

March 27, 1989

LB 147A, 224, 683A, 807

of LR 63 as found on page 1356 of the Legislative Journal.) That will be laid over.

Attorney General's Opinion addressed to Senator Withem. (See pages 1357-58 of the Legislative Journal regarding LB 807.)

New A bill, LB 683A by Senator Landis. (Read by title for the first time as found on page 1358 of the Legislative Journal.)

Mr. President, LB 147A, I have a priority motion. I have amendments to the bill but I have a priority motion. Senator Schmit would move to bracket 147A until April 17, 1989.

SPEAKER BARRETT: Senator Schmit.

SENATOR SCHMIT: Mr. President, I move to bracket the bill till April 17th. If we do, fine; if we don't, it's okay also.

SPEAKER BARRETT: The Schmit motion is to bracket the bill until April 17 of '89. Is there any objection? We will proceed then by unanimous consent to bracket the bill. Mr. Clerk, the next bill, please, LB 224.

CLERK: Mr. President, LB 224, the next bill, Mr. President, the first item I have on 224 are E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 224 be adopted.

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

CLERK: Mr. President, the first amendment I have to the bill is by Senator McFarland. Senator, this is your amendment on page 1271 of the Journal. It's AM1005.

SPEAKER BARRETT: Senator McFarland.

SENATOR MCFARLAND: Thank you, Mr. Speaker. I would move to adjourn till tomorrow morning at nine o'clock.

SPEAKER BARRETT: You move to adjourn until nine o'clock? I'm

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LB 683A, 683

SENATOR LANDIS: Thank you, Mr. Speaker, and members of the Legislature, we have made certain ideas pretty clear here. We're talking about 4.5 million bucks over 20 years. We can change our mind but, frankly, we are sending out a signal that we don't intend to change our minds. Money is supposed to go for infrastructure on a per capita basis distributed to the cities of the state. Senator Scofield signaled that there is going to be some amendments on Select File and I think if she puts that in the Journal, we'll have a chance to look at that and see what we can do on that score. Senator Kristensen indicates he has an amendment that he wants to put in the Journal and we can talk about on Select File. Basically, what's going to happen this year is the spending items are going to get up there, we're going to take a look at the budget, we're going to take a look at our revenues and see what the highest priorities of the state are. This, I think, is one of those priorities and deserves to be considered. I would suggest we move it along, crunch time is coming. It deserves it's place at the table to compare it with the other social, political and economic needs of this state. Thank you.

SPEAKER BARRETT: Thank you. Shall LB 683 be advanced to E & R Initial? Those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 27 ayes, 5 nays, Mr. President, on the motion to advance LB 683.

SPEAKER BARRETT: LB 683 is advanced. LB 683A.

CLERK: LB 683, Mr. President, introduced by Senator Landis. (Read title.)

SPEAKER BARRETT: Senator Landis. Senator Landis, on the A bill.

SENATOR LANDIS: I move for the advancement of LB 683A.

SPEAKER BARRETT: Is there discussion on the motion by Senator Landis to advance the A bill? Seeing none, those in favor of that motion vote aye, opposed nay. Shall LB 683A be advanced? Please record.

CLERK: 26 ayes, 3 nays, Mr. President, on the advancement of

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LB 84, 84A, 247, 429, 611, 683A, 683
739, 739A, 761, 809
LR 76

683A.

SPEAKER BARRETT: The A bill is advanced. And Senator Carson Rogers is announcing some guests in the north balcony from Scotia. Representing District 28 in Greeley County, 11 K through sixth graders from Scotia with their teacher. Would you folks please stand. Thank you. We're pleased that you could visit with us today. For the record, Mr. Clerk.

CLERK: Mr. President, I have some...new resolution, LR 76, offered by Senators Wesely, Landis, Schimek, Crosby and Warner. (Read brief description of LR 76 as found on pages 1701-02 of the Legislative Journal.) That will be laid over.

Enrollment and Review reports LB 247 to Select File; LB 611 to Select File; LB 84, LB 84A, LB 739, LB 739A to Select File. Those are signed by Senator Lindsay as Chair. (See pages 1702-04 of the Legislative Journal.)

Mr. President, a series of amendments; Senator Wesely to LB 429; Senator Conway to LB 683; and Senator Kristensen, Mr. President, to LB 761. (See pages 1705-08 of the Legislative Journal.)

And the last item, Mr. President, your Committee on Revenue whose Chair is Senator Hall reports LB 809 to General File with amendments attached. And that's all that I have.

SPEAKER BARRETT: Thank you, sir. Senator Dennis Byars.

SENATOR BYARS: Mr. President and colleagues, as LB 809 was reported out of committee, I would ask that we adjourn until the 17th day of April, 1989, at 9:00 a.m.

SPEAKER BARRETT: Thank you, Senator Byars. You have heard the motion to adjourn until Monday morning at nine o'clock. Those in favor say aye. Opposed no. Ayes have it, carried, we are adjourned. (Gavel.)

