

January 11, 1982

LB 115A, 488A, 511, 768-771

CLERK: Mr. President, Senator Fowler would like to print amendments to LB 115A in the Journal. Senator Lamb to LB 511. (See pages 226-227 of the Journal.)

A new A bill, LB 488A offered by Senator Goodrich. (Read.) New bills, Mr. President, (Read by title for the first time LBs 768-771 as found on pages 227-228 of the Legislative Journal.)

Mr. President, again a reminder that the Education Committee will meet upon adjournment in Room 1517, that is the Education Committee in Room 1517 upon adjournment, Mr. President.

Finally, Mr. President, I have a reference report from the Reference Committee.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, I would remind the chairmen that we would like to have a meeting tomorrow morning in Room 2102 at eight-thirty and I hope you will bring some of your ideas, suggestions and criticisms, the chairmen in the meeting that you request that we have every Tuesday. Now Senator Haberman, do you wish to adjourn us.

SENATOR HABERMAN: I move we adjourn until nine o'clock tomorrow morning.

SPEAKER MARVEL: The motion is adjournment until nine o'clock tomorrow morning. All those in favor say aye, opposed no. The motion is carried. We are adjourned.

Edited by Arleen McCrory.  
Arleen McCrory

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 335.

CLERK: Mr. President, your committee on Revenue whose chairman is Senator Carsten instructs me to report LB 467 advance to General File with committee amendments attached; LB 770 indefinitely postponed. That is signed by Senator Carsten. (See pages 630-632 of the Legislative Journal.)

LB 807 is advanced to General File with committee amendments attached by the Urban Affairs Committee. That is signed by Senator Landis. (See pages 632-634 of the Journal.)

Banking Committee offers a confirmation report on gubernatorial appointments.

Mr. President, LB 335, the E & R amendments were adopted on January 29 of this year. At that time the bill was laid over. I now have an amendment pending by Senator Marsh, Mr. President, that is found on page 307 of the Journal.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Thank you, Mr. Chairman and members of the Legislature, I agreed with the persons who opposed the legislation that I would bring the amendment to the body. I cannot personally support the amendment and I would like to read from a letter. This letter happens to be from a constituent of Larry Stoney's in District 4 and she says, "I am writing you concerning your bill, LB 335 and more specifically the amendment which would remove doctors, lawyers and clergy from reporting cases of neglect and abuse. I oppose this amendment. I do not oppose LB 335 which protects adults especially the elderly, disabled and handicapped from abuse and neglect. However, to remove anyone from the liability to report these incidents will make our reporting law ineffective. We cannot help adults if we have no way of obtaining the information on abuse and neglect."

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman and members, I rise to oppose the amendment that we are speaking to where we are going to allow supposedly immunity to about four classes of professional people. It reminds you only, and I'll quote a Dr. Paul Nelson of Omaha who has been very interested in child abuse who states and I quote directly. Dr. Nelson, Omaha doctors in child care and abuse said, "The reporting requirement has worked well and hasn't hurt anyone and for us to say that doctors, lawyers and clergymen and others should be

February 16, 1982

LB 259, 335, 435, 679, 714,  
725, 733, 770, 779, 781,  
805, 866, 901

Your committee on Public Health reports LB 714 advanced to General File with committee amendments; 725 advanced to General File; 781 General File with amendments; 805 advanced to General File with amendments; 901 advanced to General File with amendments; 733 indefinitely postponed; 679 indefinitely postponed; all signed by Senator Nichol.

Your committee on Banking reports LB 866 advanced to General File with amendments.

Mr. President, Senator Fowler asks unanimous consent to add his name to LB 259 as co-introducer.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 779; Senator DeCamp to 335; Senator Landis to LB 435.

Mr. President, Senator Fenger would like to be excused Wednesday, February 17 at 10:30 a.m.

And Senator Labeledz announces a meeting of the Constitutional Revision and Recreation Committee for Wednesday morning at eight-thirty in Room 2102, Wednesday morning, 2102, Constitutional Revision and Recreation.

Mr. President, a motion from Senators Beutler and Fowler that LB 770 be placed on General File notwithstanding the actions of the Revenue Committee, and they say that is Senator Wesely and Beutler, Mr. President.

SPEAKER MARVEL: That bill will be laid over. Any other items, Mr. Clerk.

CLERK: Nothing further, Mr. President.

