

March 27, 1989

LB 54, 84A, 733

and get them correct?

SENATOR WESELY: Yes. Yes.

SENATOR GOODRICH: Can't see what's wrong with it. What's the matter with it?

SENATOR WESELY: Nothing.

SENATOR GOODRICH: Oh, okay, thanks.

SPEAKER BARRETT: Any other discussion? If not, those in favor of the adoption of the Wesely amendment please vote aye, opposed nay. Voting on the Wesely amendment to 733. Have you all voted? 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: On the bill, Senator Wesely, any comment?

SENATOR WESELY: No, I would just move its advancement, Mr. Speaker.

SPEAKER BARRETT: Any discussion? Shall LB 733 be advanced to E & R Engrossing? Those in favor say aye. Opposed no. Carried. The bill is advanced. For the record, Mr. Clerk.

CLERK: New A bill, LB 84A, by Senator Lamb. (Read by title for the first time as found on pages 1361-62 of the Legislative Journal.)

Your Committee on Enrollment and Review reports LB 54 as correctly engrossed, Mr. President. (See page 1362 of the Legislative Journal.) That's all that I have.

SPEAKER BARRETT: Thank you. Senator Hall, for what purpose do you rise?

SENATOR HALL: Mr. President, I would move that we adjourn until 9:00 a.m. tomorrow morning.

on other spending. So just to increase the sales tax at this point, on this bill, would not be the proper thing to do. This bill is designed to soak up the surplus to a good purpose, and I think that is what it does. It's dollar for dollar, in my opinion, dollar for dollar property tax relief. See that person, that farmer, that businessman has to go down to that county treasurers office to pay that bill in the first instance. Sometimes we have so called property tax relief by providing additional money to subdivisions of government. Ordinarily it does not work on a dollar for dollar basis. There is some property tax relief, but not dollar for dollar. This bypasses those subdivisions of government, the money comes directly back to the taxpayer or it is not charged to the homeowner. So it seems to me this is as close as you can ever get to actual property tax relief. It has some other advantages, it has the advantage of encouraging taxpayers to pay their taxes on time, because if they don't get the rebate. I think that's a powerful incentive for some people to pay it on time, helps the local subdivisions with their cash flow problems. A number of other reasons for the bill could be cited, but at this point I'll just ask that the bill be advanced. And I will, in order to get a fairly accurate judge of the strength of the bill, I'm going to ask for a record vote, Mr. President.

SPEAKER BARRETT: Record vote has been requested. The question is, shall LB 84 be advanced to E & R Initial. Those in favor please vote aye, opposed nay. Have you all voted? This is a record vote. Record, please.

CLERK: (Read record vote as found on pages 1636-37 of the Legislative Journal.) 34 ayes, 4 nays, Mr. President, on the advancement.

SPEAKER BARRETT: LB 84 is advanced. Senator Rod Johnson has some special guests under the south balcony, his sister-in-law and her daughter, Sharon and Whitney Yost, from Harvard, Nebraska. Would you please stand and be welcomed. Thank you, we're glad to have you with us. Mr. Clerk, LB 747. I'm sorry, the A bill.

CLERK: Mr. President, on LB 84A, it was a bill introduced by Senator Lamb. (Read.) I do have an amendment to the bill offered by Senators Lamb and Chizek and that amendment is on page 1593 of the Journal.

SPEAKER BARRETT: Senator Lamb, will you handle it?

SENATOR LAMB: Yes, Mr. President. Mr. President and members, this is the A bill for the amended version that you just advanced. And I have circulated a sheet here that explains it better than you can learn from reading the amendment in the Journal. It takes the original A bill and it crosses out those numbers and changes the numbers so it's readable. You might notice in the first three lines, lines 2 and 3 of the handout, the administrative costs of this bill is decreased...

SPEAKER BARRETT: Senator Lamb, excuse me. (Gavel.) The house is not in order, please.

SENATOR LAMB: Thank you, Mr. President. You will note that the administrative costs have been decreased considerably. In fact almost cut in half, and that is primarily because of the homestead exemption that is put in the bill, instead of 10 percent for homeowners. So the homestead exemption simplifies the administration of the bill, and so it does reduce the cost by almost half. The total amount here is \$94,782,000, that's up from the original version of the bill. But the additional money goes back as actual property tax relief. So, with that, Mr. President, I would ask that the amendment be adopted.

SPEAKER BARRETT: For purposes of discussion, Senator Hannibal.

