

January 18, 1989

LB 53, 57, 123, 537-597
LR 8-12

Mr. President, new bill. (LBs 537-538. Read for the first time by title. See page 268 of the Legislative Journal.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: The Chair is pleased to announce that Senator Jacklyn Smith of Hastings has visiting the Legislature today Dr. Robert Schlock and 20 students from Hastings College, specifically, psychology and law class, in the east balcony, the rear balcony. Dr. Schlock, would you and your students please stand and be recognized by your Legislature. Thank you. We are pleased to have you visiting with us today. Also under the north balcony from David City High School, Senator Schmit announces the following guests, 8 students from David City High School with their teacher. Would you folks please stand and be recognized. Thank you for visiting. We are glad to have you. Mr. Clerk, more bill introductions, please.

CLERK: Mr. President, first of all, your Committee on Urban Affairs, whose Chair is Senator Hartnett, to whom was referred LB 53, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File; LB 57 General File; LB 123 General File, all signed by Senator Hartnett as Chair of the committee.

Mr. President, new bills. (LBs 539-557 read for the first time by title. See pages 269-72 the Legislative Journal.)

SENATOR HEFNER PRESIDING

SENATOR HEFNER: Mr. Clerk, do you have some more bills to introduce?

ASSISTANT CLERK: Yes, I do, Mr. President. (LBs 558-593 read for the first time by title. See pages 273-81 of the Legislative Journal.)

SENATOR HEFNER: Do you want to read the bills into the record?

CLERK: Yes, Mr. President, thank you. (LBs 594-597 read for the first time by title. See page 281 of the Legislative Journal.)

Mr. President, in addition to those items, I have new resolutions. (Read a brief explanation of LRs 8-12. See

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LB 48, 61, 161, 176, 298, 327, 334
349, 354, 354A, 391, 398, 416, 458
459, 502, 542

adopted...or, excuse me, as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 354.

CLERK: LB 354, Senator, no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 354 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 354A.

CLERK: On 354A, Senator, I have no amendments to the bill.

PRESIDENT: You've heard the motion...Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 354A be
advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. Mr. Speaker, did you wish to say
something about the time of the meeting tomorrow morning before
we adjourn?

SPEAKER BARRETT: Thank you, Mr. President, just a reminder that
we will convene at eight o'clock tomorrow morning for the
purpose of reading, I believe it is LB 92, the big bill. Thank
you. Eight o'clock, tomorrow morning.

PRESIDENT: Okay, Mr. Clerk, do you have something for the
record?

CLERK: Mr. President, I do. Senator Rod Johnson would move
that LB 161 be placed on General File pursuant to Rule 3,
Section 19, and that will be laid over.

Your Enrolling Clerk has presented to the Governor as of
eleven-o-five this morning bills read on Final Reading this
morning. (Re: LB 391, LB 398, LB 458, LB 459, LB 48, LB 61,
LB 176, LB 298, LB 327, LB 349, LB 416, LB 502. See page 956 of
the Legislative Journal.)

Banking Committee reports LB 542 to General File with amendments

February 7, 1990

LB 542, 1168, 1181, 1190
LR 233

Natural Resources reports LB 1168 as indefinitely postponed, LB 1181 indefinitely postponed, LB 1190 indefinitely postponed, those signed by Senator Schmit as Chair.

And Government Committee reports LR 233 to General File with committee amendments attached. That is signed by Senator Baack. (See page 699 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Proceeding then to item six on the agenda, General File, LB 542, Mr. Clerk.

CLERK: Mr. President, 542 was a bill introduced by Senators Lindsay, Ashford and Landis. (Read title.) The bill was introduced on January 18 of last year, Mr. President. At that time it was referred to the Banking Committee. The bill was advanced to General File. I have Banking, Commerce and Insurance Committee amendments pending, Mr. President.

