

Commission for Postsecondary Education, again, filed pursuant to statute; a report from the Nebraska Games and Parks Commission filed pursuant to statute; the annual report of the Division of Telecommunications; a communication from a series of Natural Resources Districts, Mr. President, with respect to payment of attorneys fees incurred during this past year. (See pages 88-89 of the Legislative Journal.)

Mr. President, I have a series of appointment letters from the Governor, appointments to the Board of Health, to the Rural Health Manpower Commission, the Foster Care Review Board, the Job Training Council, the Oil and Gas Conservation Commission. Those will all be referred to Reference for referral to the appropriate Standing Committee, Mr. President. (See pages 89-97 of the Legislative Journal.)

Finally, I have received a communication with respect to the siting for the low-level radio active waste disposal facility. That communication was received from US Ecology, Mr. President. (See page 88 of the Legislative Journal.) All of those reports will be on file in my office subject to review by members upon their request. That is all that I have, Mr. President.

PRESIDENT: Thank you. (Gavel.) Ladies and gentlemen, we're ready to begin the introduction of bills and some of you I understand would like to hear what the bills are about, so while I don't wish to spoil your fun and visitation with each other, kindly hold it down so that those that wish to listen to the introduction of the bills may do so. We anticipate that this will probably go on until about noon and, of course, free to do whatever you would like to do. Thank you. Mr. Clerk, the introduction of bills.

CLERK: Mr. President, new bills: (Read by title for the first time, LBs 818-878. See pages 97-109 of the Legislative Journal.)

I have amendments to be printed from Senator Rod Johnson to LB 163, LB 39, LB 37. (See pages 110-14 of the Legislative Journal.)

Mr. President, new bills. (Read by title for the first time, LBs 879-922. See pages 114-23 of the Legislative Journal.)

Mr. President, I have new resolutions: (Read brief description

January 4, 1990

LB 818-880

LR 230

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chambers. We have with us this morning as our Chaplain of the day, Pastor Robert Nowak of the Faith Evangelical Lutheran Church in Lincoln, Nebraska. Would you please rise for the invocation.

PASTOR NOWAK: (Prayer offered.)

PRESIDENT: Thank you, Pastor Nowak, we appreciate your being here this morning and announcing the invocation. Please come back and visit us again. Roll call, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements? Mr. Clerk, do you have any messages, reports or announcements?

CLERK: Mr. President, I do. I have a reference report referring LBs 818-880, signed by Senator Labeledz as Chair of the Reference Committee. I have also a reference report regarding certain gubernatorial appointments made since the last special session. That's all that I have, Mr. President. (See pages 135-37 of the Legislative Journal.)

PRESIDENT: We'll move on to number four, the temporary rules.

CLERK: Mr. President, I have a motion. Senator Lynch as Chair of the Rules Committee would move that the rules be adopted for today only, January 4.

PRESIDENT: Thank you. Senator Lynch.

SENATOR LYNCH: Mr. President, members, I couldn't have said it any better. I move the adoption of the (inaudible)...

PRESIDENT: Thank you. Is there any discussion? You've heard the motion. All in favor say aye. Opposed nay. They are adopted. We'll move on to the legislative resolutions, LR 230. Mr. Clerk.

CLERK: Mr. President, LR 230 was introduced by Senator Withem. It is found on page 124 of the Legislative Journal. (Read brief

January 16, 1990

LB 163, 240A, 259, 259A, 397, 534, 601
730, 818-820, 834, 853, 1043, 1044, 1057
1076, 1098, 1148-1157

guess it is the third Beck amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 12 ayes, 14 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: The third Beck amendment fails. Mr. Clerk, do you have anything for the record?

CLERK: I do, Mr. President. Mr. President, reminder, Reference Committee will meet in Room 2102 upon adjournment; Reference Committee, Room 2102.

Mr. President, new bills. (Read for the first time by title: LB 1148-1157.) Mr. President, a new A bill, LB 240A by Senator Hall. (Read for the first time by title. See pages 340-43 of the Legislative Journal.)

