

January 3, 1990

LB 346, 520, 707, 923-935
LR 8, 229-233

of LRs 229-233, some of which will be referred to the Reference Committee for referral to the appropriate Standing Committee, others laid over. See pages 123-28 of the Legislative Journal.)

Mr. President, I have amendments to be printed from Senator Hall to LB 346 and to LB 707. (See pages 128-29 of the Legislative Journal.)

Mr. President, I have a proposed rules change offered by Senator Wesely. That will be referred to the Rules Committee. (See page 129 of the Legislative Journal.)

Mr. President, Senator Lynch would like to remind the body that there will be a Rules Committee meeting at one-thirty in Room 1517. And, Mr. President, there will be an Executive Board meeting at two o'clock in Room 1520.

Finally, Mr. President, I have requests to add name to LR 8 by Senator Kristensen and to LB 520 by Senator Smith. (See pages 129-30 of the Legislative Journal.)

PRESIDENT: Ladies and gentlemen, if I could have your attention just a moment, please. We're about out of bills to enter, and if you have some, please bring them up quickly and soon so that we can do this before we adjourn. We're about ready to adjourn, but we don't want to shut anybody off that has one cooking. Incidentally, if you're about ready to introduce one, but not quite, please let the Clerk know that one is coming presently so that we may wind this up. Thank you. We'll not meet this afternoon, of course.

CLERK: (Read by title for the first time, LBs 923-929. See pages 130-31 of the Legislative Journal.)

Mr. President, a reminder, the Rules Committee will be meeting at one-thirty this afternoon in Room 1517 and Exec Board will be meeting at two o'clock in Room 1520, signed by Senators Lynch and Labeledz, respectively.

PRESIDENT: Ladies and gentlemen, please get your bills in if you would like. We're about ready to wind this up. Thank you.

CLERK: (Read by title for the first time, LBs 930-935. See pages 131-33 of the Legislative Journal.)

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LB 881-957, 997-1010
LR 229

If I may, Mr. President, I have a Reference Report referring LBs 881-957, and LR 229. (See pages 175-77 of the Legislative Journal.) And, Mr. President, new bills. (Read LBs 997-1010 by title for the first time. See pages 177-80 of the Legislative Journal.) Mr. President, that's all that I have at this time.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Proceeding to the next item on...from the Rules Committee. Chairman Lynch.

SENATOR LYNCH: Mr. President, members, the next one is number nine identified on your list. It specifies that a motion to suspend the rules is not divisible. The reason for this, without reading it all but putting it hopefully in laymen's terms so we can understand it, is that when a motion to suspend the rules is attempted it's intended to accomplish only one thing. You don't suspend the rules to accomplish three, four, five or six different things. But, if the amendment that would accomplish one thing would, for example, suspend Rule 1, Section 2, Rule 2, Section 3, Rule 3, Section 4, because it's necessary to do that to identify those sections of the rules that serve that single purpose, you cannot divide the question and take any one of those three rule changes independently. I think, Mr. President and members, that explains the purpose and intent of this rule change and would suggest that we support it.

SPEAKER BARRETT: Thank you, Senator Lynch. Discussion on the proposal...proposed change number nine? Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, let me tell you what the real purpose of this rule change is. There have been attempts at various times to suspend the rules so that there can be no debate or discussion or amendment on bills, and I have indicated that I would divide that question. So the purpose of the rule is to prevent that from happening. So however many things are put into a rule suspension will have to be taken as a package. In some instances you may have a situation where people will think and believe that you should be able to suspend the rules for the purpose of taking a vote without any additional debate, amendment and so forth. And maybe that is all right. Naturally, I'm opposed to it because

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1211, 1244, 1245
LR 233

linear would be based on pipes, and we are talking about pipes, 260 feet of those or less would be exempted from the license, businesses working in those. For 160 square feet or fewer, you would be exempted from the license for those businesses doing those asbestos projects. And, in addition, we dealt with the committee amendment and the E clause has been added, and I'd ask very much for the advancement of the bill.

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

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 923.

PRESIDENT: LB 923 is advanced. Do you have anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Thank you. I have a Reference Report referring LB 1244 and LB 1245. That is offered by Senator Labedz as Chair of the Reference Committee.

Mr. President, priority bill designations, Appropriations Committee chaired by Senator Warner selected LB 1210, LB 1211; Senator Chambers has selected LB 708; Government Committee has designated LB 931 and LB 1172; Speaker Barrett has selected LB 1153; Senator Coordsen, LR 233CA.

