

January 4, 1990

LB 939-968
LR 234

And that is not a valid, logical position. I don't think it is a reasonable legislative position and in order not to drag out the discussion on this resolution, that will be all I have to say except to reemphasize that I intend to vote against this resolution and I'll vote against others of similar stripe.

PRESIDENT: Senator Hannibal, would you like to close...Senator Lynch, your light came on. Senator Hannibal, would you like to close, please.

SENATOR HANNIBAL: Thank you, Mr. President. Senator Chambers, I also have many thoughts running through my head, but I will exercise some constraint as well. I appreciate you pointing up some facts about the issue of what days are Nebraska citizens days and which days are days for all the people that we are elected to serve, and I agree with you wholeheartedly. Senator Smith, I'm not sure I really needed that much support saying that this resolution wasn't near as bad as some of them that we have, but I guess I'll take a vote whenever I can get it. Yes, it is true that each day that we meet in session, as a matter of fact, each day that we serve in the Legislature, is for all the citizens in Nebraska. That is my philosophy as well. However, I would suggest that we have many days that are proclaimed to be special for certain kinds of occasions and, in fact, certain individuals and that to say that because this all day should be for Nebraska citizens and not have a day that we proclaim as a special recognition would be tantamount in my estimation to saying that we shouldn't have a veterans' day because that implies that every other day is not a day that should be recognized for veterans and their service to us or any number of things that we do have. I believe that this is a gesture of recognition that we are here because of the citizens and we are here to serve the citizens and it's not near as bad a resolution as some of them we've passed and I would urge its adoption.

PRESIDENT: The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, please.

CLERK: 15 ayes, 4 nays, Mr. President, on adoption of LR 234.

PRESIDENT: The resolution is adopted. We'll go on to number six, introduction of new bills.

CLERK: Mr. President, new bills. (Read by title for the first time, LBs 939-968. See pages 138-45 of the Legislative

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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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LB 662, 830, 845, 895, 897, 905, 953
1011-1013

the house is under call. Senator Dennis Byars, the house is under call. The house is under call, unauthorized personnel, please leave the floor. Senator Byars is on his way. We'll proceed with the vote on the adoption of proposal number ten. A roll call has been requested. Proceed with the vote, Mr. Clerk.

ASSISTANT CLERK: (Roll call vote taken. See pages 181-82 of the Legislative Journal.) The vote is 18 ayes, 21 nays on amendment number ten.

SPEAKER BARRETT: Motion fails. The call is raised. Any messages on the President's desk, Mr. Clerk?

ASSISTANT CLERK: Yes, Mr. President, three new bills. (Read LBs 1011-1013 by title for the first time. See pages 182-83 of the Legislative Journal.)

I have proposed amendments to the rules from Senators Lamb, Schmit and Withem. And I have consents to add names to LB 895 from Senator Bernard-Stevens; LB 897 by Bernard-Stevens; LB 953 from Bernard-Stevens; LB 662, Bernard-Stevens; LB 845 from Senator Crosby; LB 830 from Senator Schellpeper; and LB 905 from Bernard-Stevens. That's all I have, Mr. President.

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

SENATOR LYNCH: Mr. President, members, I move that we adjourn until nine o'clock in the morning on January 8th.

SPEAKER BARRETT: You've heard the motion to adjourn until nine o'clock, Monday morning. All in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by:


Marilyn Zank

January 18, 1990

LB 37, 50, 159, 259A, 409, 422, 465
503, 503A, 543, 662, 742, 953, 1220-1242
LR 8, 244, 245

not, the question is the advancement of the A bill. All those in favor vote aye...say aye. Opposed nay. It is advanced. Mr. Clerk, do you have anything for the good of the cause?

CLERK: Mr. President, I do. Mr. President, your Committee on Retirement Systems, whose Chairperson is Senator Haberman, to whom was referred LB 953, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. That is signed by Senator Haberman. (See page 397 of the Journal.)

Mr. President, I have a series of hearing notices from Judiciary Committee, Appropriations Committee, Health and Human Services and Revenue, all signed by the respective chairs.

Mr. President, Senator Kristensen has amendments to LB 159 to be printed. Enrollment and Review respectfully reports they have carefully examined and reviewed LB 37 and recommend that same be placed on Select File; LB 742, LB 662, LR 8CA, LB 50, LB 543, LB 422, LB 409, LB 503, LB 503A, and LB 465 all to Select File, some of which have Enrollment and Review amendments attached. (See pages 398-408 of the Legislative Journal.)

Mr. President, new bills. First of all, Mr. President, two constitutional amendments, LR 244, offered by Senator Schmit. And LR 245 offered by Senator Hefner. (Read brief summary of resolutions. See pages 408-11 of the Journal.)

Mr. President, new bills. (Read LBs 1220-1242 by title for the first time. See pages 411-17 of the Legislative Journal.)

Mr. President, reminder, Reference Committee will meet at three-thirty today in Room 2102, Reference Committee at three-thirty in 2102. A final reminder, Mr. President. Chairmen's meeting tomorrow morning at nine...I'm sorry, at eight-fifteen in Room 2102, Chairmen's meeting, eight-fifteen, in 2102. That's called by the Speaker. That is all that I have, Mr. President.

PRESIDENT: I understand that we have 434 new bills introduced this year. This is the last day, of course. So you might be interested in that. Senator Baack, you're close to your microphone, would you like to adjourn us until nine o'clock tomorrow morning, please.

February 1, 1990

LB 37, 81, 240A, 409, 422, 465, 543
678, 678A, 863, 953, 1004, 1124

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber on this the 20th day of the Second Session of the Ninety-First Legislature. Our Chaplain this morning, Dr. John Wagner, President of Union College. Mr. Wagner.

DR. WAGNER: (Prayer offered.)

SPEAKER BARRETT: Thank you, so much, Mr. Wagner. We hope you can come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any announcements, reports or messages?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they've carefully examined engrossed LB 37 and find the same correctly engrossed; LB 240A, correctly engrossed; LB 409, LB 422, LB 465, LB 543, LB 678, LB 678A, all of those reported correctly engrossed, all signed by Senator Lindsay as Chair of the E & R Committee. (See pages 612-16 of the Legislative Journal.)

Mr. President, Senator Smith has designated LB 1124 as her personal priority bill this session. Senator Haberman has selected LB 953 as one of the Retirement Systems Committee's priority bills. Senator Smith has designated LB 863 as one of the General Affairs Committee priority bills. And Senator Carson Rogers selected LB 1004 as his personal priority bill. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair has a very special announcement at this point. Today, February 1st, is the birthday of Senator Carson Rogers. Senator Rogers has provided the treats on each of the desks this morning. Happy birthday, Senator Rogers. Mr. Clerk, to Item 5, on General File, 1990 priority bill.

CLERK: Mr. President, LB 81 was a bill introduced originally

SENATOR LANGFORD: Okay, I'll ask for a call.

PRESIDENT: The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence. Those not in the Chamber please return to the Chamber and record your presence. Please look up to see if you have touched the magic button.

SENATOR LANGFORD: Could we have a roll call vote in reverse order, please.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Senator Lamb, please check in. Senator Lindsay, please check in. Senator Ashford, the house is under call. Senator Nelson, please check in. Senator Haberman. Senator Scofield, please record your presence. Richard Peterson, Senator Peterson, please. The question before the house is the advancement of LB 348 to E & R Initial. A roll call vote has been requested. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 675 of the Legislative Journal.) 25 ayes, 6 nays, Mr. President, on the advancement.

SPEAKER BARRETT: The motion prevails and the bill is advanced. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. I have a reference report, Mr. President, referring certain gubernatorial appointments to the appropriate Standing Committee for confirmation hearing.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 107 and find the same correctly engrossed; LB 187A, LB 240, LB 465 all reported correctly engrossed. That's all that I have, Mr. President. (See page 676 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to Item 6 on the agenda, LB 953.