SPEAKER BARRETT: Thank you. The Chair recognizes the Chairman of the Banking Committee, Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature, this measure, 542, was brought to us by Senator Lindsay and relates to the insurance practices basically at the Med Center in Omaha. And the reason this issue comes to us because we have a cap on the liability for medical malpractice losses. That cap is available to people who participate in the medical malpractice insurance mechanism and the Med School participates in that, so that their hospital and their personnel are covered by those caps. To participate in that program, however, you have to be able to provide, if you are in the situation of the Med School, clear evidence of a million dollars of insurance coverage of your own. Once you can show the million dollars of coverage, you can then participate in the program and then these caps on liability apply to you. Well needless to say, everybody wants the caps to apply to them and the Med Center has gone out searching for that million dollars of insurance. What they found is, that the insurance costs for getting that million dollars coverage was really quite exorbitant, far beyond the actual losses that they were experiencing to the tune of 300 to \$500,000 a year greater than the losses that they were accumulating. Instead, what the university would like to do is to create a risk-loss trust. Now

a risk-loss trust is a trust fund, it is a pot of money. That trust then takes the money in the trust and invests it, turns over the profit, keeps it inside the trust for the limited purposes that the trust is constructed for and in this case the trust is constructed to stop or to pay for risks that come to fruition and, therefore, breed a loss for the university and the Med Center. So it is a trust that is created to pay for certain kinds of losses. To operate the risk-loss trust fund is much cheaper than to purchase the kind of insurance which heretofore we've used to allow the university to participate in the medical malpractice program. Every other facility has had to purchase insurance. The university, however, came to Senator Lindsay, I'm sure, and then to the Banking Committee saying, we are a major player, we have a lot of money in our budget, we're capable of putting aside the money in a risk-loss trust, it is cheaper for us to do this, we will save about a quarter of a million dollars of taxpayers' money if we do this and it will make us also available and accessible to the medical malpractice claim limitations under law. The Insurance Department was at first skeptical upon some discussions with the university. Amendments were drawn which placated the Department of Insurance. If you take a look at your committee statement you'll find that there were no opponents to 542. There was some neutral testimony. That neutral testimony came from several different sources, but the committee amendments assuage their concerns by and large. The committee amendments are threefold. First, at the suggestion of Yvonne Leung, the State Risk Manager, the committee amended the use of the risk-loss trust so that it would be available to pay claims under the State Miscellaneous Claims Act for actual risks that we should pay off, but would not be available to pay workers compensation claims since there are existing worker compensation provisions and insurance with the university. Secondly, at the suggestion of the Department of Insurance, the Risk-loss Trust Fund, which would be anticipated to be invested in some kind of security, would have to follow the same pattern of investment that a domestic property and casualty insurance company would do. In other words, it could be no broader or no more risky in its investments than the same insurance company would have done, had the university purchased domestic property or casualty insurance as it has heretofore done. Lastly, it grants the Director of Insurance the power to make rules and regs to carry out this act and to control the use of the risk-loss trust to have, if necessary, continuing oversight on this mechanism to ensure that there is a corpus of money to pay claims and that the goals

sought to be accomplished by 542 and our medical malpractice statutes can, in fact, be carried out. I would urge the adoption of these committee amendments and then I'm sure Senator Lindsay will explain the bill and you'll be asked to vote on its advancement. I ask for the adoption of the committee amendments. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the adoption of the committee amendments, Senator Lindsay. Senator Lindsay, excuse me, please. (Gavel.)

SENATOR LINDSAY: I think Senator Landis has adequately explained the amendments. I think they are good amendments. They clean the bill up a little bit. I would also urge their adoption.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Landis, anything further? Thank you. The question is the adoption of the committee amendments to LB 542. All in favor vote aye, opposed nay. Please vote if you'd care to vote. Record, please.

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

SPEAKER BARRETT: Committee amendments are adopted. Senator Lindsay, would you care to explain the bill as now amended.

SENATOR LINDSAY: Thank you, Mr. President, members of the body, this bill has been...the bulk of it has been adequately explained by Senator Landis. I think rather than repeating what he has said, I would just add to it a couple of things that may not have been set forth. This does not cause any problems to any claimant. They will still...the same people who would have paid the claimant are still going to be paying the claimant. It's just a matter of eliminating a middle man, that being the insurance company who receives the payment from the Medical Center just for the purpose of processing the claim. Additionally, I think it's important to note that the insurance company also requires a letter of credit for each year that there is exposure possibility. That letter of credit must be a million dollars for each year. Those cost anywhere from 30 to \$40,000 a year for that letter of credit. They also require that these be cumulative, that these letters of credit cumulate and they can have up to six years of letters of credit. For

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LB 542, 742

that reason, taking that 30 or 40,000 times each of the six years, there is additional cost to the Medical Center and, really, they are getting no benefit for it. It's a good bill. I would ask that the bill be advanced to Select.