SENATOR HANNIBAL: Mr. Speaker and members of the Legislature, I am rising not to oppose the A bill but since we did have a record vote on the last bill and there was a very small number of no votes and the other three no votes did give some explanation as to why they were not in favor of the bill, I felt I should take this opportunity to at least offer a reason for a vote as opposed to just letting it go by and having people who are interested wondering why. And, as so often is the case, it's very difficult to stand up after Senator Warner and explain something that he has just said and try to do it differently. The easiest way and probably the smartest way is as Senator McFarland said, me too. And the bottom line of my comments will be that, me too. But I will try to expound on it just a little. This bill that has been brought before you is a very easy thing to vote for, and I understand why all of us, as politicians if you will, would vote for this bill. It's very difficult to vote against. However when you sit on the committee that I sit upon,

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LB 84A

the Appropriations Committee, and have been there for five years, seems like an eternity, and you look at financial statuses that come across our desk and that change rapidly, and you look at the requests that we have had before our committee, the items that we are looking at to approve and the items, more importantly, that we're looking at to disapprove, you get a feeling that maybe you don't get out here on the floor, I know I didn't before I got on that committee, and that feeling is that you just can't do it all. As a matter of fact we'll be bringing to you a proposal for a budget that will be probably a significant, significant increase from current year appropriations, and yet it is well below, well, well below the requests that we have had, the requests that we have had into our committee from agencies, from concerned organizations, from individuals and obviously the requests that we've had in there from bills brought to us by you for a myriad of very worthwhile ideas. We're going to have to say no to those things, to many of those things. I also am rising because there is another choice that's going to be coming to you, or at least an additional option that is going to be coming to you probably shortly after lunch, at this point, in the form of LB 739 that deals with an income tax rebate, if you will, or return that the Governor, through the Speaker, introduced to the Legislature and I have taken it on as my priority bill, that is going to offer back to the taxpayers the income taxes that were raised inadvertently, in my estimation, through the change in LB 773, passed some two or three...two years ago. In my scheme of things, in my financial status and what I have seen down there I have consciously tried to make room for the amount of money that we are going to try to give back to the taxpayers that they brought into the state and felt very upset, in my estimation, that they were doing so because they were not told that they were going to be asked to increase their taxes. I have kept that number in mind at \$19 million when I have been going through my budgetary decisions and going through the financial statuses that we have had. So I have kept that on...

SPEAKER BARRETT: One minute.

SENATOR HANNIBAL: ...my list as something that I need to make room for. If there is no room for 84 on a long-term run, and I believe that there is not room for it without some revenue change, there is certainly no room for LB 84 and LB 739, in my estimation. And I am not voting...I did not vote against LB 84's advancement because I am not in favor of property tax

relief. Why...the reason why I did vote against its advancement is because it cannot fit in the scenario that we have right now. If it's the will of the Legislature to change that scenario, fine. But I can't support a bill that is putting a promise out to people without any real likelihood of it being sustained or without some significant changes in our present proposals that you have before you and will have before you. I think it's unrealistic, I think it's unfair to the taxpayer to say we can do all this and no raise of taxes, because it just cannot be done.

SPEAKER BARRETT: Time.

SENATOR HANNIBAL: That is the reason why I did not vote to advance LB 84.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Lamb, any closing statement?

SENATOR LAMB: Very briefly, Mr. Speaker. Senator Hannibal said it's hard to vote against this bill. You know I had a similar bill four years ago and it wasn't hard for a lot of people to vote against that bill, in fact it was killed right on the floor of this Legislature. But I see a difference this year, and I think two things have contributed to it. One is that there is at least a perceived surplus in the state treasury that should be used for good purpose, which a lot of people say should be property tax relief. And then the other one is that we are hearing from our constituents more and more about the problems of high property tax. So it seems to me those two things have contributed to the atmosphere that seems to be prevailing during this session that something needs to be done. Now yesterday we advanced LB 611, and I voted for that and I support it. But we must remember that that bill will eventually cause tax increases, huge tax increases, in fact, much more than has been mentioned today in regard to LB 84. You know we're talking about a big increase in income taxes, but also I serve on that finance committee, the school finance committee, and we're talking about an additional penny on the sales tax, plus more on the income tax. So we're not saying, or at least I'm not saying that the money is free and easy. I'm saying there should be a shift, there should be a shift from property to some other form of taxation. I don't think we need it this year, I don't think we need it this year because of the surpluses that have been built up. Next year we'll look at the problem again to see how

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LB 77, 84A, 84, 371, 592, 643, 714  
739, 747

the revenues are at that point. There will be plenty of time to introduce legislation to remedy the situation. With that, Mr. President, I would ask that the amendment be adopted.