Proofed by:

Marilyn Jank
Marilyn Jank

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LB 84, 429, 603, 683, 683A, 739, 767
LR 83

of total revision. Don't try to make up for mistakes you made in LB 775 and LB 773 by trying to compensate for it by passing this type of bill. Two wrongs do not make a right. If you make a mistake one place, correct that mistake. Don't make another mistake trying to rectify a mistake that you made previously.

PRESIDENT: Thank you. The question is the adoption of the McFarland amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 8 ayes, 23 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: The amendment fails. Anything else on it, Mr. Clerk?

CLERK: Yes, Mr. President. May I read some items first, however.

PRESIDENT: Yes, please do.

CLERK: I have amendments to be printed to LB 739 by Senators McFarland and Wesely. (See pages 1814-17 of the Legislative Journal.) Mr. President, amendments to LB 603 to be printed. (See pages 1817-18 of the Legislative Journal.)

New resolution, LR 83 offered by Senator Lynch and a number of the members. (Read brief description of LR 83. See pages 1818-19 of the Legislative Journal.)

Enrollment and Review reports LB 429, LB 683, LB 683A and LB 767 to Select File. (See pages 1819-21 of the Legislative Journal.)

Mr. President, the next amendment I have is by Senator Landis.

SENATOR LANDIS: I'm going to withdraw that amendment.

PRESIDENT: Do you wish to withdraw that? It is withdrawn.

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

PRESIDENT: Okay, on the advancement of the bill. Senator Warner, did you wish to speak?

SENATOR WARNER: Yeah, Mr. President, I rise at this point to

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LB 683, 683A

explain my vote. I am not going to vote to advance the bill right now because I feel very strongly that we should consider this needs-base formula that I offer, and I respect Senator Landis's concerns about bills getting lost out there and linked, but I guess at this stage of the game, any bill that has got any kind of fiscal impact at all can't help that unfortunate linkage anyway, Senator Landis, and I would like very much to have an opportunity to take a look at a needs-base formula prior to trying to have to move the thing back off of Final Reading, which I think you would have to admit is a very difficult thing to do under normal circumstances. So I will not vote to advance the bill today.

SPEAKER BARRETT: Any other discussion? Senator Landis, there are no other lights on. You are closing.

SENATOR LANDIS: I will just move to advance the bill, Mr. Speaker.

SPEAKER BARRETT: Thank you, sir. Machine vote has been requested on the advancement of LB 683 to E & R Engrossing. Those in favor vote aye, opposed nay. Have you all voted? Have you all voted, if you'd care to vote? Record, Mr. Clerk.

CLERK: 26 ayes, 7 nays, Mr. President, on the motion to advance LB 683.

SPEAKER BARRETT: LB 683 is advanced. The A bill, Mr. Clerk.

CLERK: Mr. President, LB 683A, I have no amendments to the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move LB 683A be advanced to E & R.

SPEAKER BARRETT: The question is the advancement of LB 683A. All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. This might be an appropriate time, ladies and gentlemen, to call your attention to some of the points which have just been made on this floor. You will notice the agenda today is two and a half pages. It was deliberate. I've had only one person question me about it. This is to give the body an idea of what is left to be handled with now 18 days left

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LB 325, 586A, 588, 611A, 683, 683A, 811
812

LB 325, LB 586A, LB 611A, LB 683, LB 683A, LB 811, LB 812 all reported correctly engrossed. That's all that I have, Mr. President. (See pages 1978-79 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Pleased to announce that Senator Dennis Byars has some guests in the north balcony from Diller High School. Would you people please stand and be recognized? Thank you for being with us this afternoon. Also some special guests under the north balcony, from the North Platte area, and guests of Senator Bernard-Stevens, we have some champions and runners up from an auto mechanics class and their teachers, from North Platte High School. They've just won the Plymouth AAA Troubleshooting Contest. Would you four students and your two teachers please stand and be recognized. Thank you, we're very pleased to have you with us and congratulations to all of you. Let the record also indicate that Senator Moore had 27 third and fourth graders from Staplehurst and Ulysses in the north balcony. They have just left the Chamber. Mr. Clerk, to the first bill on General File. LB 588.

CLERK: Mr. President, 588 was a bill introduced by Senator Chambers. (Title read.) The bill was introduced on January 18, referred to the Government Committee. The bill was discussed, Mr. President, on March 29. It was discussed again on April 10. At that time the committee amendments were defeated. There was then a motion offered by Senator Conway to indefinitely postpone the bill. Senator Chambers agreed to lay the bill over, Mr. President. That motion is currently pending.

SPEAKER BARRETT: Senator Conway.

SENATOR CONWAY: Is Senator Chambers in the building?

SPEAKER BARRETT: I'm sorry.

SENATOR CONWAY: Is Senator Chambers in the building?

