

January 18, 1989

LB 35, 36, 38, 79, 158, 496-536

while you bring in your bills. If you have some, please bring them up. Do you have an announcement for us?

CLERK: Mr. President, Reference Committee will meet in five minutes in Room 2102; Reference Committee in Room 2102 in five minutes.

PRESIDENT: Reference Committee, please heed the announcement just made.

EASE

PRESIDENT: If you don't have anything to do, there is some dry edible beans up in front here, if you would like to help yourself you may. John Weihsing knows all about them, so you can ask him if you want to know how to cook them or anything. (Gavel.) Senator Weihsing.

SENATOR WEIHSING: Mr. President and members of the Legislature, this year Nebraska is number one in the production of dry edible beans. I thought that you should realize that we have a very high standing with the production in the nation.

PRESIDENT: Mr. Clerk, you have something to do.

CLERK: Mr. President, your Committee on Agriculture, whose Chair is Senator Rod Johnson, to whom was referred LB 35, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 36 and LB 38 to General File, all signed by Senator Johnson as Chair.

Mr. President, new bills. (LBs 496-536. Read for the first time by title. See pages 258-66 of the Legislative Journal.)

Mr. President, in addition to those items, I have the hearing notice from the Health and Human Service Committee. Mr. President, a Reference Report referring LBs 463 through 495.

Mr. President, Transportation Committee, whose Chair is Senator Lamb, to whom was referred LB 79, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with committee amendments attached, and LB 158 to General File, both of those signed by Senator Lamb (See pages 268 of the Legislative Journal.)

February 7, 1989

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

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

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

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

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

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

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

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

Proofed by: Arleen McCrory
Arleen McCrory

March 8, 1989

LB 418, 506

SPEAKER BARRETT: Any discussion on the adoption of the committee amendments? If not, those in favor of the adoption of the amendments to 418 please vote aye, opposed nay. On the committee amendments, have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER BARRETT: The amendments are adopted. Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the body, there was not any opposition to the bill, and as I stated before, all the bill does, it extends the length of the term of office for the Public Employees Retirement Board members from three to five years. I ask for the advancement of the bill, Mr. President.

PRESIDENT: Any discussion? Seeing none, there in favor of the advancement of 418 to E & R Initial vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 418.

SPEAKER BARRETT: The bill is advanced. Anything for the record?

CLERK: Not at this time, Mr. President, no, thank you.

SPEAKER BARRETT: To the next bill, Mr. Clerk.

CLERK: LB 506 was introduced by Senator Haberman. (Read title.) The bill was introduced on January 18, referred to Retirement for public hearing, advanced to General File. I have committee amendments pending, Mr. President. (See page 636 of the Legislative Journal.)

SPEAKER BARRETT: (Gavel.) On the committee amendments, Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the body, the committee amendment more clearly states that the judges and patrols retirement system be fully funded over a 25-year period or over the average future service of active members of each individual system, whichever comes first. From the time a patrol officer and a judge enter the retirement system and the

time that they retire, it may be less than 25 years. Therefore, the liability of improved benefits may not be fully paid for by the time of retirement. This change will help ensure that these funds are fully funded. I ask for the adoption of the amendment, Mr. President.

SPEAKER BARRETT: Thank you. Discussion on the committee amendments. Senator Nelson.

SENATOR NELSON: Senator Haberman, I am sorry I didn't get time for all of the details on the bill, but just one question if you would respond. I see any number of sections, you know, sometimes, are there other things in the bills that we don't realize at the time. Also I see a mention to school retirement funds, and you didn't mention this in your explanation of the amendments. Remember, last year we had a 3.6 unfunded liability, and with the proposals in LB 89, that also does concern me. How does this address school retirement funds, and I see that they were a supporter in the bill? Could you just explain that to me, please?

SPEAKER BARRETT: Senator Haberman, would you respond?