SPEAKER BARRETT: Thank you, sir. Any discussion on the advancement of the bill? If not, those in favor of the advancement of LB 542 to E & R Initial vote aye, opposed nay. Shall LB 542 be advanced? Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance LB 542.

SPEAKER BARRETT: LB 542 is advanced. The Chair is pleased to note that our doctor of the day, under the north balcony, is Dr. Barry Hoover from Lincoln. Thank you for being with us, Dr. Hoover. (phonetic) Mr. Clerk, proceeding to Select File, LB 742.

CLERK: Mr. President, 742 was discussed yesterday. E & R amendments were adopted. I now have pending an amendment to the bill by Senator Robak. (Robak amendment appears on page 700 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Robak.

SENATOR ROBAK: Thank you, Mr. Speaker. The amendment to 742 is on page 2, line 4 and on page 4, line 22, it is just technical clarification, strike "shall be measured" and insert "may be obtained".

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the Robak amendment to 742 please vote aye, opposed nay. Have you all voted? Record, please.

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

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Crosby would move to amend the bill. (Crosby amendment appears on pages 700-01 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Crosby.

February 12, 1990 LB 350, 350A, 542, 551, 567, 567A, 602
663, 692, 742, 851, 856, 857, 858
874, 875, 891, 893, 896, 902, 906
907, 918, 924, 930, 940, 957, 964-966
969, 970, 974, 983, 984, 997, 1013
1016, 1017, 1043, 1044, 1118

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber and a new day in the Second Session of the Ninety-first Legislature. Our Chaplain of the day is Father Mitch Lindeman of St. Matthews Episcopal here in Lincoln. Father Lindeman.

FATHER LINDEMAN: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Lindeman, pleased to have you with us. Roll call.

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

SPEAKER BARRETT: Thank you. With a quorum present, are there corrections to the Journal?

CLERK: Mr. President, I have no corrections to the Journal.

SPEAKER BARRETT: Are there any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 350 and find the same correctly engrossed, LB 350A, LB 567, LB 567A, LB 663, LB 692, and LB 742, all reported correctly engrossed, those signed by Senator Lindsay as Chairperson of the Enrollment and Review Committee. (See pages 726-27 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 551 to Select File with E & R attached, LB 542, LB 602, LB 858, LB 875, LB 891, LB 1013, LB 983, LB 906, LB 907, LB 984, LB 856, LB 851, LB 957, LB 964, LB 966, LB 997, LB 857, LB 874, LB 893, LB 918, LB 930, LB 970, LB 940, LB 902, LB 974, LB 1016, LB 1017, LB 969, LB 896, LB 965, LB 924, LB 1118, LB 1043, LB 1044,

February 28, 1990 LB 42, 315, 348, 446, 542, 662, 663A
791, 792, 863, 896A, 922, 1004, 1004A
1199
LR 262

driver, if that's who was involved, would no longer be able to drive the truck as well. If it were a secretary or somebody in that capacity, the duties of that job would not be carried out as well. So all my words will do is focus on what the words "affect the employment relationship" will mean. So if you have any questions, I am prepared to answer them.

SPEAKER BARRETT: Thank you. An amendment...or motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator McFarland would move to recess until 1:30 p.m.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Have you matters for the record, Mr. Clerk?

CLERK: If I may, Mr. President. Your Committee on Enrollment and Review reports LB 42, LB 663A, LB 863, LB 896A, LB 922, LB 1004, LB 1004A, LB 1199, as correctly engrossed. Those are signed by Senator Lindsay. (See pages 1045-46 of the Legislative Journal.)

Mr. President, I have a corrected committee statement with respect to LB 446 offered by Senator Chizek as Chair of the committee. (See page 1045 of the Legislative Journal.)

Urban Affairs reports LB 791 and LB 792 as indefinitely postponed.

Mr. President, amendments to be printed; Senator Langford and Wesely to LB 348, Senator Labedz to LB 662, Senator Lindsay to LB 542. (See pages 1046-47 of the Legislative Journal.)

