

March 29, 1989

LB 279, 588, 678A, 741A

there is no realistic chance to put anybody on a board coming from a district that large.

SENATOR HANNIBAL: And so you're coming up with the idea that you need to have seven districts, so that you could bring the districts down to a smaller amount.

SENATOR CHAMBERS: Right, and then, if you marshal everybody whose an eligible voter and make an appeal to others, there is a chance.

SENATOR HANNIBAL: Let me....You're on my nickel.

SENATOR CHAMBERS: Oh, I'm sorry.

SENATOR HANNIBAL: Let me ask you one other question then. Would you admit that you would have a better chance of having representation if you had districts by the primary, even if they were seven, had the primary by district, and then the election at large?

SENATOR CHAMBERS: No, because what can be done then is to influence the district election by people outside the area supporting a particular person and make sure that they are one of the two that makes it to the General, then they support the one in the General that they want, knowing that he or she will not truly represent the interests of that district.

SENATOR HANNIBAL: All right.

SENATOR CHAMBERS: And that has been done in other places.

SENATOR HANNIBAL: Well, thank you. I appreciate your....
(POWER OUTAGE. End of debate recording for the day.)

(LB 741A and LB 678A were read by title for the first time. Senators Wesely, Landis, and Hartnett asked that amendments to LB 279 be printed in the Journal. See page 1396 of the Legislative Journal.)

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LB 259, 259A, 505, 678A, 720A, 969-996
LR 231

SENATOR CHAMBERS: I don't mind.

PRESIDENT: Thank you for being so cooperative. We'll take it up after lunch. Mr. Speaker.

SPEAKER BARRETT: Mr. President, I move that we recess until one-thirty.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Senator Chambers, we'll take yours up...Senator Chambers, we'll take yours up right after...at one-thirty. Okay.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Members of the Legislature who are hiding out in their offices, appreciate it if you would come to the sanctuary so we can start the service. We already have three members here but we need a few more.

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

PRESIDENT: Senator Chambers will be here in a moment, and then we can begin on the...Mr. Clerk, do you want to read in new bills while we are waiting, please?

CLERK: Mr. President, yes, I do. Thank you, new bills. (Read for the first time by title: LB 969-996. See pages 150-57 of the Legislative Journal.)

Mr. President, I have a series of amendments to be printed, Senator Hefner to LR 231, Senator Wesely to LB 720A, LB 678A, Senator Withem to LB 259, LB 259A, and Senator Weihing to LB 505.

Mr. President, I will announce now that there will be a Reference Committee meeting at three o'clock in Room 2101, Reference Committee at three o'clock. 2102. That is all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, as you will recall, we are on

all voted? Voting on the advancement of LB 678, have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 4 nays, Mr. President, on the advancement of 678.

SPEAKER BARRETT: The bill is advanced. The A bill, Mr. Clerk.

CLERK: Mr. President, LB 678A offered by Senator Wesely. (Title read.) It was introduced last year, Mr. President, on March 29. I have pending amendments offered by Senator Wesely that are found on page 158 of the Legislative Journal.

SPEAKER BARRETT: Chairman Wesely, on the committee amendments.

SENATOR WESELY: Yes, Mr. Speaker, members, I would move an amendment brought to me by the fiscal office which reduces the A bill, I believe by about \$100,000. Excuse me, it lowers the A bill by \$300,000 so I'd move that amendment.

SPEAKER BARRETT: Thank you. Discussion on the amendment, Senator Landis.

SENATOR LANDIS: Not on the amendment.

SPEAKER BARRETT: Thank you. Any discussion on the amendment offered by Senator Wesely? If not, those in favor of the adoption of that amendment please vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Wesely, on the bill as amended.

SENATOR WESELY: Thank you, Mr. Speaker, again, this A bill would, which is in the range of a million and a half dollars, most of which is the Title XX element of the bill, \$200,000 of which is dealing with the training. Move the advancement of the bill.

SPEAKER BARRETT: Thank you. Discussion, Senator Landis, with Senator Haberman on deck. Thank you. Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the body, Senator Wesely, would you please respond to some questions?

SPEAKER BARRETT: Senator Wesely, would you respond?