SENATOR HABERMAN: Senator Nelson, I have not explained the bill. I have not gone into any of those details which I intend to do when I get to the bill. I am talking, and was your question addressed to the amendment or to the bill?

SENATOR NELSON: To the amendments, sir, I see...

SENATOR HABERMAN: Will you start your question again, please.

SENATOR NELSON: Okay, I said that you explained to me the judges and the highway patrol. I just asked what the amendments did on the school retirement system.

SENATOR HABERMAN: There isn't any.

SENATOR NELSON: Okay, thank you.

SPEAKER BARRETT: Anything further? Any closing on the amendments, Senator Haberman?

SENATOR HABERMAN: I will waive closing.

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LB 506

SPEAKER BARRETT: Thank you. The question before the body is the adoption of the committee amendments to LB 506. Those in favor vote aye, opposed nay. Voting on the committee amendments. Please vote if you would care to vote.

SENATOR HABERMAN: Well, Mr. President, under the circumstances, and I hate to do this, I am going to have to ask for, please, I am going to have to ask for maybe, maybe...isn't there anybody else here to give me one more. There we got it.

SPEAKER BARRETT: Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER BARRETT: The amendments are adopted. To the bill, Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, my better sense says, just ask for advancement but I don't think that would be fair. The bill was introduced at the request of the Nebraska Retirement Systems. Now they have assured me and the committee that the changes are only technical changes which eliminate obsolete language or change the wording...don't run away, Tim, I am going to need you...so that the various retirement systems use common language. It brings them all into the same language. The changes clarify provisions relating to the county employees, judges, schools, state patrol, and state employees retirement systems. In all of the retirement plans, language was eliminated that defined a qualified domestic relations order that is spelled out in the current law and references it to the Internal Revenue Code, which pertains to divorce settlements. Language is added to the judges and patrol retirement systems which will allow the estate to receive a deceased patrol officers retirement fund in the event that there is no spouse or dependent children. There will be no fiscal impact to any of the systems or the state because of the changes in this proposed bill. Now I can go through here one by one by one and we will be on this tomorrow, so the only thing I can say is, trust me. With that, Mr. President, I ask for advancement of a technical bill, LB 506.

SPEAKER BARRETT: Thank you. Discussion? Senator Hefner, followed by Senator Hall.

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LB 506

SENATOR HEFNER: Mr. President and members of the body, Senator Haberman, I have a question. You said in your explanation of the bill that this bill would have no fiscal impact. How about after we added the amendments, what happens then?

SENATOR HABERMAN: Still no fiscal impact.

SENATOR HEFNER: No...you guarantee that?

SENATOR HABERMAN: Absolutely.

SENATOR HEFNER: Okay.

SENATOR HABERMAN: If it does have, I will be the first to stand up here and tell you it does.

SENATOR HEFNER: Okay, we will see what happens when a year or two passes. Thank you.

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. Senator Haberman, can you answer a question with regard to what retirement systems this bill would impact. Does it impact state employees, state patrol, and across the board, who does it affect?

SENATOR HABERMAN: County employees, judges, schools, state patrol, and state employees of the retirement system.

SENATOR HALL: Why did the state employees testify in a neutral capacity on the bill?

SENATOR HABERMAN: The state employees did not testify in a neutral capacity.

SENATOR HALL: I am sorry, Senator Haberman. That is the way it was listed in the...

SENATOR HABERMAN: No, it is the public employees retirement systems people.

SENATOR HALL: Okay.

SENATOR HABERMAN: They testified neutral because it is their

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LB 449, 506

bill and they answered questions.

SENATOR HALL: Thank you very much.

SPEAKER BARRETT: Any other discussion? Any closing? Thank you. Shall LB 506 be advanced. Those in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 506.

SPEAKER BARRETT: LB 506 is advanced. LB 449, Mr. Clerk.

CLERK: LB 449, Mr. President, was a bill introduced by Senators Ashford and Wesely. (Read title.) The bill was introduced on January 13, referred to Health Committee. The bill was advanced to General File. I have Health and Human Services Committee amendments pending, Mr. President. (See page 637 of the Legislative Journal.)