Mr. President, committee hearing notices from Appropriations Committee and from the Business and Labor Committee, signed by their respective Chairs. That is all that I have, Mr. President.

SENATOR HANNIBAL PRESIDING

SENATOR HANNIBAL: Thank you, Mr. Clerk. Before we move on to General File, LB 82 (sic), I would like to take this opportunity to inform the body that Senator LaVon Crosby has in the south balcony 13 Girl Scouts and their leader from Calvert School in District 29. Would you girls all please rise and let us welcome you to the Legislature. Thank you for joining us today. Mr. Clerk, LB 42.

CLERK: Mr. President, LB 42 involves judicial salaries. The bill has been discussed on two occasions. I have pending,

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of the confirmation reports as offered by the Health and Human Services Committee.

PRESIDENT: Those mentioned by Senator Wesely are confirmed. Anything further on that?

CLERK: I have nothing further in that regard, Mr. President.

PRESIDENT: The call is raised. Mr. Clerk, do you have things for the record?

CLERK: I do, Mr. President, thank you. Government Committee, who is Chaired by Senator Baack, reports LB 931 to General File with committee amendments attached. (See pages 962-65 of the Legislative Journal.)

Mr. President, I have notice of hearing from the Judiciary Committee for next Friday. Senator Ashford has amendments to LB 164 to be printed. (See page 966 of the Legislative Journal.)

Two new A bills. LB 220A by Senator Pirsch. (Read by title for the first time as found on page 966 of the Legislative Journal.) And LB 42A by Senator Schmit. (Read by title for the first time as found on page 966 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: We will move on to number six, Mr. Clerk.

CLERK: Mr. President, Speaker Barrett offers LR 259, found on page 908 of the Journal. (Read brief description of LR 259.)

PRESIDENT: Senator Barrett, please.

SPEAKER BARRETT: Thank you, Mr. President, and members, I am pleased to be able to present this resolution for the Jaycees of this state, the organization that does develop young leaders, an organization which is with us today, an organization which has been deeply involved in youth programs, aid to the elderly, muscular dystrophy, cystic fibrosis, foster children, cancer, governmental affairs and so forth. These people are with us today as the number one Jaycee chapter in the United States, under the direction of State President Gary Person. This is

wanted to add a word that Senator Chambers and I have visited about his intent and his role in this. And if you look at the members, the people that are on the statement, the committee statement, you can see that this is a communitywide effort and now with Senator Hefner agreeing, and so forth, it's become a state effort and this is certainly something that needs to be done for Omaha, for the people of Omaha, but not just that. It adds credence to the fact that those who have ideas and dreams now have hope that they can fulfill those ideas and those dreams and we want to see that done in north Omaha. It will make a world of difference not only here and to the people there but to the people of the rest of the city and to the people of the state. And so I just wanted to add no real flowery words this morning, I think the gentlemen have dibs on those, but I wanted to commend Senator Chambers, those people that he is working with, and I would like to see this done. So, thank you.

PRESIDENT: Thank you. Senator Hartnett, please.

SENATOR HARTNETT: Mr. President and members of the body, I do applaud Senator Chambers for bringing this bill here. And I think that of all the bills that we're going to deal with drug, I think that Senator Chambers hit the nail on the head when he simply said that jobs are...getting people jobs is the most important thing. And I guess one of my concerns, as I visited privately with Senator Chambers and Senator Landis, is that are the people...have to be from that area, and I think that that's something I am going to look at because I think...I had a bill in front of the Revenue Committee with venture capital in it in that bill and I think some federal legislation that a third of the people have to be employed from the area and maybe we can look at that and do something on Select File. So I do applaud the efforts of Senator Chambers with this bill.

PRESIDENT: Thank you. Senator Chambers, would you like to close, please. Okay, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 1241.

PRESIDENT: The bill is advanced. We will move on to LB 931, please.