CLERK: LB 953, Mr. President, offered by Senator Haberman. (Read title.) The bill was introduced on January 4 of this year, Mr. President, referred to the Retirement Systems Committee for public hearing. The bill was advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: Thank you. (Gavel.) Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, LB 953 affects the State Patrol Retirement System. It allows patrol officers to retire after 25 years of service with no reduction in their benefits. The formula annuity rate is increased from 2.5 percent to 3 percent of final average salary for each year of service, not to exceed 75 percent of final average salary. The disability benefit will be 50 percent of final monthly salary for anyone with 17 years of service or less. The disability benefit will be 3 percent of average salary for each year of service, not to exceed 75 percent of final average salary, for those with more than 17 years of service. Upon the death of a retired patrolman, officer, the spouse will receive 75 percent of the officer's post retirement benefit. The employee and employer contribution rate is increased in each case from 8 to 12.9 percent. We are not plowing new fields, so to speak, in changing this to allow the patrolman to retire after 25 years of service. Eighteen other states have this type of legislation. The City of Omaha has early retirement for their police, which allows them to retire after 25 years of service and age of 50. The youngest that a patrolman could retire, under this bill, is 46, as they have to be 21 years of age to join the State Patrol. Alabama, they can retire at 52 years with no service requirement; California, age 50; New Hampshire, age 45; New Jersey, at any age after 20 years of retirement (sic); Oregon, age 50 with 25 years; and Washington, D.C., age 50 with 5 years of service. However, one of the biggest reasons we would like to pass this legislation is the State Patrol does not receive social security, they do not receive social security. The only retirement they receive is from the state retirement plan. So, if in case they would be able to retire at a younger age, this would give them the opportunity to possibly find other employment to enjoy their retirement by having some additional income. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion on LB 953. Senator

Nelson, followed by Senator Wesely and Schellpeper.

SENATOR NELSON: Mr. Speaker, members of the body, first a question of Senator Haberman.

SPEAKER BARRETT: Senator Haberman, would you respond?

SENATOR HABERMAN: Yes, I do.

SPEAKER BARRETT: Do you have available for us what the average retirement benefit is, currently the patrol that are retiring? I have to just strictly go by memory right now.

SENATOR HABERMAN: I cannot tell you that, however, I can inform you of this, Senator Nelson. Based on last year's salaries, the state saves \$760,000 by not having to pay the social security tax for patrol officers. That is...the bill has a \$570,000 fiscal note, so the state is still saving 60 or 70 thousand.

SENATOR NELSON: Okay, you're on my time. I have some very, very great reservations about this bill. Once we open the door up, we have one retirement bill right after the other one. We have a large one coming in in LB 1140. If I recall, and this is strictly from memory, the patrol retirement was somewhere in the neighborhood, and this is memory, 25,000, 26,000, 27,000 a couple of years ago, or the salary was that. So we're asking for 75 percent, even \$2,000 a month. I think there was a 3 percent COLA increase. We were told when we passed the retirement bill for the older retirees, a few years ago, that the ones in 1984 and beyond we didn't need to worry about their retirement, that they were being taken care of. I also have a little problem in changing from 50 to 75 percent for the widows in this particular case. When I take social security, railroad retirement, teachers' pensions and so on and so forth, I think we're opening up the door in this respect considerably, and then again being able to retire at an age below 55 years. This all accumulates and all counts up. I happen to know that many, many of them are in the physical condition and so on, can go out and get another job. I agree, they do not get social security, but a good share of them, I think, their wives are working or have worked, and that way it allows them Medicare also. So, I, for myself, am going to have to get a few more figures before I can support again opening up additional retirement, because we have, down the line then we have the judges, we gave it to the school teachers, we have, I think, LB 1140, and this is...I would like

to get a figure on the exact amount of retirement. But also, as you notice, a good share of those that are retiring are up the scale considerably, as they should be. But here we're not taking an average of 5 years salary or so on, we're taking 3 percent early retirement benefits. And I am certainly, I guess as Senator Moore, I'm going to be looking at this very, very careful. Probably will get my car tagged when I'm going down the highway at 66, but again when we start the benefits from 8 percent to 12.9, right off that comes up to my figure, somewhere of a \$1,300 a year increase with COLA increases. So I'm just saying that this is one that I'm going to watch very careful because we're setting precedent...

SPEAKER BARRETT: One minute.

SENATOR NELSON: ...for any number...group of people to come in with the same benefits. Thank you.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you. Mr. President and members, I would rise in strong opposition to LB 953. I commend Senator Haberman and Senator Bernard-Stevens, I know their intent is good intentions. But I would ask you to again be aware of what you do whenever you provide for increased retirement benefits without recognizing there are implications. I think Senator Nelson tried to raise some of those issues. Twenty-five and out, you're talking about individuals now that can retire with full benefits at 46 years old. They can come into the patrol at 21 and be out at 46. Now I don't think that that is reasonable. I think that right now they're out at 30 years, that's 51. I think at 51 years old you've got the health and stamina to continue to serve in the State Patrol. Now beyond that, I still think you'd even have the ability into the later years and the fifties. I know Senator Schmit, you know, he's got that ability, he can handle it and others that are of that age bracket have the physical stamina, mental capability to serve in the patrol far into the...probably far into the sixties, maybe even into the seventies. But, nevertheless, right now, all we're asking is that they serve at least 30 years. I don't see any way in which we can justify, at this point, reducing down to 25 years and at 46 allow these people a full, early retirement. Now there is a cost to this. And, if you look at the A bill, there's a \$600,000 cost to it, it doesn't come cheap. And I think the other problem you've got always in any retirement

benefit plan is once you provide a benefit for one group, others want the same benefit. So, if you give the patrol 25 and out, you know the teachers are coming in with 35 and out, and that's a pressure that's always there. Others will come in, judges and other employee groups will, one after another, come in and point to the patrol and say, if they can be out at 25, we can be out at 35, or we can be out at 30, or we can be out at whatever they want to propose. So, in terms of precedent, you make a serious mistake by going forward with this legislation. I have a great respect for the State Patrol. They're wonderful people, I've helped them on a number of bills and feel very good about their abilities and the service they provide to the state. But you've got to think in terms of a perspective for the taxpayer, for the overall system that we have in place. And to make this change, I think, is another mistake that leads to other mistakes further eroding the reasonable retirement plans that we now have in place. So I, for one, will ask your opposition to this bill, vote against this legislation and let us not change the situation here and then lead to changes elsewhere that I think we'll regret in the future.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members. I guess this is a bill that you have to look at and think what it does for the people that are actually in the State Patrol, because they are a different class of people than what we most generally deal with. These are people that have to be out on the road for 25 years or longer before they can retire. And I think that this is a bill that compensates them in some way for what they do for us. It's a different profession than what most of us are used to. It's a very young man's profession, I would guess, because when you're out there, and the hours that they have to keep and some of the things they have to do, it's a very tiring and also very high pressure position. So I think we need to take that into consideration when you're dealing with this. I think this is a bill that is a very fair bill. I think Senator Wesely and Senator Nelson are not looking at really what it does for these individuals. Thank you.

SPEAKER BARRETT: Thank you. Before recognizing Senator Bernard-Stevens, the Chair is pleased to note that we have some special guests under the north balcony. The LB 247 higher education consultants are with us this morning, Pat Whitmeyer,

Harold Emeanson and Carl Trendler. Would you folks please stand and take a bow. Incidentally, these people will be available the rest of the morning. If any of you have any specific questions, I'm sure they'll be glad to answer them. The member from North Platte, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. I listened carefully to what both Senators Nelson and Wesely were saying, and I have to admit that they do bring out good points. I know Senator Wesely has, for a long time, had a position on retirement issues. And he's being consistent with that, and I appreciate his consistency on that. I know Senator Nelson has some concerns as well, and I know she is not close to the issue, but she just has some concerns that she wants to have answered, I think, at some point. And I'd like to do a little bit of that, if I can. One of the things I think that the members of the body need to do is to try to distinguish just a little bit before we make the stereotype that once we open the door of Pandora's box that everything is going to break loose. I think we, in the body, have always made distinctions, whether it be in tax policy or anything else, and that would be the following. In the State Patrol, the Legislature, not only this session, but last session and previous sessions and I assume upcoming sessions, are asking more and more and more of them, particularly in drug enforcement, particularly in the illegal activities of the state, whether it be in alcohol or what have you, and I think many of us are very aware of what's going on in Panama, and what's going on in some of the drug lords within the world as a whole and the United States. And there's no doubt about it, that drug trafficking is a very, very dangerous business if you're trying to stop it. And many of these people that we're talking about in the bill Senator Haberman brings before us today, is basically saying that if we, the Legislature, are going to pass more legislation that will make these people's lives more at risk, and don't fool yourselves, they are more at risk, we need to recognize that. And I can give you an example upon example of State Patrolmen who have not retired at 25, who have not retired at 30 because they love what they are doing, because it's such a benefit to the people of the State of Nebraska. I also know people like Captain Zarkowski who died in the service of the State Patrol, and I know the benefits and things that they are receiving now, and as widows receiving, is not adequate for them to even have a reasonable retirement or lifestyle. And they gave their life, if you wish, to the people of Nebraska. And I think what Senator Haberman is

