from the agenda without any discussion on the floor. Now I guess I'm trying to figure out how it is that we get down and quite honestly I'm being selfish. I have a bill coming up here that's going to impact the economy of the State of Nebraska and my district that we've been waiting for and working on forever and ever. And now we're down to LB 1141A, how is it that that one is still there? Is that still there and it's going to be used for the purposes of gutting and I guess I'd like to have clarification how it is that that one stays there and the other one was pulled?

SPEAKER BARRETT: Are you asking a question?

SENATOR SMITH: I guess I'm asking that to you. I don't know who else to ask it to.

SPEAKER BARRETT: Senator Smith, I believe the question before the body is the overruling of the Chair.

SENATOR SMITH: I can't ask for clarification?

SPEAKER BARRETT: That is the question before the House right now.

SENATOR SMITH: All right then...

SPEAKER BARRETT: Is the Chair to be overruled or is it not? Any other conversation is extraneous.

SENATOR SMITH: How do I get an answer to that question?

SPEAKER BARRETT: We haven't gotten to LB 1141A, Senator Smith.

SENATOR SMITH: I'll put my light back on. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, from the conversations I've had with some of the principals, including the sponsor of the bill,

I believe I'm correct it should be pulled like every other one has been pulled, like LB 431A had been pulled this morning. Senator Hall said he's going to draft a resolution to try to get some kind of intent before whoever would need it. I don't know what the impact of that will be because I haven't seen a situation confronting us like the one where the Banking Director has made the kind of determination she has made. She is an administrator, has decided to construe a law in a certain way. If there is no effective challenge, then what she says is the way it's going to be done. The means of making that challenge is up to those who will be harmed by it. The Legislature has to consider what it's going to do in the face of that challenge. But I'll tell you this--the rules have been played with and Senator Labeledz says that she doesn't think that a bracket motion can be amended. I know that a lot of things have been done with the rules; but if that cannot be done, then her motion to suspend the rules is out of order because I say it is and a few of us feel that way. And we'll just have a shouting match and there won't be anybody recognized and allowed to say and do anything. Now they've been able to bulldoze and bully and if that's the way they like to do it, we can all do it. They're not the only ones. And if that's the way it's to be, fine. But Senator Warner can control this whole thing by simply moving to withdraw his bill, which under the rules he has the right to do. He has no co-sponsors. What the Chair could have done was to pull the A bill when there's no need for it as he did with LB 431. This abortion thing has not only tainted this session, it has corrupted it. There is so much fanaticism, outright zealotry that is being orchestrated outside this state that the Legislature no longer belongs to the legislators. There are others outside this state setting the agenda. And there are people on this floor getting their marching orders. And they're going to try their best as little tin soldiers to do what they've been dictated to, and I'm going to fight it every step of the way. They're willing to do this, to hold the session their way and I'm willing to do everything within my power to stop them. The motion before us is one to overrule the agenda. I don't even know that the motion is for to... I don't know what the agenda is being overruled for. But as far as LB 1141A, the agenda doesn't have to be overruled or dealt with in any way for the Speaker to pull it or for Senator Warner to make a motion to withdraw it. So, in a sense, we're expressing what we feel, we're getting things on the record, but our wheels are spinning. It's clear that those in Washington, D.C., who call themselves pro life have said to Hades with the depositors. That's what it

April 9, 1990

LB 431, 1055, 1109

CLERK: Well, Senator, I have two amendments pending to the bill that would involve motions to return. (See McFarland amendment AM2783 as found on page 1127 of the Legislative Journal.)

SENATOR MCFARLAND: I'd just withdraw them, Mr. Clerk. Thank you.

PRESIDENT: Both of them, Senator McFarland?

SENATOR MCFARLAND: Yes.

PRESIDENT: Okay, they are both withdrawn. Read the bill, Mr. Clerk.

CLERK: (Read LB 1109 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall the LB 1109 pass? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote taken as found on pages 1998-99 of the Legislative Journal.) 38 ayes, 0 nays, 3 present and not voting, 8 excused and not voting, Mr. President.

PRESIDENT: LB 1109 passes. LB 431.

