

January 4, 1990

LB 259, 259A, 505, 678A, 720A, 969-996
LR 231

SENATOR CHAMBERS: I don't mind.

PRESIDENT: Thank you for being so cooperative. We'll take it up after lunch. Mr. Speaker.

SPEAKER BARRETT: Mr. President, I move that we recess until one-thirty.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Senator Chambers, we'll take yours up...Senator Chambers, we'll take yours up right after...at one-thirty. Okay.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Members of the Legislature who are hiding out in their offices, appreciate it if you would come to the sanctuary so we can start the service. We already have three members here but we need a few more.

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

PRESIDENT: Senator Chambers will be here in a moment, and then we can begin on the...Mr. Clerk, do you want to read in new bills while we are waiting, please?

CLERK: Mr. President, yes, I do. Thank you, new bills. (Read for the first time by title: LB 969-996. See pages 150-57 of the Legislative Journal.)

Mr. President, I have a series of amendments to be printed, Senator Hefner to LR 231, Senator Wesely to LB 720A, LB 678A, Senator Withem to LB 259, LB 259A, and Senator Weihing to LB 505.

Mr. President, I will announce now that there will be a Reference Committee meeting at three o'clock in Room 2101, Reference Committee at three o'clock. 2102. That is all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, as you will recall, we are on

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.

FASE

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

February 16, 1990 LB 159, 163, 594, 656, 854, 989, 1018
1020, 1072, 1073, 1099, 1146, 1153, 1179
1221, 1222

problem. Thank you.

SENATOR LABEDZ: Thank you, Senator Wehrbein. Senator Schmit. Senator Schmit, on the Hefner amendment. Mr. Clerk, do we have anything for the record before we adjourn?

CLERK: Madam President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis, to whom was referred LB 1072 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 1073, General File, with amendments; LB 1153, General File with amendments. (See pages 851-52 of the Legislative Journal.)

Madam President, a couple of announcements. The Revenue Committee will meet in Executive Session; Revenue Committee, Executive Session in Room 1520 upon adjournment; Revenue upon adjournment in Room 1520.

Mr. President, a series of priority bill designations. Senator Wesely has selected LB 989; Senator Lamb, LB 1020 as one of the Transportation Committee priorities; Senator Lynch, LB 1146; Senator Nelson, LB 656; Senator Abboud, LB 1018; Senator Lowell Johnson, LB 594; Senator Hannibal, LB 1221; Senator Schmit, LB 854 as his personal priority, and LB 1099 and LB 1179 as committee priorities.

Mr. President, Senator Beyer would like to add his name to LB 159, an amendment; and Senator Beck to LB 1222. That's all that I have, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Langford, you have a motion up at the desk to adjourn. Would you like to make that motion, please.

SENATOR LANGFORD: Madam President, I move we adjourn until Tuesday, February the 20th at 9:00 a.m.

SENATOR LABEDZ: Thank you, Senator. We are...all those in favor say aye. Opposed. We are adjourned.

Proofed by


LaVera Benischek

March 1, 1990

LB 163A, 579, 642, 830, 831, 834, 888
917, 932, 938, 946, 954, 978, 987
987A, 989, 994, 994A, 1037, 1067, 1077
1102, 1178, 1222

PRESIDENT: Okay, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President and members, there was some confusion about whether the A bill or at least Senator Schimek's amendment was necessary. But I think, with the adoption of my earlier amendment this morning, it clarifies a lot of those problems. And, in talking with my legal staff who has talked with the Fiscal Office, they seem to feel there is no need for any amendments to the A bill and the A bill should stay as it's currently written. So I would just move for the bill's advancement.

PRESIDENT: Thank you. Senator Morrissey, please. No. Did you wish a closing, Senator Rod Johnson? The question is the advancement of the A bill. All in favor vote aye...say aye. Opposed nay. It is advanced. Things for the record, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 579 and find the same correctly engrossed; LB 830; LB 831; LB 834; LB 888; LB 917; LB 932 and LB 938, LB 946; LB 954; LB 978, LB 987, LB 987A, LB 994, LB 994A, LB 1037, LB 1067, LB 1077, LB 1102 and LB 1178, those all reported correctly engrossed, Mr. President.