SENATOR WESELY: Sure.

SENATOR HABERMAN: Senator Wesely, when I visited with you the other day, I indicated to you that there was a new fiscal note and gave you the figures and the old figures. Is there a new fiscal note?

SENATOR WESELY: The December 28, 1989, would be considered new, I would imagine.

SENATOR HABERMAN: I'm sorry, what did you say, Senator Wesely?

SENATOR WESELY: Senator Haberman, in our books there is a fiscal note dated December 28, 1989. I would imagine that would be, of course, the most current and I believe that would reflect the amendments on the budget bill last year.

SENATOR HABERMAN: Just to check it, you're looking at that fiscal note.

SENATOR WESELY: Mmm, hmm.

SENATOR HABERMAN: It shows...my notes here show, for example, to set up the hotline. I think the fiscal note showed 46 and the new one is 50,000. And the fiscal note showed 48 and the new one is 52,000. Is that what you're looking at? Is that...?

SENATOR WESELY: I don't see those in particular, but I...

SENATOR HABERMAN: Let's go to one more then. Fiscal and A bill both require 200,000 to fund the Early Childhood Program Training Fund 200,000.

SENATOR WESELY: Yeah, that's the same, uh-huh.

SENATOR HABERMAN: The estimate of coordinating committee costs in Department of Education, 44,000 and 51,000. Are those two

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LB 678A, 720, 1037-1042

figures you're looking at?

SENATOR WESELY: Yeah, that's right evidently, yeah.

SENATOR HABERMAN: So what you have in the book then is the new fiscal note?

SENATOR WESELY: Yeah.

SENATOR HABERMAN: Okay, thank you, Senator Wesely.

SENATOR WESELY: Yeah, if it's incorrect, let's make that clear.

SPEAKER BARRETT: Any other discussion on the A bill? Senator Wesely, any closing statement?

SENATOR WESELY: No, just move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Shall LB 678A be advanced? Those in favor of that motion vote aye, opposed nay. Shall LB 678A be advanced to E & R initial? Record, Mr. Clerk.

CLERK: 26 ayes, 2 nays, Mr. President, on the advancement of LB 678A.

SPEAKER BARRETT: The A bill advances to E & R. Anything for the record, Mr. Clerk?

CLERK: Mr. President, new bills, thank you. (Read LBs 1037-1042 by title for the first time. See pages 207-208 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Transportation Committee, signed by Senator Lamb as Chair. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Moving on to the next bill on General File, a committee priority bill from 1989, LB 720. Mr. Clerk.

CLERK: 720, Mr. President, introduced by Senator Wesely. (Read title.) The bill was introduced on January 19 of 1989, referred to the Health and Human Services Committee for public hearing. The bill was advanced to General File. I have committee amendments pending by the Health and Human Services Committee.

Mr. President, I have a hearing notice from the Government, Military and Veterans Affairs Committee, for the Business and Labor Committee and for the Retirement Systems Committee, all signed by their respective Chairs.

Mr. President, Enrollment and Review reports LB 678 to Select File, E & R amendments; LB 678A, Select File with E & R; LB 720, Select File with E & R and LB 720A, Select File with E & R also, all signed by Senator Lindsay. (See pages 265-66 of the Legislative Journal.)

And I have a reference report, Mr. President, referring LBs 1049-1079. (Also LB 1034. See page 265 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. Those in favor of the motion to recess until one-thirty please say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you, sir. With a quorum present, we will proceed back to our discussion of LB 742 at which time we were discussing the committee amendments to LB 742. We will return to the speaking order. Correction, we're on a motion to advance the bill. The speaking order beginning with Senator Dierks, if you would care to discuss the motion to advance the bill to E & R, Senator Dierks, followed by Senators Landis, Moore, Smith, Schmit and Bernard-Stevens. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body, I just rise to support Senator Robak's LB 742. I think that... I think these people have a track record that is good and I think we need to honor that. I believe that we do allow people on our roads sometime that maybe shouldn't be there. I don't know how we can stop some of that, but this is some legislation that will allow people to drive again that their track record is proven, they can handle this situation. And they have been kept from this right by the bureaucracy and I think it's time for the bureaucracy to give the right back to them. So I would support 742 and I would urge other people here to do the same thing.