saying is that these people who are risking their lives literally for the laws that we are asking them to enforce, that we need to have just a special little thing where we say in our hearts not only do we appreciate what you're doing but we understand the terrible risk. And I would like to challenge the body at some point to do what many members of the body have done and I know I have done so and go out with the State Patrol some evening, at night. And you're out on the Interstate, or out on the road and you're all by yourself, there is no other patrolman with you. The next patrolman may be 50 miles away, may be 25 miles away, you don't know, and you have you and your radio. And you stop someone that has a tinted window, from another state. You can't see inside and you walk up to the car and you know what could happen at any moment. And we all know where law enforcement people have been shot without any time to respond. And it may be a simple speeding case, it may be a simple driving while intoxicated case. But each one could be the one where they give their life. And the tension that I felt, just being with them for that particular evening, was one that would certainly age all of us a little bit prematurely, and they live with that every day with their children and their wives. And they know what's going to happen some day, if they're not careful, and even if they are careful what can happen.

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: And I would hope that members of the body, instead of worrying about whether judges are going to come in next, or teachers are going to come in next, what have you, to say, hey, we can deal with those issues when they come up as state policy. But if, on the one hand, we're going to ask people to risk their lives more and more in trying to stop the social diseases that we have, particularly in the illegal drug trafficking that goes through our states from one coast to another, then we have to have compassion on the other hand saying, if you're willing to risk your lives for our children and for us, we're willing to help you and your surviving spouse and family members in case the inevitable might...in case the, hopefully, negative outcome might actually happen. And I think Senator Haberman has brought us one that is a compassionate bill, that is something the Legislature can, in their hearts, do. Thank you.

SPEAKER BARRETT: Thank you. Senator Schmit, further discussion? Senator Schmit. Senator Wesely. Senator Nelson on

deck. Senator Conway in the hole.

SENATOR WESELY: Thank you. Mr. Speaker, members, again I understand and appreciate Senator Bernard-Stevens' point and the desire to separate out this from the other situations we're in. But really I ask you, what can you say when you go back to your districts and let individuals know that the patrol is able to retire after 25 years at 46 years old? I know military service has got some early retirement and there are different features out there, and the work of the patrol is very important, it can be dangerous, very stressful. But I also add there are many other types of occupations out there that are not easy for people. I know, in my own father's case, he worked out at Goodyear and did different manual labor there and retired at 62, here recently, after I don't know 25 or so years there, but he was 62 years old. And I know the stress it placed on him. There are people in factories, there are people in different occupations, doing different manual labor jobs in our state that are very low paid and don't have any concept whatsoever of a chance for early retirement. They're lucky to have any retirement. And these individuals out there, struggling day in and day out, trying to do their job, knowing that they don't really have much in terms of retirement benefits, they hang on until they can get social security. And out there it's a rough life, it's a tough life, it's not easy for those people. And now to turn around and indicate, important as the job of patrolman is, that they, after 25 years, are able to receive full retirement benefits, and I think they are quite attractive retirement benefits, I think you have individuals across the state saying that's not fair. And that's what I'm saying, it isn't fair. And you'll find other public employees coming in saying it's not fair in their case. Yes, you can distinguish out patrol from other jobs, but there are other tough jobs out there. Teaching is no easy profession, and any number of other occupations are very difficult to do as well. I know the teachers themselves have been in, they want to have 30 years and out. So, if you do the patrol at 25 and out, it makes it easier to come in with the teachers for 30 and out. After the teachers get 30 and out, then the judges want 30 and out, and then the other individuals out there want the same sort of benefit. And I'm telling you, you've got a problem. I think you hold the line at this point. I think you stop this legislation. I'm not going to ask you to vote to kill it, I'm going to ask you not to vote to advance it, just not vote or whatever. I know the patrol are very important to a lot of people, but you set a bad

precedent here and one that I think the general public is not very favorable to. I heard Senator Schellpeper talking about you've got to look at the patrolmen, and this is good for the patrolmen. Well, understandably it's good for the patrolmen. They like the bill. They want the bill. They benefit from the bill and I appreciate that. But you've got to look at the other factors. And I would say look at the taxpayer in particular. The taxpayer has to foot the bill, and the taxpayer out there, I think, is not going to be too keen on the idea of this sort of benefit being provided so far in excess of what most of those taxpayers get in terms of benefits. And I think they're going to make that judgment and say, that's not right, that's not fair. And, so looking from that perspective, I would have to ask you to oppose the bill, to not support the bill, and to let us go forward with other legislation, because this one, I think, is a problem for us that will lead to other problems in the very near future.

SPEAKER BARRETT: Senator Nelson, please.

SENATOR NELSON: Mr. Speaker, members of the body, I still have not been able to get a figure. As far as I can tell, there is probably...we're talking about 100 and altogether...patrol that have retired, 120 or something like that, or 115. And probably a third of those are retired prior to 1984. We were simply told then, no, we don't need to worry about the new retirees, their retirement will be based on an increase in salary, and they will be taken care of. Now another year or two down the road we're being asked for more and more. When you go from 8 percent to 12.9, that's dollars. I agree that the Highway Patrol, not all of them are in drug investigation, no different than that railroader out there on that train all night long. A lot of professions are having to work to 62 or 65, be glad to get that job. I see nothing wrong with the spouse of the Highway Patrol working like the rest of us work. Again, social security is involved, and I just simply think that we're going too far. And when we're talking about then the spouse, 75 percent, we're going too far, too fast, folks. I don't deny that the Highway Patrol do not do us a good service, but I don't think there is anything wrong with their compensation now, it is getting better. Again, where do we stop on these retirement benefits? Who is going to pay for those down the line? The same thing is on the federal level. Where are we going to start, and where are we going to stop? Just, to me, these benefits go too far. I just...the whole package. With that, that's all I have to

say. But do your homework and do your figures before you vote on it.

SPEAKER BARRETT: Senator Conway, please.

SENATOR CONWAY: Call the question, please.

SPEAKER BARRETT: Thank you, that won't be necessary, yours was the last light. Senator Rex Haberman.

SENATOR HABERMAN: Mr. President, members of the body, in answer to one of the senators' concerns as to what am I going to say to my constituents when I return to my district, my constituents will say that's fine, we think it's okay that they can retire after 25 years. We have a lot of respect for the State Patrol, for their integrity, for their appearance, for their manners and for the hard work, dangerous job that they do. I have two more things that I want to touch on. First of all, the Nebraska Retirement Systems Committee has adopted and follows 28 general principles of sound retirement planning when evaluating proposed changes to any retirement system. There's 28 principles and we follow this. LB 953 directly involves principle 9 and 10, and is in agreement with those two principles. This legislation is not in conflict with any of the 28 principles that the committee follows on retirement. Now, in closing, I am going to say one other thing. I would like to ask each and every one of you to stop and think and tell me of someone else, state, city, county, schools, judges, you name it, you name it, that just has the state retirement programs funds when they retire. None of them, they all get social security. The State Patrol does not get social security. Their widows do not get money. Their children do not get money. So when you stop to think, how would you like to be in a position to work 20 years, 25 years, or 50 or 60 years just on the state retirement funds? You can't do it. You can't do it. The state is not paying social security because they do not belong to social security. It would cost more than what this bill is going to cost, if they belonged to social security, so that is a wash as far as cost to the state. So for no other reason, and I can continue this debate on and on and on and give you lots of reasons, it's just the reasons that due to a grinch, the State Patrol does not and will never receive social security and, in my book, that's enough to pass this legislation. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. You've heard the closing, and the

question is the advancement of LB 953 to E & R initial. All in favor of that motion please vote aye, opposed nay. Shall LB 953 be advanced?

SENATOR HABERMAN: Mr. President, I'll ask for a call of the house, please. And I'll take call in votes.

SPEAKER BARRETT: Shall the house go under call? All in favor vote aye, opposed nay. Record. Record.

CLERK: 26 ayes, 0 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and check in. Call in votes have been authorized. The question is the advancement of the bill. A roll call has been requested. Members, please return to your seats and record your presence. Those outside the Chamber, please return. Senator Schmit, would you record your presence, please. Senators Pirsch, Scofield, Lindsay and Rod Johnson, the house is under call. Senators Pirsch and Rod Johnson, the house is under call. The question is the advancement of LB 953. Mr. Clerk, please proceed with the roll call.