Senator Ashford has amendments to LB 642 to be printed; and Senator Smith to LB 1222. (See pages 1074-78 of the Legislative Journal.)

Government Committee reports LB 989 to General File, Mr. President. That's all that I have.

PRESIDENT: Senator Byars, please.

SENATOR BYARS: I would move we would recess until one thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty.

RECESS

March 12, 1990

LB 577, 989, 1031, 1221
LR 239A

Mr. President, amendments to be printed. Senator Schmit to LB 1031; Senator Warner to LB 1031; Senator Wesely to LB 577; Senator Wesely to LB 989; Senator Withem to LB 1221; Senator McFarland to LR 239A. That's all that I have, Mr. President. (See pages 1312-17 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The next item on 1031.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Coordsen and a number of members. Senator, I believe this is the...this is AM2979, Senator. (The Coordsen, et al, amendment appears on pages 1318-19 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, and members of the body, I distributed a copy of this amendment to members of the body, and if you're interested, I think we could better explain it if we followed along in the committee amendment 2659. This bill relates to an increase in funding for the mental retardation areas of the State of Nebraska to enable them to continue to serve those people who are currently on the list. We will begin then on page 25 of the committee amendment and that's in the community mental retardation program, Program 424. Should this amendment be adopted, the first part of the amendment to the Standing Committee amendments, and this...I'm holding in my hand 2979 which you should all have, would increase the total funding from the General Fund from what is recommended by the Appropriations Committee of \$23,498,454. It would increase that \$2,225,124. And where would the money go? The first thing before we get into the money is that if we'll turn to page 26, on the intent language as to how the money would be used, the amendment that I am proposing would change the intent language on line 13, page 26, to read, "It is the intent of the Legislature that the Department of Public Institutions provide state aid for community-based mental retardation service pursuant to" and "individual" would be stricken, on to read, "client service contracts beginning in FY'90-91." Then "Client eligibility for" is stricken, "Funding for services in community-based programs shall require the prior approval of the department" and at that point we insert, "for clients enrolled after January 1, 1990"; then we go on to read, "The department may withhold funds" and we strike beginning with the word "any" in line 20, "may withhold funds for client services when the services provided do not meet minimum

of us, it's even of more vital concern to me. I can't believe that we have to have some of the acrimony that we have in Boyd County, but it seems like it's there and it seems like it's going to be there. We need to address some of those problems. One of the problems is that they're going to run out of money to pay their bills on that monitoring committee. That was due to an error that happened last year when we didn't put an A bill through with one of those bills, and now we have to take care of that. But until we get to that bill why we won't. Another thing we need to do is talk about liability, and I think that bill does that. Many of you have come to me, right from the start of the session, and said, well we feel for you, if there's anything we can do to help you with this situation, we sure want to do that. This will be an opportunity for you to help me. We tried a year ago to get some help and were not able to do that. We tried several times to get some help and were not able to do that. I hope that we can get some of that help this year. It's vital that we provide some sort of help in this whole area of nuclear waste siting in Boyd County. I think that the opportunity for us to do that will come on Select File when 1151 is there. So I urge your support of this motion. I think that if you want to, like you have said, help me, why this is the opportunity for you to do that. Thank you.

PRESIDENT: Thank you. Senator Labeledz, please.

