

February 7, 1989

LB 35, 166, 187A, 194, 353, 354A, 362A
LR 26-28

in favor say aye. Opposed no. Carried, the bill is advanced.
LB 166.

CLERK: I have E & R amendments to 166, Senator.

SPEAKER BARRETT: Mr. Chairman.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 166 be adopted.

SPEAKER BARRETT: Shall the amendments to 166 be adopted? Those in favor say aye. Opposed no. Ayes have it, motion carried, they are adopted.

CLERK: Nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 166, as amended, be advanced.

SPEAKER BARRETT: Shall LB 166, as amended, be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 353.

CLERK: LB 353, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 353 be advanced.

SPEAKER BARRETT: Shall LB 353 be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. Thank you. Mr. Clerk, for the record.

CLERK: Mr. President, new resolutions. (Read brief descriptions of LR 26-28 for the first time. See pages 632-34 of the Legislative Journal.) All three of those will be laid over, Mr. President.

New A bills. (Read LB 187A, LB 354A and LB 362A by title for the first time. See pages 634-35 of the Legislative Journal.)

Mr. President, your Enrolling Clerk presented to the Governor, as of ten fifty-nine, bills read on Final Reading. (Re: LB 35,

March 13, 1989

LB 49, 85, 137, 146, 178, 179, 215
293, 345, 377, 387, 424, 434, 463
515, 555, 617, 669, 685, 710, 799
LR 27, 28

Without any further discussion, I believe we should just go ahead and try to advance this bill. Thank you.

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the bill? If not, the question is the advancement of LB 49 to E & R Initial. All in favor vote aye, opposed nay. Shall LB 49 be advanced? That is the question. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance LB 49.

SPEAKER BARRETT: LB 49 is advanced. The Chair is pleased to announce that Senator Moore has some eighth graders from Emmanuel Lutheran in York. I believe there are 12 of them in the north balcony, with their teacher. Would you folks please stand and be recognized. Thank you for being with us. Also, Senator Sharon Beck has a special visitor from District 8 this morning, Dr. Paul Paulman, who is here today as doctor of the day. Please welcome Dr. Paulman. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Retirement Systems reports LB 137 to General File with amendments. That is signed by Senator Haberman. (See pages 1076-77 of the Legislative Journal.)

Transportation Committee reports LB 424 to General File with amendments; LB 799, General File with amendments; LB 146, indefinitely postponed; LB 434, indefinitely postponed; LB 515, indefinitely postponed; LR 27, advanced to the floor, and LR 28, advanced to the floor, all of those reports signed by Senator Lamb as Chair of Transportation. (See pages 1077-80 of the Legislative Journal.)

Natural Resources Committee reports LB 617 to General File; LB 710 to General File; LB 293 to General File with amendments. Those are signed by Senator Schmit as Chair. (Journal page 1080 shows LB 293 as indefinitely postponed and LB 387 as indefinitely postponed.)

Judiciary Committee reports LB 215 to General File; LB 377, General File; LB 669, General File; LB 555, General File with amendments; LB 685, General File with amendments; LB 85, indefinitely postponed; LB 178, indefinitely postponed; LB 179, indefinitely postponed; LB 345, indefinitely postponed; LB 463,

March 14, 1989

LB 107, 174, 192, 259, 274, 281, 370
486, 487, 488, 575, 738, 741
LR 27

PRESIDENT NICHOL PRESIDING

PRESIDENT: ...Legislative Chamber. We have with us today, as our chaplain of the day, Reverend Gordon Patterson of the Calvery United Methodist Church in Lincoln. Would you please stand for the invocation.

REVEREND PATTERSON: (Prayer offered.)

PRESIDENT: Thank you, Reverend Patterson. We appreciate your message this morning. Please come back and visit us again. Roll call, please.

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

PRESIDENT: Thank you. Do we have any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Very good. Do you have any messages, reports or announcements?