CLERK: (Roll call vote taken. See page 677 of the Legislative Journal.) 27 ayes, 14 nays, Mr. President, on the advancement.

SPEAKER BARRETT: LB 953 is advanced. The call is raised. I would ask you to stay close to the Chamber, however. The A bill, Mr. Clerk.

CLERK: Mr. President, LB 953A by Senator Haberman. (Read title.)

SPEAKER BARRETT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, to save time in the debate, we'll just go ahead and vote on the bill.

SPEAKER BARRETT: Any discussion on the advancement of the bill? Seeing none, those in favor of its advancement please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 7 nays, Mr. President, on the advancement of 953A.

February 7, 1990

LB 163, 164, 348, 369, 953, 953A, 980
987A, 1059, 1070

SENATOR HANNIBAL: Senator Wesely, please.

SENATOR WESELY: Yes, thank you. We are to the last bill today. We appreciate all your patience. This is also the last of the three pieces of Governor Orr's "year of the family" package, the last two bills are part of it. This is the third piece. Deals with special need children. I'm carrying a bill for Governor Orr, yes. (Laughter.) This bill deals with....she doesn't it know, though. But....This bill deals with special needs children. Currently, if they are placed by public agency, the Department of Social Services special needs children can get additional assistance, private agencies don't get that assistance. This would expand, and this is a federal requirement, so we need to adopt it. And I'd move for the advancement of the bill.

SENATOR HANNIBAL: Any discussion? Seeing none, Senator Wesely, would you care to close? Senator Wesely waives closing. The issue before you is the advancement of LB 1070. All those in favor vote aye, opposed nay.

(No tape overlap. Vote on advancement of LB 1070 was 23 ayes, 0 nays.)

SENATOR HANNIBAL: The bill is advanced. I really appreciate you taking the time to stay around here. Is there anything for the record, Mr. Clerk?

ASSISTANT CLERK: Yes, Mr. President, I do.

SENATOR HANNIBAL: I've been informed that refreshments will be served in the Senators Lounge very quickly.

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review reports LB 980 to Select File with amendments; LB 164 to Select File with amendments; LB 348 to Select File; LB 953 to Select File with amendments; LB 953A to Select File. (See pages 715-17 of the Legislative Journal.)

SENATOR HANNIBAL: The call is raised.

ASSISTANT CLERK: Senator Beyer has amendments to LB 369 that he asked to be printed; Senator Haberman to LB 1059. New A bill. (Read LB 987A by title for the first time.) Amendments to LB 163 to be printed from Senator Schimek. A report of

March 5, 1990

LB 348, 953

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the bill? Seeing none, those in favor of the advancement of LB 348 to E & R Engrossing say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. The A bill, Mr. Clerk. Correction, LB 953.

CLERK: Mr. President, 953, the first order of business are enrollment and review amendments.

SPEAKER BARRETT: Senator Moore, would you handle the E & R amendments, please.

SENATOR MOORE: Mr. President, I move the E & R amendments to LB 953 be adopted.

SPEAKER BARRETT: Thank you. Any discussion? If not, shall the E & R amendments be adopted to 953? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, Senator Nelson would move to amend the bill. (Nelson amendment appears on page 1148 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Nelson.

SENATOR NELSON: Mr. Speaker, members of the body, somewhat by the amendments that are just passed out by Senator Schellpeper, which will be following, will somewhat change my concern that I had of the bill. My amendment would simply strike the portion of the bill that addresses...takes out the four years as a spouse, and it would return to the original language in the bill. And that's all that it would simply do. As you would notice, by some of the handouts that I've prepared, I asked, on General File, how much we were talking about, or what salaries we're talking about. The answer was, I don't know. And, so I did some work and I had my aide do some work on this and found out what we were talking about. It's difficult for me to vote on something that I am not quite sure. I remember in 1986, we were told that the current employees, we didn't need to worry about it because of the fact of the increases in their salary, and then the 3 percent that they...the three years average, so we didn't need to think about that. That's what made me stop and think now. Incidentally, I somewhat feel like, or can sympathize with Ernie Chambers. I have received two letters and one telephone call. The telephone call was not necessarily the

friendliest call. He couldn't understand why I should be even questioning a bill like this and, as most of you know, I'm not the most lenient senator on the floor. My answer was, I just feel like it's too much, and that's simply it. I have no problems with the Highway Patrol, I have no problems with the sheriffs, I have no problems with the police people. One of the letters, the first one that I got, told me that, I don't know, I had too efficient a secretary or too many piles of paper on my desk, something like this, through mismanagement of the bill or the vote maybe I didn't understand, and that also the policemen and the firemens' union would be looking at me. Well, I guess that's good for them to watch. But anyhow I did and I worked up for you, if you'll notice on your desk, I did provide for you the current salaries, so it gives each of us an idea of what we're talking about. With Schellpeper's amendment, it does make the bill far more palatable to me. The gentleman that called me yesterday morning, or Saturday morning, could not see anything wrong with retiring at age 50, at 2,800 or \$3,000 a month. And then when it was all said and done we were talking, and I said, well, first you give it to teachers, and then it's the judges, and then it's the Highway Patrol, and our state budget would be very similar to the federal budget, in debt a trillion dollars because part of it, pensions that are promised. So, with that, he also told me his wife was a teacher. Readily I could figure up then, and no discredit to her, 4,500, \$5,000 a month pension at a very, very young age for that couple. Made me stop and think, and I know my taxpayers wouldn't necessarily appreciate that in the least. He mentioned the stress on the job and the work, and I don't deny that. I did happen to tell him that my husband happened to be a railroader and he worked to age 64 for half of this pension. And, boy, they didn't do half as hard a work or as much stress, and I had to kind of differ with the night work or the train or walking it. But beside the point, then it came to the point of hiring a 47-year-old woman for the job. He mentioned it first, I almost feel sorry for that woman on the job, if other officers had the same feeling as he did. But I'm sure that 99 percent of them don't. But what my amendment would do is simply, the way the bill is written now, that a survivor would get 75 percent of the patrolman's annuity. I feel that's fine, if she raised his children, four years, as the bill currently says, or had children at home, a lot of cost. Too often do I see a second marriage or so on at that age of 51, 52, 55 years of age, and that widow then could become available for 75 percent of his annuity. I might tell you, if you take the lower paid, and most all of them that are retiring are above

a trooper's salary, I'm sure of that, but for the benefit of the doubt and a 5 percent increase in salary and 20 years would make his retirement for 20 years, starting in...if you took a '92 salary at a 5 percent increase of salary, it would be \$426,900 that annuity would be worth in 20 years. So, if you take, in '95, a 5 percent increase makes that annuity worth 494,000 and three-fourths of that would be 370,000. But let's go down to a sergeant, that's where most of them would be, the same basis, 20 years at a 5 percent increase makes that annuity 592,000, or three-fourths of that is almost 440,000. Twenty-five years, and I would expect life expectancy to be somewhere around age 75, 70, 75, that then makes that at...the troopers' annuity at 740,000, and then the spouse at 555,000. My amendment would simply bring that back to 50 percent, if married less than four years. I think it's fair. I think a good share of them are drawing social security. One of the comments was, we like to quit so we can draw social security, and not all of them are, and I realize that. Also, I can speak to it later, but in doing my homework I noticed LB 252 that was held in Retirement Committee, that bill called for COLAs in the next few years. That bill calls for a COLA, and that bill also calls for additional benefits, as I said it was being held there, to bring up the retirement for the \$1,000 a month for all of the pre-retired. The cost of that bill related to accelerated retirement, 25 years with no age limits was 4.6 million for that provision. The joint and survivorship benefit, from 50 to 100 percent is 2.7, and the increase up to 1,000 for the...I call it the old, old retirees, 1.1, and the cost of living increases for that bill was 3.8 or a \$12.2 million bill. So that tells you what is coming down the pipeline, folks. I have no problem with being fair, and I have no problem with something that is reasonable. But I just simply...I just think that we're asking for too much. If you check with the fiscal office, they will tell you that there is no bill, no retirement bill that compares with the original proposal. And I will be supporting Senator Schellpeper's, which does change part of mine. But what mine would do is simply just stricken the four-year provision.

