

May 15, 1989

LB 357A, 706, 744A, 761, 813, 814

CLERK: 9 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Those not in the Chamber, please return so that we may continue on. Put, please look up to see if your light is turned on. Senator McFarland, would you record your presence. And, Senator Wesely, please, would you record your presence. Thank you. Senator Conway, would you record your presence. Senator Abboud. We're looking for Senator Hall. We're looking for Senator Abboud only. Senator Abboud is here now. Everyone is here now except those who are excused. Roll call vote has been requested, okay, in reverse order. Mr. Clerk. And the question is the adoption of the Morrissey amendment. Mr. Clerk.

ASSISTANT CLERK: (Roll call vote taken. See pages 2372-73 of the Legislative Journal.) The vote is 18 ayes, 25 nays, Mr. President.

PRESIDENT: The amendment fails. Anything further on the bill? The call is raised.

CLERK: Mr. President, some items for the record, if I might.

PRESIDENT: Please.

CLERK: Mr. President, Senator Warner has amendments to LB 813 to be printed; Senator Wesely to LB 706; Senator Nelson to LB 357A; Senator Warner to LB 814. General Affairs gives notice of confirmation hearing. That is offered by Senator Smith as Chair. New A bill, Mr. President. (Read LB 744A by title for the first time. See pages 2373-77 of the Legislative Journal.)

Mr. President, the next amendment I have is by Senator Morrissey. Senator, I have a note that you want to withdraw. This is AM1751. (The amendment appears on page 2179 of the Legislative Journal.)

PRESIDENT: Senator Morrissey.

SENATOR MORRISSEY: I've changed my mind here.

PRESIDENT: All right.

SENATOR MORRISSEY: Mr. President and members, we want to

May 17, 1989

LB 137A, 744A

have equalled 16 percent. So there has been a continued draw in that period of time upon the retirement plan, because more is being paid out than is being paid in. So I would move that the bill be advanced for the funding, instead of \$190,000 I think the other day when I was discussing it I kept saying 137,000 because I was thinking of the bill number rather than the amount in the bill, but it seems to me that the bill ought to be advanced and this improvement which is necessary and appropriate should be funded without depleting that surplus, which I think ought to be retained for the purposes of fluctuations in earnings, fluctuations in the experience ratings, and possible investment performance in the future. That is the purpose which I believe a surplus ought to be maintained for, and improvements in this system, which I support in this case, those improvements ought to be funded as we go along. So I'd move that the A bill be advanced.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance LB 137.

PRESIDENT: LB 137A is advanced. LB 744A.

CLERK: Mr. President, 744A was introduced by Senator Haberman. (Read title.) Mr. President, Senator Haberman would move to indefinitely postpone the bill.

PRESIDENT: Senator Haberman, please.

SENATOR HABERMAN: Mr. President, if I may, I'll let Senator Withem have the first part of the time, then I'll (inaudible).

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body. LB 744A is a bill Senator Haberman introduced, I think, to make a point. And the point is well taken. LB 744 is a bill on Final Reading. Within the bill itself is the appropriation of \$220,000 this year, some \$400,000 for the next year. We do that fairly frequently in here that we include the appropriation within the substantive language, and when that is done there is not a companion A bill introduced to go along with the bill.

Senator Haberman is utilizing Rule...Section...Rule 5, Section 6, paragraph (f), which pretty clearly states that there will be a separate appropriation bill following along with a bill. LB 744A is not needed because the appropriation is already in the bill. I am going to support the motion to indefinitely postpone 744A, because the appropriation is already there. I think he raises a good point. It's one that...it appears to me, in reading the rules, that this is a rule we violate with some degree of frequency. As a matter of fact Senator Scofield just had a bill passed on Final Reading that I was asking her how much she was going to pay me if I didn't bring up the fact that there was no separate A bill with it. And I won't quote the amount that she indicated here on the floor. It's probably something that the Rules Committee needs to take a look at, whether we need to be more consistent in enforcing the rule, or whether we need to change this rule to comply with what it is we do. Now Senator Haberman's concern is probably a legitimate one. As a member of a body wishing to pay some attention to the A bills, there was no A bill on this one, so was a particular spending measure, more difficult for him to deal with. One the other side of the issue I might point out that as far as the process goes, and making the process open, having the appropriation appear specifically in the bill itself allows that public that comes down to testify on behalf of a bill, or in opposition to a bill, to know how many dollars will be spent. They can read it in the bill, it's out there for the whole public to see, everybody knows. So I think it's probably, in some cases, a good practice to follow. I think, what I hope the membership would do would be to, first of all, be pleased Senator Haberman brought up the inconsistency here. I'd be a lot more pleased if it had been on somebody else's bill that he'd have brought up the inconsistency on; have this be one of many things the Rules Committee will need to be dealing with here this summer. But I would hope we would, rather than mucking up the process here with advancing an A bill that has identical language to language that is already contained within the bill, I would prefer that we follow the course of action of IPPing 744A, recognizing that the appropriation is already there on 744, but use this as an instructional sort of time so that we can try to reconcile our practice with the rules, or our rules with our practice, whichever the case may be. I appreciate Senator Haberman's filing the IPP motion on this bill, and I will be supporting it.