SPEAKER BARRETT: Thank you. Question is the adoption of the Lamb amendment to 84A. Those in favor vote aye, opposed nay. Record.

CLERK: 27 ayes, 2 nays, Mr. President, on adoption of Senator Lamb's amendment.

SPEAKER BARRETT: The amendment is adopted. On the bill, Senator Lamb, would you care to move the A bill?

SENATOR LAMB: I just move that the A bill be advanced, Mr. President.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of that motion vote aye, opposed nay. Record.

CLERK: 26 ayes, 3 nays, Mr. President, on the advancement of LB 84A.

SPEAKER BARRETT: LB 84A is advanced. I'd like to ask your cooperation in addressing the next two bills. Mr. Clerk.

CLERK: Mr. President, LB 747 was introduced by Senator Chizek. I do have a motion to indefinitely postpone, as offered by Senator Hall. Senator Chizek would have the option to lay the bill over, Mr. President.

SPEAKER BARRETT: Senator Chizek, your pleasure.

SENATOR CHIZEK: Lay it over.

SPEAKER BARRETT: It shall be laid over. Thank you. Anything for the record?

CLERK: Mr. President, bills have been presented to the Governor that were read on Final Reading this morning. (LB 77, LB 371, LB 592, LB 643, and LB 714.) Senator Withem has amendments to LB 84 to be printed; Senator Hannibal would like to add his name to LB 739 as co-introducer. That's all that I have, Mr. President. (See pages 1637-38 of the Legislative Journal.)

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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

April 17, 1989

LB 84, 84A, 89, 89A, 182, 247A, 325  
603, 603A, 651A, 761  
LR 2

this go on about the possibility down the road of some kind of discussion down the line of the two entities, namely, the local monitoring committee and DEC, under its rules and regs, getting into a dispute over was the money properly expended, and maybe we need a better agreement right up front on how that process is going to work. We are about out of time and we may want to come back to that. That is the question I want to raise and I think we have got, at least, some intent here into the record, and I would not want to see this unnecessarily tie the hands of a local monitoring committee that might have legitimate reasons to wish for more data or a different analysis of data. Thank you.

SPEAKER BARRETT: Time has expired. Any other discussion? Any closing, Senator Schmit?

SENATOR SCHMIT: I have no closing, Mr. President.

SPEAKER BARRETT: Thank you, sir. The question is the adoption of the Schmit amendment, AM1403. Those in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Schmit's amendment.

SPEAKER BARRETT: The amendment is adopted. Mr. Clerk, for the record.

CLERK: Mr. President, I have a reference report referring certain gubernatorial appointees to the appropriate Standing Committee for confirmation hearing. I have a series of appointment letters from the Governor. Those will be referred to the Reference Committee, Mr. President.

Enrollment and Review reports LB 182 to Select File, LB 325 Select File, LB 247A, LB 651A, LB 603, LB 603A, all to Select File. Enrollment and Review reports LR 2 as correctly engrossed, Mr. President. A series of amendments to be printed, Senator Coordsen to LB 89; Senator Lynch to LB 89, Senator Lynch to LB 89A; Senator Lamb to LB 84 and LB 84A. (See pages 1726-33 of the Legislative Journal.)

Mr. President, the next amendment I have is by Senator Schmit. Senator, I have AM1417 in front of me. (See page 1733 of the Legislative Journal.)



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LB 84, 84A, 611A

favor of the suspension of the rules.

PRESIDENT: Thank you. Senator Moore, followed by Senator Warner. Oh, we have a priority motion. Okay. Would you like to read some items for the record first?

ASSISTANT CLERK: Mr. President, I have one item, LB 611A, by Senator Moore. (Read LB 611A by title for the first time. See page 1821 of the Legislative Journal.) The priority motion that I have is to adjourn until nine o'clock tomorrow morning, from Senators Landis and Hall. (Journal pages 1821-22 show an amendment of Senator Lamb printed to LB 84A.)

PRESIDENT: Is that it? Okay, and what's your priority motion?

ASSISTANT CLERK: The priority motion is to adjourn until nine o'clock tomorrow morning.

PRESIDENT: Would you read that again? I didn't understand. I didn't hear it. Okay, the motion is to adjourn until nine o'clock tomorrow morning. All those in favor say aye. Opposed nay. You are adjourned until nine o'clock in the morning. Thank you.

Proofed by:

Sandy Ryan  
Sandy Ryan

April 24, 1989

LB 84, 84A, 361A, 739

CLERK: (Read LB 361A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 361A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted that care to? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1863 of the Legislative Journal.) 41 ayes. 1 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 361A passes with the emergency clause attached. We'll go on to Select File, please. Do you have anything for the record, Mr. Clerk, at this time?

