

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

January 8, 1990

LB 409, 958-1013, 1031, 1032
LR 235

SPEAKER BARRETT: Let's stand at ease until eleven-fifteen, Mr. President.

PRESIDENT: Okay, thank you.

EASE

CLERK: Three quick announcements. Reference will meet underneath the south balcony now. Referencing Committee, underneath the south balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Microphone not activated immediately.) ...return to the Legislative Chamber. The Legislature will reconvene and continue our discussion on the adoption of our permanent rules. Please return to the Legislative Chamber. Mr. Clerk, would you read in new bills, please.

CLERK: (Read LB 1031 and LB 1032 by title for the first time. See pages 198-99 of the Legislative Journal.)

Mr. President, in addition to those items, I have a new resolution. (Read brief summary of LR 235. See page 199 of the Journal.) That will be laid over.

I have amendments from Speaker Barrett to be printed to LE 409. Mr. President, I also have a Reference Report referring LBs 958-1013, as well as certain gubernatorial appointments received. That's all that I have, Mr. President. (See pages 199-201 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. Have you a motion, Mr. Clerk, to reconsider action taken last week?

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on the Wesely amendment to the rules, which I believe the Legislature discussed on Thursday afternoon.

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

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this motion is designed to reconsider the vote that was taken on

January 10, 1990

LB 662, 662A, 692, 832, 850, 861, 881
896, 952, 965, 1015, 1034, 1055, 1099
1100, 1101
LR 229

that, I hope you will let me know because we are going to take these concerns seriously and draft amendments as required to move this bill and get it to work as quickly as possible out there in the communities. Thank you. I ask you to move the bill.

SPEAKER BARRETT: Thank you. The question before the body is the advancement of LB 662. Those in favor of that motion please vote aye, opposed nay. Voting on the advancement of the bill, have you all voted? Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 662.

SPEAKER BARRETT: LB 662 is advanced. The Chair is pleased to take a moment to recognize a guest of Senator Bernard-Stevens. Under the north balcony, we have from ESU 16, Ogallala, Mr. Ken Wilcox. Ken, would you please stand and be recognized. Thank you. We are glad to have you with us. Mr. Clerk, matters for the record.

CLERK: Mr. President, Senator Weihing has amendments to be printed to LB 692. I have notice of hearing from Revenue Committee. (Re: LB 850, LB 1015, LB 832, LR 229CA, LB 952, LB 881, LB 965, LB 1034, LB 1055, LB 861, LB 896. (See page 272 of the Legislative Journal.)

Mr. President, new bills. (Read for the first time by title: LB 662A, LB 1099, LB 1100, LB 1101. See pages 273-74 of the Legislative Journal.) That is all that I have, Mr. President.

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

SENATOR KRISTENSEN: Mr. Speaker, I would move that we adjourn today until tomorrow morning, January 11th at 9:00 a.m.

SPEAKER BARRETT: Thank you. You have heard the motion to adjourn until tomorrow morning at nine o'clock. A machine vote has been requested. Those in favor of the motion to adjourn please vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 17 ayes, 13 nays to adjourn, Mr. President.

PRESIDENT: Time.

SENATOR BERNARD-STEVENS: I respectfully withdraw my request and motion at this time.

PRESIDENT: Thank you. Let me make one suggestion here. As far as I was concerned, I did not ever hear of this being challenged before of a parliamentary inquiry and usually I understand that we, the Legislature, go back to Mason's Manual of Legislative Procedure when we don't have a specific rule for that. And this is what Mason says. An answer to a parliamentary inquiry is not a decision and, therefore, cannot be appealed. Now, apparently, I made a wrong decision on that and if such a situation...a motion is made on a parliamentary inquiry, I will not accept such a motion. Do I make myself clear? In other words, if you have questioned a ruling of our own rules and that answer is given to you, then you should not challenge the Chair on your own ruling. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Would the Chair indulge at least a clarifying response at this point? If not, I will make another motion so that I can.

PRESIDENT: No, we're going to move on, Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Fine. At some other point, I will respond then, and, thank you.

PRESIDENT: Okay. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, very quickly, if I may. Natural Resources Committee, whose Chair is Senator Schmit, reports LB 969 to General File; LB 987 to General File. Those are signed by Senator Schmit as Chair.

Revenue Committee, Chaired by Senator Hall, reports LB 896 to General File, and LB 965, General File. Those are signed by Senator Hall.