CLERK: Mr. President, 931 was a bill introduced by the Government, Military and Veterans Affairs Committee and signed by its members. (Read title.) The bill was introduced on January 3 of this year, at that time referred to the Government Committee for public hearing. I do have committee amendments pending, Mr. President.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Yes, Mr. President and colleagues, LB 931 was a result...resulted from last summer when there was a ruling...a letter written by the Attorney General to Secretary of State Allen Beermann. And in the letter the Attorney General stated that it was his opinion that an NRD board member who was subsequently elected to a Class I school board had automatically vacated his seat on the NRD board and this was based on the statute that provides that you can only hold one elective office in the State of Nebraska. The green copy of LB 931 was introduced and we had a public hearing on that. The committee was not very well pleased with the green copy of 931 and we simply introduced a bill so that we could have a public hearing. I think that the committee struggled with this for quite a while in an Executive Session trying to decide what we wanted to do with this issue and how we were going to deal with this issue. If you look at the green copy, you will see what the green copy did. It said that you could hold one certain kind of office but you couldn't hold another kind of office and it kind of provided a list, a grocery list of things that you could serve two offices in. The committee was not comfortable with that. We said that there was no real rationale for doing that and providing that kind of a laundry list. Instead what the committee did, and these are what the committee amendments are, it says, with two exceptions, any person that's holding one elective office could hold any other elective office in the state. This is the only thing that we could come up with to deal with this problem and it is a problem that we need to deal with immediately because there are a lot of people out there who are holding two offices now who are kind of left in limbo and that is one of the reasons that we need to deal with this in this session. The two exceptions to the rule are that legislators, members of the Legislature and constitutional officers could only one elective office. Those are the only two exceptions to the rule. Those are...it also provides in the Constitution that legislators and constitutional officers cannot hold two offices. I think that with that it's a very simple

bill. The committee amendments become the bill at that point and the committee amendments simply say that if you do hold one elective office, you can hold another elective office. The committee decided that we would simply leave it up to the voters in the district. If they wanted a person on the City Council and on the school board, that should be their decision because we could not come up with a laundry list that made any sense as to what offices you could and couldn't hold dually. So, with that, I would be glad to try and answer any questions and I would be glad to listen to any discussion that we have on this issue, but it is an issue that is a very serious one and one that we need to deal with in this state because we do have many areas out in the rural areas especially where we have trouble filling offices and finding candidates, qualified candidates for several...for some of the offices that are located out in these areas. So, with that, I would be happy to answer any questions and also would be interested in what debate goes on on this issue. Thank you, Mr. President.

PRESIDENT: Thank you. I understand we have an amendment to the amendments, Mr. Clerk. (The Coordsen amendment appears on page 1397 of the Legislative Journal.)

CLERK: Mr. President, Senator Coordsen would move to amend the committee amendments.

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Yes. Thank you, Mr. President, and members of the body, on page 5 of the committee amendments, about half-way through on line 12 is where my amendment...and I would apologize for not distributing this on the floor because I didn't really think it was coming up quite this quickly this morning. And I will read a section of the committee amendments and then follow with the language of my amendment. And this is on page 5 of the committee amendments, beginning on line 8. Number 2. "No person serving as a member of the Legislature or in an elective office described in Article IV, Section 1, of the Constitution of Nebraska shall simultaneously serve in any other elective office" and this is where this amendment that I'm offering this morning picks up. And then we would go on to read, if this amendment was adopted, "except that such a person may simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body." What does this mean? In Nebraska,

we have a number of offices that do not appear on a ballot, county fair boards, state fair board, cemetery boards, Class I school districts, and there may be more that fit in that category that I don't remember right at this time. But this amendment would allow a member of the Legislature or an elective officer of the state...elected officer of the state to hold one of those types of positions if the members of that particular group, and that's a rather restricted group in most of these cases, decided at a general meeting, an election meeting of that group, that they wanted this person to serve in that capacity. We find from time to time that members of the Legislature, prior to coming to the Legislature, have had a long history of involvement in areas such as these and it is my personal opinion that it's very difficult to predict a conflict of interest in situations such as this. It would be a rare occasion but it could happen that there would be a conflict of interest. I can't see that there's ever been a demonstrated issue, to my knowledge, in the state of that happening. This is, quite frankly, what has been accepted up until the recent Supreme Court...or the recent Attorney General's Opinion as a proper interpretation of the law. But the Attorney General's Opinion cast doubt upon how our dual officeholding statute applied in real life. So this is my attempt to maintain in statute what had always been or has always been done in principle in the state. So, with that, I would encourage the adoption of this amendment and I would certainly be open to any questions that a member of the body might have. Thank you, Mr. President.

PRESIDENT: Thank you. We're now discussing the Coordsen amendment to the committee amendments. Senator Owen Elmer, did you wish to speak about the Coordsen amendment? No? Senator Dierks, the Coordsen amendment?