SPEAKER BARRETT: Thank you. Discussion of the Nelson amendment? Senator Haberman, followed by Senator Wesely.

SENATOR HABERMAN: Mr. President, members of the body, Senator Nelson, so that I understand your amendment, your amendment says that unless a patrolman has been married to his surviving spouse four years, they don't participate in the retirement. Is that

correct?

SENATOR NELSON: It would bring it back to the original bill.

SENATOR HABERMAN: Is that correct?

SENATOR NELSON: All right, upon the death...

SENATOR HABERMAN: I think it is, Senator Nelson, so...

SENATOR NELSON: Yes.

SENATOR HABERMAN: ...what you're saying is a patrolman can be married for three years, 364 days, and die and his spouse doesn't get the full benefits.

SENATOR NELSON: If she has children and so on, or his children...

SENATOR HABERMAN: Below 18, she doesn't get the full benefits, that's what you're saying.

SENATOR NELSON: Yes, she would not get the full 75 percent benefit.

SENATOR HABERMAN: Well, could you...

SENATOR NELSON: She would get 50 percent.

SENATOR HABERMAN: Could you explain to me, and still leave me a minute or two of my time, the rationale of being married three years, 364 days and then dying and that costing my spouse money. I mean I don't understand why you want to do that.

SENATOR NELSON: Senator Chambers...Senator Haberman (laughter), I have no problem with the 50 percent. It is increased in this bill to 75 percent, the 50 percent is fine. As the old bill originally is, that's no problem, as another benefit, other pension plans. As you know, the provisions of this bill, it does raise it to 75 percent. I have a problem with that. If it is retained in there...

SENATOR HABERMAN: Well, Senator Nelson, I have a problem...

SENATOR NELSON: All right.

SENATOR HABERMAN: ...with being married to someone for three years, 364 days, and then dying and having them lose money, so I can't understand your rationale, so I'll ask the body, in all fairness, to defeat the amendment. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Senator Wesely, followed by Senators Schellpeper and Crosby.

SENATOR WESELY: Yes, Mr. Speaker, again, Senator Nelson.

SPEAKER BARRETT: Senator Nelson, would you respond to a question, please.

SENATOR WESELY: Senator Nelson.

SENATOR NELSON: Yes.

SENATOR WESELY: My question, I was trying to follow your conversation with Senator Haberman. You are talking about, on page 10, lines 6 through 9, reinstating the stricken language? Is that...

SENATOR NELSON: And page 8, start with page 8, line 22 and 23, which was originally Senator Haberman's bill, incidentally, introduced in January 4, 1990, and I'm just putting the original language back in the bill.

SENATOR WESELY: Yeah, but his original bill didn't have that language in there. It struck that language, so you can't say that you've going back to the original bill. You're going back to the original law.

SENATOR NELSON: Well, whoever had the original...

SENATOR WESELY: Original law.

SENATOR NELSON: All right, yeah, okay, I follow you.

SENATOR WESELY: I'm just...I think people are getting confused over that.

SENATOR NELSON: Um-huh, um-huh. Mine would just stricken that language out of the bill and leave the provisions as they have been for...since 1984.

SENATOR WESELY: And the concern you have is that an officer marries and shortly thereafter dies and that spouse of a short period of time would receive, what, 75 percent of his income. And you don't think that's appropriate, is that correct?

SENATOR NELSON: I guess I have a real problem with the financial cost of it, along with, as I say, the bill has been pared back considerably than what it was to begin with, which is fine. But you name me one other retirement system where actually that is 75 percent. Most cases those spouses are working on their own, or have worked, or if the...that they would be drawing social security or pension on their own eventually. I have no problem with the 50 percent, as it currently is, the same as many other retirement systems.

SENATOR WESELY: The 75 would conform to other retirement systems, you're saying?

SENATOR NELSON: Not that I know of.

SENATOR WESELY: The 50 percent would conform.

SENATOR NELSON: The 50 percent would conform to other retirement, but not 75 percent of the annuity. You understand, and might I tell you how much the annuity...and this is just as an example, and it would increase. Incidentally, if you take your figures, the 75 percent maximum on the annuity works out the same for 25 years or 30 years. There is no incentive for a patrolman to work the 30 years, if he has his 25 in, because it comes...a 75 percent cap means the same. The retirement in '89 was \$2,419 a month, 2,745, 2,473, 2,702, 2,616, 2,408, 1,952, 2,188, 935, 1,731, 2,806, 1,657. My whole concern is the fiscal cost of the bill.

SENATOR WESELY: Okay, I just was trying to clarify because I know we've been talking about the early retirement provisions of the bill, and I hadn't really looked at the other provisions you're highlighting now, and I appreciate you clarifying that for me, thank you.

SPEAKER BARRETT: Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members. I guess I also have a little problem with Senator Nelson's

amendment. I would just as soon that we would wait until my amendment would be brought up after this and approve it. I think it's a much more fair amendment to the patrolmen. And I think since we would be taking out the early retirement that this way we would still be giving them a little something for their years of service. So I would just as soon that we did not approve this amendment, but wait until mine comes up. Thank you.

SPEAKER BARRETT: Thank you. Senator Nelson, followed by Senator Haberman.

SENATOR NELSON: I think I've explained the amounts and the amendment. And, if you followed through on my figures about exactly what I'm talking about, and I'm just simply trying to be as fair as I can in all of the retirement, and I feel that 75 percent of an amount like that is getting a little bit strong. That is simply it, \$3,000 a month and 75 percent, you know what that figures out to be, 22,500...or 21,000 I guess, 500 a month, or 21...well, \$30,000 a year, put it that way, then becomes a 21...and it's just simply that I see it as opening up the door from one pension to another. There are no pension systems here, that I know of, that allow a spouse, particularly...and where I did have the problem was, as you know, the second marriage or so on and then for a pension in that size a pension. I'm not trying to distinguish between women or anyone else, I just see this as again as I've seen along. Some of the pensions are very, very good pensions here, and how long we can stand to afford that, I'll leave it up to the body. But I am much more comfortable with Senator Schellpeper's amendment.

SPEAKER BARRETT: Senator Haberman, please.

SENATOR HABERMAN: Mr. President, members of the body, I hate to carry this debate on. May I ask Senator Nelson a question?

SPEAKER BARRETT: Senator Nelson, please, would you respond.

SENATOR NELSON: Sure.

SENATOR HABERMAN: Senator Nelson, does a State Patrolman draw any social security?

SENATOR NELSON: No, he does not, in most cases...

SENATOR HABERMAN: Okay, that's...thank you.

SENATOR NELSON: All right, but let me make a point...

SENATOR HABERMAN: Thank you very much, Senator Nelson. I would like to have you folks realize that this isn't such a terrible bill just due to that fact. So, again, I would ask you to defeat the Nelson amendment. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Any other discussion? Seeing none, Senator Nelson, would you like to close, please.

SENATOR NELSON: I think I have explained the amendment and I think I have provided the body so that they have some idea of what we are talking about, and if you will notice the amount of the annuities and so on, and as I say, I just...I simply have a problem with opening it up at that basis for one particular group over and above anyone else.

SPEAKER BARRETT: Thank you. The question is the adoption of the Nelson amendment to LB 953. All in favor vote aye, opposed nay. Voting on the adoption of the Nelson amendment. Have you all voted? Record, please.

ASSISTANT CLERK: 6 ayes, 16 nays on Senator Nelson's amendment, Mr. President.

SPEAKER BARRETT: The motion fails. Next order of business, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next amendment I have is from Senator Wesely.

SENATOR WESELY: Withdraw, please.

SPEAKER BARRETT: It is withdrawn.

ASSISTANT CLERK: In that case, Mr. President, the next amendment is from Senator Schellpeper. (See AM2814 on page 1148 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members. As

we discussed before, this is an amendment to follow Senator Nelson's. When we debated LB 953 on General, I had made the comment that I would be coming with an amendment to change the retirement age. After many discussions, we have decided to take that language out altogether. So this amendment would remove all new language which deals with early retirement after 25 years of service. It also removes the increase in the contribution rate for the state and patrol officers. Therefore, the amendment would have no fiscal impact whatsoever, so we do not need an A bill whatsoever. Also, the current retirement ages will continue as they are right now. The three things that would stay in the bill, the retirement benefit would go from 2.5 up to 3 percent per year. Also, there would be an increase in the disability benefits. And, also, the current widow's benefits are right now 50 percent of the pension. With the amendment, they would go to 75 percent. No, they are currently 75 and they will go to 100 percent, sorry. So there is currently a little over \$8 million in this fund so we do not need any A bill whatsoever with this bill with my amendment. But this is an amendment, I think, that it takes the early retirement age out and still leaves the benefits increased just a little bit for the patrolmen. I think it is a very good compromise that was worked out with the patrolmen. Thank you.