Government Committee gives notice of hearing, as does Health and Human Services.

Mr. President, amendments to be printed. LB 369, Senator Lamb

SENATOR HANNIBAL: The bill is advanced. Moving on to LB 965.

ASSISTANT CLERK: LB 965 was introduced by Senators Conway, Robak and Lamb. (Read title.) The bill was read January 4th, referred to Revenue which reports the bill to General File.

SENATOR HANNIBAL: Senator Conway, please.

SENATOR CONWAY: Thank you, Mr. President. LB 965 is simply a minor correction to LB 714 that we passed last year. LB 714 was my priority bill last year dealing with the options that various contractors and retailer-wholesaler combination types of people may elect for taxing the various transactions. All that LB 965 is really going to do is correct a situation that in the language last year that was inadvertent we didn't anticipate, and that being particularly a contractor who withdraws inventory that ordinarily would be taxable, and then incorporates that into a component, and then ships that component out of the state. In the past it was not taxed, under the new language they would be. So this simply corrects that, allows that old option for that technique to still exist.

SENATOR HANNIBAL: There are no other lights on. Senator Conway, do you care to close? He waives closing. The issue before you is the advancement of LB 965. All those in favor vote aye, opposed nay. Please record.

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

SENATOR HANNIBAL: The bill is advanced. LB 924.

ASSISTANT CLERK: LB 924 was introduced by Senator Lamb. (Read title.) The bill was read for the first time on January 3rd, referred to the Government Committee which reports the bill to General File.

SENATOR HANNIBAL: Senator Lamb, please.

SENATOR LAMB: Mr. President and members, this is a bill that was brought to me by county officials. It would eliminate the requirement that bonds issued by precincts, townships, school district, counties, cities, villages, irrigation districts, drainage districts and other similar districts be registered in the office of the county clerk. It would not eliminate the

February 12, 1990 LB 350, 350A, 542, 551, 567, 567A, 602
663, 692, 742, 851, 856, 857, 858
874, 875, 891, 893, 896, 902, 906
907, 918, 924, 930, 940, 957, 964-966
969, 970, 974, 983, 984, 997, 1013
1016, 1017, 1043, 1044, 1118

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber and a new day in the Second Session of the Ninety-first Legislature. Our Chaplain of the day is Father Mitch Lindeman of St. Matthews Episcopal here in Lincoln. Father Lindeman.

FATHER LINDEMAN: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Lindeman, pleased to have you with us. Roll call.

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

SPEAKER BARRETT: Thank you. With a quorum present, are there corrections to the Journal?

CLERK: Mr. President, I have no corrections to the Journal.

SPEAKER BARRETT: Are there any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 350 and find the same correctly engrossed, LB 350A, LB 567, LB 567A, LB 663, LB 692, and LB 742, all reported correctly engrossed, those signed by Senator Lindsay as Chairperson of the Enrollment and Review Committee. (See pages 726-27 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 551 to Select File with E & R attached, LB 542, LB 602, LB 858, LB 875, LB 891, LB 1013, LB 983, LB 906, LB 907, LB 984, LB 856, LB 851, LB 957, LB 964, LB 966, LB 997, LB 857, LB 874, LB 893, LB 918, LB 930, LB 970, LB 940, LB 902, LB 974, LB 1016, LB 1017, LB 969, LB 896, LB 965, LB 924, LB 1118, LB 1043, LB 1044,

February 14, 1990 LB 42, 159, 313, 642, 851, 856, 857
874, 893, 901A, 957, 960, 964-966, 984
997, 1044, 1064, 1080, 1090, 1161, 1184
1193, 1232
LR 11

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

CLERK: Mr. President, I have a priority motion by Senator Langford, that's to adjourn the body until February 15, 1990. I assume that's nine o'clock, Senator. I do have some items.

SPEAKER BARRETT: Anything for the record, Mr. Clerk?

CLERK: Yes, I do, Mr. President. I have amendments to be printed to LB 42 by Senator Baack. (See pages 793-94 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 1064 to Select File with Enrollment and Review amendments. LB 851, LB 856, LB 857, LB 874, LB 893, LB 957, LB 964, LB 966, LB 984, and LB 997 are all reported correctly engrossed. Those are signed by Senator Lindsay as E & R Chair. Banking Committee reports LB 1161 to General File with amendments, and LB 1193 as indefinitely postponed, those signed by Senator Landis as Chair of the Banking Committee. (See pages 794-96 of the Legislative Journal.)