PRESIDENT: Senator Haberman, you still have five, six minutes.

SENATOR HABERMAN: Mr. President, members of the body, Senator Withem is absolutely right, I did bring this up to make a point. And the point is real serious. If I did not choose to ask you to kill my bill, and if I insisted on enforcing that rule, well then 744 might have a problem at this late date. What really brought it to my mind was Senator Warner introduced an A bill on a favorite bill of mine, and I got to thinking how could that happen. Well, then I found out by...that anybody can introduce an A bill. Well, well, well, how about that. So I kind of looked around and I found Senator Withem's bill and I said I'm going to introduce an A bill and see what happens. Well this really rocked the system, I'm telling you, from the top down. They didn't really know how to handle my A bill, nobody had ever really done this before. But I am cooperating with the powers that be and am going to ask you to defeat my bill, as bad as it's going to look on my record, I mean it's going to show that this body voted unanimously...I'm going to have to vote for it, but this body voting unanimously to kill one of my bills. But I did make my point, I want you all to be aware of we should change the rule or enforce the rule because somewhere down the system somebody like myself or somebody who, well like Senator Chambers might use an A bill to kind of foul the works up, and we wouldn't want Senator Chambers to do that. So, with that, Mr. President, I ask that you do defeat 744A. Thank you.

PRESIDENT: Your motion is to indefinitely postpone. Okay. I have four lights on. Any of you wish to speak? Senator Schimek, Senator Chambers. Okay, Senator Chambers first.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, what I'm saying now I'm not saying in jest. We're in the last few days of the session, and sometimes a bill is needed to take care of some unforeseen contingency. An A bill can be stripped of its contents and used for another purpose, and it has been done before. So what I would rather see, instead of having the bill killed, is have it advanced, just as an A bill would be advanced. Then, if we don't need it, then a motion could be made to kill it. And, if you don't do this, then, if those efforts are made to suspend the germaneness rule the rest of the session to add an amendment that shouldn't go to a bill, I'm going to oppose it. And I think we ought to be realistic now, we have seen it happen...well, maybe people don't pay attention to those things like I do. But in the waning days, I mean when we get even closer to the end than we are now, there is going to

May 17, 1989

LB 744A, 761A

be a need for a bill. This one would be positioned where it could be utilized. I don't have any plans for it myself, Senator Haberman. I have enough trouble with bills of my own that don't have to be amended into another bill. So I'm going to vote against the kill motion. And, if the bill were not killed, I would vote to advance it.

PRESIDENT: Thank you. Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President. It's obvious I didn't offer to pay Senator Withem enough not to tell Senator Haberman about that. (Laugh.) But at any rate, there is one distinction here that I think needs to be made clear. And I'm going to....Senator Haberman, I appreciate your understanding here that I'm going to vote to mar your record and kill your bill. There is a difference between my bill and Senator Withem's bill in that my bill contains no substantive language, I just thought I'd make that point. Thank you.

PRESIDENT: (Laughter.) Senator Haberman, do you wish to close?

SENATOR HABERMAN: Well, Mr. President, members of the body, I think the difference between those two bills is Senator Scofield's is already gone. And poor old Senator Withem is still here suffering. I would ask you to vote to kill the bill, if we put it into the system it's just going to hold up the system at this late date. So I'd ask you to vote to indefinitely postpone 744A. Thank you.

PRESIDENT: The question is, shall LB 744A be indefinitely postponed? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 13 ayes, 6 nays, Mr. President, on the motion to indefinitely postpone.

PRESIDENT: LB 744A is indefinitely postponed. LB 761A.

CLERK: Mr. President, 761A was offered by Senator Warner. (Read title.)

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President, members of the Legislature, I signed the A bill after visiting with Senator Schmit on this