

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.

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 19, 1990

LB 159, 567, 567A, 769, 851, 900, 915
957, 964, 966, 968, 994, 997, 1010

PRESIDENT: Senator Conway.

SENATOR CONWAY: Given the nature of the dinner hour and the like, and I'm sure some people had commitments that are...they are waiting in the wings in their offices, I'd like to have a call of the house, please.

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

CLERK: 22 ayes, 3 nays, Mr. President, to go under call.

PRESIDENT: Okay. The house is under call. Please record your presence. Roll call vote has been requested in reverse order...in regular order, excuse me. So please look up to see if your light is lit, illuminated. Senator Haberman, would you record your presence, please. Thank you. We're looking for Senator Bernard-Stevens and Senator Dierks. Sergeant-at-Arms, how you coming with Senator...Well, there is Senator Bernard-Stevens. Senator Dierks. There he is. Ladies and gentlemen, the question is the advancement of the bill. Roll call vote has been requested in regular order. Will you please hold down the conversation so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See page 438 of the Legislative Journal.) 25 ayes, 16 nays, Mr. President, on the advancement of the bill.

PRESIDENT: The bill is advanced. Mr. Clerk, do you have anything good for the cause?

CLERK: Mr. President, your Committee on Urban Affairs, whose Chair is Senator Hartnett, to whom was referred LB 851, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 957, General File; LB 964, General File; LB 966, General File; LB 968, General File. Health and Human Services Committee, whose Chair is Senator Wesely, reports LB 900 to General File; LB 915, General File; LB 994, General File; LB 997, General File; and LB 1010, General File. Senator Withem has amendments to LB 567 and LB 567A; Senator Smith to LB 769. And I have notice of hearing from Transportation Committee, Government Committee,

SENATOR MCFARLAND: This is a bill that was heard in Judiciary. I'll just read briefly the summary or the purpose. It says that LB 579 amends the wrongful death statute settlement notice requirements to allow the judiciary to waive normal notice procedures with the permission of the court. It also allows the court to combine the settlement and distribution hearings. It was supported by the legal counsel for the Judiciary Committee. It was brought to us and also supported by the trial attorneys. There was no one opposed or testifying in a neutral capacity. It did advance from our committee on a 6-0 vote. I would urge you to pass it.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of the advancement of LB 579 to E & R Initial please vote aye, opposed nay. Shall LB 579 be advanced? That is the question. Have you all voted? Please record.

CLERK: 25 ayes, 0 nays on the advancement of 579.

SPEAKER BARRETT: LB 579 advances. We'll skip over 834 at the request of the introducer until he arrives. LB 915, Mr. Clerk. Let's move on, Mr. Clerk, to LB 994.

CLERK: Mr. President, 994 was a bill introduced by Senator Schellpeper, Dierks, Coordsen. (Read title.) The bill was introduced on January 4, referred to Health and Human Services Committee, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: Senator Schellpeper, please.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members, if you will recall I had a rural health bill last year. We were attempting to set up a separate office last year, a separate commission and that bill was vetoed because of the structure of it. So we came back this year. We made this commission now part of the Rural Health Manpower Commission, so we're not setting up any new commission. All we're doing is just using the present commission that we have in structure right now and it will be the Rural Health Commission part of it. We need this bill in order so that some of the rural health clinics can get some federal money and also to help the rural towns and the rural areas to attract doctors and health clinics. It's a bill that I think has unanimous consent from the rural area because

everyone that testified, they tried to overkill it with loving it so much, so I think it's a bill that is probably wanted in rural Nebraska. So I would just move that we advance 994. Thank you.

SPEAKER BARRETT: Thank you. Discussion, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President, I would add my voice of support to Senator Schellpeper's bill. I think it addresses what I consider to be one of the most significant areas of critical shortage with rural health, both in recruitment of doctors and health care professionals and also with helping manage some of the financial problems that many of our hospitals are facing in rural areas. And so I introduced a piece of legislation that was very similar to this that was heard by the Health Committee last week. I asked them to delete that portion of the bill that dealt with the rural health care area because of Senator Schellpeper's bill and I'd like to add my voice of support to his work in this area because we're hurting out there in the rural areas and we need some kind of support from this state to address what I see are some very critical problems confronting rural health care, so this may be one vehicle that will help us.