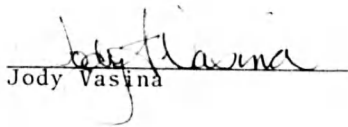
I have a new A bill, Mr. President. (Read LB 901A by title for the first time. See page 796 of the Legislative Journal.)

Mr. President, I have a confirmation report from the Health and Human Services Committee, that is signed by Senator Wesely as Chair. I have a series of priority bill designations. Senator Schellpeper selects LB 1080; Senator Crosby, LB 965; Senator Scofield, LB 1184; Senator Richard Peterson, LR 11CA; and Senator Withem, Education Committee priorities are LB 960 and LB 1090.

Mr. President, Senator Abboud would like to add his name to LB 1044, Senator Crosby and Chambers to LB 642, Senator Elmer and Peterson to LB 159 and AM2372, and Senator Morrissey to LB 1232. I believe that's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The motion before the house is one to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. Ayes have it, carried, we are adjourned. (Gavel.)

Proofed by:


Jody Vasina

to be printed to LB 965, Madam President. And, finally, a new A bill. (Read title to LB 1184A for first time. See pages 930-31 of the Legislative Journal.)

Madam President, LB 1032 is on General File. It was a bill originally introduced by Senators Barrett, Warner and Labedz. (Read title.) The bill was introduced on January 8 of this year, referred to the Government, Military and Veterans Affairs Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Government, Military and Veterans Affairs Committee, Madam President. (AM2438 is on page 688 of the Legislative Journal.)

SENATOR LABEDZ: Thank you, Mr. Clerk. Is Senator Baack here to handle it? Senator Baack, on the committee amendments. Senator Bernard-Stevens, as Vice-Chair of the Government Committee, would you like to take care of the committee amendments?

SENATOR BERNARD-STEVENS: You bet. Just give me one second, Madam Chairman, and I'll pull up that bill. Madam Chairman, basically the...1032 was brought to the Government Committee by Senator Barrett, and it's dealing with the expenses of state commissions and council committees and boards as prescribed. Basically, the committee amendments were clarification amendments which made it easier and clearer what the bill was. On line 5, we struck "which exists but which member" and we put in "who" which clarified that section, and then we struck lines 11 through 16 for clarification purposes. And that's the technical nature of the committee amendments and I'd move their adoption.

SENATOR LABEDZ: Thank you, Senator. We're on the committee amendments. Senator Barrett, would you like to speak on the committee amendments?

SPEAKER BARRETT: Madam President, I would, and members, I heartily concur. I think this is clarification, makes it much more readable. The committee did a good job. I wish I had thought of it instead of my learned colleague, Senator Baack.

SENATOR LABEDZ: Thank you, Senator Barrett. There are no further lights on. Senator Stevens, would you like to close on the committee amendments? He waives closing. We're voting on the committee amendments to LB 1032. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

those in favor of the advancement of the bill please say aye. Opposed no. The ayes have it. Carried. The bill is advanced. Proceeding to LB 965, Mr. Clerk.

CLERK: LB 965, Mr. President, the first order of business is an amendment offered by Senator Conway. The amendment, Mr. President, is printed. You will find it in your bill books. I have AM2453 in front of me, Senator.

SPEAKER BARRETT: The Chair recognizes Senator Conway.

SENATOR CONWAY: Thank you, Mr. Speaker, and members. The amendment that I am offering to LB 965, 965 being a bill that I advanced, the bill, itself, was originally on consent calendar. Senator Crosby has named it as a priority bill and, therefore, it is in front of us today. What I am offering is AM2453 which, basically, would require that or establish an exemption on the sales tax associated with the sale of aircraft in the State of Nebraska that would follow a situation where it would be...aircraft would be treated and would follow the tax laws pursuant the same as automobiles. What has given rise to this particular situation is, recent times, is the recent announcement of the potential of aircraft auctions going and being...taking place in Nebraska, and by virtue of those aircraft auctions, it would allow a situation where they could still take place in Nebraska but there would be no revenue loss because simply the planes would be auctioned here and would be delivered outside of the state for anyone who is purchasing from outside the state, and there would be no tax collected anyway. So it follows what is considered the old 10-day flyaway rule which is very similar to what Kansas and other states have which, basically, says because you have got an aircraft registration, just like an automobile licensure requirement, that by virtue of having such an exemption, the sale could take place in Nebraska, but as long as the property was claimed and taken out of the state within 10 days, there would be no Nebraska sales tax on the aircraft. If, in fact, it is sold to a Nebraskan, then naturally they would pay the sales tax and follow through with that. Again, a circumvention of the law short of having that would be simply having the plane delivered to that person's point of residence, rather than allowing them to pick them up here, of which that is what they would do, and it would circumvent the tax. By putting it on a standard such as this and not having it delivered but having the aircraft allowed to be picked up in Nebraska, the revenue actually would

