

January 11, 1990

LB 874, 893, 970, 1009, 1102-1111
LR 8, 233

chance for justice in these courts, a perfect poor man's chance, which means no chance. We see that even with the present system. There are inequities and unfairnesses in the way the courts operate. We are going to build in an additional level that encourages unfairness and arbitrariness by the State Supreme Court. I am opposed to this bill. I think what would have been responsible would be to have public hearings...

SENATOR LABEDZ: Time is up, Senator Chambers. Senator Abboud. Mr. Clerk, do you have something to read in?

CLERK: Yes, Madam President, I do, new bills. (Read for the first time by title: LB 1102, LB 1103, LB 1104, LB 1105, LB 1106, LB 1107, LB 1108, LB 1109, LB 1110, LB 1111. See pages 279-82 of the Legislative Journal.)

Mr. President, I have notice of hearing from the Government Committee. That is signed by Senator Baack as Chair of the committee. (Re: LB 970, LB 1009, LB 893, LB 874, LR 233CA. See page 281 of the Legislative Journal.) That is all that I have, Madam President, at this time.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Abboud. Senator Landis.

SENATOR LANDIS: Madam Speaker, members of the Legislature, if you could imagine a process by which we, as legislators, were asked not just to rule on the bills that we introduce but on every idea given to us by our constituents and every idea given to us at the behest of the citizens of the State of Nebraska, you'd approximate the situation that the Supreme Court finds itself in. Their work load is not of their own making. We, as the legislative branch make our own work load collectively by being able to say yes or no to the ideas our constituents bring to us. Every now and then we say, okay, fine, I will draft it and we'll introduce it. My guess is for everyone of those, you have got two or three bills that are suggested to you that you say I don't think it will work or I would rather not carry that. Best of luck, maybe you have got another avenue, but, in fact, we can't take that...I am not going to take that problem on. Maybe we don't do it enough but we do it. But imagine a Legislature in which any person in the State of Nebraska could provide us a bill idea that we would have to draft into bill form, hold a public hearing on, have a debate on this floor, and then write our decisions as a body, not just our own individual

January 17, 1990

LB 163, 821, 822, 823, 824, 825, 826
827, 828, 829, 1102-1135, 1158-1161

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...pastor at UN-L, and now is pastoral associate at Trinity Lutheran Church here in Lincoln. Would you please rise for the invocation.

DR. NORDEN: (Prayer offered.)

PRESIDENT: Dr. Norden, thank you for being with us again, we appreciate it. Come back again. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements this morning?

CLERK: Mr. President, Reference Report referring LBs 1102-1135, as well as three gubernatorial appointments to the appropriate standing committees for hearing. (See pages 348-49 of the Legislative Journal.)

Received a report from the Department of Roads filed pursuant to statute, Mr. President. That's all that I have.

PRESIDENT: Would you like to introduce any new bills, or would you not like to?

CLERK: Mr. President, I'm sorry, I do have some other items. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 821 and recommend that same be placed on Select File; LB 822, LB 823, LB 824, LB 825, LB 826, LB 827, LB 828, and LB 829, all on Select File, some of which have E & R amendments attached, Mr. President. Now, that's all that I have, Mr. President. (See pages 350-51 of the Legislative Journal.)

PRESIDENT: New bills, please.

CLERK: Mr. President, new bills. (Read LBs 1158-1161 by title for the first time. See page 352 of the Legislative Journal.) That's all that I have at this time, Mr. President.

PRESIDENT: We'll move on to General File then, LB 163.

February 7, 1990

LB 551, 843, 901, 958, 1007, 1039, 1071
1087, 1105, 1119, 1133, 1243
LR 253

registered lobbyists for the present week. New bill. (Read LB 1243 by title for the first time.) New resolution. (Read brief summary of LR 253.) Your Committee on Retirement, whose Chairperson is Senator Haberman, reports LB 1105 to General File; LB 1039 to General File with amendments. Committee on Transportation reports LB 1119 to General File; LB 958, General File with amendments; LB 1007, indefinitely postponed; LB 1071, indefinitely postponed; LB 1087, indefinitely postponed; LB 1133, indefinitely postponed. Senator Baack would ask to name LB 843 as a priority bill. Senator Abboud offers explanation of vote on the bills that were read on Final Reading this morning. And unanimous consent request to add names, Senator Byars to LB 551, Senator Kristensen to LB 551 and Senator Chambers to LB 901. That's all that I have, Mr. President. (See pages 717-24 of the Legislative Journal.)