SPEAKER BARRETT: Thank you. Discussion? Senator Wesely, followed by Senator Nelson.

SENATOR WESELY: Thank you. Mr. Speaker, members, I would rise in support of the Schellpeper amendment, thank Senator Schellpeper and thank Senator Haberman, and thank the Patrol for agreeing to this change. I would have had to oppose the legislation without this amendment. I didn't really want to. I recognize the good work of the State Patrol and I recognize the very hazardous work that they do and their desire to have an improved retirement plan. They already have, really, in retrospect, one of the better retirement plans. They may not feel that way, but in comparison to other retirement plans, the Patrol is, if not the best, certainly one of the best, particularly in the area of early retirement. If you look at the chart I passed out a few minutes ago, you will see the normal retirement age is usually 65. There are some exceptions. Obviously, the school employees have gotten an early retirement benefit of late, and the State Patrol right now is comparable to the Lincoln civil employees and Lincoln fire and police, otherwise, they...and the first class city fire. To go to the

plan under this original bill would have made them a superior early retirement benefit and caused others to want to follow. So I really don't want to say anything bad about the State Patrol. I want to say something good about the good work that they do, and the bill minus this provision that Senator Schellpeper would strike would still be an excellent step up for the Patrol and more reasonably fit into the principles of our retirement plan and also fit in with the other plans that we have. Getting back to Senator Nelson, I voted against the Nelson amendment because I understand that that provision, a four-year wait on marriage before you can get the benefits, is unusual. Other plans don't have it and so it is not fair that the Patrol would have to wait while others don't for that kind of benefit, and that is what I look for, conformity, fairness, equity, and if you have it, it is kind of hard to argue against. So I would support the Schellpeper amendment. It will save a great deal of cost, and I think be the fair thing to do.

SPEAKER BARRETT: Thank you. Senator Nelson, followed by Senators Pirsch and Elmer.

SENATOR NELSON: As I say, I am much more comfortable with this proposal the way the Schellpeper amendment. I still, I guess I almost have to faint at the amount of the annuity, but if the body is comfortable with that, I guess...I do have to question Senator Schellpeper, and I know where he got it.

SPEAKER BARRETT: Senator Schellpeper, please.

SENATOR SCHELLPEPER: Yes, Senator Nelson.

SENATOR NELSON: Senator Schellpeper, and I had a lobbyist tell me this a few minutes ago, but he says if the actuaries say something I like to hear, fine. If they say something I don't like to hear, then I don't like to quote it. My experience on the teachers' retirement and the same thing here that actuarially when any plan is not set up actuarially and is increased like this, then you become an unfunded liability, which is the case there. This may be actuarially with \$8 million there now, but with increased benefits, as I read to you from LB 252, that is probably only going to last for a couple of years, so do you have any comment on that? I know you were told actuarially that I don't need an A bill now, but, again, eventually with increased benefits, a half a percent, it has to be, and the survivors' benefits, there has to be

considerable cost down the road.

SENATOR SCHELLPEPER: Yes, Senator Nelson, we are just discussing that over here now. There will probably have to be eventually an A bill because you are right. Eventually we are going to have it down the road because we are increasing the retirement from 2.5 up to 3.0. We may not need it this year but eventually there will have to be one there, you are right.

SPEAKER BARRETT: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. President. I also have a question for Senator Schellpeper, if he will yield.

SPEAKER BARRETT: Senator Schellpeper.

SENATOR SCHELLPEPER: Yes.

SENATOR PIRSCH: Senator Schellpeper, you talked about the 55 plus 20 years of service and the 50 plus 30 years of service will remain the same.

SENATOR SCHELLPEPER: That is right.

SENATOR PIRSCH: Correct, and you talked about the increase in the disabilities, now how did you change the disability provisions?

SENATOR SCHELLPEPER: If you look at the sheet that we passed out, Senator Pirsch, the disability benefit will be 50 percent of the final monthly salary for anyone with 17 years of service or less.

SENATOR PIRSCH: Fifty percent.

SENATOR SCHELLPEPER: Yes, currently, they receive 50 percent of the final salary regardless of the years of service.

SENATOR PIRSCH: So 50 percent with 17 years or less and the rest would get 100 percent, that is where the increase comes?

SENATOR SCHELLPEPER: Yes.

SENATOR PIRSCH: What kind of a fiscal impact is that?

SENATOR SCHELLPEPER: Well, there won't be any fiscal impact at the present time, but eventually there will be, because like I made the comment, there are currently a little over \$8 million in this fund, but eventually there may have to be one down the road.

SENATOR PIRSCH: These disabilities are not necessarily service related, is that correct? This is anything.

SENATOR SCHELLPEPER: I don't think so. No, I think you're right.

SENATOR PIRSCH: Okay. This is much more palatable and certainly better than the original bill. I did think that the State Patrol did have one of the best retirement systems, and I guess I am going to have to be convinced before I support, but I will support this amendment. It does make it better. Thank you.

SPEAKER BARRETT: Senator Elmer, please.

SENATOR ELMER: Thank you, Mr. Speaker. When we are talking about the patrol's retirement fund, I think you all should keep in mind the one thing that makes it unique to all of the retirement funds that the state supports. The State Patrol is not covered by social security. They have no social security. That is why their annuities are higher. That is why they contribute more from their paycheck. That is why the state contributes more. At this point, from everything I have been able to discover, to get them into social security would be much more costly than to do the things we are trying to do with their retirement fund. Senator Nelson and Senator Pirsch both asked this question, and I hope that Senator Nelson and Senator Pirsch have heard this explanation about the social security. Thank you.

SPEAKER BARRETT: Senator Nelson, please.

SENATOR NELSON: I guess I need to respond about the social security. I am very much aware of that. I think, however, I will have to say that at least 60 to 75 percent would be eligible for social security either on their own or at the early age of retirement go out and still work to get social security. I am very much aware that they paid in 8 percent. Senator Elmer should know, as a private person in business, he has been paying

in 13 percent, 13.02. This next year he will be paying in 15.3 percent, as a private person in business or as a farmer, or if you want to take the one side, you are paying in 7.65 percent. So there is really not a lot of big difference between 8 and 7.65. So I am familiar with that. Incidentally, too, and I probably...I still have a problem with the 100 percent spousal. That same spouse could be working on her own, teaching school. I will take, as an example, a patrolman at home, his wife worked at Sears for many years. He was able to retire at a very, very early age, the very same age as myself or my husband, I guess myself. Then her Sears pension, her social security, I don't know if she is drawing that yet or not, and his and so by the way this bill is written, that spouse can draw her pension and draw this pension which I can readily see a possibility of three, \$3,500 a month, and that is the way this bill is written. So I just want you to be aware of what you are talking about, and I am aware of the social security. The sheriffs at home, I was...the patrolman that called me to even think that I should call and ask, and had the nerve, of the sheriff and the police department what their pensions are. Their pension, and as they say, what are you going to do for us now? Their training is the same. I know they go out and meet people at night, too, and the same way with the police. I am not saying all of the same jobs are the same in the duty, but their retirement for the sheriffs in Hall County is identical to the same person that works in the Treasurer's Office or where the county pays in 3.2 percent, I mean the sheriff, and the county pays in 4.5 percent and their retirement is the same as for anyone else. The police union in Grand Island, or the police, they can retire at age 60, and they put in, I believe it is 6 percent with the three and the county six, with theirs, and they can buy an annuity. No special provisions for retirement and those two groups are not necessarily...they are looking as if, well, boy, what next for us, and I really don't blame them but I am very familiar with the social security provision of it.

SPEAKER BARRETT: Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members. I would like to clear one thing up for Senator Pirsch. I had mentioned...Senator Pirsch, I had mentioned that it would go to 100 percent. It will not. It will go to not to exceed 75 percent of the final average salary on the disability. So it would not go to 100 percent. And also in the last 52 years there has only been one disability, so we are not talking about

that many dollars.

SPEAKER BARRETT: Thank you. Senator Chizek.

SENATOR CHIZEK: Question.