enhance because we have an opportunity to service that aircraft, to provide training for individuals on that aircraft in an area and a facility such as this. The auctions, themselves, ultimately they bring hundreds of thousands of people into the state to participate in these auctions. The auction, as you may have read about in the paper, is going to consist of a large auction house out of New York who would come and conduct the auction dealing with large corporate aircraft and, in many cases, we are talking about multiday event. Much of the aircraft that would be flown in would be, like I say, serviced here. There would be people here for several days. It is almost an event in and of itself. Again, there is no revenue lost by virtue of this particular approach simply because it is very easy to circumvent. You'd simply just have a pilot deliver the plane to that person's residence rather than having it picked up here, and would follow very closely, like I say, to the current automobile registration. The key factor, I suspect, on this would be the ability for Nebraska to compete with other states for these sites. Additionally, there is also an opportunity that is around the corner that Nebraska is bidding or a Nebraska company is bidding on right now, which would be the manufacture of or the final assembly of an aircraft, another major economic enterprise for the State of Nebraska, of which they probably will not be in competition for that plant without a 10-day flyaway rule, because when you are talking about selling a million dollar aircraft, it is certainly going to be located in this state where a person can sell that aircraft, train on that aircraft, service that aircraft, where they are not exposed to the sales tax. So it would also open that door for Nebraska staying in competition for such an endeavor for a manufacture of aircraft assembly itself. So, with that, I offer the amendment to LB 965.

SPEAKER BARRETT: Thank you. Discussion on the Conway amendment, Senator Hall, followed by Senator Crosby.

SENATOR HALL: Thank you, Mr. President, and members. The amendment that Senator Conway offers to 965 is one that was talked about before the...well, in the Revenue Committee, not before the Revenue Committee, in the form of a bill that we heard this year. It does change the statutes, as he stated. We move from S to T now in terms of exemptions, so we just...we add one more to the list, but he has appropriately, I think, pointed out the issue that it does not in any way affect those individuals who would purchase aircraft that would be

manufactured. In this case, clearly, it is a situation that deals with Duncan Aviation in Lincoln and they have an opportunity that has not been presented before to manufacture aircrafts on a large scale basis that would provide a number of jobs for the State of Nebraska. The amendment that Senator Conway offers would allow what is called the "flyaway rule". They would be able to then not have to pay sales tax on those planes that are delivered outside the State of Nebraska. Should these planes be bought and retained in Nebraska, they would, of course, pay sales tax under the statute, as it currently reads, and even with the Conway amendment to 965. With that, I would only say that outside of not having a public hearing on the issue, I think almost all members of the, if not all, members of the Revenue Committee are not aware of this provision, they probably weren't listening on one day when we talked about it. The provision is one that just affords, I think, Duncan Aviation the ability or the opportunity to manufacture a world class aircraft that otherwise they may not be able to get the contract, and that is clearly what it boils down to. I think once they prove themselves in this area, it is very likely that it could flourish again. Who knows, I won't place my trust in the amendment on that fact but if you do follow what some other cities who are heavily into manufacturing of aircraft, they all have what is commonly termed the flyaway rule, which is what Senator Conway's amendment would have. They began in this manner. This provision would allow Duncan to, basically, become one of the big boys in a number of years in terms of this type of manufacturing, specialty aircraft. I would urge the adoption of the amendment at this point. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Senator Crosby.

SENATOR CROSBY: Thank you, Mr. Speaker, and members. It is a real privilege to have designated LB 965 as my priority bill for this session. Duncan Aviation is already involved internationally. When we speak of global trade and so on as we did last week when we were talking about the Airport Authority, and when we talk about other bills that we bring to the Legislature to bring Nebraska into the twenty-first century in dealing with other countries, Duncan Aviation is already there. Senator Hall gave a lot of my speech, so I won't say much more about what this particular thing does, but I will say, again, that it is an enhancement for business that is here, that has been an asset to this city, and to the State of Nebraska, and to this region for a long time, and so I would just urge you to

vote for the amendment and allow the bill to move. Thank you.