SENATOR DIERKS: No, on the bill.

PRESIDENT: No. Senator Schimek, the Coordsen amendment? No. Senator Coordsen, would you like to close on your amendment?

SENATOR COORDSEN: Move the adoption of the amendment, Mr. President.

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

CLERK: 15 ayes, 0 nays, Mr. President, on adoption of Senator Coordsen's amendment to the committee amendments.

PRESIDENT: The amendment to the committee amendments is adopted. Do you have anything else on it, Mr. Clerk?

CLERK: We're back to the committee amendments, Mr. President.

PRESIDENT: Okay, we're back to the committee amendments. Senator Elmer, please.

SENATOR ELMER: Thank you, Mr. President. Senator Baack, would you yield to a question?

PRESIDENT: Senator Baack, would you respond, please.

SENATOR BAACK: Yes.

SENATOR ELMER: Senator Baack, is there any limit then to how many public offices a single individual could hold?

SENATOR BAACK: No.

SENATOR ELMER: Okay.

SENATOR BAACK: Unless that individual is a constitutional officer or member of the Legislature, the only exceptions.

SENATOR ELMER: Did the committee think that this particular circumstance might be detrimental in any case?

SENATOR BAACK: Well, I...what the committee decided was that we could not come up with a laundry list of what office you could and could not hold that made any sense, that had any rationale to it that made any sense. So what we said was let's let the voters of each area decide. If they want one person to serve on 10 boards, let them do it. If that's what the voters decide to do, let's just let them do that, because we couldn't come up with anything else that made any real sense that had any good rationale.

SENATOR ELMER: Thank you. I think that, given the number of entities that we have to deal with and especially in an irrigated area where you have an irrigation district board, you have a public power board, you have the board of commissioners,

or supervisors, you have have the cemetery boards, you have the county fair boards, you have the state fair boards, you have rural fire districts, many of these people can fill these offices to very good purpose. Many of them maybe only meet annually or semi-annually. To discuss business of a cemetery, for example, usually only requires an annual meeting to conduct annual business and such as that. And finding enough people willing to serve is difficult and we really need to clarify this and I certainly support the bill.

PRESIDENT: Thank you. Senator Dierks, please, the committee amendments.

SENATOR DIERKS: Mr. President and members of the body, I stand, too, to support this legislation. At one point, I think there was some talk about limiting it to counties outside of Douglas and Lancaster and I think that that possibility has been discarded. I think rightly so. But when you get into especially the area that I live with the declining population and the increased demand for membership on different boards and committees, you finally run out of people and I think it's just absolutely essential that we allow this legislation to go forward to provide quality people on these boards. And we had limited that and I think that's unfortunate. So I support this legislation and I hope you will, too. Thank you.

PRESIDENT: Thank you. Senator Schimek, please, followed by Senator Withem and Senator Coordsen. Senator Withem, please.

SENATOR WITHEM: As a member of the Government Committee, when I heard all the lights were on I thought there was going to be more critical attention given to the bill perhaps and I was just going to speak in support of it. I think it is...we did wrestle with this idea. The potential problem of individuals serving on more than two or three or four boards, I don't think is a real practical concern because people just don't get elected to those sorts of positions. What happens...is happening in our state in many areas are that you will see some people who tend to be community activists in communities, who are the type of people that will get elected to serve on a county board of commissioners or a city council, also will be serving on some of these other positions. Technically, that's illegal and if we don't change the law, (a), we're going to have a lot of people serving illegally and a lot of their actions be brought into question. And, secondly, we're just not going to have enough

people to go around in some areas of the state. Now in my area of the state there is no problem. Nobody ever thinks of trying to serve on more than one board except maybe I should give a confession here. When I was appointed to the Legislature about seven years ago, I think there was a week that I served...continued to serve on the school board. So, hopefully, I'm granted immunity for whatever punishment there will be because it's on the floor of the Legislature that I'm making this confession. But in our area of the state this doesn't usually happen, but in areas of the state that Senator Dierks is talking about I think it's an important thing, an important change we need to make. So I would urge you to support it.

PRESIDENT: Thank you. Senator Coordsen, please, on the committee amendments.