SENATOR HANNIBAL: Thank you. Senator Byars, for what purpose do you rise?

SENATOR BYARS: Mr. President, I would move that we adjourn until Monday, February 12, 1990, at 9:00 a.m.

SENATOR HANNIBAL: You've heard the motion. Those in favor say aye. Opposed same sign. We are adjourned.

Proofed by:


Marilyn Zank

SPEAKER BARRETT: Senator Pirsch, please.

SENATOR PIRSCH: Thank you, Mr. Speaker and members of the Legislature, LB 1228 clarifies and proposes technical amendments to the LB 482 that we passed last year dealing with the Nebraska Uniform Limited Partnership Act. We also had a technical amendment offered by the Secretary of State's Office to eliminate the requirement that the hour or the time of the filing would be placed on the document, so we also put that in the bill to accommodate the Secretary of State's Office. With that, I would move the advancement of 1228.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, shall LB 1228 be advanced? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 1228.

SPEAKER BARRETT: LB 1228 is advanced. LB 1105.

CLERK: 1105 offered by Senator Haberman. (Read title.) The bill was introduced on January 11, referred to Retirement for public hearing, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, LB 1105 allows current state patrol officers who were previously employed by the patrol to repay contributions that they withdrew, plus interest. They will then be given service credit for those years of service that they bought back. This bill will affect approximately, five to ten people and has no impact on the patrol's retirement fiscal system. This type of buy back has been allowed for the schools retirement systems also. We have in the bill that they have to buy back during a specific time period, July 1, 1990, through July 30, 1990, or six months. Officers who have already retired cannot buy the years back. Mr. President, I ask for the advancement of the bill.

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of LB 1105 to E & R please vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 1105.

SPEAKER BARRETT: LB 1105 advances. LB 1119.

CLERK: 1119, Mr. President, offered by Senators Rogers and Lamb. (Read title.) The bill was introduced on January 11, referred to Transportation, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: The Chair recognizes Senator Rogers.

SENATOR ROGERS: Mr. President, members, basically, I think where we run into some problems on this, I remember when I carried this bill two years ago that we were of the understanding that manufacturers said that anything that they sold would be legal. Well, it isn't true anymore. So what this bill would do, it would amend the sunscreening requirements for the rear and side windows, behind the front seat, to provide these restrictions shall not apply to such windows on any multi-purpose vehicle, van or bus. The term multipurpose vehicle is defined to mean any motor vehicle designed to carry ten or fewer passengers that is constructed on a truck chassis or with special features for occasional off the road use. In other words, what we're trying to do is the back windows, nothing to do with the passenger windows or the front window, but these back windows that some of the vans and so-called mini buses that are coming out would not comply with it or just trying to fix it up so those are legal and the state patrol was basically signed off. Maybe they didn't really like it, but they understand. A lot of pickups, even on the farm if you've got some bales of hay or some cows in it you couldn't see out the back window anyway. Move for its advancement.

SPEAKER BARRETT: Any discussion? Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. Speaker, if I could ask Senator Rogers a question.

SPEAKER BARRETT: Senator Rogers.

SENATOR WESELY: Is the point then that the manufacturer puts in the suncreening into the window and so there is no way to make an adjustment, is that the problem, or could you be more specific? It's not...

February 22, 1990 LB 315, 602, 856-858, 874, 875, 891, 893
906, 907, 957, 964, 966, 984, 997
1013, 1090, 1105, 1119, 1136, 1228, 1246

all voted? Have you all voted? We're voting on the advancement of LB 1090. Please vote. Have you all voted? Senator Withem.

SENATOR WITHEM: Yeah, it appears as though we need another four votes, so I would ask that we...the house be brought under call and I will accept call in votes.

SENATOR LABEDZ: Thank you, Senator. Shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 14 ayes, 0 nays to go under call, Madam President.

SENATOR LABEDZ: The house is under call. All unauthorized personnel, please leave the floor. Senators in their offices, please return to the Chamber and record your presence. The house is under call. Please return to the Chamber and record your presence. Senator Withem has requested call ins.

CLERK: Senator Chizek voting yes. Senator Lindsay voting yes. Senator Smith voting yes. Senator Morrissey voting yes. Senator Byars, you had voted yes, Senator.