CLERK: Mr. President, just one item, and that is the Transportation Committee offers a confirmation report, that is signed by Senator Lamb as Chair of the committee. That's all that I have, Mr. President.

PRESIDENT: Thank you. I understand from the Speaker's order that we're going to pass over LB 84 and LB 84A, and we'll take up LB 739.

CLERK: Mr. President, 739 is on Select File. The bill was discussed last Friday by the Legislature. At that time there was an amendment to the bill offered by Senator Smith. At this time, Mr. President, I have no amendments pending.

PRESIDENT: Senator Lindsay, would you like to advance the bill? Senator Wesely, excuse me. Senator Wesely's light is on.

SENATOR WESELY: Thank you. (Laughter.)

PRESIDENT: Did you wish to speak, Senator Wesely? Okay. Senator Lindsay, go ahead and then we'll...

SENATOR WESELY: ...my light on.

PRESIDENT: Yes, I understand, but he can make his motion, then we can discuss it.

SENATOR LINDSAY: Mr. President, I'd move that LB 739 be advanced to E & R for Engrossing.

SENATOR HABERMAN: Yes.

PRESIDENT: Okay, Senator Lamb, would you hold up while Senator Haberman speaks? Okay.

SENATOR HABERMAN: Mr. President and members of the body, we are now placed in the position of being in the proverbial box. We have a bill here that 21 people wish to change and 21 people do not. However, those people who wish to change it, a property tax relief bill, now have to vote yes. If they vote no, then they're going to be against property tax relief. So I would like to say to you that I'm going to vote yes. I have to vote yes even though it's only for one year. However, I do believe we have another vote coming up on this bill and we will discuss the one and two-year proposition further. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Lamb, would you like to close?

SENATOR LAMB: I would just ask that the bill be advanced, Mr. President.

PRESIDENT: The question is the advancement of the bill. All those in favor say aye. We have had a request for a record vote. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1928 of the Legislative Journal.) 37 ayes, 4 nays, Mr. President, on the advancement of 84.

PRESIDENT: The bill advances. Senator Lamb, do you wish to run the A bill? (LB 84A.)

SENATOR LAMB: Mr. Clerk, I put the amendment up there. Would it be in order to amend the A bill with that amendment? (The Lamb amendment appears on page 1928 of the Legislative Journal.)

CLERK: Yes.

SENATOR LAMB: This amendment...this amendment to the A bill only reflects the difference between a two-year sunset and a one-year sunset.

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LB 84A

CLERK: Senator, if I can, just so you and I are on the same amendment. You had a couple printed but it's my understanding you want to withdraw those and offer AM1563. Is that right?

SENATOR LAMB: Yes, that's the number, yes, sir.

PRESIDENT: Okay, is there any discussion on the Lamb amendment? Senator Warner.

SENATOR WARNER: I guess a question. It would seem to me that it would not be inappropriate to leave the A bill at a two-year level. In fact, it may...I don't know what will happen but there isn't the slightest doubt in my mind that we're going to fund it next year if we enact it and the status would look much different and the public ought to be entitled to know what you do with the rest of the budget, A bills, what have you, tax exemptions or eliminations.

PRESIDENT: Senator Warner, were you asking Senator Lamb a question there?

SENATOR WARNER: Well, I started to.

PRESIDENT: Oh.

SENATOR WARNER: I talked myself out of that and decided it made more sense to leave it as a two-year appropriation at this time. I just wanted to explain that I will vote no to make it one year because I think it's sounder to have two. But, obviously, that does not reflect the bill so those who are in support of the bill may want to make it one year. I don't mean to...I'm not playing a game, I just...it seems to me it would be simpler to have a status that assumes funding, that's all.

PRESIDENT: Okay. Senator Haberman, please.

SENATOR HABERMAN: Could I ask Senator Lamb a question, please?

PRESIDENT: Senator Lamb.

SENATOR HABERMAN: Would you consider withdrawing your motion, Senator Lamb?

SENATOR LAMB: Well, I would if there was a reason, Senator Haberman, but...

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LB 84A

SENATOR HABERMAN: Okay, no is the answer then?

SENATOR LAMB: Well, let's hear what you have to say and then I'll maybe...maybe that will convince me.

