

January 26, 1990

LB 87, 240, 257, 397, 486, 534, 567A
567, 601, 730, 756, 818-820, 960A
LR 248

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 567.

PRESIDENT: LB 567 is advanced. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. New A bill, LB 960A offered by Senator Withem. (Read by title for the first time. See page 536 of the Legislative Journal.)

Bills have been presented to the Governor that were read on Final Reading this morning, Mr. President, as of 10:50 a.m. (Re: LB 87, LB 257, LB 397, LB 486, LB 756, LB 534, LB 601, LB 730, LB 818, LB 819, and LB 820. See page 536 of the Legislative Journal.)

New resolution, LR 248, offered by Senators Rogers and Lamb. (Read brief description of resolution. See pages 636-37 of the Legislative Journal.) That will be laid over, Mr. President.

Senator Baack has amendments to be printed to LB 240 in the Journal. (See pages 537-41 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. We'll go on to LB 567A.

CLERK: Mr. President, 567A, (title read.) Senator, I have two amendments filed. I assume the latter in time is the one you prefer?

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yeah, this reduces the appropriation bill by \$6,000, I believe, reflecting the amendment we made, taking the commission out and it also changes the years, would urge the support of the amendment.

PRESIDENT: Any further discussion on the Withem amendment? If not, the question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. We're voting on the adoption of the Withem amendment. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the amendment.

well, but in comparison to what we really need to be doing for our kids it's not...it's not there. We need to rethink a lot of things we do in education. Senator Korshoj asked me here privately if...are there some things going on in the schools that maybe shouldn't be? Should we be eliminating some programs? I would say absolutely, absolutely. What we have tended to do with our education system is every time something new comes along we add on, we add on a new program in lots of areas. And I've probably stood on the floor and supported a number of those that I may have second thoughts about later on. We tend to add on, add on and add on. Pretty soon there is no more room to add on. We need to rethink a lot of the things that are being taught in our schools and whether they are, in fact, involved with the mastery learning and the other approaches that we need in the areas of improving education. We passed a bill in this Legislature when I first got here, LB 994, and didn't fund it. Last year we passed choice legislation and, hopefully, we're going to fund that this year with Senator Baack's bill that he has in. Aside from that, in terms of looking at overall school quality and whether our kids are getting good experiences in our schools or not, we haven't done much as a Legislature and we really need to do more, I think. And for that reason I would urge you to support LB 960. This is a bill that was caught up with all of the other bills that were vetoed last year when the money wasn't available but this body unanimously did send this bill out of this Chamber on Final Reading, unanimous support last year. We had some of the same questions that came up last year in General File debate and I think we had a good discussion like this last year. People felt comfortable with the bill last year. If there are people like, you know, Senator Peterson, I think, had a good suggestion, that we look over some Select File amendments in that area. Senator Pirsch might have had some good suggestions, things that we needed to add to the bill. So I would be happy to work with those individuals between now and Select. I would urge you to support the legislation.

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

ASSISTANT CLERK: 26 ayes, 3 nays on the advancement of the bill, Mr. President.

PRESIDENT: The bill is advanced. Let's take up LB 960A,

please, while we're here.

ASSISTANT CLERK: LB 960A was introduced by Senator Withem.
(Read title.)

PRESIDENT: Senator Withem.

SENATOR WITHEM: Yes, this is the A bill. I think we discussed it during the debate over the bill. It's the funding mechanism for the bill. We will have to put...it appropriates at this point the administrative cost, \$157,000, one year; \$155,000 the other year. I urge that it be advanced.

PRESIDENT: Any further discussion? If not, the question is the advancement of the A bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 960A.

PRESIDENT: The A bill is advanced. If I could have your attention just a moment, please. We have a special guest in the south balcony. He is a brother of Senator McFarland and he is from Blue Hill, Nebraska. And wave your hand so we can see who you are, Mark. We're happy to have you with us. Thank you for being here. Mr. Clerk, something for the record.

CLERK: Mr. President, I do. Your Committee on General Affairs, whose Chair is Senator Smith, reports LB 507 as indefinitely postponed, and LB 1120 as indefinitely postponed. Those are both signed by Senator Smith as Chair of the committee. (The Legislative Journal also shows LB 1049 as indefinitely postponed. See page 899 of the Journal.)

Mr. President, new bill offered by the Special Franklin Investigating Committee, signed by its membership. (Read LB 1246 by title for the first time. See page 899 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review reports LB 1146 to Select File with E & R amendments attached. (See page 900 of the Legislative Journal.)