SPEAKER BARRETT: Thank you. Additional discussion on the Conway amendment? Senator Conway, would you like to close?

SENATOR CONWAY: Thank you, Mr. Speaker. I appreciate the support of Senator Hall in describing the implications associated with the revenue in the situation on the bill. The real point, again, is that it is not a question of exempting a situation where we are going to have a loss of revenue, but, hopefully, can generate revenue in other categories. As I say, it is quite easy to circumvent having to pay the revenue by virtue of including other costs and simply moving the aircraft to other states. It will provide an opportunity for, I think, a real exciting enterprise for Nebraska and Nebraskans, and there is a great deal of other revenue associated with it by virtue of ongoing...of an airplane that is sold here, ultimately will come back and be serviced here and, in many cases, there are several other economic enhancing opportunities with that kind of additional activity in the state. So it is not lost revenue but potentially a gaining revenue by virtue of that flurry of additional employment and activity associated with it. So, with that, I offer the amendment and ask you to adopt it to LB 965.

SPEAKER BARRETT: Thank you. Those in favor of the adoption of AM2453 please vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Conway's amendment.

SPEAKER BARRETT: The Conway amendment is adopted.

CLERK: Mr. President, Senator Conway would move to amend by adding the emergency clause to the bill.

SPEAKER BARRETT: Senator Conway, please.

SENATOR CONWAY: Thank you, Mr. Speaker. Again, the seriousness of this in terms of the need for or the desire for the E clause is associated with an event already scheduled for this spring, that being a major auction is being considered right now and they are negotiating for that. The auction is...I believe the desire is for early spring, and so, by adding the E clause, we could have this in effect for this first go-around. If this first go-around is successful, this may lead to a quarterly

activity here in Lincoln. So that is why I am asking for the E clause. I would appreciate the E clause on this.

SPEAKER BARRETT: Thank you. Discussion on the adoption of the E clause? Seeing none, those in favor of its adoption please vote aye, opposed nay. Record, please.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Thank you. Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 965 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, shall LB 965 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 313.

CLERK: Mr. President, LB 313, the first order of business are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 313.

SPEAKER BARRETT: Any discussion? If not, shall the E & R amendments to 313 be adopted? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, Senator Coordsen would move to amend the bill. (See AM2646 on page 908 of the Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, and members of the body. This is 2646, right?

CLERK: Yes, sir.

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

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 19, 1990

LB 656, 965, 1032, 1236

PRESIDENT: LB 965 passes with the emergency clause attached. LB 1032, with the emergency clause attached.

ASSISTANT CLERK: (Read LB 1032 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1032 pass with the emergency clause attached? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 1414 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 1032 passes with the emergency clause attached. LB 1236, please.

ASSISTANT CLERK: (Read LB 1236 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1236 pass? All those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Read record vote as found on page 1415 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 1236 passes. It's my understanding we're jumping over LB 571, going to LB 656.

CLERK: Mr. President, with respect to LB 656, the first order of business, Senator Nelson, you had an amendment printed, Senator. I understand you wish to withdraw that amendment, is that correct?

SENATOR NELSON: Correct.

PRESIDENT: It is withdrawn.

CLERK: Mr. President, Senator Nelson would move to return the bill for a specific amendment. (Nelson amendment appears on pages 1415-16 of the Legislative Journal.)

PRESIDENT: Senator Nelson, please.

March 19, 1990

LB 348, 542, 594, 965, 1032, 1064, 1094
1146, 1236

PRESIDENT: Senator Wesely, what do you say?

SENATOR WESELY: Yeah, lay it over.

PRESIDENT: Lay it over? It is laid over. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. Anything for the record at this time, Mr. Clerk? Then we'll move on to LB 1146.

CLERK: Mr. President, on 1146 the Enrollment and Review amendments have been adopted. There was an amendment by Senator Landis to the bill that was adopted and an amendment to the bill by Senator Schmit that was adopted. I have pending, Mr. President, a motion to indefinitely postpone that was offered by Senator Landis. Senator Schmit agreed to lay the bill over at that time.

PRESIDENT: Senator Landis, do you wish to have that withdrawn?