SPEAKER MARVEL: Okay, Senator Chronister, do you want to adjourn us until February 17th at nine o'clock?

SENATOR CHRONISTER: Mr. Chairman, I move that we adjourn until 9:00 a.m. Wednesday morning.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. We are adjourned until February 17th, 9:00 a.m.

Edited by

  
Mary K. Turner

7705

February 23, 1982

LB 69, 770

SPEAKER MARVEL: Senator Cope, your light is on.

SENATOR COPE: Mr. President and members, I support bringing this bill back. I am sorry that it wasn't passed originally. This is the least we can do, so I would certainly support it.

SPEAKER MARVEL: Okay, from now on in this trial period, you are going to have to bear with me and we are not going to have pros and cons because we will never get through otherwise. We will have the people who have molded the legislation be the ones that make the presentation and each of those people get five minutes. So the Chair recognizes...is Senator Wesely in the room? Okay, the Chair recognizes Senator Wesely. Okay, both sides have been represented. All those in favor of Senator Marsh's motion to reconsider vote aye, opposed vote no. Have you all voted? Okay, Clerk, record the vote.

CLERK: 31 ayes, 1 nay, Mr. President, on the motion to reconsider the bill on Final Reading.

SPEAKER MARVEL: The motion is carried. The next item is LB 770. We will pass over that until...are they ready? Okay. Senator Wesely, are you now ready?

SENATOR WESELY: Yes, I will go ahead with it if you would like, Mr. Speaker.

SPEAKER MARVEL: Okay, the one motion was 69, now we are going to 770.

SENATOR WESELY: Thank you. Mr. Speaker and members of the Legislature, I will be brief. Senator Beutler and I cosponsored LB 770 this year to deal with a problem we identified last year through LR 150 of the Treasurer's office. We looked at that office and came up with the legislation which in its present form, LB 770, calls for written contracts between the Treasurer's office and banks that handle state accounts. It is a fairly simple bill. It is not a big bill, but somehow it was killed by the committee and I thought it was a reasonable bill in its form. There are all kinds of facts and information dealing with this issue that I think need to be brought to the attention of the Legislature, but deferring to the Speaker and to the chairmen when we met this morning, I don't think we need to spend a lot of time, of course, on this issue. Let me just say one thing and I think it is probably the most important point I want to

make, is that there has now just been released yesterday afternoon or early this morning the audit report on the State Treasurer's office. It has just been released. It identifies a number of problems with the Treasurer's office. I have not had a chance to see that report. I am only reporting secondhand what I have heard. But I think once you see the report and once you see the information that is available on the office that you will I think recognize the fact that we should have a piece of legislation on the floor of the Legislature which can be used to deal with some of the problems we have ~~worried~~ with. ~~Like~~ that that is what I am asking for that we revive the bill, bring it on General File and then as you see this audit report and as you see the information we have prepared on this issue, we will have a vehicle then to deal with. Without this bill, without it being alive and on the floor there is no way we can act on what I think is a very key issue in the state dealing with efficiency and economy in government and the use of our state funds, maximizing the interest we receive on them. I would defer additional time to Senator Beutler. Senator Beutler, would you like to say anything? Okay, I would defer the rest of my time to Senator Beutler.

SPEAKER MARVEL: Senator Beutler, do you want to proceed?

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, the bill basically as presented in committee basically only asked a couple of things. One thing was that contracts between the Treasurer's department and the banks be in writing, a very fundamental proposition, a proposition that you think would appertain to any state, or would be thought of and implemented by any Treasurer using their own common sense. The contracts involved amount to hundreds of thousands of dollars with several different banks and yet up until this point in time in the recent history of this state none of those contracts have ever been in writing. You know, that is a very fundamental concept for private enterprise and for private industry. When you talk about doing government business in a business-like way, you are talking about such fundamental concepts as putting important contracts into writing. Yet the State Treasurer's office has not done this to date. When they were pressured last summer and fall to do it, they said that they would do it, and yet to date still there are no written contracts involving the most fundamental relationships that our Treasury Department has with the banks of this state in performing services on behalf of the State Treasurer's office. The

second thing that the bill required as requested at the public hearing was that the Treasurer's office keep records of amounts paid to the banks, of the banks' purported expenses and of the banks' purported profits. Now how can you have a reasonable relationship with the people who are providing you services and how can you properly represent the interests of the state in these negotiations if your office doesn't even know...doesn't even know what the expenses of the banks are or what their profits are, or have a reasonable idea of those facts? And the sad truth of the matter is that our Treasurer's department up until about a year ago didn't have records, didn't have written records of any type... of any type as to how much the banks were making....