And a new resolution, Mr. President, LR 262, offered by Senators Lamb, Scofield, Dierks and Peterson. (Read brief description of LR 262. See pages 1047-50 of the Legislative Journal.) That resolution will be laid over, Mr. President. That's all that I have.

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

RECESS

March 5, 1990

LB 163, 163A, 542, 571, 880, 953, 953A
1019, 1019A, 1124, 1184, 1184A, 1210
LR 258

SENATOR LINDSAY: Mr. President, I move that LB 953A be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the A bill? Senator Haberman.

SENATOR HABERMAN: Mr. President, and members of the body, I would like to advance the A bill as we may need it towards the tail end of the session. I will repeat to you again, there is no cost to this legislation. It will not come back on LB 953 but we may need an A bill on Final Reading later on in the session, and for those reasons, I ask you to advance the A bill.

SPEAKER BARRETT: Thank you. Any other discussion? If not, those in favor of the advancement of LB 953A please say aye. Opposed no. Carried. The bill is advanced. Any matters for the record, Mr. Clerk?

CLERK: Yes, sir, I do. Thank you. Mr. President, I have amendments to be printed to LB 571 by Senator Hefner. Mr. President, a Reference Report referring LR 258, signed by Senator Labedz as Chair of the Reference Committee. (See pages 1149-52 of the Legislative Journal.)

The Revenue Committee reports LB 1124 to General File with committee amendments attached. That is signed by Senator Hall as Chair of the committee. Appropriations Committee reports LB 1210 to General File. That is signed by Senator Warner as Chair of that committee. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 163 and find the same correctly engrossed, LB 163A correctly engrossed, those signed by Senator Lindsay. Enrollment and Review reports LB 1019 to Select File, LB 1019A, LB 1184, LB 1184A, and LB 880, all to Select File, some of which have E & R amendments attached. That is all that I have, Mr. President. (See pages 1052-55 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Moving on to LB 542, Mr. Clerk.

CLERK: Mr. President, excuse me, LB 542, I have Enrollment and Review amendments, first of all.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the

E & R amendments to LB 542.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the E & R amendments to 542 say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, I now have an amendment to the bill by Senator Lindsay. Senator, this is your amendment on page 1047 of the Journal.

SPEAKER BARRETT: Senator Lindsay, please, for purposes of an amendment.

SENATOR LINDSAY: Thank you, Mr. President, and members. This amendment was brought to me by Dick Wood, General Counsel for the university. It is a technical amendment intended to make clear that the university risk-loss trust is not to be a member of the guaranty association. That is simply what the amendment does and that is simply the language of the amendment that "No risk-loss trust established pursuant to Section 1 of this act shall be a member of the Nebraska Property and Liability Insurance Guaranty Association." That was brought to the attention of the university counsel by a member of the insurance industry. To make it clear, again, that the university risk-loss trust is not intended to be an insurance company and, therefore, should not be a member of the guaranty. I would ask that the amendment be adopted.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the adoption of the Lindsay amendment to 542 please vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 542 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? If not,

those in favor of the advancement of the bill please say aye. Opposed no. The ayes have it. Carried. The bill is advanced. Proceeding to LB 965, Mr. Clerk.

CLERK: LB 965, Mr. President, the first order of business is an amendment offered by Senator Conway. The amendment, Mr. President, is printed. You will find it in your bill books. I have AM2453 in front of me, Senator.

SPEAKER BARRETT: The Chair recognizes Senator Conway.

SENATOR CONWAY: Thank you, Mr. Speaker, and members. The amendment that I am offering to LB 965, 965 being a bill that I advanced, the bill, itself, was originally on consent calendar. Senator Crosby has named it as a priority bill and, therefore, it is in front of us today. What I am offering is AM2453 which, basically, would require that or establish an exemption on the sales tax associated with the sale of aircraft in the State of Nebraska that would follow a situation where it would be...aircraft would be treated and would follow the tax laws pursuant the same as automobiles. What has given rise to this particular situation is, recent times, is the recent announcement of the potential of aircraft auctions going and being...taking place in Nebraska, and by virtue of those aircraft auctions, it would allow a situation where they could still take place in Nebraska but there would be no revenue loss because simply the planes would be auctioned here and would be delivered outside of the state for anyone who is purchasing from outside the state, and there would be no tax collected anyway. So it follows what is considered the old 10-day flyaway rule which is very similar to what Kansas and other states have which, basically, says because you have got an aircraft registration, just like an automobile licensure requirement, that by virtue of having such an exemption, the sale could take place in Nebraska, but as long as the property was claimed and taken out of the state within 10 days, there would be no Nebraska sales tax on the aircraft. If, in fact, it is sold to a Nebraskan, then naturally they would pay the sales tax and follow through with that. Again, a circumvention of the law short of having that would be simply having the plane delivered to that person's point of residence, rather than allowing them to pick them up here, of which that is what they would do, and it would circumvent the tax. By putting it on a standard such as this and not having it delivered but having the aircraft allowed to be picked up in Nebraska, the revenue actually would