SENATOR LANDIS: (Microphone not activated) having it withdrawn.

PRESIDENT: Thank you. I learned something today. It is withdrawn.

CLERK: Mr. President, the next motion I have to the bill is by Senator Chambers.

PRESIDENT: Is Senator Chambers about? Not behind the glass? Senator Chambers wishes to withdraw that. That's the sign. Thank you. It is withdrawn.

CLERK: Mr. President, Senator Wesely and Senator Schmit would move to amend the bill. Senator, I've got 3043 in front of me. (The Wesely amendment appears on pages 1428-30 of the Legislative Journal.)

PRESIDENT: Senator Wesely, are you going to handle that?

SENATOR WESELY: Yeah.

PRESIDENT: All right. Please.

SENATOR WESELY: Thank you. Mr. President and members, I

March 19, 1990

LB 348, 542, 594, 965, 1032, 1090A, 1094
1236

CLERK: Just one item, Mr. President, and that is bills read on Final Reading this morning have been presented to the Governor, for her review. (Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236, LB 1094. See page 1435 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Mr. Clerk, I believe we left of with LB 1090A, is that correct?

CLERK: Mr. President, it is and on LB 1090A the first order of business is consideration of an amendment to the bill by Senator Bernard-Stevens. (Bernard Stevens amendment is found on page 1435-36 of the Legislative Journal.)

SPEAKER BARRETT: (Gavel.) The Chair recognizes Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you. Members of the body, if you'll remember, on 1090 there were a few things added on and it increased the A bill slightly from about 5,000 to 390 some thousand, so a group of people obviously got together on the A bill, understanding that the bill may, in fact, be a little heavy on the bill itself and also realizing that there were things in 1090 that were very much needed particularly in regards to human relations and how we certify the teachers that are coming in to Nebraska from other states. So we did not want to jeopardize the bill. So, in essence, this amendment does two things. Number one, it sets the amendment up so that if for some reason the Governor does not like a single, a particular part of it, she would be able to use her line-item powers and line-item things back to or from whatever number she thought reasonable. It would then, thus, there is a possibility that the funding could be taken out in the areas she felt was not acceptable but it would not affect the statute of 1090. The second part of the amendment deals with the section that I had instituted which was LB 1195 and, in essence, what we agreed to do was to maintain the two sides but fund one of them. The funding would be decided by the educational consortium and it would change the A bill from what we had of a hundred some thousand dollars down to \$61,000, and that is simply the extent of the amendment. At this point I would urge the body to adopt the amendment.

SPEAKER BARRETT: Thank you. Any discussion on the amendment? Seeing none, those in favor of the adoption of the

March 21, 1990

LB 220A, 348, 369A, 542, 571A, 594, 866
880A, 958, 965, 1032, 1059, 1094, 1141
1141A, 1146, 1222A, 1236
LR 382, 383

CLERK: 25 ayes, 2 nays to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Senator Schmit is the only one excused, so everyone else should be here. We're looking for Senator Wesely, Senator Lynch, Senator Schellpeper, Senator Pirsch, Senator Landis, Senator Emil Beyer. Senator Wesely and Senator Beyer are here now, so that is it, and there is a roll call vote. Oh, Senator Lynch is not here. I thought I saw him. Okay, we'll wait for Senator Lynch. Senator Lynch is here and the question is the advancement of the bill. Roll call vote in regular order. If you'll hold it down so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1547-48 of the Legislative Journal.) 34 ayes, 12 nays, Mr. President, on the advancement of LB 1059.

PRESIDENT: The bill is advanced. Anything for the record, Mr. Clerk, at this time.

CLERK: I do, Mr. President.

PRESIDENT: The call is raised.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 220A and find the same correctly engrossed, LB 369A correctly engrossed, LB 880A correctly engrossed and LB 1146 correctly engrossed, those signed by Senator Lindsay. Enrollment and Review reports LB 1141 to Select File with E & R amendments, LB 1141A, LB 958, LB 571A, LB 1222A to Select File. (See page 1548 of the Legislative Journal.)

A communication from the Governor to the Clerk. (Read communication. Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. See page 1549 of the Legislative Journal.)

Two study resolutions, Mr. President, will be referred to the Exec Board. (Re: LR 382, LR 383. See pages 1549-50 of the Legislative Journal.)

Senator Lamb has amendments to be printed to LB 866. (See page 1551 of the Legislative Journal.) That's all that I have.