CLERK: Mr. President, your Committee on Education, whose Chair is Senator Withem, reports LB 107 to General File; LB 486, General File; LB 487, General File; LB 488, General File; LB 741, General File; LB 259, General File with amendments; LB 575, General File with amendments; LB 174, indefinitely postponed; LB 192, indefinitely postponed; LB 274, indefinitely postponed; LB 370, indefinitely postponed; and LB 738, indefinitely postponed. All of those signed by Senator Withem as Chair. (See pages 1111-16 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Lamb regarding LB 281. That's all that I have, Mr. President. (See pages 1116-19 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to the legislative resolutions, LR 27, by Senator Warner.

CLERK: Mr. President, LR 27 was originally introduced by Senators Warner, Scofield and Hartnett. It asks the Legislature to strongly support the removal of Federal Transportation Trust Funds from the federal budget and urges the Nebraska congressional delegation to work towards such removal. The

resolution was originally introduced on February 7, Mr. President. It was referred to the Transportation Committee for public hearing. The committee conducted their public hearing. I have amendments pending by the Transportation Committee in their report back to the Legislature, Mr. President.

PRESIDENT: (Gavel.) Could we please have it quiet so we can hear the speakers. First, Senator Lamb.

SENATOR LAMB: Mr. President and members, the committee amendment to this resolution is very minor and very technical. It only substitutes the words "Highway Trust Fund" wherever the term "Transportation Trust Funds" appear. A very minor amendment, but I would, in order to correct the wording in the...in the resolution it is important that this change be made, so I would move the committee amendment, Mr. President.

PRESIDENT: Thank you. Senator Warner, you did not wish to speak on it? Question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays on adoption of Transportation Committee amendments, Mr. President.

PRESIDENT: The committee amendments are adopted. Now, Senator Warner, please.

SENATOR WARNER: Mr. President, members of the Legislature, this resolution, in fact both resolutions were considered and passed by the Highway Commission last December, and had sent a correspondence asking if the Legislature would consider the adoption of these resolutions as well. And that is how it came to be introduced and co-sponsored by the other legislators. What this resolution does is addresses the Highway Trust Fund which currently under the, I believe as I recall the unified budget is at the federal level, is essentially utilized as a way to make the deficit at the federal level to be less than what it actually is. These Highway Trust Funds are dedicated for the purpose, by law, for the purpose of roads and mass transit. Currently there is about \$15 billion being held by the trust fund, \$6 billion of that would be for mass transit, \$9 billion of it is highways nationwide. Nebraska's proportionate share of the highway's, by the end of the next biennium, would be

estimated to be about \$84 million.

PRESIDENT: Excuse me, Senator Warner. (Gavel.) Could we have it quiet so we could hear the speaker, please. Thank you.

SENATOR WARNER: But that \$84 million, it could be released over a period of three or four years, would have the impact, and since it's already collected would have the impact of or be comparable to about 8 cents of cigarette tax...or excuse me, motor fuel tax in one given year. Obviously it wouldn't come in that way, but it would assist materially in some of the acceleration of the highway plans that the Legislature addressed a year ago, and the resolution merely encourages Congress to take this action of separating out the Highway Trust Fund from the unified budget and go ahead and allow it to be distributed back for the purpose it was collected, which was to assist in mass transit and the construction of roads. I'd move the resolution be adopted.

PRESIDENT: Thank you. Senator Withem, please.

SENATOR WITHEM: Yes. I wonder if Senator Warner would respond to a question.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Sure.

SENATOR WITHEM: Senator Warner, this has absolutely nothing to do with your resolution, other than the fact that I see both of these deal with highway sorts of issues. I've been meaning to ask, and I keep forgetting to ask, and this is as good a time as any, remembering last year, last summer the Roads Department concluded their study where they were looking at...proposed a series of rural expressways, I think was their terminology. And they had recommended an increase in the...our gas tax to fund those over a 20 year period. Did that proposal make it in as a legislative proposal? Is it likely to come to the floor, and if so in what form are we as a body likely to see that proposal this session?

SENATOR WARNER: There was no requirement for legislation to implement the highway need study as it was reported to the Legislature. Actually the Appropriations Committee and Transportation Committee held a hearing about the 30th or 29th

of November. The only thing that is needed to implement that plan will be funding of the proposal, and that will become a part of the issue when we get to the appropriation bill, because the level of funding will determine whether or not that accelerated program will be addressed and at what level.