SPEAKER BARRETT: Do I see five hands? I do. The question is, shall debate cease? Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Schellpeper, would you like to close?

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members. I think this is a very good compromise that was worked out. I think it is a very fair compromise. It takes away the early age retirement, but yet they do get a little increase in their benefits. So I would move for the amendment. Thank you.

SPEAKER BARRETT: Thank you. The question is the adoption of the Schellpeper amendment to LB 953. Those in favor vote aye, opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: 31 ayes, 0 nays on Senator Schellpeper's amendment, Mr. President.

SPEAKER BARRETT: The Schellpeper amendment is adopted. Anything further on the bill?

ASSISTANT CLERK: I have nothing further on the bill.

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the bill? If not, those in favor of the advancement of LB 953 say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. To the A bill, Mr. Clerk.

CLERK: Mr. President, on the A bill, I have no amendments pending.

SPEAKER BARRETT: Thank you. Senator Lindsay, please.

March 5, 1990

LB 163, 163A, 542, 571, 880, 953, 953A
1019, 1019A, 1124, 1184, 1184A, 1210
LR 258

SENATOR LINDSAY: Mr. President, I move that LB 953A be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the A bill? Senator Haberman.

SENATOR HABERMAN: Mr. President, and members of the body, I would like to advance the A bill as we may need it towards the tail end of the session. I will repeat to you again, there is no cost to this legislation. It will not come back on LB 953 but we may need an A bill on Final Reading later on in the session, and for those reasons, I ask you to advance the A bill.

SPEAKER BARRETT: Thank you. Any other discussion? If not, those in favor of the advancement of LB 953A please say aye. Opposed no. Carried. The bill is advanced. Any matters for the record, Mr. Clerk?

CLERK: Yes, sir, I do. Thank you. Mr. President, I have amendments to be printed to LB 571 by Senator Hefner. Mr. President, a Reference Report referring LR 258, signed by Senator Labedz as Chair of the Reference Committee. (See pages 1149-52 of the Legislative Journal.)

The Revenue Committee reports LB 1124 to General File with committee amendments attached. That is signed by Senator Hall as Chair of the committee. Appropriations Committee reports LB 1210 to General File. That is signed by Senator Warner as Chair of that committee. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 163 and find the same correctly engrossed, LB 163A correctly engrossed, those signed by Senator Lindsay. Enrollment and Review reports LB 1019 to Select File, LB 1019A, LB 1184, LB 1184A, and LB 880, all to Select File, some of which have E & R amendments attached. That is all that I have, Mr. President. (See pages 1052-55 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Moving on to LB 542, Mr. Clerk.

CLERK: Mr. President, excuse me, LB 542, I have Enrollment and Review amendments, first of all.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the

March 8, 1990

LB 164, 164A, 259A, 260, 260A, 313, 313A
348, 542, 594, 642, 678, 843A, 855
855A, 953, 953A, 965, 980, 980A, 1032
1136, 1236
LR 239

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

March 12, 1990

LB 642, 953, 1059, 1141
LR 258, 278

would see it in that manner. So, for that reason, I would agree. I hope you suspend the rules and require that a hearing not be held. And maybe this matter can be considered next year in the Legislature.

SPEAKER BARRETT: Anyone else care to speak to the motion? If not, Senator Baack, anything else? Thank you. The question is the suspension of the rules. Those in favor vote aye, opposed nay. Record, please.

CLERK: 33 ayes, 0 nays, Mr. President, to suspend the notice of hearing rule and cancel the public hearing on LR 258.

SPEAKER BARRETT: Motion prevails, rules are suspended. Thank you. Mr. Clerk, have you something for the record?

CLERK: Mr. President, items for the record. A new resolution, LR 278, asking that the Legislature congratulate Ronald Roskens for his selection to head Service Director of the Agency for International Development. That will be laid over. (See page 1302 of the Legislative Journal.)

Education/Appropriations gives notice of public hearing. Amendments to be printed to LB 1059 by Senator Hall and Senator Smith; Senator Haberman to LB 953 and to LB 642; and Senator Crosby to LB 1141. That's all that I have, Mr. President. (See pages 1303-05 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. We have a priority motion?

CLERK: Mr. President, Senator McFarland would move to recess until 1:30 p.m. this afternoon.

SPEAKER BARRETT: You've heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Record, Mr. Clerk.

March 19, 1990

LB 542, 594, 953

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 542 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1411 of the Legislative Journal.) 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 542 passes. LB 594, please.

CLERK: (Read LB 594 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 594 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1412 of the Legislative Journal.) 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 594 passes. LB 953, please.

CLERK: Mr. President, I have a motion on the desk. Senator Haberman would move to return LB 953 to Select File for specific amendment. The amendment may be found on page 1303 of the Journal.

PRESIDENT: Senator Haberman, please.

SENATOR HABERMAN: Mr. President, and members of the body, this amendment can be referred to a "gilch" amendment. Now that is not as bad as a "gretch" amendment or a "grooch" amendment. This amendment is a technical change, when the language was removed which allowed for early retirement, the old language should have been replaced. It was not replaced. We are putting back in for retirement on or after 55th birthday of the member, the percentage will 3 percent, and the old language is needed in there for clarification. I ask for you to return the bill to Select File for this amendment.

PRESIDENT: Is there any further discussion? Senator Nelson, please.

SENATOR NELSON: Yes, maybe a question of Senator Haberman, if he can answer or explain, and I know he does not make up the green sheet at all. On our green sheet and on Select File, I don't find this bill listed, 953, and there is \$570,000 for fiscal year '90-91, and \$604,000 for '91 and '92, and I am aware that there is money in that fund but I am also aware that the additional 1 cent contribution. Am I mistaken or is that a mistake, or do you know anything about it, Senator Haberman?

PRESIDENT: Senator Haberman, would you respond, please.

SENATOR HABERMAN: I will be glad to respond, Senator Nelson, but the issue is returning the bill to put this language back into the bill. That is all there is to it.

PRESIDENT: Thank you. Senator Hannibal, please.

SENATOR HANNIBAL: Mr. President, and members, I would like to discuss the bill. I do support the amendment or the motion, by the way, to return to Select and to make this change. And you are correct, as I understand it, Senator Haberman, this is just a technical change and needs to be done. However, I didn't quite hear what you said to Senator Nelson on the fiscal note. Would you repeat that again.

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: Yes, I will repeat it. I said we are not discussing the fiscal note. We are discussing returning the bill for this amendment.

SENATOR HANNIBAL: All right.

SENATOR HABERMAN: When we get to the fiscal note or the A bill or whatever it is, I will be glad to discuss it at that time.

SENATOR HANNIBAL: When we have the amendment come back, do you want to discuss it at that time?

SENATOR HABERMAN: Well, that will be up to you, Senator Hannibal.

SENATOR HANNIBAL: If you prefer, I will certainly wait. I will support this motion.

March 19, 1990

LB 953, 953A

PRESIDENT: Senator Haberman, did you wish to close on your motion to return?

SENATOR HABERMAN: No, no close.

PRESIDENT: Okay, the question is, shall the bill be returned to Select File? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to return the bill.

PRESIDENT: The bill is returned. Senator Haberman on the motion.

SENATOR HABERMAN: I ask for the adoption of the motion, Mr. President.

PRESIDENT: Thank you. Senator Hannibal, please.

SENATOR HANNIBAL: Thank you, Mr. President, and members. Senator Haberman, do you want to discuss this issue now or do you want to discuss it on readvance?

SENATOR HABERMAN: I will discuss it with you now, Senator Hannibal.

SENATOR HANNIBAL: Okay.

SENATOR HABERMAN: Senator Hannibal, with the three changes that we made in the bill, there is no fiscal impact. LB 953A could have been indefinitely postponed. We left it on the board in case we need it in the future.