SENATOR HABERMAN: That's fine. I'm going to say there can't be any harm, as Senator Warner just said, in passing it as it is. There can't be any harm in doing that. Then if we don't change the bill and we don't spend it, it stays right where it is. So all I'm saying to you is if we try to change our minds and we can't do it, we've got to go clear back to the system, so I'm going to ask you to leave it the way it is and withdraw your amendment.

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Well, Mr. President, Senator Warner is certainly much more of an expert than I am in these matters but, off the top of my head, I don't see how you have a one-year bill funded for two years. But how does that work? I just don't understand the logic behind leaving the funding in there for two years when we have a sunset on there that we have to assume is going to be a sunset and then when we take the sunset off then it seems to me it would be the appropriate time to fund it for another year, have a new A bill. I guess I don't understand it at this point.

PRESIDENT: Was that your closing, Senator Lamb?

SENATOR LAMB: Yeah.

PRESIDENT: Or would you like to close? Okay. The question is the adoption of the Lamb amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 8 nays, Mr. President, on the advance...on the adoption of Senator Lamb's amendment to the bill.

PRESIDENT: The Lamb amendment is adopted. Do you have anything else on it, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: The question is the advancement of the bill. Senator Lamb.

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LB 84A, 84

SENATOR LAMB: I would just move the bill.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Mr. Clerk, anything for the record?

CLERK: Just the one amendment to be printed, LB 84 by Senator Conway, Mr. President. (See page 1929 of the Legislative Journal.) And that's all that I have.

PRESIDENT: Senator Hall, would you like to adjourn us until nine o'clock tomorrow?

SENATOR HALL: Mr. President, I move we adjourn until 9:00 a.m., April 26.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are adjourned.

Proofed by: Arleen McCrory  
Arleen McCrory

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LB 84, 84A, 182, 813

happens with greater rapidity and it's the kind of thing at least the Legislature ought to keep in mind, each of us, and it's not a factor this year, we're passed that, but in future years it's something that we need to take into account. Certainly, in this case the bill was at issue and the same as the bill that was already over on Final Reading that deals with the federal changes...

SPEAKER BARRETT: Time.

SENATOR WARNER: ...it was appropriate that those be handled as they are and as they were but they were handled in one committee and the allocation of funds was there and it was a much more orderly process. But when we get dual requests it does create some problems trying to sort out what kind of priority the Legislature wants.

SPEAKER BARRETT: Senator Ashford. Thank you. Senator Wesely.

SENATOR WESELY: I move to recess till one-thirty.

SPEAKER BARRETT: Mr. Clerk, for the record.

CLERK: Mr. President, two items. Senator Schmit has a motion to be printed and Senator Moore has amendments to LB 813 to be printed. That's all that I have. (See page 1977 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The motion is to recess until one-thirty. Those in favor say aye. Opposed no. Carried. (Gavel.) We are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they've carefully examined and engrossed LB 84 and find the same correctly engrossed; LB 84A, LB 182,

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LB 84A, 211, 767, 769, 813

Hall to LB 767; Senator Lamb to LB 84A; Senator Schmit to LB 813; Senator Chizek to LB 211. (See pages 2106-09 of the Legislative Journal.)

Mr. President, with the divided question, I now have an amendment to Section 1 by Senator Chambers. (Chambers amendment appears on page 2109 of the Legislative Journal.)

SPEAKER BARRETT: Senator Chambers, for your amendment to Section 1 of the divided Lindsay amendment.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, and, Senator Lindsay, I wish you would listen to this. In reading the amendments, what we have in this bill now are committee amendments in addition to the green copy. In the committee amendments, and I will read from the committee amendment, on page 2 of the committee amendments we have a new subsection added to the bill. Are you with me there? In line 11, where it says physician or attending physician shall mean the physician intending to perform the abortion. Do you see that language in the committee amendment?

SENATOR LINDSAY: Mmmm, hmmm.

SENATOR CHAMBERS: Okay. What my amendment would do in Senator Lindsay's amendment, since we're talking about a physician is to strike "person" and put the language in the penalty section that the bill is dealing with. And I'll be quite frank, the language in Senator Lindsay's amendment is much broader than what the bill purports to be concerned about. The bill, because of the addition in the committee amendment of the terms "physician and attending physician" make it clear that we're talking about a physician performing the abortion. In the penalty section we get away from the term "physician" and apply it to any person. It is not likely that a court would say when the Legislature wrote this bill and it intended to deal with an attending physician that it anticipated somebody who is not a physician giving this kind of notification and so forth. So I would narrow the sweep of the penalty provision so that it applies to the physician or attending physician and this is the way the Lindsay amendment would read with my amendment. "Any physician or attending physician who knowingly and intentionally performs an abortion in violation of this act shall be guilty of a Class I misdemeanor." As I stated before, I really don't like the bill and the amendment that I'm offering now does nothing



May 5, 1989

LB 84, 84A

amendment be withdrawn at this time to be refiled when correctly drafted.