SENATOR WITHEM: Okay.

SENATOR WARNER: The hearing for the Department of Roads has been held, but obviously we haven't come to any conclusion.

SENATOR WITHEM: Okay, so that plan will come in what the Appropriations Committee will recommend funding of none, all, or a portion of that plan in its appropriations recommendation. And the body will either accept or reject that, and based on what level we accept or reject the variable gas tax will be adjusted to fund whatever level of spending is recommended in the appropriation bill? Is that roughly how it will work, Senator Warner?

SENATOR WARNER: Yes, sir.

SENATOR WITHEM: Okay, thank you very much, I appreciate that.

PRESIDENT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. President, members of the body, I simply signed onto this resolution with Senator Warner when Senator Warner brought it to me. Since I've been in the Legislature I've had a high interest in roads and completing interstates and other roads in this state, and I think the key point, I think Senator Warner explained it, is that the \$15 billion, we talk in here in million dollars, the federal government talks in billions of dollars for transportation purposes. And we urge our congressional delegation to work towards that removal so that we can get the money back to the states to be used for roads at the present time. So I rise to support this resolution and strongly urge that we pass this resolution on to our congressional delegation. Thank you.

PRESIDENT: Thank you. Senator Lynch, please, followed by Senator Schmit.

SENATOR LYNCH: Yes, Mr...I had a question of Senator Warner, too, if I could.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Sure.

SENATOR LYNCH: What I was going to ask Senator Warner is the funding, if this resolution is passed, apparently there is somewhere around 31 million bucks. It can be funded either through a gas tax increase, or an Appropriation's Committee recommendation for General Fund revenues, or how does it work?

SENATOR WARNER: You're talking about the state...you're not talking about the resolution now, you're talking about the...

SENATOR LYNCH: The project itself, yes.

SENATOR WARNER: No, this resolution deals only with the total amount of apportionment...in Nebraska's case would be the apportionment of Federal Highway Trust Fund and the difference between the apportionment that Nebraska is entitled to and the obligation authority, which we have been given, and that gap between those two, of what has been collected proportionately to go to Nebraska and what we have received over the last about, well five or six years now I guess. By the end of next biennium that will be...have accumulated up to \$84 million of funds in the case of roads. And the \$6 billion that is being held at the federal level that affects mass transit, primarily would go to well Lincoln and Omaha. I do not know what share of that \$6 billion would come back, I don't know the dollar amount that would come back. Obviously that is being held and as you perhaps know mass transit has been getting cut at the federal level and this would relieve their problem, too, if those funds were released.

SENATOR LYNCH: Okay, thank you.

PRESIDENT: Thank you. Senator Warner, please. Did you wish to close on your resolution? All right. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of LR 27.

PRESIDENT: The resolution is adopted. LR 28, please.

March 16, 1989

LB 89, 285, 733
LR 27, 28

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Stephen Bilynskyj, who is the Lead Pastor of the First Evangelical Covenant Church in Lincoln. Would you please rise for the invocation.

DR. STEPHEN BILYNSKYJ: (Prayer offered.)

PRESIDENT: Thank you, Dr. Bilynskyj, we appreciate your service this morning. Roll call, please.

ASSISTANT CLERK: There is a quorum present, Mr. President.

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

ASSISTANT CLERK: One correction, Mr. President. (Read. See page 1175 of the Legislative Journal.)

PRESIDENT: Is that it? Okay, thank you. Any messages or reports or announcements to make?

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have examined and reviewed LB 285 and reports the same to Select File with amendments, LB 733 to Select File with amendments. LF 27 and LR 28 are ready for your signature.

PRESIDENT: Fine, we will move on to...while the Legislature is in session and capable of transacting business, I propose to sign and do sign LRs 27 and 28. Move on to General File, LB 89.

ASSISTANT CLERK: Mr. President, LB 89 was introduced by Senators Lynch, Crosby, McFarland, Ashford, and Chizek. (Read title.) The bill was read for the first time on January 5. It was referred to the Education Committee. That committee reports the bill back to General File with committee amendments attached, Mr. President. (See page 921 of the Legislative Journal.)

PRESIDENT: Senator Withem, are you going to take the committee amendments first?