SENATOR LABEDZ: Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 2 nays, Madam President, on the advancement of LB 1090.

SENATOR LABEDZ: LB 1090 is advanced. Mr. Clerk, we'll go to the 1990 Speaker priority bills, LB 1032. The call is raised. Mr. Clerk, you have something to read in the record?

CLERK: Yes, Madam President. Your Committee on Enrollment and Review reports LB 1228 to Select File; LB 1105, Select File; LB 1119, Select File, those signed by Senator Lindsay. Banking, Commerce and Insurance Committee, whose Chair is Senator Landis, reports LB 1136 to General File with amendments attached, signed by Senator Landis as Chair. The Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re. LB 602, LB 856, LB 857, LB 858, LB 874, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997, and LB 1013.) Reference report referring LB 1246 to Judiciary for public hearing, as well as certain gubernatorial appointments for confirmation hearing. Amendments to be printed to LB 315 by Senator Coordsen and Hefner; and Senator Conway has amendments

February 28, 1990 LB 853, 1105, 1119, 1217, 1228

SPEAKER BARRETT: The member from Omaha.

SENATOR LINDSAY: I move that LB 1217 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there any discussion? Seeing none, the question is, shall LB 1217 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 1228.

CLERK: LB 1228, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1228 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? If not, the question is, shall LB 1228 be advanced? Those in favor say aye. Opposed no. Carried. the bill is advanced. LB 1105, Mr. Clerk.

CLERK: LB 1105, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1105 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? Seeing none, those in favor of the advancement of 1105 please say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. LB 1119.

CLERK: LB 1119, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1119 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? Any question? Seeing none, those in favor of the advancement of the bill please say aye. Opposed no. Carried. The bill is advanced. LB 853.

CLERK: LB 853, Senator, I do have E & R amendments.

March 2, 1990

LB 844, 853, 903, 919, 983, 1086, 1105
1109, 1119, 1165, 1167, 1183, 1211, 1217
1228

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. Would you please rise for the invocation by Senator Lowell Johnson.

SENATOR L. JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Senator Lowell Johnson, we appreciate it. Roll call, please.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 844 and find the same correctly engrossed, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1109, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228, all of those reported correctly engrossed. That is all that I have, Mr. President. (See page 1121 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to the confirmation report of Senator Schmit.

CLERK: Mr. President, Senator Schmit as Chair of the Natural Resources Committee would report on the appointment of Duane Liebsack and Barbara Jo Bierman Batie to the Environmental Control Council. Do you want to take them separately, Senator, or together?

SENATOR SCHMIT: Let's take these two together, Mr. Chairman.

PRESIDENT: Okay, Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members of the body...

PRESIDENT: Senator Schmit, excuse me. (Gavel.) May we have it quiet so we can hear Senator Schmit. These are important, so we need to hear it. Thank you.

March 8, 1990

LB 919, 983, 1086, 1105

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 919 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1256 of the Legislative Journal.) 38 ayes, 0 nays, 2 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 919 passes. LB 983.

ASSISTANT CLERK: (Read LB 983 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 983 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1257 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 1 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 983 passes. LB 1086, please.

ASSISTANT CLERK: (Read LB 1086 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1086 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 1257-58 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 1 present and not voting, 9 excused, Mr. President.

PRESIDENT: LB 1086 passes. LB 1105.

ASSISTANT CLERK: (Read LB 1105 of the Legislative Journal.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1105 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 1258-59 of the

March 8, 1990

LB 1105, 1119, 1165, 1167

Legislative Journal.) The vote is 39 ayes, 0 nays, 2 present and not voting, 8 excused, Mr. President.

PRESIDENT: LB 1105 passes. LB 1119.

ASSISTANT CLERK: (Read LB 1119 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1119 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 1259-60 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 1 present and not voting, 8 excused, Mr. President.

PRESIDENT: LB 1119 passes. May I please introduce some guests in the south balcony. We have guests of Senator Dennis Byars. We have nine American Government students from the Odell, Nebraska, High School with their teacher. Would you folks please stand and be recognized. And thank you for visiting us today. LB 1165.

ASSISTANT CLERK: (Read LB 1165 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1165 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1260 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 2 present and not voting, 7 excused, Mr. President.

PRESIDENT: LB 1165 passes. LB 1167.