Retirement Systems Committee, whose Chair is Senator Haberman, reports LB 834 to General File. Appropriations Committee offers notice of hearing, as does Urban Affairs, (Re: LB 853, LB 1043, LB 1044, LB 1057, LB 1076, LB 1098) signed by Senators Warner and Hartnett as Chairs, respectively. (See pages 343-44 of the Legislative Journal.)

Mr. President, Committee on Enrollment and Review reports LB 259 to Select File with E & R amendments, LB 259A Select File with E & R, LB 534 Select File with E & R, LB 601 Select File with E & R, LB 730 Select File with E & R, LB 818 Select File, LB 819 Select File, LB 820 Select File. (See pages 345-46 of the Legislative Journal.)

And, finally, Mr. President, I have amendments to be printed by Senator Hefner to LB 163. (See pages 346-47 of the Legislative Journal.) And, Mr. President, a request from Senator Weihing to add his name to LB 397; and Senator Schimek to LB 163. That is all that I have, Mr. President.

PRESIDENT: Senator Wehrbein, would you like to say something this morning about adjourning until nine o'clock tomorrow. Wait a minute, we will turn you on. Now.

SENATOR WEHRBEIN: Yes, Mr. Speaker, I would do that. I move we adjourn until nine o'clock tomorrow morning, January 17.

LB 830.

SPEAKER BARRETT: LB 830 advances. LB 938.

CLERK: 938, Mr. President, by Senator Conway. (Read title.) The bill was introduced on January 3, referred to Banking, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: The Chair recognizes the member from Wayne, Senator Conway.

SENATOR CONWAY: Mr. Speaker and members, thank you. LB 938 as it was introduced is simply an authorization to allow the Director of Banking through the securities activity, through the rules and orders, to allow for the sophisticated investor and those sophisticated investors are typically thought of and as was written into the bill, those who have more than half a million dollars invested and whose net worth exceeds \$1 million, can enter into with a management, securities management placement company an opportunity to have a special type of contract. Under current law an investment advisor shall not be compensated on anything other than a straight commission. What these provisions are designed to do is to allow a very large contract situation the opportunity to put a special contract together which would allow the investment advisor to be in a shared equity position. So they may have an option now rather than having a, say, a 1 percent commission standard, may offer that at a lesser rate conditioned upon the fact then that they share in any capital gains that would be incurred by that investment. It's a situation where what we're changing then is simply allowing the director to enter into and establish a rule in given situations for this kind of activity. And so with that I offer this to the body for approval.

SPEAKER BARRETT: Thank you. Questions? Discussion? Seeing none, those in favor of the advancement of LB 938 to E & R please vote aye, opposed nay. Have you all voted? Please record.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of 938.

SPEAKER BARRETT: LB 938 is advanced. Mr. Clerk, I'd like to revert momentarily to LB 834.

CLERK: Mr. President, 834 was a bill introduced by Senator Haberman. (Read title.) Introduced on January 3 of this year, referred to the Retirement Systems Committee, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, as it stands now a state employee, to join the State Retirement System, must be 25 years old with 12 months of service. So we take a young person that gets out of high school, they're 18. Possibly they don't care to go on to college, but they're good with computers, they're good secretaries, they want to go down to the local district office of the state highway patrol, get a job. So this young person gets a job at 18 and then they have to wait seven years before they can join the retirement system. I think that's wrong. Let's take a young person, they get out of high school at 18, they go to a tech school, they pick up a skill there, whatever it might be, mechanics or drawing or architecture, whatever it is, they go to work for the State of Nebraska at 20-years-old and they have to wait five years before they can join the retirement system. I think that's wrong. Let's take someone that goes to college. When they get out of college they are 22-years-old. They want to go to work for the State of Nebraska. They get the job, then they find out they have to wait three years before they can join the retirement system. I feel, and I know you feel that that is wrong also. Now we want to keep the young people in Nebraska, yet we are penalizing them, we penalize them when they want to go to work for the State of Nebraska, be it highways, social services, Department of Agriculture, Correctional Services, Department of Education, Health Department or what have you. So the bill simply changes the 25 years age to 20 years, then they can voluntarily join after they have worked for the state for 12 months. I ask for the passage of LB 834, Mr. President.

SPEAKER BARRETT: Thank you. Discussion? Questions? If not, those in favor of the advancement of LB 834 to E & R please vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 834.