that I do not disagree. I don't want him to feel that I am picking on LB 678 because I understand the need that caused it. The problems that I have is the tying in of Title XX funds on page 6, and then going on for at least that many more pages up to page, well, twice that many, up to page 18 developing the early childhood and the training program and so forth. Now, I am not against the training program either. What I am looking at is that I wish that we could work together and divide this bill, because I am for these Title XX funds, and I might be for early education, as well, but I just don't feel the way that they have been crafted together, even though I know Senator Wesely had great intent here and great expertise, I just don't...I think it covers too much, and I really don't have any fears except for that. Now Senator Wesely didn't, when he answered my question, he didn't give me that you did have any documentation that this would not drive the market rates up. So if he'd have that documentation, I'd certainly like to see that. Another thing I would like to point out here is the combination of the Social Service Department and the Department of Education, both of which are very necessary to our government, but I would like to have the members of the body, whether you vote for this this morning or not, to look at the combination of LB 678 and LB 567 because last Friday we took off the coordinating committee on 567 because it would be in LB 678. That is one of the things that I am concerned about. None of these things are...do I look at them as bad or am I looking at them from a paranoid state of mind. I am just concerned about them. We are setting up something that is going to last ad infinitum, forever, and we need to look at it, be careful with it now. I am looking at the cost to local communities. Now we realize that ultimately the training program will be taken over by the Department of Education, but if you will look at your fiscal, if you will look at LB 678A, folks, and compare 678A with the bill, and there is on line 16, on page 3, you will see that no expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section, and I think that you really...I don't have time to explain all of it here, but I wish that you would compare those LB 678A with 678, and then 678 and LB 567 and see that we have a lot of overlapping here. Now what I am concerned about, too, and Senator Schmit or Senator Lamb or someone like this might want to mention this, we are going to develop this coordinating committee, and we are going to hold public hearings, and I, personally, don't know who is going to pay for that because it can't come out of the training fund, and

taking a couple of hours here and we took another hour or two the first time on General File and I really do want all of us to be more aware of the issue. Child care is an issue that's come of age, that we've realized the importance that our society has placed on it, that we now have two parents earning income, that we have child care utilized by most young families. And I certainly know, from my own personal experience, how important it is. It's a topic that will be growing in importance. Even as important as it is today, I think as the years go on we'll see even more emphasis placed on it. The Congress is, obviously, placing that as a priority; this Legislature has, through previous legislation. And, hopefully, you will support this advancement of the bill now and pass this legislation. I've been interviewed and talked to a number of people around the state about how good this Legislature has been with children. And I must say that I'm a little disappointed, obviously, with the Lamb amendment. I think that we took a step backward with that amendment. But overall I still believe the bill has got very many positive attributes. The Title XX money is there, the ability to provide for some training to help our providers do the best job possible, there is a coordinating commission and an advisory committee that don't really have much authority but still will help us keep on top of the child care issues that we face. I think overall that this piece of legislation is going to be very good for the state, that there are some concerns by people that have misread the bill, or misinterpreted some of its provisions. But I still believe very strongly in what we can get done. And, despite some of the amendments that have been adopted, I do believe that we need to go forward. With that I move the advancement of the bill, Mr. President.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. There's an A bill. Shall we talk about that, Senator Wesely?

CLERK: Senator, I have Enrollment and Review amendments. (LB 678A.)

PRESIDENT: Senator Lindsay, please, on the....

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 678A.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted. Any...nothing further on the bill?

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 678A be advanced to E & R for Engrossment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. We'll move on back to LB 663.

CLERK: Mr. President, 663 is on General File. It was a bill introduced by Senator Scofield and a number of members. (Read title.) The bill was introduced on January 19 last year, Mr. President. At that time referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I do have committee amendments pending by the Government, Military and Veterans Affairs Committee.

PRESIDENT: Senator Baack, are you handling those?