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you.

SPEAKER BARRETT: On the amendments.

SENATOR WESELY: Mr. Speaker, members of the body, the amendments delete the increase in ADC provided for under this piece of legislation. If you recall, last year we did increase to \$293 a month the amount of ADC payments we make. We also authorized up to \$300 those payments. This bill would have increased that from 293 to 300. That is eliminated by the committee amendments, and deletes \$1.5 million from the fiscal note. I would move for the adoption of the committee amendments.

SPEAKER BARRETT: Any discussion on the committee amendments? If not, those in favor of their adoption vote aye, opposed nay. Record.

CLERK: 25 ayes, 2 nays, Mr. President, on adoption of committee amendments.

SPEAKER BARRETT: The amendments are adopted. Senator Ashford, on the bill.

March 13, 1989

LB 46, 54, 145, 182, 211, 237, 247
259, 288, 315, 316, 356, 379, 388
411, 418, 437, 447, 449, 449A, 506
587, 630, 651, 652, 809

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Microphone not activated) ...to a new week in this the life of the First Session of the Ninety-first Legislature. Our Chaplain this morning for the opening prayer, Pastor Jerry Carr of First Four-Square Church here in Lincoln. Pastor Carr, please.

PASTOR CARR: (Prayer offered.)

SPEAKER BARRETT: (Gavel.) Thank you, Pastor Carr. We hope you can come back again. Roll call.

CLERK: Quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER BARRETT: Messages, announcements, reports?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 587 and recommend that same be placed on Select File; LB 379, LB 46, LB 388 and LB 145, LB 237, LB 418, LB 506, LB 449, LB 449A and LB 54, all placed on Select File, some of which have E & R amendments attached. (See pages 1059-66 of the Legislative Journal.)

Mr. President, Business and Labor Committee reports LB 630 to General File; LB 315 to General File with amendments; LB 288, indefinitely postponed; LB 316, indefinitely postponed, LB 411, indefinitely postponed, and LB 652, indefinitely postponed, those signed by Senator Coordsen as Chair of the Business and Labor Committee. (See pages 1067-69 of the Legislative Journal.)

Mr. President, a series of priority bill designations. Senator Withem, as Chair of Education, has selected LB 259 and LB 651. Mr. President, Senator Nelson has selected LB 447; Senator Langford, LB 211; Senator Coordsen, LB 182; Senator McFarland, LB 437; Senator Byars, LB 809; Senator Withem, LB 247; and Senator Crosby selected LB 356, Mr. President.

I have an Attorney General's Opinion addressed to Senator Hefner

March 22, 1989

LB 145, 237, 418, 506

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

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 145, as amended, be advanced to E & R Final.

SPEAKER BARRETT: Shall LB 145 be advanced? All in favor say aye. Opposed no. Carried. LB 237.

CLERK: On 237, Senator, I have E & R amendments first of all.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move the adoption of the E & R amendments to LB 237.

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

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 237, as amended, be advanced to E & R Final.

SPEAKER BARRETT: Shall LB 237 be advanced? Those in favor say aye. Opposed no. Carried, the bill is advanced. LB 418.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 418 be advanced to E & R Final.

SPEAKER BARRETT: Shall LB 418 be advanced? Those in favor say aye. Opposed no. Carried, the bill is advanced. LB 506.

CLERK: LB 506, Senator, I have E & R amendments first of all.

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LB 449A, 449, 506

SPEAKER BARRETT: Senator Lindsay.

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

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

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the advancement of LB 506, as amended.

SPEAKER BARRETT: Shall 506, as amended, be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 449.

CLERK: On 449, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 449.

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

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 449, as amended, be advanced to E & R Final.

SPEAKER BARRETT: Shall 449 be advanced? Those in favor say aye. Opposed no. Carried, the bill is advanced. The A bill, Mr. Clerk.