SENATOR HANNIBAL: Okay, thank you, Senator Haberman. I will agree with you that there is no fiscal impact with LB 953 in the present biennium, and maybe there will be no fiscal impact for an additional year, but the fiscal note as I read it, and I would like to on your own time, if you wish, anyway, a chance to respond. Now the fiscal note says we are going to have an increase in the cost of the program of \$5.3 million per year. Now the reason why there is no fiscal impact shown on the fiscal note is because there is an \$11 million plus reserve in the fund. So, if you are going to have a \$5 million increase in

cost and you are going to have an \$11 million reserve, yes, you can probably go on for two more years without any increased fiscal impact to either the state or the contributors. But to say it doesn't have a fiscal impact I think is not a very accurate statement, and I think you all ought to know what is happening with this bill. It could be that the fiscal impact could hit us a lot quicker than two years if, for some reason, the investment portfolio would go down or for whatever reasons the amount of the reserve would be reduced, and it may be that the fiscal impact won't hit us for a longer period than a year or two or three if the investments go the other way, if you are able to keep the reserve going up, and all kinds of things Senator Haberman knows even much better than I as to what can affect your reserve and your contribution. But the facts still remain that what we have done with this bill in its present form, while that probably the most visible part of this bill was the 25 year service requirement that was taken out of the bill on Select File, that was the most visible part. But, nonetheless, there are three other changes right now that are going to increase the cost of the program to be shared by the state and the contributors of \$5.3 million a year, and I think it is important that we know that this part of the bill is still intact.

PRESIDENT: Thank you. Senator Nelson, please.

SENATOR NELSON: Yes, and to carry that a little bit further, in the fiscal note that was changed through the adoption of the previous amendments, however, new members are currently entering the plan with an average cost to the plan of 17.8 percent as covered payroll. With the current contribution rate of 16 percent, the provisions above will result in new members entering the plan with an average cost to the plan of 19.4 percent. Eventually, as the surplus is used up, and as Senator Hannibal said, the state will be required to provide the supplemental General Fund appropriation, and that is the fiscal note on LB 953. So I think we have some 400 members and, if it is \$5.3 million, do your math. I call this quite a boost, and as I mentioned before, some of these, and as I have passed out, are five and six thousand dollars annually increase in retirement, and so naturally that has to come from someplace, plus the 50 to 75 percent for the survivor. And that just doesn't come in out of the sky. So I believe that the fiscal note does have to be considered. It may not right at this year, but certainly something that we are adding right down the line.

PRESIDENT: Thank you. Senator Haberman, followed by Senator Schmit.

SENATOR HABERMAN: I will wait and close, Mr. President.

PRESIDENT: Senator Schmit turned his light off, so you may close now.

SENATOR HABERMAN: Well, Mr. President, and members of the body, there are \$8 million in surplus funds at the present time in the State Patrol's retirement system. This will cover the system for quite some time, but beings as the issue has been raised this morning by Senator Hannibal and Senator Nelson, I would like to ask them to raise the same issue as to the cost of the retirement on the judges salaries bill because there will be one, but there is no A bill. And why is there no A bill? Because someone has decided in this body that when it comes to judges retirements we don't need an A bill. So, therefore, I would put the State Patrol on the same level as the judges, because without the State Patrol, we wouldn't need any judges. Therefore, the State Patrol comes really before the judges. So, therefore, members of the body, I would ask you to send the bill back on Final Reading, and when it comes up again, to pass it. Thank you, Mr. President.

PRESIDENT: Thank you. Mr. Clerk? Yeah, we are voting on the adoption of the amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of the amendment as offered by Senator Haberman.

PRESIDENT: The amendment is adopted. Senator Haberman, would you move to...

SENATOR HABERMAN: I move to advance the bill, Mr. President.

PRESIDENT: Any discussion? Senator Hannibal.

SENATOR HANNIBAL: Thank you, Mr. President. I don't mean to belabor the point because Senator Haberman does raise a good issue, and that is correct, Senator Haberman, the judges retirement plan will also have a cost eventually that is not showing up on a fiscal note. There is one difference, however,

and that is with the judges retirement bill that the cost of the retirement liability will be based on the increased salaries as opposed to a change in the plan by itself right now. So it is one extra step removed from it. This is simply a change in the retirement plan and the only reason why it isn't showing a fiscal impact is because there is a reserve there, as there is in the judges retirement plan, too. So I would say you make a very good point, that both of those things are going to have liabilities come to us. It is just, and I am not necessarily trying to talk against the bill. All I am trying to say is that if we are passing a bill thinking that we are going to have no fiscal impact, this bill did not get near as much discussion on the floor that maybe it should have with the one exception of the 25-year provision which was taken out. Now I have been told by a very astute person who watches us very closely and who has an interest in it that possibly the \$5.4 million that I referred to earlier for a fiscal impact was amended out, and it is my understanding that that is not correct. That actually with the 25-year provision in there we were looking at somewhere around a \$13 million fiscal impact, and that when we amended out the 25-year provision, we didn't take this down to no hit. It is still going to be a \$5.4 million hit. Now it could be very well that all of us, or the majority of us on this floor want to pass this retirement bill with those kinds of changes that are going to make this retirement package much more beneficial to the State Patrol and their survivors and wives, widows, children, and that is very possibly what we want to do. The only thing I was trying to point out is that, if we are doing it, let's at least know that there is going to be a significant impact that will be a financial obligation to the state in the next year, two, three, depending upon the things we talked about earlier, the investments of the reserve, but it is going to be a hit. And a lot of times we do things out here on this floor that have no fiscal impact when we do them, but they certainly do have a fiscal impact that comes back to see us later. And those who serve with me on the Appropriations Committee are only too aware of these kinds of things that happen to us that become obligations to which we have no choice but to fund in later years. So as you are voting on this, and I realize that we are not going to vote on this on Final Reading today, but we will again soon, and as you are voting on this, I just want you to understand that we are asking the state to take an additional liability on, and we will be making additional contributions to the State Patrol Fund, as we may in others, but just be aware of it.

PRESIDENT: Thank you. Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President, and members, I share Senator Hannibal's concerns and try and be ever vigilant about any retirement benefit changes that we have. As you know, I was Chairman of the Retirement Committee for awhile, and I spent a lot of time trying to understand these issues. My sense of the bill at this point is that it probably is not out of line, that, in fact, it probably will bring benefits to a level that would not be inappropriate or inconsistent with other plan levels. And so I have not opposed the bill and, in fact, am planning on supporting it. But I would ask Senator Haberman, if the committee, and I know you have access to actuarial assistance and other help, I think what Senator Hannibal is asking for is some indication of how this fits in with other plans, and is it consistent? Does it follow and conform with the principles we have adopted in retirement, and I think it probably would be wise, Senator Haberman, before we next address the issue to have something that would identify that. I understand from my look at the bill that that is the case, but I think there is some legitimate questions being raised, and something that would indicate more clearly exactly how this fits in terms of other plans in context could be helpful, but at this time from what I understand it, it seems to be a change that is supportable, but that additional information I think would help to answer some questions.

PRESIDENT: Thank you. Senator Haberman, would you like to close? Okay, the question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. Move on to LB 565 with the emergency clause attached. LB 965, excuse me, 965.

ASSISTANT CLERK: (Read LB 965 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 965 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 1413 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

March 20, 1990

LB 571, 656, 953, 1031, 1221

CLERK: Those will all be referred to the Executive Board. (See pages 1511-23 of the Legislative Journal.) LB 656 and LB 953 are reported correctly engrossed, those signed by Senator Lindsay as Chair of E & R.

Madam President, amendments to be printed to LB 1221 by Senator Withem; Senator Haberman to LB 1031; Senator Landis to LB 571. (See pages 1523-25 of the Legislative Journal.)

Madam President, the next amendment I have to the bill is by Senator Schellpeper and Dierks.

SENATOR LABEDZ: Senator Schellpeper.

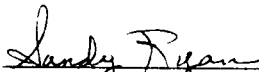
SENATOR SCHELLPEPER: Madam Chairman, I would move to adjourn until 9:00 a.m., March 21st.

SENATOR LABEDZ: Anything else to read in, Mr. Clerk?

CLERK: Not at this time, Madam President.

SENATOR LABEDZ: A motion has been made to adjourn until tomorrow morning at nine o'clock. All those in favor say aye. Opposed. The ayes have it.

Proofed by:


Sandy Ryan

April 5, 1990

LB 369, 953, 1043

CLERK: (Read LB 1043 on final reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1043 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1945-46 of the Legislative Journal.) 37 ayes, 1 nay, 6 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 1043 passes. LB 953.

CLERK: (Read LB 953 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 953 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1946-47 of the Legislative Journal.) 36 ayes, 1 nay, 5 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 953 passes. Senator Rod Johnson has a guest under the north balcony, Keven Schumacher, University of Nebraska student, Ag Economy. Would you please rise, Keven, so they see who you are. Thank you, Keven. LB 369 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 369 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 369 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1947-48 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

PRESIDENT: LB 369 passes with the emergency clause attached. We have some special guests in the south balcony this afternoon.

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

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 576, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,