SENATOR BAACK: (Mike not on.) ...and colleagues, I will handle the committee amendments. It will be rather easy to do because, after reviewing the amendment that is going to be offered by Senator Scofield in a few minutes, I find that all of the concerns that the committee had with the bill will be cleaned up in Senator Scofield's amendment. It gives a...it really rewrites the whole bill, is what it does, and I think it would be much easier if we would simply reject the committee amendments right now and then we would deal with Senator Scofield's amendment coming up because she does deal with the concerns that the committee had and so I think that's the method that we ought to take. Thank you.

PRESIDENT: So the question is, shall the committee amendments be adopted? And Senator Baack has recommended that you vote against that, so all in favor of adopting the committee amendments vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 0 ayes, 16 nays, Mr. President, on adoption of the committee amendments.

February 1, 1990

LB 37, 81, 240A, 409, 422, 465, 543
678, 678A, 863, 953, 1004, 1124

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber on this the 20th day of the Second Session of the Ninety-First Legislature. Our Chaplain this morning, Dr. John Wagner, President of Union College. Mr. Wagner.

DR. WAGNER: (Prayer offered.)

SPEAKER BARRETT: Thank you, so much, Mr. Wagner. We 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: Any announcements, reports or messages?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they've carefully examined engrossed LB 37 and find the same correctly engrossed; LB 240A, correctly engrossed; LB 409, LB 422, LB 465, LB 543, LB 678, LB 678A, all of those reported correctly engrossed, all signed by Senator Lindsay as Chair of the E & R Committee. (See pages 612-16 of the Legislative Journal.)

Mr. President, Senator Smith has designated LB 1124 as her personal priority bill this session. Senator Haberman has selected LB 953 as one of the Retirement Systems Committee's priority bills. Senator Smith has designated LB 863 as one of the General Affairs Committee priority bills. And Senator Carson Rogers selected LB 1004 as his personal priority bill. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair has a very special announcement at this point. Today, February 1st, is the birthday of Senator Carson Rogers. Senator Rogers has provided the treats on each of the desks this morning. Happy birthday, Senator Rogers. Mr. Clerk, to Item 5, on General File, 1990 priority bill.

CLERK: Mr. President, LB 81 was a bill introduced originally

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LB 663A, 678, 678A, 688

and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 663A passes. LB 678.

ASSISTANT CLERK: (Read LB 678 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 678 pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: (Read record vote. See page 1749 of the Legislative Journal.) The vote is 27 ayes, 17 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 678 passes. The A bill.

ASSISTANT CLERK: (Read LB 678A on Final Reading.)

SPEAKER BARRETT: All provisions of law according to procedure having been complied with, the question is, shall LB 678A become law? All in favor vote aye, opposed nay. Have you all voted? Have you all voted if you'd care to vote? Record.

ASSISTANT CLERK: (Read record vote. See page 1750 of the Legislative Journal.) The vote is 25 ayes, 12 nays, 8 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 678A passes. Any items for the record, Mr. Clerk?

CLERK: Mr. President, I do. I have a report of registered lobbyists for this past week required by statute.

Mr. President, an explanation of vote from Senator Lamb. And that is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. LB 688E.

CLERK: Mr. President, I have a motion on the desk. Senator Landis would move to return the bill for specific amendment.

SPEAKER BARRETT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Thank you. Mr. Speaker, members of the

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LB 662, 662A, 663, 663A, 678, 678A, 688

SENATOR CHAMBERS: ...bitter exchanges, we're going to have some discussion of issues in a very serious, solemn and even gloomy fashion but there will be other times when because human nature is not static, it is not uniform in its manifestations over a long period of time, there will be some lightheartedness, there will be some frivolity but we know that underlying all of that is a deadly, serious and bitterly fought issue which has been before us the past session of the Legislature, earlier this session and obviously is going to be with us until the end which also will be bitter. I propose in the same way that those who are offering their amendment, to use the rules to get their amendment onto a bill and jump from General File to Final Reading and I applaud them for their cleverness. They have learned.

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: I'm going to use the rules to defeat them if that is possible.