Retirement Systems offers a confirmation hearing report, Mr. President, as does the General Affairs Committee. Those are

February 23, 1990

LB 844, 853, 855, 855A, 903, 919, 960
960A, 1022, 1086, 1167, 1183, 1216

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Duane Doremus of the Faith Lutheran Church in Hebron, Nebraska. Would you please rise for the invocation.

PASTOR DUANE DOREMUS: (Prayer offered.)

PRESIDENT: Thank you, Pastor Doremus, for your prayer this morning. We appreciate it. Roll call, please.

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

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

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 853 and recommend same be placed on Select File, LB 1086, LB 1216, LB 1167, LB 903, LB 844, LB 919, LB 1183, LB 960, LB 960A, LB 855, LB 855A. Those were reported to Select File, some of which have E & R amendments attached. (See pages 942-44 of the Legislative Journal.)

Mr. President, a series of Attorney General's Opinions, one to Senator Wesely on LB 1022; and Senator Haberman has an opinion regarding Judicial Nominating Commission procedures; Senator Wesely has an opinion on Federal Fair Housing Amendments being proposed; and Speaker Barrett an opinion regarding gubernatorial confirmation procedures. (See pages 944-56 of the Legislative Journal.)

Finally, Mr. President, I have a report of registered lobbyists for the week of February 17 through February 23. That is filed pursuant to statute, and that is all that I have, Mr. President.

PRESIDENT: We will move on, please, to the confirmation reports.

CLERK: Mr. President, the Banking, Commerce and Insurance Committee, chaired by Senator Landis, reports on the

March 7, 1990

LB 656, 960A

CLERK: LB 960A, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 960A be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the E & R amendments please say aye. Opposed no. Carried, they are adopted. LB 960A is advanced, Mr. Clerk, sorry. We'll roll over LB 1090. The next bill, Mr. Clerk. We'll roll over LB 571, Mr. Clerk. We will proceed to LB 656, and the next bill, 315, we will roll over as well. But, at this point, let's address 656.

CLERK: Mr. President, 656, the first order of business on 656 are E & R amendments, Mr. President.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 656.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the E & R amendments say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, Senator Landis would move to amend the bill. (Landis amendment appears on pages 1243-45 of the Legislative Journal.)

SPEAKER BARRETT: Senator Landis, please, for the purpose of an amendment.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. You'll find this amendment...I asked that it be published in the Journal. Perhaps it was, perhaps not. Mr. Clerk, is there a page listing on it?

CLERK: Senator, it has not been published.

SENATOR LANDIS: Thank you. In that case, let me describe to you the amendment. And, if I could have a Page, I'll do my best to get copies in your hands. I mistakenly thought that you'd be

March 8, 1990

LB 688, 960A

CLERK: Mr. President, the next motion I have by Senator Wesely. Senator, did you pull? I have nothing further on the bill, Mr. President.

PRESIDENT: By that you mean, Senator Wesely, you don't wish to take it up? Okay. Thank you. That's all you have, Mr. Clerk?

CLERK: That's all that I have, Mr. President.

PRESIDENT: We're back on the advancement of the bill. Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 688 as amended be advanced to E & R for engrossment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. I understand, Mr. Clerk, we need to take up 960A.

CLERK: Yes, Mr. President, we do. Mr. President, LB 960A, I have a motion...the bill was advanced yesterday. I do have a motion to return the bill. Senator Withem would move to return LB 960A to Select File for specific amendment.

PRESIDENT: Thank you. Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body, at this breakneck pace that we've been advancing bills in here lately, occasionally things happen that should have been taken care of at the time and weren't. Yesterday on 960 we took...we amended it to take out the grant portion of that bill. We did not have the amendment at that time drafted to the A bill. It came up a little quicker than we thought we would. We advanced the A bill on a voice vote yesterday. I thought rather than get it over to General File, get it printed and then have to bring it back, we might save some printing expenses by bringing it back now to amend the A bill downward. Currently there are two figures in the A bill, 960A, \$157,000 the first year, \$155,000 the second year. They will now read \$4,000 the first year, \$2,000 the second year. It is a net two-year savings of \$306,000 and I know Senator Warner won't say so, but I'll bet he definitely appreciates this decrease in the appropriation. So I would suggest we return the A bill to Select File so we can amend the dollars down.