SPEAKER BARRETT: We are not certain.

SENATOR CONWAY: Does he have someone designated to represent him on this bill, or will we just pass it over?

SPEAKER BARRETT: The Chair recognizes Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature,

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LB 683, 683A, 705

SENATOR WARNER: Mr. President, I said I would withdraw it. I have a couple of points I forgot to mention...

PRESIDENT: You are withdrawing it now.

SENATOR WARNER: ...Senator Landis, but since I forgot to mention them I'll let them go.

PRESIDENT: Okay, it is withdrawn. Mr. Clerk, do you want to read the bill.

CLERK: (Read LB 683 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 683 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on pages 2652-53 of the Legislative Journal.) 39 ayes, 8 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 683 passes with the emergency clause attached. LB 683A with the emergency clause attached.

CLERK: (Read LB 683A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 683A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please

CLERK: (Read record vote as it appears on page 2653 of the Legislative Journal.) 39 ayes, 8 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 683A passes with the emergency clause attached. LB 705 with the emergency clause attached.

CLERK: Mr. President, Senator Moore would move to return the bill for purposes of striking the enacting clause.

PRESIDENT: Senator Moore, please.

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LB 84, 630, 640, 653, 653A, 683, 683A
705, 710, 739

we continue to raise those monies so we can operate state government at a healthy level. Even though we have expended additional dollars this year and, as many would like to say, gone hog wild, I don't believe we have. I think what the Legislature has done is prudently address each and every issue, whether it be the budget or capital construction, and made decisions and made decisions based on information that they had. And I think we made good decisions. I don't agree with them all. Many of you don't agree with certain decisions that we made. The fact of the matter is that we deliberated and debated those as a body. A majority of the body felt that those expenditures needed to be made. We made them. Now what we need to do is protect the base that brought us the ability to make those expenditures, protect that base, not just for today but on into the future. I would urge you very strongly to return LB 739 to strike the enacting clause because it is not a bill that I think at this point in time we need to pass. Should the revenues continue to flow in as they have in the past in some of our one-time expenditures, as in LB 84, and the capital construction budget go away, revenues continue to come in...

SPEAKER BARRETT: Time.

SENATOR HALL: ...maybe we need to address the issue of reducing that income tax bracket. But, at the least, if this should fail, I have an amendment up to strike Section 2 which would be the two credits which break new ground, as I said before, dealing with the issue of loss of the base and that I would hope at least the body would address. But today, at this moment, I would urge you to return this bill to Select File so the issue of 739 can basically go away and we can pay for the, I think, good public policy that we advanced over the last week. I would urge the return of the bill.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 630, LB 640, LB 653, LB 653A, LB 683 and LB 683A, LB 705 and LB 710. Discussion on the motion to return the bill to Select File offered by Senators McFarland and Hall. Senator Abboud, followed by Senators Wesely, Lamb, Nelson and Hefner.

SENATOR ABBODD: Mr. President, colleagues, I oppose any attempts to return this bill because I feel that any amendments that are attached to this bill at this late a date in the

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LB 683, 683A

PRESIDENT: We will move on to number seven and a motion, Mr. Clerk.

CLERK: Mr. President, I have a motion from Senator Warner. That motion is that the Legislature request the Governor to return LB 683 and 683A for further consideration, and later reconsider on Final Reading the vote for technical or clarifying amendments.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, I filed this motion the other day. As I looked through the rule book, I could find no prohibition from any member making a motion to return a bill that has been sent to the Governor's desk. There is a prohibition, however, on reconsideration which is limited, essentially, to the introducer of the bill, and I think also with additional language for clarifying and technical amendments. I probably took some liberty with those two words as I tend to assume that when you are out of money that is at least a technical problem, and that is kind of where we are. This is a 4.5 million reduction in revenue for each of at least the next four years and beyond that, and we are in a position, which we will talk about later, where whatever we override comes out somewhere else, or whatever we pass comes out somewhere else, and this 9 million in this next two years obviously has to be made up somewhere. If you look at the green sheet, even through this biennium as we stand today with bills passed and bills vetoed and not overridden, we do not even make the minimum 3 percent reserve required by law. It is 2.91, if you look on the green sheet based on current projections by the advisory board. When you go out beyond that based on the assumptions, and one can argue at that point, I understand that, using different assumptions but, nevertheless, using those assumptions it is obvious we are headed for a tax break adjustment of some kind after 1991 unless things turn out much better in the economy than what has been the average. So for those reasons and an opportunity, whether then... I have no idea, perhaps the Governor has signed the bill or not to sign it. I don't know. I do know if she signs it, it means another 9 million of vetoes, and she doesn't really even have a choice because she has got to get up to that minimum reserve, and in the long-range, prudent planning for the state financially, this is even more reason to do it. With those comments, I would yield whatever time I have left to Senator Landis to, first, indicate whether he would be