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LB 164, 164A, 259A, 260, 260A, 313, 313A
348, 542, 594, 642, 678, 843A, 855
855A, 953, 953A, 965, 980, 980A, 1032
1136, 1236
LR 239

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

vote yes, and opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1409 of the Legislative Journal.) 28 ayes, 0 nays, Mr. President, on the confirmation of the designated gubernatorial appointments.

PRESIDENT: Excuse me. These three members are confirmed. May I interrupt for a moment and, members would you please be taking your seats. We're going to be starting Final Reading in a moment. But may I introduce some guests, please, that we have with us this morning. First of all, may we recognize our physician of the day from Senator Schmit's district, namely Wahoo, Nebraska, Doctor Veskrna. Doctor, would you please stand so we may recognize you. Thank you for your services of the day. In the south balcony we have 18 seniors from Crete, Nebraska with their instructor. Would you folks please stand so we may recognize you. And, in the north and south balconies we have members of the Youth Government Day with their chairman. Would you folks please stand be recognized. Thanks to all of you for visiting us today. If you'll take your seats, please, we'll begin Final Reading. For our visitors, Final Reading is not the most exciting part of the day. But it says in the Constitution that each bill that is passed must be read in its entirety, and I think it says distinctly, but maybe not that. It's not so distinct that you'll understand it. So the members of the Legislature must be in their seats and it's read in its entirety, believe it or not, even though it goes very fast. If you have other things to do, it might be better to come back in an hour and be in on the fighting on the floor instead of this. Proceed, Mr. Clerk.

CLERK: (Read LB 348 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 348 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1410 of the Legislative Journal.) 37 ayes, 0 nays, 5 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 348 passes. LB 542.

CLERK: (Read LB 542 on Final Reading.)

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LB 542, 594, 953

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 542 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1411 of the Legislative Journal.) 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 542 passes. LB 594, please.

CLERK: (Read LB 594 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 594 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1412 of the Legislative Journal.) 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 594 passes. LB 953, please.

CLERK: Mr. President, I have a motion on the desk. Senator Haberman would move to return LB 953 to Select File for specific amendment. The amendment may be found on page 1303 of the Journal.

PRESIDENT: Senator Haberman, please.

SENATOR HABERMAN: Mr. President, and members of the body, this amendment can be referred to a "gilch" amendment. Now that is not as bad as a "gretch" amendment or a "grooch" amendment. This amendment is a technical change, when the language was removed which allowed for early retirement, the old language should have been replaced. It was not replaced. We are putting back in for retirement on or after 55th birthday of the member, the percentage will 3 percent, and the old language is needed in there for clarification. I ask for you to return the bill to Select File for this amendment.

PRESIDENT: Is there any further discussion? Senator Nelson, please.

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LB 348, 542, 594, 965, 1032, 1064, 1094
1146, 1236

PRESIDENT: Senator Wesely, what do you say?

SENATOR WESELY: Yeah, lay it over.

PRESIDENT: Lay it over? It is laid over. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. Anything for the record at this time, Mr. Clerk? Then we'll move on to LB 1146.

CLERK: Mr. President, on 1146 the Enrollment and Review amendments have been adopted. There was an amendment by Senator Landis to the bill that was adopted and an amendment to the bill by Senator Schmit that was adopted. I have pending, Mr. President, a motion to indefinitely postpone that was offered by Senator Landis. Senator Schmit agreed to lay the bill over at that time.

PRESIDENT: Senator Landis, do you wish to have that withdrawn?

SENATOR LANDIS: (Microphone not activated) having it withdrawn.