SPEAKER MARVEL: You have 30 seconds.

SENATOR BEUTLER: ....from their transactions, and I think that the records that they have kept in the last year, although they are getting better, are still not at all up to snuff. In fact, if you look at them closely as we went over them with the committee and as the committee knows, the records themselves were not even reviewed carefully by the Treasurer's office because there were a number of mistakes, a whole number of mistakes in the records that were reviewed which were not even observed and corrected. So the second part of the bill would be to require that the Treasurer's department keep accurate public records and document the relationship with the banks.

SPEAKER MARVEL: Time is up.

SENATOR BEUTLER: Thank you, Mr. Speaker.

SPEAKER MARVEL: The Chair recognizes Senator Carsten. You are on the opposition side.

SENATOR CARSTEN: Mr. President and members of the Legislature, I would oppose the motion and I am sorry I was not here at the presentation by Senator Wesely. But the reasoning I think as I recall the testimony that we heard at the hearing was that the State Treasurer is now moving in the direction that this bill is providing for. I believe that Mrs. Orr is very mindful of the situation and with the cooperation of others that she is working with, that the ends to which this bill intends to arrive will be accomplished and I feel reasonably assured that that will be done, and that this would

not be necessary in the statute. That is my opinion and I believe the opinion of the committee in their action and I would yield the rest of my time to Senator Hefner, Vice Chairman of the committee, if I may, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Hefner. One minute and three second.

SENATOR HEFNER: Mr. President and members of the body, thank you, Senator Carsten. Let me call you to the fact that there were seven committee members that voted to indefinitely postpone this. Only one committee member opposed the kill motion, and I think this goes to show that our committee's system is working. We listened very intently to Mrs. Orr as she presented what she is doing in the office now. She has secured the services of a consulting firm to go over the operation of the State Treasurer's office. She has rearranged the office, and as she traced the entire process that she uses, most of the committee members did not feel that we should put this bill out at this time. Currently, the State Treasurer pays for the service charges by the use of a compensating balance in these banks, and so I would say to you this morning, let's give our State Treasurer a chance to operate, a chance to make her office more efficient, and then if we are not satisfied, well let's come back with a bill next year and this way I think we can handle it. And so I would urge you not to bring this bill out to the floor.

SPEAKER MARVEL: Okay, the motion is to raise the bill notwithstanding action of the committee. Senator Beutler. There are five minutes for and five minutes against. Both sides get the same amount of time. Sir?

SENATOR BEUTLER: I wish to just reply to a couple of the arguments that were made, Mr. Speaker.

SPEAKER MARVEL: Well, you see, if you are going to take your time, then somebody else is going to take their time, and then we explode the....what we are really trying to do is to process #5 motions to try to preserve those motions for you. Otherwise, we go down to General File, priority bills, and they get lost in the shuffle and they may never be resurrected.

SENATOR BEUTLER: Mr. Speaker, I wish to take as little time as possible, but on the other hand, I do not agree

with the rule that says that the committee chairmen can get together and decide that with regard to motions to overrule the committee action that they can arbitrarily decide that the debate will be five minutes long. I don't think there is any authority in our rules for cutting off debate and forcing a vote in five minutes, and I am willing to go along with this expediting but I do feel that a person has a right to make certain arguments in reply and to see that the debate is full and fair and in so long as the Chair is doing something that is without authority to do, then I think it should be a little bit flexible in its attitude.

SPEAKER MARVEL: In the first place, Senator Beutler, the Chair has tried to the best of his ability to see that the discussion is pertinent and those who are involved also have an opportunity to discuss. The only thing I know is that the moment you have two minutes to discuss in the future, I suggest that the time...your time be taken from previous motions which have your designation or have your name on them. So I recognize you for two minute discussion.

SENATOR BEUTLER: Mr. Speaker, I thank you. I have long been in favor of cloture rules, reasonable cloture rules, as you know, and I would be happy to work with the Speaker next year on structuring some kind of cloture rules that might be designed to alleviate this kind of harsh situation.

SPEAKER MARVEL: I would like to have you get together and give me the benefit of your advice today, not at the end of the session. If we don't do some of this today, we are not going to get anyplace. I realize what I am doing is a little out of the ordinary but we have to do something, so I appreciate your comments. Go ahead.