SENATOR COORDSEN: Thank you, Mr. President, and members of the body, the Government Committee began work on this I think as soon as the problem surfaced last fall and we explored a lot of options. The committee amendments are the end result of comparisons of many, many changes in the system. And I support the committee amendments because, in my mind, what the committee amendments do is return to the voters of Nebraska free choice as to who they want to represent them and basically we're talking about local government. And if it ever...dual officeholding is an issue, then it would be an issue in a local campaign when the selection is made. So I think this is a good step forward in returning to the electorate of Nebraska choices that perhaps should never have been taken away from them. Thank you.

PRESIDENT: Senator Baack, would you like to close on the committee amendments, please.

SENATOR BAACK: Yes, just a brief closing, Mr. President. I think there is some fine print in the bill for Senator Withem's case and I think it reinstitutes public flogging for those kind of things and that will take place a little later on if we pass this. But I think that this was the best thing that the committee could come up with. I think it does, as Senator Coordsen said, it does return to the local entities that choice and that decision as to whether or not that person is going to serve on more than one board. It also helps out an awfully lot of officeholders especially in rural Nebraska right now who happen to be holding more than one office and makes it much more clear as to whether they can or cannot do that. And I do

appreciate the conversation here. We struggled with it ever since last fall trying to come up with something that made sense. This was the best product that we could come up with and I would urge the adoption of the committee amendments.

PRESIDENT: Thank you. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. We're voting on the adoption of the committee amendments. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

PRESIDENT: The committee amendments are adopted. Now on the advancement of the bill, Senator Baack.

SENATOR BAACK: Mr. President and colleagues, I would simply move the advancement of the bill. We...the discussion on the committee amendments, the committee amendments become the bill and what the bill says now is that a person may hold more than one elective office and it's going to be up to the local entities to make that decision. And, with that, I would just move the advancement of the bill. Thank you.

PRESIDENT: Thank you. Senator Schimek, please. Senator Wehrbein, did you want to pick up until she comes back?

SENATOR WEHRBEIN: Yes, Mr. President, and members, I would like to ask Senator Baack a question. I admit, I just was glancing over the committee amendments as adopted and it's on the second page. But, in essence, one change that's in here, it does make it clear that if you're an employee of a city, you can't run for the elective city council. Is that correct?

SENATOR BAACK: That's correct.

SENATOR WEHRBEIN: Which, up until now, they have been able to. If you are employed by the...if you're a waterworks member, you could run for city council. And does that say now, registered voters of the city shall hold no other employment with the city. Is that...is that one of the major changes probably in this? I just want to be clear and, I admit, I got onto it just a little bit late, but is that, in essence, correct?

SENATOR BAACK: It does say that on page 2, I see where you're

looking at right now, yes, on that page it does say, "and shall hold no other employment with the city." I'm not sure that that's a change from present statute.

SENATOR WEHRBEIN: It's underlined.

SENATOR BAACK: Oh, okay, the legal counsel, Cynthia Johnson Howard, said this is simply a harmonizing provision to harmonize this portion of the law with the other portions of the law that are in place. So we're not changing law, we're just harmonizing this with the other portions that are already in place. This was done by the Bill Drafter's Office to harmonize these other sections.

SENATOR WEHRBEIN: Okay.

SENATOR BAACK: Because the committee amendments don't actually start until the bottom of page 2 where...number 2 there, that's really where the committee amendments start.

SENATOR WEHRBEIN: Okay.

SENATOR BAACK: The others are just harmonizing provisions.

SENATOR WEHRBEIN: If I work for the City of Syracuse, can I run for city council?

SENATOR BAACK: No. I do not believe so, no.

SENATOR WEHRBEIN: I just wanted to be sure of what I was doing here, so...

SENATOR BAACK: What we can do, Senator Wehrbein, is if we do advance this bill, we will find the answer to that question before we get to Select File. We will do that.

SENATOR WEHRBEIN: Thank you. I just...

SENATOR BAACK: And I will answer that question for you because I'm just not sure right at the present time but we will find that answer for you.

SENATOR WEHRBEIN: Thank you.

PRESIDENT: Were you through, Senator Wehrbein? Okay, thank

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you.

SENATOR WEHRBEIN: Yes, for now.

PRESIDENT: Okay. Senator Schimek, please. Senator Schimek, you wanted to speak. Okay, Senator Baack, would you like to close on the advancement of the bill?

SENATOR BAACK: Just simply to say that we will, you know, we will work between now and Select File and find that answer to that question for Senator Wehrbein and if there are other concerns that people come up with between now and Select File, please bring them to me and we will be glad to deal with those. With that, I would just urge the advancement. Thank you.