SPEAKER BARRETT: Thank you. Any other discussion? Any closing statement, Senator Schellpeper? Thank you. The question is, shall LB 994 be advanced to E & R? All in favor vote aye, opposed nay. While we're waiting, Senator Schellpeper, there is an A bill which I'd like to take up next on 994, if you'd be ready, please. Have you all voted? Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance 994.

SPEAKER BARRETT: LB 994 is advanced. To the A bill, Mr. Clerk.

CLERK: LB 994A, Mr. President, offered by Senator Schellpeper appropriates funds to implement the provisions of LB 994.

SPEAKER BARRETT: Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members. The A bill is for \$54,185 in '90-91 and \$56,664 in '91-92. This is quite a bit less than what we had last year, as I said before,

February 22, 1990 LB 313, 579, 688, 830, 831, 834, 888
917, 923, 932, 938, 946, 954, 978
987, 987A, 994, 994A, 1037, 1067, 1077
1080, 1080A, 1094, 1102, 1109, 1165, 1178
1217
LR 259

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning for our invocation, Reverend Dr. Norman E. Leach who is the Executive Director of the Lincoln Interfaith Forum. Would you please rise for the invocation?

REVEREND LEACH: (Prayer offered.)

PRESIDENT: Thank you, Dr. Leach, we appreciate your being here this morning. Please come back. Roll call, please. Record, Mr. Clerk, 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, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1080 and recommend that same be placed on Select File, LB 1080A, LB 1094, LB 688, LB 579, LB 994, LB 994A, LB 830, LB 938, LB 834, LB 987, LB 987A, LB 978, LB 888, LB 917, LB 946, LB 954, LB 1077, LB 1037, LB 1067, LB 831, LB 932, LB 1178, LB 1102, LB 1109, LB 1165 and LB 1217, all reported to Select File, some have E & R amendments attached. (See pages 904-08 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Crosby to LB 923, Senator Coordsen to LB 313. (See page 908 of the Legislative Journal.)

New resolution by Speaker Barrett. (Read brief description of LR 259. See pages 908-09 of the Legislative Journal.) That will be laid over.

A series of appointment letters from the Governor. Those will be referred to the Reference Committee for confirmation hearing.

Finally, Mr. President, a report from the Board of Public Roads Classifications and Standards. That will be on file in my

February 28, 1990 LB 579, 994
LR 261

wish to close with regards to the resolution?

SPEAKER BARRETT: Thank you, Mr. President. Only to suggest again that I would hope the body passes the resolution and that a copy of the resolution be presented to Dr. Varner. Thank you.

SENATOR WEIHING: We are now ready to vote upon the resolution. Those of you who wish to vote for the resolution, aye, and those against it, nay. Have you all voted? Have you all voted, those of you who wish to vote? Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of LR 261.

SENATOR WEIHING: We will now move to item 6, Select File.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Mr. Clerk, Select File, consent calendar bills, LB 579.

CLERK: LB 579, Senator Lindsay, I have E & R amendments pending.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move adoption of the E & R amendments to LB 579.

SPEAKER BARRETT: Any discussion? If not, those in favor of their adoption please say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 579 as amended be advanced to E & R for engrossing.

SPEAKER BARRETT: The question is, shall 579 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 994.

CLERK: LB 994, Senator, I have Enrollment and Review amendments pending.

SPEAKER BARRETT: Senator Lindsay, please, on the E & R amendments.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 994.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, all in favor of the adoption please say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move LB 994 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: The question is the advancement of LB 994. Those in favor say aye. Opposed no. Carried. The bill is advanced. The A bill, Mr. Clerk.

CLERK: LB 994A, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 994A be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion. The question is, shall LB 994A be advanced? All in favor say aye. Opposed no. The ayes have it. Carried. Mr. Clerk, LB 830.

CLERK: LB 830, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 830 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? If not, the question is the advancement of 830. All in favor say aye. Opposed no. The ayes have it. The motion carried. The bill is advanced. LB 938, Mr. Clerk.

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

April 5, 1990

LB 994
LR 423

CLERK: One item, Mr. President, a new resolution, LR 423 introduced by the Speaker congratulating the residents of Sumner on their centennial. That is all that I have.

SPEAKER BARRETT: Thank you. Senator Hannibal, would you like to recess us, please.

SENATOR HANNIBAL: Yes, Mr. Speaker, I move we recess until one-thirty.

SPEAKER BARRETT: Thank you. The question is, shall we recess until one-thirty? All in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

PRESIDENT NICHOL PRESIDING

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

PRESIDENT: Anything for the record?