SENATOR BEUTLER: Yes, and I appreciate your efforts, I really do. At any rate, the one further remark that I wanted to make, Mr. Speaker, we need to have these fundamental concepts into place and it is not enough to say, well, the person in the office is doing these things anyway because what we discover over a time is that the next person in the office may not do some of the things that the person before he or she did, and the purpose of putting these things, these very fundamental concepts into law is to ensure the public and to ensure ourselves that those who come after continue to do the things that represent good business practices, and that we continue to



February 23, 1982

LB 770, 684

have the protection, the accountability that comes with written contracts and written records.

SPEAKER MARVEL: You have 30 seconds.

SENATOR BEUTLER: So, therefore, I would ask you to look carefully at the committee's rationale. Is it really an acceptable rationale to say, there is a person in the office now who has taken 8 months to get a job done and has not gotten it done? Even if that person is getting it done, is it enough to say that there is no need for a law then to put into place basic business concepts to be applicable to the Treasurer's office? I think it is not. I think we need to look at that area. Thank you.

SPEAKER MARVEL: The motion is to raise 770 notwithstanding the action of the committee. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted? Record vote has been requested.

CLERK: (Read the record vote as found on page 810 of the Legislative Journal.) 17 ayes, 25 nays, Mr. President.

SPEAKER MARVEL: The motion lost. The next item concerns LB 684 and Senator VonMinden and Senator Wesely are on opposing sides.

CLERK: Mr. President, Senator VonMinden would move to place 684 on General File pursuant to Rule 3, Section 18(b).

SENATOR VON MINDEN: Mr. Speaker and members of the Legislature, LB 684 simply states that Nebraska no longer will pay ADC to the unborn. Back in our Special Session we could have adopted the plan that I am trying to adopt right now along with our three bordering states, Iowa, Missouri and South Dakota, and abolish payment to the unborn, or we could have adopted what the other three bordering states adopted, the federal standards and just commencing paying to the ADC the last trimester beginning the sixth month, but no we choose to adopt paying the ADC from the very beginning without any help from the federal government. On returning home from our Special Session we had down here, I grabbed the World Herald and the editorial of the 11/13/81 it said, "Lesson in Politics, State is More Generous Than Federal With ADC". Another editorial from a paper back home said, "Nebraska's Legislators Make a Mistake". At the same time in one of my local papers back home, Mildred Jurgeson, the Welfare Director from Dakota County, said Nebraska's

legislators made a mistake. She said the month of July after Iowa abolished paying to the unborn, 14 cases came across into Nebraska to take advantage of our easy ADC payments. She also said it wasn't fair because after those 14 are over there a year, they can then apply for medicals for themselves and their children. And she said beings they live just strictly across from a state that abolishes to the unborn, they get more mothers over there. I, too, said, we made a mistake, and I wonder what I could do about it. So I put into my news release in my news column back home, our local paper, that I thought perhaps I would draft a bill prohibiting payment to the unborn. I immediately got phone calls from my board members from the three counties I represent saying it was a very good idea. So coming down here in January my aide and I drafted a bill saying we will no longer pay the unborn. It went to the committee. The committee did not advance the bill. In fact, one of the members told me before we advance the bill that we will kill it. This is the only alternative I had to bring this bill out with a committee such as we have there. I then proceeded to find out what I could do about it. I sent a press release out to my five local papers stating just exactly what my LB 684 says, and if they would write back to me and tell me whether they were for the bill or against the bill. I right here have here in my right hand one hundred and five letters for my bill and two opposing my bill. Now these are not letters where five and six people write on them. These are individual letters from individual people. Also, I think...now of these one hundred and five letters I have, they come from fourteen different communities. They are not chain letters where everyone calls everyone else up and says, write your Senator we don't like such and such a bill.

SPEAKER MARVEL: You have two minutes.

SENATOR VON MINDEN: So, and all you Senators know that this bill is much more important today than it was in November. It will be much more important a year from now. Last November no one thought that President Reagan would go through with his budget cuts and no one thought the unemployment would be as great as it is now. I say to you, President Reagan and Governor Thone both say we are not going to raise taxes, we are not going to take away the incentive for the people to work, we are not going to overtax them because pretty soon after a person is overtaxed he is going to say, well, heck, I might as well get on the Welfare rolls along with everybody else. I