PRESIDENT: Thank you. The question is the advancement of the bill. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 931.

PRESIDENT: LB 931 is advanced. Do you have anything for the record, Mr. Clerk, at this time?

CLERK: Not at this time, Mr. President.

PRESIDENT: All right, we'll move on to General File, LB 1141.

CLERK: Mr. President, 1141 was a bill introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. (Read title.) The bill was introduced on January 16 of this year. The bill was referred to the Education Committee for public hearing. It was advanced to General File. I do have committee amendments to the Education...to the bill by the Education Committee, Mr. President.

PRESIDENT: Senator Withem, how do you wish to handle this, the amendments first or discuss the bill first?

SENATOR WITHEM: I'll just start talking and we'll see what comes out then in that case, probably do a little of both. LB 1141 is...I think Senator Baack said I should refer to it as the "I" bill that goes along with LR 239CA, that is the implementation legislation that would be enacted if...would

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Senator Withem's amendment.

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

CLERK: Mr. President, I do. Study resolutions. (Introduced LR 322-330. See pages 1464-69 of the Legislative Journal.) That will be referred to the Executive Board.

Enrollment and Review reports LB 1241 and LB 931 to Select File with E & R amendments. Senator Hartnett has amendments to LR 11CA to be printed. (See pages 1469-71 of the Legislative Journal.)

Mr. President, the next amendment I have to the bill is by Senator McFarland. I have a note, Senator, you wish to withdraw 2792.

SPEAKER BARRETT: Withdrawn. Withdrawn.

CLERK: Mr. President, the next amendment I have is by Senator Warner. Senator, this is your AM2872. (See Warner amendment on page 1249 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, this amendment is filed in order that I can understand the funding mechanism. I don't have a lot of enthusiasm about increasing...an amendment to increase a tax for a bill that I have not decided how I'm going to vote on. But I also know that this decision becomes awfully simple if the funding is not there to meet the appropriation. As I understand 1059 at the moment, the income tax would take effect until, I suppose I should...I don't know whom I'm addressing the question to, maybe Senator Moore. As I understand the bill, the income tax which would be required would not take effect until January 1, 1991.

SPEAKER BARRETT: Senator Moore.

SENATOR WARNER: I believe the sales tax, I believe, takes effect July 1 of this year. I have two problems that I need to understand. The first is, if LB 1059 does not get 33 votes on Final Reading then I assume the sales tax would not be adjusted July 1, obviously, because three months after April 9th is

to be printed to LB 843 and LB 931 by Senator Baack. (See pages 1585-86 of the Legislative Journal.)

Mr. President, Senator Lindsay would now move to amend. All of them....Okay. Mr. President, the next amendment I have to the bill is by Senator Hall. (Hall amendment appears on page 1586 of the Legislative Journal.)

SPEAKER BARRETT: Chair recognizes Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. The amendment that I filed in this case is, Mr. Clerk, AM...

CLERK: Yes, sir, AM3155.

SENATOR HALL: ...3155.

CLERK: Yes, sir.

SENATOR HALL: And the amendment deals with having the hearing that shall be conducted in accordance with the petition. And that was in the original 799, shall be accorded the rights prescribed in the Administrative Procedures Act. There is no need to offer the amendment at this time, because it's not appropriate to LB 799 in its current form. The....I'd just take a little exception with what Senator Kristensen said about there are more important things to deal with, and that, to me, is that I don't think there is anything more important to deal with. And I think the reason we're sent down here by our constituents is to make sure that they are protected. Yes, they need to be protected from drunk drivers. But they also need to be protected from a system that doesn't address things that aren't necessarily what they seem. And we shouldn't do things, we shouldn't put together a system that allows for convenience sake, saving of time, saving of money. As Senator Beyer said, a few people's rights get stepped on. I don't think any system that we put in place should step on anyone's rights. I don't think people should drive drunk. I don't think they should drive under the influence of drugs. The fact of the matter is they do. And no matter what law we pass, they'll continue to do that, unfortunately. Whether we outlaw drugs or outlaw alcohol, it's going to happen. We ought to have a system that protects the individuals, innocent individuals from those people. But we also ought to protect innocent individuals from laws that aren't appropriate, that out of convenience, or whatever sake, trample

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LB 931, 1241

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

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend the bill.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is an amendment recommended by Senator Hartnett. He had had a similar bill and what it says is that 15 percent of those who would be employed in these new or expanded businesses in the target area, at least a third of them would have to come from the target area. Since the aim of the bill is to help reduce unemployment, there should be some statute...some language in the statute to give a guideline. So this amendment would say that at least a third of those employed in a business having 15 or more employees would have to come from the target area. So I'm asking for the adoption of the amendment.