SPEAKER BARRETT: LB 834 advances. Proceeding then to LB 987.

February 22, 1990 LB 313, 579, 688, 830, 831, 834, 888
917, 923, 932, 938, 946, 954, 978
987, 987A, 994, 994A, 1037, 1067, 1077
1080, 1080A, 1094, 1102, 1109, 1165, 1178
1217
LR 259

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning for our invocation, Reverend Dr. Norman E. Leach who is the Executive Director of the Lincoln Interfaith Forum. Would you please rise for the invocation?

REVEREND LEACH: (Prayer offered.)

PRESIDENT: Thank you, Dr. Leach, we appreciate your being here this morning. Please come back. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1080 and recommend that same be placed on Select File, LB 1080A, LB 1094, LB 688, LB 579, LB 994, LB 994A, LB 830, LB 938, LB 834, LB 987, LB 987A, LB 978, LB 888, LB 917, LB 946, LB 954, LB 1077, LB 1037, LB 1067, LB 831, LB 932, LB 1178, LB 1102, LB 1109, LB 1165 and LB 1217, all reported to Select File, some have E & R amendments attached. (See pages 904-08 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Crosby to LB 923, Senator Coordsen to LB 313. (See page 908 of the Legislative Journal.)

New resolution by Speaker Barrett. (Read brief description of LR 259. See pages 908-09 of the Legislative Journal.) That will be laid over.

A series of appointment letters from the Governor. Those will be referred to the Reference Committee for confirmation hearing.

Finally, Mr. President, a report from the Board of Public Roads Classifications and Standards. That will be on file in my

CLERK: LB 938, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 938 be advanced to E & R Final.

SPEAKER BARRETT: Any discussion? Seeing none, the question is, shall LB 938 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 834, Mr. Clerk.

CLERK: LB 834, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 834 be advanced to E & R Final.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill say aye. Opposed no. The ayes have it, carried. The bill is advanced. Mr. Clerk, LB 987.

CLERK: LB 987, Senator, I have Enrollment and Review amendments pending.

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 987.

SPEAKER BARRETT: Discussion 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 987 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: The question is the advancement of LB 987. Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 987A, Mr. Clerk.

March 1, 1990

LB 163A, 579, 642, 830, 831, 834, 888
917, 932, 938, 946, 954, 978, 987
987A, 989, 994, 994A, 1037, 1067, 1077
1102, 1178, 1222

PRESIDENT: Okay, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President and members, there was some confusion about whether the A bill or at least Senator Schimek's amendment was necessary. But I think, with the adoption of my earlier amendment this morning, it clarifies a lot of those problems. And, in talking with my legal staff who has talked with the Fiscal Office, they seem to feel there is no need for any amendments to the A bill and the A bill should stay as it's currently written. So I would just move for the bill's advancement.

PRESIDENT: Thank you. Senator Morrissey, please. No. Did you wish a closing, Senator Rod Johnson? The question is the advancement of the A bill. All in favor vote aye...say aye. Opposed nay. It is advanced. Things for the record, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 579 and find the same correctly engrossed; LB 830; LB 831; LB 834; LB 888; LB 917; LB 932 and LB 938, LB 946; LB 954; LB 978, LB 987, LB 987A, LB 994, LB 994A, LB 1037, LB 1067, LB 1077, LB 1102 and LB 1178, those all reported correctly engrossed, Mr. President.

Senator Ashford has amendments to LB 642 to be printed; and Senator Smith to LB 1222. (See pages 1074-78 of the Legislative Journal.)

Government Committee reports LB 989 to General File, Mr. President. That's all that I have.

PRESIDENT: Senator Byars, please.

SENATOR BYARS: I would move we would recess until one thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty.

RECESS

April 5, 1990

LB 720, 720A, 834, 851

your seats for Final Reading. Mr. Clerk, will you proceed with the reading of LB 720.

CLERK: (Read LB 720 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 720 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1928-29 of the Legislative Journal.) 34 ayes, 4 nays, 7 present and not voting, 4 excused and not voting.

SPEAKER BARRETT: LB 720 passes. LB 720A.

