

(See pages 488-87 of the Legislative Journal.)

And, Mr. President, new A bill, LB 953A, by Senator Haberman. (Read by title for the first time. See page 489 of the Legislative Journal.)

Mr. President, the priority motion I have on the desk is by Senator Chambers, and that is to reconsider the vote taken to overrule the Chair.

PRESIDENT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, we do have a war of wills and it's necessary that this issue continue to be discussed. If a majority insist on voting to disregard the rules, I shall insist on using the rules to do that which I think is appropriate. The vote to overrule the Chair had an outcome that was not unexpected, but it was one which is unwise. And I do want a record in multiplicity of how many votes were taken to disregard the Legislature's rules because I need this kind of information. I was watching television yesterday morning and they were talking about some young Vietnamese girls who have formed gangs in California and they are creating depredations in their community. They were talking to a police officer, those who were doing the news item, and asked, what is the cause for this and how can the police deal with it? And after giving reasons that they felt as to why these gangs were formed, the comment was made that it's extremely difficult to deal with them because they grew up during their early years in a country where they saw houses blown to bits, people blown to bits, their family members shot down, so death doesn't hold for them the terror that it does for other people. That is a profound statement, it can be taken over into other areas. If you want to intimidate somebody, you must find that which that somebody fears and play on that. When there is nothing that individual fears, intimidation is impossible. What can this Legislature do to intimidate me to the point where I will not do what I think I ought to do? At this point there is nothing I can think of, because I'm not intimidated, and I shall proceed in the way that I feel is appropriate. We have legislation before us which I think is totally, totally unjustifiable. And to move aside from my practice up to now of not dealing directly with the bill, there is a comment or two that I think is necessary to explain why I'm doing what I'm doing. In any government, you will find people

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 6, 1990

LB 551, 922, 950, 953A, 1004A, 1059, 1149
1199

SPEAKER BARRETT: The A bill is advanced. Anything for the record?

CLERK: Mr. President, your Committee on Natural Resources whose Chair is Senator Schmit reports LB 922 to General File with amendments and LB 950 as indefinitely postponed, those signed by Senator Schmit. (See pages 678-79 of the Legislative Journal.)

Banking Committee reports LB 1149 as indefinitely postponed, signed by Senator Landis as Chair. (See page 679 of the Legislative Journal.)

Hearing notices from the Health and Human Services Committee for gubernatorial appointments and a hearing notice from the Appropriation Committee.

Mr. President, designation of priority bills. Senator Moore selected LB 1059, Senator Elmer LB 922 and Senator Robak LB 1199.

Mr. President, new A bill, LB 1004A by Senator Rogers. (Read by title for the first time. See page 682 of the Legislative Journal.) That's all that I have at this time, Mr. President.

SPEAKER BARRETT: Thank you, moving on to the next bill on General File, LB 551. Mr. Clerk.

CLERK: Mr. President, 551 was a bill introduced by Senator Lynch. (Title read.) The bill was introduced on January 18 of last year, Mr. President, referred to Health and Human Services Committee for public hearing. The bill was advanced to General File. I have committee amendments pending.

SPEAKER BARRETT: The Chair recognizes Senator Wesely for the purpose of introducing the committee amendments.

SENATOR WESELY: Thank you, Mr. Speaker, members, the committee amendments do become the bill and so it's important to follow along a little bit on the committee amendments and let me begin by especially thanking Senator Dennis Byars, Senator Dan Lynch for working on a compromise that is now before you in the form of the committee amendments. Just to give you a quick background on the medical lab issue, it has been before the Legislature here in Nebraska for about four years or so and we have struggled with the issue to a great degree. The federal

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 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 5, 1990

LB 260, 594, 923, 953A, 955, 1059, 1080
1094, 1222, 1238

CLERK: I have E & R, Senator, to 594.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 594.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments to 594 be adopted? All in favor say aye. Opposed no. The ayes have it. They are adopted.

CLERK: I have nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 594 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of the advancement of LB 594 as amended, please say aye. Opposed no. The ayes have it, carried. The bill is advanced. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President. I have amendments to LB 1238 by Senator Dierks; Senator Landis has amendments to LB 953A; Senator Withem, amendments to LB 1059; Senator Conway, LB 1094; Senator Coordsen to LB 1080; Senator Byars to LB 1222. (See pages 1161-67 of the Legislative Journal.)

Mr. President, Government Committee gives notice of hearing, signed by Senator Baack. The Appropriations Committee reports LB 955 to General File, that is signed by Senator Warner as Chair of the committee. And Senator Abboud would like to add his name to LB 260 as co-introducer, Mr. President. And, Mr. President, a motion to reconsider adoption of the Wesely amendment, AM2825, to LB 923. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, I would move that we adjourn until tomorrow morning at 9:00 a.m.

SPEAKER BARRETT: You have heard the motion to adjourn until

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 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

April 3, 1990

LB 42, 42A, 642, 656, 799, 866, 880
880A, 953A, 1004, 1004A, 1019, 1019A, 1059
1059A, 1064, 1064A, 1080, 1080A, 1113, 1113A
1136, 1146, 1184, 1184A, 1222A
LR 418

CLERK: (Read LB 1222A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1222A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1847 of Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1222A passes. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, I do, a new resolution by the Judiciary Committee, (LR 418.) a study resolution. Enrollment and Review reports LB 1064 and LB 1064A as correctly engrossed, both signed by Senator Lindsay as Chair; and LB 1059 and LB 1059A is correctly enrolled. Enrollment and Review reports LB 1113 and LB 1113A to Select File, signed by Senator Lindsay. Amendments to be printed by Senator Hartnett to LB 953A, Senator Hall to LB 866. And, Mr. President, a confirmation report from Transportation Committee signed by Senator Lamb as Chair. That's all that I have, Mr. President. (See pages 1847-52 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session, capable of transacting business, I propose to sign and do sign LB 880, LB 880A, LB 1004, LB 1004A, LB 1080, LB 1080A, LB 1184, LB 1184A, LB 656, LB 1146, LB 42, LB 42A, LB 799, LB 1019, LB 1019A, LB 1059A, LB 1059, LB 1136, LB 1122, correction, LB 1222, and LB 1222A. We're ready to go. Mr. Clerk, do you have something on the desk?

CLERK: Mr. President, motion pending from this morning was one offered by Senator Chambers and that motion was to overrule or change the Speaker's agenda to permit consideration of a suspension motion relating to LB 642.

PRESIDENT: (Gavel). Could we have your attention so we can hear the speaker? Senator Chambers, please.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, this is a continuation from what I was attempting