SPEAKER BARRETT: Any discussion? The question is the adoption of the amendment. All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 25 ayes, 0 nays on Senator Chambers' amendment, Mr. President.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Lindsay, wherever you are.

SENATOR LINDSAY: Mr. President, I move that LB 1241 be advanced to E & R Final.

SPEAKER BARRETT: Thank you, sir. Is there discussion? The question is the advancement of LB 1241. All in favor say aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, to LB 931.

ASSISTANT CLERK: Mr. President, I do have E & R amendments on 931.

March 22, 1990

LB 338, 642, 931
LR 383

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Were there no E & R amendments? Mr. President, I move that LB 931 be advanced to E & R for Engrossing.

SPEAKER BARRETT: There are E & R.

SENATOR LINDSAY: There are E & R. I move the adoption of the E & R amendments.

SPEAKER BARRETT: Are you certain?

SENATOR LINDSAY: I think that will be the motion.

SPEAKER BARRETT: Thank you. Any discussion? Shall the E & R amendments be adopted? All in favor say aye. Opposed no. Carried. They are adopted.

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

SPEAKER BARRETT: Any discussion on the advancement of the bill? Shall LB 931 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, have you items for the record?

ASSISTANT CLERK: Yes, I do, Mr. President, three items. I have amendments to LB 338 to be printed in the Journal. (See pages 1591-94 of the Legislative Journal.)

Explanation of vote from Senator Scofield. (See page 1594 regarding LB 642.) And a request from Senator Labeledz to add her name as co-introducer to LR 383.

SPEAKER BARRETT: Thank you. Before asking Senator Morrissey to adjourn us, I want to take a moment to thank you very much for two very good days' work. Most appreciative. I hope we can come back Tuesday and start where we left off today. Thank you very much, it's appreciated. Senator Morrissey.

SENATOR MORRISSEY: Yes, Mr. Speaker, members, I move we adjourn until Tuesday, March 27, at 9:00 a.m.

March 27, 1990

LB 931, 1055
LR 401

a pretty good control over what was going on in the industry. That doesn't mean we need to turn our back on some of the problems and not continue to look with a very keen eye at this industry. All we do with this amendment is bring the pickle tax back to about double what it was prior to the change. It would equate to about a 4 percent of gross, if you will. So prior to the change in the system from gross to definite profit, we'd still be bringing in more money, a greater percentage of tax, than we were prior to all the changes in the reporting and the requirements, the regulation and the oversight. It is money that flows directly to the charities. It doesn't flow to anybody else in the formula. It flows back strictly to the charities. It does have an impact on the General Fund. When you look at all the committee amendments together, there is little or no impact at all to the overall revenue of the state. I would urge adoption of this portion of the committee amendment.

PRESIDENT: Thank you. The question is the adoption of the (C) section of the committee amendments. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 3 nays, Mr. President, on adoption of that portion of the committee amendments.

PRESIDENT: The (C) section is adopted. Do you have something for the record, Mr. Clerk?

CLERK: I do, Mr. President, amendments to be printed to LB 931 by Senator Baack. A new resolution, LR 401 by Senator Lynch. (Read brief explanation. See pages 1638-39 of the Legislative Journal.)

And, Mr. President, a confirmation report by the General Affairs Committee. That is signed by Senator Smith.

Mr. President, the next item are the balance of the committee amendments, which I believe are Sections 1, 2 and 9.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: The Chair recognizes Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. This is the meat of the issue. This is the portion of the committee

March 27, 1990

LB 42A, 923, 931, 1059, 1059A, 1063A, 1221
1222, 1222A, 1241, 1244A
LR 11

Mr. President, Enrollment and Review reports LR 11CA to Select File. That's signed by Senator Lindsay as Chair.

Mr. President, your Committee on Enrollment and Review reports LB 42A, LB 931, LB 1059, LB 1059A, LB 1063A, LB 1222, LB 1222A, LB 1241, LB 1244A, all reported correctly engrossed. (See pages 1648-53 of the Legislative Journal.)

Hearing notice from Business and Labor for confirmation hearing, signed by Senator Coordsen as Chair. (See page 1653 of the Legislative Journal.)