CLERK: Senator, I have E & R amendments on LB 449A.

SPEAKER BARRETT: Senator Lindsay.

March 28, 1989

LB 46, 49, 49A, 132, 145, 231A, 237
250, 250A, 281, 378A 379, 388, 408A
412A, 418, 449, 449A, 506

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the 54th day in the life of the First Session of the Ninety-first Legislature. Our opening prayer this morning by our chaplain, Pastor Allen Vomhaf of St. Johns Lutheran Church in Omaha, Senator Lynch's district. Pastor Vomhaf, please.

PASTOR VOMHAF: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Vomhaf. Hope you can come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Reports, announcements or messages.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 46 and find the same correctly engrossed, LB 49, LB 49A, LB 132, LB 145, LB 231A, LB 237, LB 250, LB 250A, LB 281, LB 378A, LB 379, LB 388, LB 408A, LB 412A, LB 418, LB 449, LB 449A and LB 506, all reported correctly engrossed. (See page 1364 of the Legislative Journal.)

Mr. President, the last item I have is a report from the Job Training Director for the City of Omaha. That will be on file in my office. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Before proceeding into General File, senator priority bills, an announcement of general interest to the body (gavel) for your advanced planning. On Thursday of this week, day after tomorrow, we will be on consent calendar, consent calendar beginning Thursday morning, running through the noon hour, working through the noon hour and hopefully adjourning again at the midafternoon point. It's my hope that we can dispose in one way or another of all of the bills that will be listed on consent calendar on Thursday. Those bills that will be a part of consent calendar will be available to you this afternoon at the same time the agendas for tomorrow are available. So you will be able to have a little

April 5, 1989

LB 157, 397, 486, 488, 506

SPEAKER BARRETT PRESIDING

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

SENATOR LOWELL JOHNSON PRESIDING

SENATOR L. JOHNSON: Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR L. JOHNSON: Any messages, reports or announcements?

CLERK: Mr. President, Senator Withem has amendments to be printed to LB 506, to LB 488 and LB 486. (See pages 1502-07 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Chambers regarding LB 397. (See pages 1507-10 of the Legislative Journal.)

Mr. President, I have a series of audit reports as filed with my office by the state auditor. Those reports will be on file in my office. That is all that I have, Mr. President.

PRESIDENT NICHOL PRESIDING

PRESIDENT: If you'll take your seats, please, we'll begin Final Reading. (Gavel.) If you'd return to your seats, please, we'll begin Final Reading. Read LB 157.

CLERK: (Read LB 157 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 157 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1510-11 of the Legislative Journal.) 35 ayes, 0 nays, 1 present and not voting, 13 excused and not voting, Mr. President.

PRESIDENT: LB 157 passes. May I reintroduce to, introduce to you again some gentlemen from Austria that were introduced to you a few days ago, Dr. Erwin Proell who is the Deputy Governor of lower Austria. Would you please stand, Governor. And

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LB 506

LR 73

They'll pick one day, on the weekend, and come down and circle the Capitol and display their cars around the Capitol. I urge the adoption of this resolution.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: (Response inaudible.)

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

CLERK: 20 ayes, 0 nays, Mr. President, on adoption of the resolution.

PRESIDENT: The resolution is adopted. Now, ladies and gentlemen, if you'd take your seats, please, we'd begin Final Reading. (Gavel.) If you'll take your seats, we'll begin Final Reading, please. Mr. Clerk, LB 506, please.

CLERK: Mr. President, Senator, I have a motion on the desk. Senator Withem would move to return LB 506 to Select File for specific amendment.