SENATOR LABEDZ: Thank you, Mr. President. I urge the members of the Legislature to look on the back of page 1 to page 2, and look at the 1990 committee priority bills. I think almost each and every one of us are concerned that some of those bills will not see the light of day today. I'm very interested in LB 862 which creates a gaming commissioner for bingo and other gambling. I think that's vitally needed. And, if we don't get to the priority bills today, and I'm sure we probably won't, it would be a shame that some of these bills, Senator Wesely has the 1113, which is to prohibit certain discriminatory actions relating to housing, and that happens to be Senator Chambers' bill. I certainly believe that when we get to Final Reading there will be a long time of debate before we get even through the first motion, which is the Speaker's to suspend the rules to permit Final Reading of bills without further amendments, motion or debate. The...As Senator Dierks has mentioned, I believe that 1151 is vitally important to both he and Senator Morrissey. Senator Wesely's bills, LB 989, the...trying to find the ones that I think are most important on General File for the

April 3, 1990

LB 854, 866, 866A, 976, 989, 989A, 1062
1062A, 1151

adopt Senator Labeledz's motion, the issue will not be completely laid to rest but it will come closer to having...Senator Schmit is messing with me, it will come closer to having been laid to rest than if we don't. If we don't...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...defeat Senator Labeledz's motion, then other things will be set in motion which will lead us to who knows where. The Far Side cartoon that was handed around might carry a hint of it, but I hope, indeed, that you will vote for this reconsideration motion.

SPEAKER BARRETT: Thank you. The question is the adoption of the reconsideration motion of the vote taken on the previous motion. Those in favor please vote aye, opposed nay. Record.

CLERK: 4 ayes, 26 nays, Mr. President, on the motion to reconsider.

SPEAKER BARRETT: Motion fails. Have you items for the record?

CLERK: No, I do not, Mr. President.

SPEAKER BARRETT: Next motion, please.

CLERK: Mr. President, Senators Labeledz and Schmit would move to suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and place LB 976, LB 854, LB 1062, LB 1062A, LB 1151, LB 989, LB 989A, LB 866, and LB 866A on Select File without amendment or debate.

SPEAKER BARRETT: Senator Labeledz, please.

SENATOR LABEDZ: Thank you, Mr. Speaker. I certainly will not go into a long, lengthy discussion on the motion to adopt the motion that I have up there, which is to suspend the rules with no further amendments or debate. And it will require another 30 votes, and then we can go on to Final Reading. Or, I should correct myself, Mr. Speaker, we will go on to your motion to suspend the rules with no further amendments or debate and read all the bills on Final Reading. And, as I said before, I have at least 40 or 50 amendments on some of the bills on Final Reading, but I will vote in the Speaker's favor to read the bills without further amendments or debate. And I will relinquish the rest of my time to Senator Schmit, and hopefully

April 4, 1990

LB 854, 866, 866A, 976, 989, 989A, 1062
1062A, 1151

Chambers motion to return all bills on Select File to General File? Senator Chambers, any further statement? Thank you. The question is the return of bills on Select File to General File. Those in favor vote aye, opposed nay. Have you all voted? Senator Chambers. Thank you. Have you all voted? Please record.

CLERK: 1 ayes, 15 nays, Mr. President, on the motion to return the bills to General File.

SPEAKER BARRETT: The motion fails. Next item.

CLERK: Mr. President, I now have a motion to overrule the Speaker's order and consider a motion by Senator Chambers to return specified bills to General File. That motion is to return LB 976, LB 854, LB 1062, LB 1062A, LB 1151, LB 989, LB 989A, LB 866, and LB 866A.

SPEAKER BARRETT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, before I begin, there might be a question as to whether this is a reconsideration, so the person that wants to raise the issue, I will let them raise it, but these are the bills that were included in the package yesterday that were all advanced to Select File on one vote without amendment or discussion.

SPEAKER BARRETT: Thank you.

SENATOR CHAMBERS: And, Mr. Chairman, before I go into my opening, I will go ahead and we can dispose of the question that Senator Bernard-Stevens wants to raise.

SPEAKER BARRETT: Thank you. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. I am going to raise the question and ask for a ruling. I would assume that this would be a reconsideration motion then of what we did yesterday. Is that the Chair's understanding as well?

SPEAKER BARRETT: Senator Chambers, have you any comment?

SENATOR CHAMBERS: Well, it really wouldn't be that because it is not saying vote again on what was done yesterday. That action was done. This is taking it back. I had misunderstood