SPEAKER BARRETT: Thank you. It is withdrawn.

CLERK: Mr. President, Senator Lamb would move to return LB 84A to Select File for specific amendment. (Lamb amendment appears on page 2107 of the Legislative Journal.)

SPEAKER BARRETT: Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President and members, the A bill is \$98.1 million. I move that the A bill be returned to be amended to that amount, Mr. President.

SPEAKER BARRETT: Thank you. Any discussion on the motion to return the A bill? Seeing none, those in favor of that motion vote aye, opposed nay. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, to return LB 84A.

SPEAKER BARRETT: The A bill is returned. Senator Lamb.

SENATOR LAMB: I'd move the adoption of the amendment to the A bill, Mr. President.

SPEAKER BARRETT: Thank you. Is there discussion? If not, those in favor of the adoption of the amendment vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Lamb.

SENATOR LAMB: Mr. President, I would move to readvance LB 84A to E & R Engrossing.

SPEAKER BARRETT: You've heard the motion to readvance LB 84A. Those in favor say aye. Opposed no. Carried, the bill is readvanced. Messages on the President's desk.

CLERK: I have nothing at this time, Mr. President.

SPEAKER BARRETT: Thank you. Senator Moore.

May 9, 1989

LB 84, 84A, 182A, 588, 813, 814  
LR 190, 191, 192

it wasn't \$2 million, it was \$1.7 million. A letter was then sent to the Appropriations Committee letting them know that it was \$1.7 million, and we would like to request a meeting with them to see if there would be a way to include this within the budget. So, when Senator Warner says they hadn't had any study until two weeks ago, I respectfully disagree with that, the study had been done. But regardless of that, it is my hope that the body will go ahead and vote for Founders Hall, it is necessary, and then at a later time, we'll then consider adopting an amendment to 814 or to other legislation that will allow for the automation to take place within the state colleges. And I hope then to have support at that particular time. Thank you.

PRESIDENT: The question is the adoption of the Hartnett amendment. All those in favor vote aye, opposed nay. Have you all voted? There's a request for a record vote. Have you all voted? Record vote has been requested. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 2219 of the Legislative Journal.) 3 ayes, 27 nays, Mr. President.

PRESIDENT: The amendment fails. Do you have another one, Mr. Clerk? Items for the record, please, Mr. Clerk.

CLERK: Mr. President, study resolutions. (Read brief description of LR 190, LR 191, and LR 192. See pages 2220-22 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 84 and LB 84A as correctly Engrossed. I have amendments to be printed to LB 588 by Senator Labeledz and to LB 813 by Senator Labeledz and Senator Haberman; LB 182A is reported to Select File, Mr. President. (See pages 2222-29 of the Legislative Journal.)

Mr. President, the next amendment I have to LB 814 is to strike Section 34. Senator, that's what I have.

SENATOR HARTNETT: Yes, that's...yeah. That's university Program 907, fire, life safety projects on all campuses, fiscal year '89-90, \$438,558 General, and '90-91 is \$319,333.

PRESIDENT: Senator Hartnett. Senator Warner, please.

different and I'm promising you that between now and the time that we adjourn I am going to be giving you a number of different alternatives to deal with where these dollars should be going and where they should be coming from, because I guess I have never done this since I have been in the Legislature, offered amendments that I really don't think will go but are merely for the purpose of making a point and in spending some time talking about things. But I came to such a painful, personally painful consideration of what reality is on this issue and I'm going to attempt to lead some of you into that same consideration. It is foolhardy to add \$18 million of state aid to this bill or to the budget without consideration of where it's coming from. Now I noticed... I noticed on the votes and I'm not so naive as to assume that we have had a lot of born again state aid to education people, I know some of them who claim to be long time supporters of it, sure would like to read back some of their votes on amendments that came up in the last two or three years in the area of state aid. But, suddenly, today they are strong state aid to education supporters. It's fairly obvious why they are. They think it will damage a bill that they don't want to pass. That's part of the game. It's also part of the game that other people can play that same game. I just filed an amendment to LB 84A to take \$18 million out of that bill. That, to me, seems to be an appropriate place to take the money. If you're claiming that \$18 million of state aid to education in 525 is property tax relief, which it may be, substituting for some of those dollars that would otherwise be raised from property taxes, it's there and appropriate that the other property tax relief measure ought to bear the burden of that and I will be pushing that amendment when it comes up. I guess just one other comment I would like to make as I ask you to consider this amendment and I will give some of my time to Senator Bernard-Stevens, who is co-introducer of the amendment, is one more time talk about the frustration on the way in which this issue has been handled. This Legislature, for 85 days, has been moving in a direction that I think will bring about long-term solutions to the problems of school finance. Adding a few dollars of state aid every decade when we have the dollars is not the direction to go. If that's the signal I'm getting from my friends out in the education lobby that that's what they prefer, that's fine, we'll move that direction. Another 10 years from now when we have the surplus we may add another 18, maybe even \$20 million that year if that's the direction they want to go and that's the signal I'm getting from them in here is that they prefer that to the well reasoned, well thought