SPEAKER BARRETT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 662, LB 662A, LB 663 and LB 663A, LB 678 and LB 678A. (See page 1751 of the Legislative Journal.) Additional discussion on the motion to return the bill, Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members, I know we're discussing an amendment but I think what we're really talking about is a process and a procedure. We're trying to amend LB 688 and LB 688 is Senator Lindsay's bill, but I've spent an awful lot of time and my staff have spent an awful lot of time trying to work out this piece of legislation. Senator Byars is talking to Senator Lindsay right now because Senator Byars has a certain interest in this measure as well. We have got a problem that we're trying to address with LB 688. It's a problem that is acute. We've got lawsuits filed, we've got to deal with this. It's statewide. It's a concern that have many people up in arms. What is symbolizes though beyond that specific problem is how our time spent on this whole abortion debate and the filibustering that has been going on directly or indirectly have lost opportunities to address real issues affecting real people, and every time we lose a minute or an hour or a day or days, we lose opportunities to help solve problems that people have in this state and we've got literally hundreds of bills pending on

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LB 54, 662, 662A, 663, 663A, 678, 678A
688, 1247
LR 406, 414, 415

remains constant. Oh, my time is up?

SPEAKER BARRETT: Time, yes. The question is the reconsideration motion. All in favor of that motion please vote aye, opposed nay. A record vote has been requested. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1754 of the Legislative Journal.) 5 ayes, 25 nays, Mr. President, on the motion to reconsider the vote on overruling the Chair.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, I believe that puts us back to the vote on the motion to cease debate on Senator Chambers motion to reconsider the motion to return. So the question I believe before the body is the motion to cease debate.

SPEAKER BARRETT: The question is, shall debate cease? We are technically under call. May we check in. Senator Byars, Senator Lynch, Senator Chizek. Senators Abboud, Schellpeper, Haberman. Senator Scofield. Senator Haberman. Senator Schellpeper. Senator Abboud. Mr. Clerk, any items to read in?

CLERK: Mr. President, I do, a Reference Report referring LR 406 and LB 1247. Senator Abboud has amendments to LB 54 to be printed. Bills read on Final Reading have been presented to the Governor. (Re: LB 662, LB 662A, LB 663, LB 663A, LB 678, LB 678A. See page 1755 of the Legislative Journal.)

New resolutions, LR 414 by Senator Withem, and LR 415 by Senator Langford. Both will be laid over and considered at another time, Mr. President. That is all that I have. (See pages 1756-57 of the Legislative Journal.)

SPEAKER BARRETT: Only one remaining, do you want to...thank you. Senator Chambers, members, return to your seats. The question is, shall debate cease and a roll call vote has been requested? Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1757-58 of the Legislative Journal.) 32 ayes, 8 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. On the motion to reconsider,

April 5, 1990

LB 163, 163A, 164, 164A, 187, 187A, 503
503A, 520A, 536, 662, 662A, 678, 678A
898, 1031, 1126, 1170, 1220

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Jim McGaffin of the Victory Outreach in Omaha. You might be interested to know that his father was the Chairman of the Board of Nebraska Education TV at one time and he was also News Director of WOW-TV. Would you please rise for the invocation by Pastor McGaffin.

PASTOR MCGAFFIN: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Pastor McGaffin. We appreciate your being here. Roll call, please. Mr. Clerk, please.

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

PRESIDENT: Thank you. Do we have any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Do we have any messages, reports, or announcements?

CLERK: Mr. President, I have received a series of veto messages from the Governor, specifically a veto message on LB 163 and LB 163A, LB 164 and LB 164A, LB 187, LB 187A, LB 503, LB 503A, LB 520A, LB 536, LB 662, LB 662A, LB 678, LB 678A, LB 898, LB 1031, LB 1126, LB 1170, LB 1220. All of those messages will be placed in the Journal, Mr. President. (See pages 1912-25.) That is all that I have.

PRESIDENT: Thank you. How about the confirmation report, Transportation Committee.

CLERK: Mr. President, confirmation report offered by Senator Lamb is found on page 1852 of the Journal.

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Mr. President and members, the Committee on Transportation reports favorably on a number of appointments. We have three for the Board of Public Roads Classifications and Standards. They are Marvin Athey, William Lindholm, and Robert Stutzman. There were no negative votes for those appointments.