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body. I'm asking that this bill be brought back from Final Reading for purposes of attaching an amendment that is printed in the Journal on page 1502. I thank Senator Haberman for his cooperation in allowing us to at least consider this amendment. What this amendment would do would be...it would provide a change in the manner in which school employees, who are currently covered under the School Employees Retirement System, are treated when they go to work for the State Department of Education. Now, obviously, this does not apply to a huge, significant number of people in our state. It's isolated to a very small number of people. But there currently is a problem. Now, also keep in mind that the prime recruitment ground for employees in our State Department of Education are individuals who are currently employed in the Public School System. Currently, when they go from one system to another they have to change their retirement system from the School Employment Retirement System to the State Retirement System. It's not so much that one system is better than another, it's that they tend

to, if they're not vested yet in one system, they could lose those benefits that they have. If they are vested, the manner in which their benefits are finally concluded is based on their average salary for their last five years. Beings they are going to continue to work, and continuing to grow and advance into the school...the state system, that can negatively affect upon their benefits. The purpose of it is to make it not a penalty for an individual to transfer from one system...from the School Retirement System into the State Retirement System, so they aren't penalized when they leave working for the public schools and go to work for the department. What this amendment would do would be to allow the individuals to choose whichever retirement system they wish to be covered by, either the School Employees Retirement System or the State Retirement System. A fairly simple amendment. I'd ask that you move to return the bill to Select File for purposes of adopting this amendment.

PRESIDENT: Thank you. Senator Haberman, please, followed by Senator Abboud.

SENATOR HABERMAN: Mr. President, members of the body, if this item would have been presented to the committee before the bill was advanced to the floor, we would have attached it as a committee amendment. And I wholeheartedly support returning the bill, attaching the amendment. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Abboud, then Senator Wesely. Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, members. I apologize to Senator Withem. I followed most of your conversation. Would the...if he'd yield to some questions just about the...The State Employee Retirement System and the School Retirement System are completely different. One is a defined benefit, one is a defined contribution plan, so they are quite different. But I can see where trying to rectify differences is important. And I'm just wondering, Senator Withem, right now if you're moving out of a school into the Education Department are they...are you wanting to allow them to continue to be under the school retirement plan? Is that the intent of this amendment?

SENATOR WITHEM: Allow them the choice of remaining under the School Retirement System or going into the State Employees Retirement System, which ever they prefer.

SENATOR WESELY: They don't have that choice now. They just have to convert into the state plan, is that...

SENATOR WITHEM: My understanding that some exceptions have been made, but the statute does not technically allow for that choice to be made.

SENATOR WESELY: If they stay in the school plan, which is defined benefit plan with defined contributions, does that mean then that under this amendment they would have to follow exactly what everybody else in the School Retirement Plan would have to follow in terms of percent of their salary and the contribution by the state?

SENATOR WITHEM: Right.

SENATOR WESELY: Okay. Do you see any problem with the fact that as a state employee they would have a different contribution level for themselves in the state than other state employees would have under the state plan? Is that not a problem?

SENATOR WITHEM: I think for the limited number of people that are...were involved in this particular transfer, no I don't think it would be a problem.

SENATOR WESELY: We're talking a handful of people probably at most?

SENATOR WITHEM: Yeah, we really are.

SENATOR WESELY: Okay, it's just the juxtaposition. These are not compatible meshing plans, they are very different plans. But, you know, I guess my first reaction is I don't know why we can't be a little flexible. But I just want to get, for the record, exactly how we'd work that out. Appreciate that.

SENATOR WITHEM: Thank you.

PRESIDENT: Thank you. Senator Abboud, did you wish to speak now?

SENATOR ABOUD: No.

PRESIDENT: Okay. Senator Withem, did you wish to close on your

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LB 410, 506

motion to return?

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

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

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

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

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

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

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

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

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

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

CLERK: (Read LB 410 on Final Reading.)

April 11, 1989

LB 44, 44A, 47, 66, 285, 285A, 361
361A, 372, 401, 429, 506, 546, 548
582, 582A, 608, 637, 739, 777, 790

your light is on.

SENATOR MORRISSEY: Yes, Mr. Speaker, I would move that we adjourn until 9:00 a.m., Wednesday, April 12.