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LB 84, 84A

to go back and review what happened here today. And there will be those who will say it's easy to vote against the bill. It is not easy to vote against this bill. The majority of my constituents will not understand it. Majority of them will think that I have not voted in their best interest. Ladies and gentlemen, the best interests of the constituents would have been not to have collected the tax in the first place. Number two, had we collected it unintentionally, we should have returned it as nearly as possible to those from whom we collected it unintentionally.

SPEAKER BARRETT: Time.

(Recorder Malfunction - No Tape Overlap.)

SENATOR NELSON: ..about more like 16 million to gain the 20... well, less than that, 7, 13 million. So it's very simple and it would be \$20 million less on LB 84, of which would go to state aid to education.

SPEAKER BARRETT: Thank you.

SENATOR NELSON: Landis, did you want some of my time the way you looked? Thank you.

SPEAKER BARRETT: The question is the Nelson amendment to return the bill to Select File. (The Nelson amendment AM1872 appears on page 2419 of the Legislative Journal.) All in favor vote aye, opposed nay. Have you all voted? Record.

CLFRK: 17 ayes, 23 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: Motion fails.

CLERK: Mr. President, the next motion I have on the bill is by Senators Hall and Chizek. They would move to suspend Rule 8, Section 5, so as to permit consideration of LB 84 and LB 84A today on Final Reading, so that it can be read and passed today on Final Reading.

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. The motion is to suspend the appropriations rule that requires the bills

SPEAKER BARRETT: Senator Lamb.

SENATOR LAMB: Well, Mr. President, I didn't want to put this motion up there because I did not want to stifle debate, and if there are no other motions, you know, we...I guess we don't need to go through this. But I don't know if there are going to be. Are there going to be more motions, Ernie? Anybody else going to have motions? Well, maybe we better vote on it.

SPEAKER BARRETT: The Lamb motion is, of course, debatable. Senator Abboud, followed by Senators McFarland and Hefner. Senator Abboud waives off. Senator McFarland. Thank you. Senator Hefner. Thank you. Senator Haberman? Thank you. Senator Chambers. Thank you. (Laughter) Would you like to close, Senator Lamb? Thank you. The question, of course, is the suspension of the rules in order to read the bill without further debate. Those in favor vote aye, opposed nay. Record.

CLERK: 31 ayes, 4 nays, Mr. President, on the motion to suspend the rules.

SPEAKER BARRETT: Motion's adopted. Senator Lamb.

SENATOR LAMB: Mr. Chairman, I would move the bill be read, if that's the appropriate motion at this point. It does have the emergency clause. I understand it'd take 33 votes.

SPEAKER BARRETT: I don't believe a vote...or a motion is necessary, Senator Lamb. I think we can go ahead and read the bill. Everybody in their seats? Mr. Clerk, proceed.

CLERK: (Read LB 84 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 84, with the emergency clause attached, become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read as found on pages 2498-99 of the Legislative Journal.) 39 ayes, 8 nays, 1 present not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: The bill passes. Have you anything for the record, Mr. Clerk? A bill, (LB 84A) I'm sorry. Proceed. Yeah, let's read the A bill.

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LB 84A

CLERK: Mr. President, I have a motion on the desk. Senator Withem would move to return LB 84A to Select File for specific Amendment.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: This was an amendment that accompanied the one I withdrew. Otherwise I know a lot of people would like to consider and discuss it and debate it, but I'm going to deny you the opportunity by withdrawing it.

SPEAKER BARRETT: It is withdrawn.

CLERK: Mr. President, Senator Hall would move to suspend Rule 6, Section 7 and 8, Rule 7, Section 3 and vote on the final passage of LB 84A without further amendment or motion or debate.

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Vote on.

SPEAKER BARRETT: Withdrawn.

SENATOR HALL: No, no.