Mr. President, Senator Beck would like to add her name to LB 923 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Mr. Clerk, proceeding to LB 1221.

CLERK: Mr. President, LB 1221 was a bill introduced by Senator Hannibal. (Read title.) The bill was introduced on January 18, referred to the Urban Affairs Committee for public hearing, advanced to General File.

SPEAKER BARRETT: Senator Hannibal, would you care to open on your bill?

SENATOR HANNIBAL: Thank you, Mr. Speaker, and members of the Legislature, LB 1221 is a bill, as you heard, came through the Urban Affairs Committee and LB 1221 does two things basically. It deals with the Omaha Plumbing Board and most of you have been made familiar with the issue even though it doesn't affect anybody...anybody's district with the exception of the City of Omaha. I hope I have had a chance to talk with all of you and I have heard...and I imagine you have been talked to by those that are not necessarily in favor of the bill. But anyway LB 1221 does two things to the Omaha Plumbing Board and, for those of you who are not familiar, the Omaha Plumbing Board is a five-member board consisting of four members that are considered in the plumbing industry, a journeyman plumber, a master plumber, four members there, and one health officer. LB 1221 expands that to add two new members to it, to the plumbing board and those two members would be a mechanical engineer and an architect. The third...second thing it does with that plumbing board is it removes...the specific requirement that the health officer serve on the board and allows the mayor to appoint a person from the general public as the fifth...or the seventh

April 5, 1990

LB 920, 931, 1063A, 1063

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 920 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1955-56 of the Legislative Journal.) 40 ayes, 4 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 920 passes. LB 931, please.

CLERK: Mr. President, I have a series of amendments to 931 from Senator Baack with notes that he wishes to withdraw.

PRESIDENT: Senator Baack, did you wish to recall those? Okay, they are withdrawn.

CLERK: (Read LB 931 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 931 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: (Record vote read. See page 1957 of the Legislative Journal.) 42 ayes, 0 nays, 3 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 931 passes. LB 1063.

CLERK: (Read LB 1063 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1063 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1957-58 of the Legislative Journal.) 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 1093 passes, I mean, LB 1063, excuse me. Go to 1063...go to LB 1241 with the emergency clause attached. We will move to LB 1063A now. Excuse me. Sorry.

April 5, 1990

LB 315, 369, 369A, 551, 551A, 577, 920
931, 953, 980, 980A, 994, 994A, 1018
1043, 1063, 1063A, 1090, 1090A, 1241

year. Senator Chambers and Senator Bernard-Stevens, no doubt, will fight that change in the rules but, hopefully, there will be enough of us here and, as far as I'm concerned, they can filibuster that till the end of the session starting in January, but that's exactly what should be done.

PRESIDENT: One minute.

SENATOR LABEDZ: Thank you, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 980, LB 980A, LB 994, LB 994A, LB 1043, LB 953, LB 369, LB 369A, LB 1018, LB 1090, LB 1090A, LB 315, LB 551, LB 551A, LB 920, LB 931, LB 1063 and LB 1063A. Senator Wesely, please, followed by Senator Langford.

SENATOR WESELY: Thank you, Mr. President and members, I would rise in opposition to the bracket motion and give you a little history on...that hasn't come out yet on this bill and let you know why I do support it. This bill came in after I had introduced a bill on venture capital last year, Venture Capital Company Act. We were looking at this concept of providing incentives for investment in the state across Nebraska at a 25 percent credit level and with a number of other restrictions with the idea that what we're having across the state is a need for capital, a need for venture capital in particular, and a number of studies have indicated that. The Banking Committee worked with me and we did put out LB 577 to accomplish that goal. Senator Chambers then came in with LB 1241 which was a bill that he worked with with the administration and it tied in conceptually with what that other bill was. So, originally, what we did in the Banking Committee was we merged, with Senator Chambers' cooperation, LB 577 and LB 1241 so that the whole State of Nebraska would be benefiting from venture capital initiative. And this compromise that was reached in the Banking Committee was one that I was very excited about and appreciated very much Senator Chambers' cooperation. But what's odd is that after we reached this compromise and the committee advanced the bill as amended, then Deb Thomas from the Governor's office came in after the deadline for picking priority bills and told Senator Chambers that the Governor could not tolerate the additional coverage of the whole state, that she wanted only north Omaha to be the focus of the bill. And, of course, I was not happy with that situation and felt that I had not been dealt