SPEAKER BARRETT: Thank you. Before we take a vote, Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I have amendments to be printed to LB 739 by Senator Wesely and to LB 429. Enrollment and Review reports LB 44, LB 44A, LB 47, LB 66, LB 285, LB 285A, LB 361, LB 361A, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, and LB 790 as correctly engrossed. (See pages 1648-52 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is adjournment until tomorrow morning at nine o'clock. Those in favor say aye, opposed no. Carried. We are adjourned. (Gavel.)

Proofed by:

Sandy Ryan
Sandy Ryan

April 13, 1989

LB 429, 506, 767

the bill, I think we have had quite a lot of it this morning, and I do thank everyone for their participation and their help in getting this thing put together and getting it across the floor, and I would just ask for the advancement of the bill and a vote for the bill. Thank you.

SPEAKER BARRETT: Thank you. Any questions? Any discussion? Seeing none, those in favor of the advancement of LB 767 to E & R Initial please vote aye, opposed nay. Have you all voted on the advancement of the bill? Record, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 767.

SPEAKER BARRETT: LB 767 is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, very briefly, Senator Haberman has amendments to LB 506 to be printed. (See pages 1679-80 of the Legislative Journal.)

I have the lobby report for this week, for this past week, and that is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. We have some friends of Senator Rod Johnson under the north balcony from Osceola, Nebraska. We have Levar and Francis Sandell and their son Joel Carlson. Would you folks please stand and be welcomed. Thank you. We're glad to have you with us. Mr. Clerk, to LB 429.

CLERK: Mr. President, LB 429 was introduced by Senators Baack, Elmer, Schellpeper and Labeledz and Hall. (Title read.) The bill was introduced on January 13, referred to Health and Human Services, advanced to General File. I have committee amendments pending by the Health and Human Services Committee, Mr. President.

SPEAKER BARRETT: Chairman Wesely, on the committee amendments.

SENATOR WESELY: Thank you, Mr. Speaker, members, this bill, LB 429, is a bill brought to us by Senator Baack and some other cosponsors to make changes in the state certificate of need law which was a bill passed in 1979, my first year in the Legislature. I had a great deal to do with that piece of legislation, have taken a great deal of interest in it since

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LB 372, 401, 506

LB 372, please.

ASSISTANT CLERK: (Read LB 372 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 372 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 1714-15 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 372 passes. If I could direct your attention to the north balcony, please, for just a moment. We have a special group of people there. We have about 42 students from all over the world and they are visiting all over Nebraska. They are from, all from different, visiting in different towns and cities and this foreign high school exchange organization was organized by the Nebraska Education Foundation for Foreign Students, a nonprofit group that matched 46 students with Nebraska host families this year. The organization also sends Nebraska students abroad. So would you folks please rise and be recognized for your attendance here. Thank you. We welcome you here and we hope you enjoy the rest of your visit which extends over several months in the United States. Thank you for visiting us today. Mr. Clerk, LB 401.

ASSISTANT CLERK: (Read LB 401 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 401 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 1715 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 401 passes. LB 506 with the emergency clause attached, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first item I have on the bill is a motion by Senators Haberman and Korshoj to return the bill for an amendment found on 1679. I understand this

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LB 506
LR 2

amendment is to be withdrawn, Senator.

PRESIDENT: Senator Haberman, please.

ASSISTANT CLERK: Mr. President, I have a motion from Senator Haberman to return 506 to Select File for a specific amendment, that being to strike the enacting clause. (See page 1716 of the Legislative Journal.)

PRESIDENT: Senator Haberman, please.

SENATOR HABERMAN: Mr. President and members of the body, I am not going to ask that we IPP the bill but I wanted to enter something into the record and it was explained to me that this is the only way that I could do it. So I fully intend to ask you to vote for the bill after I enter my statement into the record. Due to some confusion among people involved in this issue, for the record I would like to say that it should be understood that school officials must begin employment with the State Department of Education after June 30, 1989, in order to have the choice between the school retirement plan and the state retirement plan. With that statement in the record, Mr. President, I withdraw my IPP.