SPEAKER BARRETT: No?

SENATOR HALL: I asked that it be voted on.

SPEAKER BARRETT: I'm sorry.

SENATOR HALL: No opening; no closing.

SPEAKER BARRETT: No opening; no close. Any discussion? Senator Hefner, I have your light on. Thank you. The question then is the suspension. Those in favor vote aye, opposed nay. Record.

CLERK: 36 ayes, 1 nay, Mr. President, on the motion to suspend the rules.

SPEAKER BARRETT: The rules are suspended. Proceed, Mr. Clerk.

CLERK: (Read LB 84A on Final Reading.)

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LB 84A, 84

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 84A, with the emergency clause attached, pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read as found on pages 2499-2500 of the Legislative Journal.) 40 ayes, 3 nays, 5 present not voting, 1 excused not voting, Mr. President.

SPEAKER BARRETT: And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 84 and LB 84A, and may I express my appreciation to all of you for your cooperation. This Legislature's been in session now for more than 14 hours today. That's one heck of a day and I'm grateful. Senator Lynch is about to make a motion. Senator Lynch, may I suggest that perhaps we convene at nine o'clock tomorrow morning? Proceed. Proceed.

SENATOR LYNCH: I move we adjourn for 10 hours and 44 minutes instead of 9, to nine o'clock in the morning on May 18.

SPEAKER BARRETT: You've heard the motion to adjourn until nine o'clock tomorrow morning. Those in favor say aye. Opposed no. Carried. Thank you and good night. (Cavel.)

Procled by:

  
Sandy Ryan

May 18, 1989

LB 84, 84A  
LR 216

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Recorder not activated.) ...the George W. Norris Chamber. We have with us this morning as our Chaplain of the day, the Reverend William Deahl, with the Grace Methodist Church in Lincoln. Would you please rise for the invocation.

REVEREND WILLIAM DEAHL: (Prayer offered.)

PRESIDENT: Thank you, Reverend Deahl, we appreciate your being here this morning. Roll call please.

CLERK: Quorum present, Mr. President.

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

CLERK: No corrections, Mr. President.

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

CLERK: Mr. President, bills read on Final Reading last evening have been presented to the Governor. (Re: LB 84 and LB 84A. See page 2501 of the Legislative Journal.) That's all that I have.

PRESIDENT: All right, we will move on to Legislative Resolution, LR 216 by Senator Scofield.

SENATOR SCOFIELD: Mr. President and members, I first want to say thank you to Senator Barrett for allowing me to introduce this this morning. We have a very special event coming up next Monday morning at Fort Robinson when the new Soldier Creek Wilderness Area will be dedicated. Obviously, I will not be there and of course we would all be more than welcome if we were able to go. But, the purpose of this resolution is simply to recognize and commend all the people who have had a part in bringing about the wilderness area designation for Soldier Creek. For those of you who have not been out there, the Soldier Creek Wilderness Area lies to the north and west of Fort Robinson Park. It is truly a nice addition to the state. It is the largest wilderness area in this state. In fact, we only have one other. So, I think it is fitting that since we are unable to attend what I think is probably one of the unique events, this spring anyway, to exhibit Nebraska's natural



May 22, 1989

LB 84, 84A, 586, 586A, 603, 603A, 611  
611A, 739A, 744

CLERK: (Read LB 739A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 739A pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote as found on pages 2658-59 of the Legislative Journal.) 40 ayes, 7 nays, 2 present and not voting, Mr. President.

SPEAKER BARRETT: LB 739A passes. LB 744.

CLERK: Mr. President, may I read some items for the record?

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, communication from the Governor to the Clerk. (Read communication regarding LB 84 and LB 84A. See page 2659 of the Legislative Journal.)

Confirmation report from the General Affairs Committee. Your Enrolling Clerk has presented to the Governor bills read on Final Reading this afternoon, Mr. President. That's all that I have. (Re. LB 586, LB 586A, LB 603, LB 603A, LB 611, LB 611A.)

SPEAKER BARRETT: Thank you. Proceed then to the reading of LB 744.

CLERK: (Read LB 744 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 744 become law? All in favor vote aye, opposed nay. Have you all voted? Have you all voted? Senator Withem.

SENATOR WITHEM: Let's do a roll call vote, please.

SPEAKER BARRETT: Thank you. Roll call has been requested. Members, please check in. Senators Rod Johnson and Byars, please record your presence. Senator Lynch, please. Senator Warner, please record your presence. Senator Smith. Senator Byars. Senator Dennis Byars, please, record your presence. Proceed with the roll call. The question again is the...whether