March 8, 1990

LB 571, 960, 960A

PRESIDENT: Thank you. Any further discussion? If not, the question is shall the bill be returned to Select File? All those in favor vote aye, opposed nay. We are voting to return the bill for the Withem amendment. Where are your friends, Senator Withem? Surprised. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to return the bill.

PRESIDENT: Thank you. Now, Senator Withem, it is back.

SENATOR WITHEM: Yeah, a couple of people have asked questions. I will explain this again. Yesterday when we had LB 960 in front of us, because of a couple of reasons, one is the new projections that came out indicating that we aren't really going to have a lot of money available this session to start new programs, and, secondly, because I am rethinking my personal strategies on restructuring after having attended a conference last week and I question whether spending this \$300,000 in this way would get us the best net results out of the idea. I'd suggested yesterday that we delete the grant program out of LB 960. What this amendment does is it then follows up on that deletion by cutting \$300,000 out of the two year appropriations that would have been available for this bill. That is what the amendment does and I would appreciate your adopting it.

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

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Withem's amendment.

PRESIDENT: The Withem amendment is adopted. Senator Lindsay, would you like to move to advance it?

SENATOR LINDSAY: Mr. President, I move that LB 960A as amended be advanced to E & R for engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. I understand we are going to skip 1090 and go to LB 571.

CLERK: Mr. President, 571, the first order of business are

March 12, 1990

LB 571, 656, 688, 880, 923, 960, 960A
1031, 1080, 1080A, 1094, 1184, 1184A

Warner and the Appropriations Committee, because of a variety of circumstances, the right people were not there at any given time, doesn't really mean that it might not have passed out of the appropriations process. You can do what you want. I have not went around and counted noses on this issue. I have an abiding faith in the members of this body to do what's right. It's up to you. I would move the advancement of the amendment.

SPEAKER BARRETT: Thank you. And the question before the body is the adoption of the Coordsen amendment to the committee amendments to LB 1031. Those in favor of that motion vote aye, opposed nay. Senator Coordsen.

SENATOR COORDSEN: Yes, since most of us are here, a quick call of the house and roll call vote.

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

CLERK: 24 ayes, 1 nay, Mr. President, to go under call.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Senator Warner, please check in. Senator Chambers, the house is under call. Senator Schmit, please. Senators Hall, Rod Johnson, Schmit and Chambers, the house is under call. Senator Coordsen, you are ready to proceed with a roll call? The question is the Coordsen amendment, the adoption of the Coordsen amendment. Members, please take your seats for roll call vote. Mr. Clerk, proceed with the roll call.

CLERK: (Roll call vote read. See pages 1308-09 of the Legislative Journal.) 22 ayes, 16 nays, Mr. President, on the adoption of the amendment.

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

CLERK: Yes, Mr. President, I do. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 571 and find the same correctly engrossed; LB 656, LB 688, LB 880, LB 923, LB 960 and LB 960A, LB 1080, LB 1080A, LB 1094, LB 1184, LB 1184A. (See pages 1309-1312 of the Legislative Journal.)

telephone calls coming to the Chair, it is my hope that we will recess for lunch today. We will recess. Now it is common knowledge. Also Senator Wehrbein has some very, very special guests under our south balcony from Japan. We have Mr. Tachibana, a member of the Okayama Prefectural Assembly. Mr. Tachibana. The Chair is pleased to note also that also in the party is the escort interpreter, Mr. Edward Otake. Would you please stand, sir. Thank you. We are very, very pleased and honored to have you with us. The next bill, Mr. Clerk, LB 960AE.

CLERK: (Read LB 960AE on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is shall LB 960A with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Read record vote. See pages 1938-39 of the Legislative Journal.) 41 ayes, 0 nays, 5 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 960A with the emergency clause attached passes. LB 980E.

CLERK: (Read LB 980 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 980 with the emergency clause attached pass? Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Read record vote. See page 1940 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 980E passes. The Chair is pleased to note that we have guests under the south balcony, Arnie and Nancy Stuthman from Platte Center who are constituents of Senator Robak and guests of Senator Rogers. Please stand and take a bow, folks. Thank you. Glad to have you. Senator Ashford also has some fourth graders in our south balcony, 66 of them, from Hillside School in Omaha with their teacher. Would you folks please wave and be recognized by your Legislature. Thank you. While the Legislature is in session and capable of transacting

April 5, 1990

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

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

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

SPEAKER BARRETT: Senator Schmit, please.

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

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 56, 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,