CLERK: (Read LB 720 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 720A pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Read record vote. See pages 1929-30 of the Legislative Journal.) 34 ayes, 3 nays, 9 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 720A passes. LB 834.

CLERK: (Read LB 834 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 834 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1930 of the Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.,

SPEAKER BARRETT: LB 834 passes. LB 851.

CLERK: Mr. President, I have a motion on the desk. Amendments from Senators Withem and Lindsay printed, I have a note that they wish to withdraw those amendments, Mr. President.

April 5, 1990

LB 720, 720A, 834, 851, 855, 855A, 896
896A, 923, 960, 960A, 980A, 1183

business, I propose to sign and I do sign engrossed LB 720, LB 720A, LB 834, LB 851, LB 855, LB 855A, LB 896, LB 896A, LB 923, LB 960, and LB 960A. Mr. Clerk, LB 980A.

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

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I had hoped very earnestly that this bill would come up yesterday. I believe that this is one example of why perhaps we ought to seriously consider abolishing consent calendar. I was not on the floor at any time during the period of time that LB 1183 was discussed, either on General File or on Select File. I came on the floor during the reading of LB 1183 and was somewhat shocked to follow the reading and discover that this Legislature was in the process of making it a felony, a Class IV felony if any corporation or company failed to pay its taxes on time, and I discussed it just briefly with some of my fellow legislators, and they said, well, this is just personal taxes. But upon a very close reading of the bill, it did not appear to me to be that it only applied to personal taxes, and even then, I would have been opposed to it. My deep concern is that we have by the passage of this bill made it a felony, punishable by a \$10,000 fine and each day is a new offense, ladies and gentlemen, punishable by a similar type of fine, if you do not pay your taxes when due. Now there may be some of us in here who believe that it is easy to pay taxes, either personal or real, but that is not true. It is frequently true that we are not able to pay our taxes on time, and for that reason, we have required that a 14 percent interest charge be assessed against delinquent taxes. That, in itself, is a serious enough penalty in my estimation. What is even more concern to me is that we would indicate by this bill that there is a decision process left up to the local county attorney, I would...I suppose, if the situation is to be prosecuted or not because it says that if such officer willfully fails to pay the tax due to the county treasurer when so notified, he or she shall be guilty of a Class IV...felony, changed from a misdemeanor. It also says that he may be prosecuted. Now, ladies and gentlemen, we have seen enough of the preferential treatment that can happen to certain individuals in the commission of crimes without extending it to this kind of an act. I would suggest that if anyone of us in

April 9, 1990

LB 42, 42A, 571A, 834, 843, 843A, 855
855A, 880, 880A, 896A, 920, 1004, 1004A
1019, 1019A, 1043, 1059, 1059A, 1030A, 1090
1109, 1222, 1222A, 1241

Mr. President, I have received veto messages on the following bills: LB 1059, LB 1059A, LB 42, LB 42A, LB 880, LB 880A, LB 1004 and LB 1004A, LB 1019 and LB 1019A, LB 1080A, LB 1222 and LB 1222A, LB 571A, LB 834, LB 843 and LB 843A, LB 855 and LB 855A, LB 896A, LB 1043, LB 1090 has a line-item reduction, LB 920 has a line-item reduction, LB 1241 has a line-item reduction. (See Messages from the Governor as found on pages 1985-98 of the Legislative Journal.) All those, Mr. President, as I indicated, are available to the members on their desks. Have an Attorney General's Opinion addressed to Senator Schmit regarding LB 1059 and I believe that's all that I have, Mr. President.

PRESIDENT: Thank you. We have a motion from Speaker Barrett. Speaker Barrett.

SENATOR BARRETT: Thank you, Mr. President and members. I offer the motion to suspend Rule 6, Section 7, subsection (b), and Rule 5, Section 6, to permit these bills to be read on Final Reading this morning. The first part, of course is to waive the two-day limitation, and the second is to allow the A bills to be read. I would urge the body to adopt the motion. Thank you.

PRESIDENT: Thank you. Any discussion? If not, the question is the adoption of the suspension of the rules motion. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, no nays, Mr. President, on the suspension of the rules to permit reading of the bills this morning.