PRESIDENT: Thank you. I learned something today. It is withdrawn.

CLERK: Mr. President, the next motion I have to the bill is by Senator Chambers.

PRESIDENT: Is Senator Chambers about? Not behind the glass? Senator Chambers wishes to withdraw that. That's the sign. Thank you. It is withdrawn.

CLERK: Mr. President, Senator Wesely and Senator Schmit would move to amend the bill. Senator, I've got 3043 in front of me. (The Wesely amendment appears on pages 1428-30 of the Legislative Journal.)

PRESIDENT: Senator Wesely, are you going to handle that?

SENATOR WESELY: Yeah.

PRESIDENT: All right. Please.

SENATOR WESELY: Thank you. Mr. President and members, I

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LB 348, 542, 594, 965, 1032, 1090A, 1094
1236

CLERK: Just one item, Mr. President, and that is bills read on Final Reading this morning have been presented to the Governor, for her review. (Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236, LB 1094. See page 1435 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Mr. Clerk, I believe we left of with LB 1090A, is that correct?

CLERK: Mr. President, it is and on LB 1090A the first order of business is consideration of an amendment to the bill by Senator Bernard-Stevens. (Bernard Stevens amendment is found on page 1435-36 of the Legislative Journal.)

SPEAKER BARRETT: (Gavel.) The Chair recognizes Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you. Members of the body, if you'll remember, on 1090 there were a few things added on and it increased the A bill slightly from about 5,000 to 390 some thousand, so a group of people obviously got together on the A bill, understanding that the bill may, in fact, be a little heavy on the bill itself and also realizing that there were things in 1090 that were very much needed particularly in regards to human relations and how we certify the teachers that are coming in to Nebraska from other states. So we did not want to jeopardize the bill. So, in essence, this amendment does two things. Number one, it sets the amendment up so that if for some reason the Governor does not like a single, a particular part of it, she would be able to use her line-item powers and line-item things back to or from whatever number she thought reasonable. It would then, thus, there is a possibility that the funding could be taken out in the areas she felt was not acceptable but it would not affect the statute of 1090. The second part of the amendment deals with the section that I had instituted which was LB 1195 and, in essence, what we agreed to do was to maintain the two sides but fund one of them. The funding would be decided by the educational consortium and it would change the A bill from what we had of a hundred some thousand dollars down to \$61,000, and that is simply the extent of the amendment. At this point I would urge the body to adopt the amendment.

SPEAKER BARRETT: Thank you. Any discussion on the amendment? Seeing none, those in favor of the adoption of the

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LB 220A, 348, 369A, 542, 571A, 594, 866
880A, 958, 965, 1032, 1059, 1094, 1141
1141A, 1146, 1222A, 1236
LR 382, 383

CLERK: 25 ayes, 2 nays to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Senator Schmit is the only one excused, so everyone else should be here. We're looking for Senator Wesely, Senator Lynch, Senator Schellpeper, Senator Pirsch, Senator Landis, Senator Emil Beyer. Senator Wesely and Senator Beyer are here now, so that is it, and there is a roll call vote. Oh, Senator Lynch is not here. I thought I saw him. Okay, we'll wait for Senator Lynch. Senator Lynch is here and the question is the advancement of the bill. Roll call vote in regular order. If you'll hold it down so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1547-48 of the Legislative Journal.) 34 ayes, 12 nays, Mr. President, on the advancement of LB 1059.

PRESIDENT: The bill is advanced. Anything for the record, Mr. Clerk, at this time.

CLERK: I do, Mr. President.

PRESIDENT: The call is raised.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 220A and find the same correctly engrossed, LB 369A correctly engrossed, LB 880A correctly engrossed and LB 1146 correctly engrossed, those signed by Senator Lindsay. Enrollment and Review reports LB 1141 to Select File with E & R amendments, LB 1141A, LB 958, LB 571A, LB 1222A to Select File. (See page 1548 of the Legislative Journal.)

A communication from the Governor to the Clerk. (Read communication. Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. See page 1549 of the Legislative Journal.)

Two study resolutions, Mr. President, will be referred to the Exec Board. (Re: LR 382, LR 383. See pages 1549-50 of the Legislative Journal.)

Senator Lamb has amendments to be printed to LB 866. (See page 1551 of the Legislative Journal.) That's all that I have.