CLERK: (Read LB 431 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 431 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote taken as found on pages 1999-2000 of the Legislative Journal.) 39 ayes, 0 nays, 4 present not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 431 passes. LB 1055, with the emergency clause attached.

CLERK: (Read LB 1055E on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1055 pass with the

April 9, 1990

LB 431, 1031, 1055, 1059, 1109, 1124, 1141  
1153, 1153A, 1221, 1246, 1246A  
LR 11

retarded in our state. But let's do so in a fashion that makes sense, that is accountable, and we understand exactly what we're getting for our money. And, so these could have been met, both of these goals could have been met with language the Appropriations Committee put out, but that language was rejected. Instead money was added and language deleted, and so that is what's put me in this quandary. I hope, as we work through this issue, and I think we should take some time, it's a 2 million dollar issue, we should try and understand what we hope to accomplish through this change. And I would like to see, on the part of those particularly promoting this amendment, a commitment to deal with this problem and correct these problems, and that might ease my concerns and allow me to vote for this. I need to hear from supporters of this that they know there is a problem and want to deal with this...

PRESIDENT: Time.

SENATOR WESELY: ...problem, otherwise we simply get ourselves into a cycle and a Catch 22 that will not ever end and continue down the road with further problems.

PRESIDENT: Thank you. While the Legislature is in session, and capable of transacting business, I propose to sign and do sign LB 1109, LB 431, LB 1055, LB 1124, LB 1153, LB 1153A, LB 1221, LB 1246, LB 1246A, LR 11, and LB 1141. Senator Warner, please, followed by Senator Hannibal.

SENATOR WARNER: Mr. President, members of the Legislature, again, I indicated earlier that as we go along I would at least inform you of the status of the reserve fund as we go. And, as indicated earlier, LB 1059, and that's the only thing we can key to on this because it does make a difference, if this amendment is adopted, and if 1059 is overridden, why there will be a million four left that could be overridden this year and still maintain the 3 percent reserve. However, if this is overridden, if you look out beyond into the next biennium, we would be in a two and a half million deficit situation. But that is no legal requirement to observe that. But it is something that one needs to keep in mind, that assuming that the growth is something less than 6.5 percent in each of the two years in the following biennium, why we would certainly have a problem. On the other hand, if 1059 is not overridden, why then there is something like 3.6 million left, even though this is overridden. And that then is not so tight. But you should keep in mind that as we go

Review Board. There is currently only one supervisor for the entire state. Can you imagine one supervisor going across the entire state with the amount of problems that we have in the foster care board at the present time? The cost of this supervisor would be \$33,070 for this supervisor, plus another \$840 for the travel expenses. With the current focus on child abuse and with the Franklin situation, it's very important that we have one more supervisor for this state. If we do nothing else this year, we need to protect the children. We need to have this supervisor out there to help coordinate things, so it's very important that we have this individual out there to help the Foster Care Review Boards. We're only talking about \$30,000, so I would move for this motion, please.

SPEAKER BARRETT: Any discussion? Seeing none, anything further, Senator Schellpeper? Thank you. The question is, shall the veto be overridden? The question is involving foster care. Those in favor of overriding, please vote aye, opposed nay. Have you all voted? Have you all voted if you'd care to vote? Senator Schellpeper.

SENATOR SCHELLPEPER: Why don't we just have a roll call vote. Everyone check in, please, and have a roll call, please. Thank you.

SPEAKER BARRETT: Members, please check in. Senator Moore, Senator Byars, Senator Lynch, Senator Wesely, Senator Warner, Senators Landis and Langford, Senator Schmit, Senator Smith. Senator Labedz, Senator Chambers, Senator Robak, Senator Chizek. Senators Wesely and Chambers, would you please record your presence. Mr. Clerk, would you proceed with the roll call.

CLERK: (Roll call vote taken. See pages 2030-31 of the Legislative Journal.) 33 ayes, 10 ayes.

SPEAKER BARRETT: Motion is adopted. The veto is overridden. Next item, please.

CLERK: Mr. President, that completes everything I have on LB 1031. I do have some items for the record.

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, bills read on Final Reading have been presented to the Governor as of 4:03 p.m. (Re. LB 1109, LB 431,