PRESIDENT: Thank you. LB 506, please.

ASSISTANT CLERK: (Read LB 506 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 506 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 1716-17 of the Legislative Journal.) The vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

PRESIDENT: LB 506 passes with the emergency clause attached. We will move back now to LR 2CA.

CLERK: Mr. President, LR 2CA, the first item I have on the resolution is a motion by Senator Wesely. Senator Wesely would move to bracket LR 2CA, Mr. President, until January 3, 1990.

PRESIDENT: Senator Wesely, please.

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LB 47, 66, 372, 395, 401, 506
LR 2

kind of interesting, someone mentioned the Syracuse Tax Study once or twice. No one talks about it anymore, no one talks about it. I opposed the tax study because I said we would not follow it. We have not even looked at the bloomin' thing, and so here today we write new tax policy. We are setting up a whole new system which will come back to haunt us for many years. Ladies and gentlemen, I have the advantage over many of you. I am not going to have to be around here when the chickens come home to roost if you do not adopt this amendment, but the younger members of this body will be here and you will have to answer for the failure if you do not adopt this amendment. I suggest you adopt the amendment.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 506, LB 401, LB 372, LB 66, LB 47, and LB 395. Discussion on the Schmit motion to return the bill, Senator Hall, followed by Senator Rod Johnson.

SENATOR HALL: Thank you, Mr. President and members. I rise in indifference to Senator Schmit's amendment because, as you know, I have not supported LR 2CA and I won't support it should we read it yet today into Final Reading, but those are for other reasons than the amendment that Senator Schmit has before us at this time. The amendment would, basically, become a mini-uniformity clause, if you will, with regards to the valuing of agricultural land. It I don't think is an attempt, the first amendment that we are dealing with by Senator Schmit, in any way to harm LR 2CA, and I think it does exactly what he says, and that is spells out the issue of how the classes of agricultural will be treated. I think it is much more though than just clarifying language. Senator Schmit, would you yield to a question?

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Yes, Mr. President.

SENATOR HALL: Loran, the issue would still be one that the courts would and probably will address sometime in the future and my question is, will, even with your amendment that you have before us right now, will...the sales assessment ratio is still going to be a key factor in that determination with regard to the valuation and the, I guess the, oh, the value that is placed on the land that comparisons are made by the court, would it

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want to create a situation where we have to come back in and discuss this a third and fourth and fifth time. I am exhausted with the issue. I am trying to do what I think is right, trying to work with the farm groups as best I can to give them what they think is best for agriculture, and if that is wrong, then I will be corrected by this body I am sure many times in the future. So I'd ask the bill be readvanced, Mr. President.

SPEAKER BARRETT: Thank you, sir. We have had a request for a machine vote. The question is the advancement of LR 2 to E & R Engrossing. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 36 ayes, 2 nays, Mr. President, on the motion to readvance LR 2.

SPEAKER BARRETT: LR 2 is readvanced. For the record, Mr. Clerk.

CLERK: Mr. President, bills read on Final Reading this morning have been presented to the Governor. (Re: LB 395, LB 47, LB 66, LB 372, LB 401, LB 506.)

Senator Schmit has amendments to be printed to LB 683 and LB 397. (See pages 1720-21 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Two reminders, the blood pressure checks and the cholesterol checks are still proceeding in Room 2102 and will be held up until one o'clock today. So those of you that would like to take advantage of it, please do so between now and one o'clock. Also be reminded that we will start with 761 at one-thirty following our recess. Senator Wehrbein, would you care to recess us, please?

SENATOR WEHRBEIN: Yes, Mr. Speaker, I'd move that we adjourn...or adjourn recess until one-thirty.

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

RECESS

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

advancement of LB 247.

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

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

SENATOR WITHEM: Move the advancement of the A bill.

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

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

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

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

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

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

SPEAKER BARRETT: Senator Lindsay.

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