PRESIDENT: The rules are suspended and we'll begin Final Reading. If you will find your ways to your own desk, why, we would start Final Reading. (Gavel.) Please return to your desks so we can begin Final Reading. Senator Haberman, would you come home, please? Mr. Clerk, LB 1109, please.

CLERK: Mr. President, I had amendments from Senator McFarland.

PRESIDENT: Is anyone prepared to handle Senator McFarland's motion on this bill? Senator McFarland, you had a motion on this first bill.

SENATOR MCFARLAND: Mr. President, could you read the motion for me?

that and hope, hope you will override the veto.

SPEAKER BARRETT: Thank you. The question is, shall LB 1043 become law notwithstanding the gubernatorial veto? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 2054 of the Legislative Journal.) 35 ayes, 7 nays, Mr. President, on the override of LB 1043.

SPEAKER BARRETT: The veto of LB 1043 is overridden.

CLERK: Mr. President, Senator Haberman would move that LB 834 become law notwithstanding the objections of the Governor.

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Mr. President, and members of the body, it pleases me to say that this does not cost any money. This is a bill that is equity and fairness. It keeps young people in Nebraska and it goes like this. For a young person to join the state retirement system, they have to be 25-years old before they can voluntarily join the system. So that means someone out of high school can learn to run tractors and trucks, want to go work for the state, and he has to wait two years. If somebody goes to voc-tech school and learns a trade, mechanics, bookkeeping, computer work, and they are 20-years old and they want to go to work for the State of Nebraska, they have to wait until they are 25. I don't think that is fair. Now during 1988, there was \$998,000 of forfeitures from state employees who were terminated before they were vested. During 1989, there was \$765,000 forfeited. The forfeited money goes back into the General Fund and, therefore, the estimated fiscal impact of \$160,000 will be and is covered by the forfeiture. The way the system works, PERB takes their operating money out of forfeitures. What money is left over goes to the General Fund. It is true that each of the agencies would still need to contribute more if an employee chooses to participate in the system, but the overall General Fund will not be hurt because there is still plenty of money of forfeitures each year to cover the additional cost. ERISA, the federal government, has ruled that all businesses must allow 19-year olds to join the retirement system if they so wish at 19 and not at 25. In the State of Nebraska, if you are a county employee, you may voluntarily join the system and there is no age limit. A school

April 9, 1990

LB 42, 42A, 163, 163A, 164, 164A, 503
503A, 536, 834, 843, 843A, 1004, 1004A
1031, 1043, 1059, 1059A, 1126, 1170, 1222
1222A

employee is 21, State Patrol is 21, other school employees in Omaha, no age limit and the judges are no age limit. So, therefore, I would ask that you override the veto of 834. It doesn't cost any more money. It doesn't cost any money. It will keep young people in Nebraska. It will want them to help work for the state and do a good job for the state and I ask for your override. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion? Senator Elmer, followed by Senator Schellpeper.

SENATOR ELMER: Thank you, Mr. Speaker. To be very brief, and Senator Haberman said it and said it well, all private businesses are required to allow their employees to participate when they're 19. I think the state should go at least as low as 20 to give consideration, allow these young people to accumulate a little more for retirement. It's not going to cost the state any money. I would urge your override. Thank you.

SPEAKER BARRETT: Thank you. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members, I also rise to support this override. We have some very dedicated employees in this state and I think this is just another thing we can do for the employees. So I think Senator Haberman said it all and I would just move for the override.

SPEAKER BARRETT: Thank you. Anything further, Senator Haberman? If not, the question is, shall LB 834 be overridden? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2054-55 of the Legislative Journal.) 31 ayes, 0 nays, Mr. President, on the override of LB 834.

SPEAKER BARRETT: LB 834 is overridden. And let the record show that the Chair is certifying that the Legislature has overridden the following vetoes, notwithstanding the objections of the Governor, LB 834, LB 1043, LB 1222 and LB 1222A, LB 1170, LB 1004 and LB 1004A, LB 843 and LB 843A, LB 1059 and LB 1059A, LB 1126, LB 11...excuse me, LB 536, LB 42 and LB 42A, LB 164 and LB 164A, LB 1031, LB 503, and LB 503A, LB 163 and LB 163A, and LB 834. Anything for the record at all, Mr. Clerk?