CLERK: Mr. President, bills read earlier this morning have been presented to the Governor for her approval. That's all that I have, Mr. President.

PRESIDENT: If you will please take your seats, we will continue with Final Reading. (Gavel.) If you will please take your seats, we will go to Final Reading. We will begin with LB 994. Please take your seats and we will begin Final Reading. It's distracting to the Clerk when we're roaming around. Please take your seats so we can begin Final Reading. Please return to your seats so we can start. Someone suggested I follow your rules. Begin, Mr. Clerk, please, on number 994, please.

CLERK: (Read LB 994 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 994 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1943-44 of the Legislative

April 5, 1990

LB 994, 994A, 1043

Journal.) 33 ayes, 0 nays, 1 present and not voting, 15 excused and not voting, Mr. President.

PRESIDENT: LB 994 passes. LB 994A, please.

CLERK: (Read LB 994A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 994A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1944 of the Legislative Journal.) 33 ayes, 0 nays, 1 present and not voting, 15 excused and not voting, Mr. President.

PRESIDENT: LB 994A passes. May I introduce some guests, please, in the south balcony. Senator Carson Rogers has 22 students from the St. Libory Public School, seventh and eighth graders, mostly, and their Principal, and we have five adults with them. Would all of you folks please stand and be recognized by the Legislature. Thank you for visiting us today. LB 1043, please.

CLERK: Mr. President, Senator Lindsay and Chambers would move to return the bill for purposes of striking the enacting clause.

PRESIDENT: Senator Lindsay, are you handling this first?

SENATOR LINDSAY: Yes, Mr. President, thank you. We filed this amendment initially because there were some concerns about exactly what the bill did. I have had several discussions over the last, well, since yesterday concerning what exactly this bill does do. There was some concern about whether this could be used as a vehicle to fund a convention center in Omaha. I have been assured that that is not the intent and I guess I would rise, at least partially at this time, to get that intent into the record. In those assurances that I have been given, that there are no plans to do that. There is also...I think all of you received a copy of what the Public Building Commission has described what this bill would do. That's...from that, it just comes down to basically a policy decision. I think what it's apparently turned into, there is also a letter in there opposing the bill from the Mayor of Omaha. That opposition apparently just arose when a turf battle began within the last

April 5, 1990

LB 315, 369, 369A, 551, 551A, 577, 920
931, 953, 980, 980A, 994, 994A, 1018
1043, 1063, 1063A, 1090, 1090A, 1241

year. Senator Chambers and Senator Bernard-Stevens, no doubt, will fight that change in the rules but, hopefully, there will be enough of us here and, as far as I'm concerned, they can filibuster that till the end of the session starting in January, but that's exactly what should be done.

PRESIDENT: One minute.

SENATOR LABEDZ: Thank you, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 980, LB 980A, LB 994, LB 994A, LB 1043, LB 953, LB 369, LB 369A, LB 1018, LB 1090, LB 1090A, LB 315, LB 551, LB 551A, LB 920, LB 931, LB 1063 and LB 1063A. Senator Wesely, please, followed by Senator Langford.

SENATOR WESELY: Thank you, Mr. President and members, I would rise in opposition to the bracket motion and give you a little history on...that hasn't come out yet on this bill and let you know why I do support it. This bill came in after I had introduced a bill on venture capital last year, Venture Capital Company Act. We were looking at this concept of providing incentives for investment in the state across Nebraska at a 25 percent credit level and with a number of other restrictions with the idea that what we're having across the state is a need for capital, a need for venture capital in particular, and a number of studies have indicated that. The Banking Committee worked with me and we did put out LB 577 to accomplish that goal. Senator Chambers then came in with LB 1241 which was a bill that he worked with with the administration and it tied in conceptually with what that other bill was. So, originally, what we did in the Banking Committee was we merged, with Senator Chambers' cooperation, LB 577 and LB 1241 so that the whole State of Nebraska would be benefiting from venture capital initiative. And this compromise that was reached in the Banking Committee was one that I was very excited about and appreciated very much Senator Chambers' cooperation. But what's odd is that after we reached this compromise and the committee advanced the bill as amended, then Deb Thomas from the Governor's office came in after the deadline for picking priority bills and told Senator Chambers that the Governor could not tolerate the additional coverage of the whole state, that she wanted only north Omaha to be the focus of the bill. And, of course, I was not happy with that situation and felt that I had not been dealt

April 9, 1990

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