ASSISTANT CLERK: (Read LB 1167 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1167 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1261 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 2 present

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LB 844, 853, 903, 919, 983, 1044, 1086
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228

PRESIDENT: LB 1217 passes. And the last one on General File today, LB 1228.

CLERK: (Read LB 1228 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1228 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1264-65 of the Legislative Journal.) 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 1228 passes. Senator Barrett, the Chair recognizes you.

SPEAKER BARRETT: Thank you, Mr. President.

PRESIDENT: (Gavel.) May we have your attention for Speaker Barrett, please.

SPEAKER BARRETT: Thank you, Mr. President and members, a very brief announcement. The Nebraska Press Association is presenting to the Legislature this morning, eight original paintings which have appeared in the Nebraska newspaper magazine from 1975 till about 1985 or thereabouts. Some of you have seen them in the Rotunda. The Press Association representatives are here now to make the presentation. The originals will be hung in the Capitol for an undetermined length of time. I would ask the body's indulgence, I would suggest we stand at ease for a maximum of five minutes for the presentation of these original paintings. Thank you, Mr. President.

PRESIDENT: All right, if no objection, we'll stand at ease for five minutes, but while the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183 with the emergency clause attached, LB 1216, LB 1217 and LB 1228. (See page 1265 of the Legislative Journal.) Guests of Senator William Barrett, Dr. Jim Horner and UN-L leadership class, I believe there are about 18 of you in the south balcony. Would you folks please stand and be recognized. Thank you for visiting us this morning. We're going to be at ease for about five minutes and

March 8, 1990

LB 369, 551, 571, 642, 844, 853, 903
919, 983, 1019, 1031, 1044, 1086, 1090
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228
LR 275, 276

CLERK: I have nothing further, Mr. President.

PRESIDENT: Okay, Senator Hefner, what do you think?

SENATOR HEFNER: Mr. President, I move for the advancement of LB 571.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB...we are going to skip 1019, I understand. That takes us up to General File. Items for the record, please, Mr. Clerk.

CLERK: Mr. President, I do have a number of items for the record. The first is I have an explanation of vote from Senator Haberman. For bills read on Final Reading this morning, bills read on Final Reading this morning, Mr. President, have been presented to the Governor as of 11:12 a.m. (Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228. See page 1273 of the Legislative Journal.)

New resolutions, LR 275 by Senator Wehrbein. (Read brief explanation.) LR 276 by Speaker Barrett, Senators Withem, Coordsen, Labedz, Warner, Hall. (Read brief explanation.) That will be laid over as well. (See pages 1273-75 of the Legislative Journal.)

I have a report of registered lobbyists for this week, Mr. President, required by statute. Amendments to be printed to LB 1090 by Senator McFarland, LB 1019; LB 551 by Senator Lynch; LB 1031 by Senator Baack and others, and, Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 369 and find the same correctly engrossed. That is signed by Senator Lindsay as Chair of the E & R Committee. That is all that I have, Mr. President. (See pages 1275-83 of the Legislative Journal.)

PRESIDENT: Thank you. We will go on to General File and LB 642, please.

CLERK: Mr. President, 642 was a bill originally introduced by Senator Ashford, along with Senators Weihing, Crosby, and Chambers. (Read title.) The bill was introduced, Mr. President, last year. It was referred to Judiciary,

March 13, 1990

LB 688A, 844, 853, 903, 919, 983, 1031
1044, 1086, 1090, 1105, 1119, 1165, 1167
1183, 1216, 1217, 1228

Withem to LB 1090. (See pages 1345-49 of the Legislative Journal.)

New A bill, LB 688A by Senator Lindsay. (Read by title for the first time. See page 1344 of the Legislative Journal.)

Motion to reconsider with respect to Senator Coordsen's amendment to LB 1031, Mr. President. That is offered by Senator Beyer. (See page 1344 of the Legislative Journal.)

And a communication from the Governor to the Clerk. (Read communication Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217 and LB 1228. See page 1344 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Senator Baack will be adjourning us in a moment, but I've been asked to announce to you again, to remind you that the New Horizons begins at nine o'clock tomorrow morning here, however, your adjournment will be of a different nature. Senator Baack, please.

SENATOR BAACK: Yes, Mr. President, I move we adjourn until tomorrow morning, or tomorrow afternoon, March 14 at one-thirty.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are adjourned until one-thirty tomorrow afternoon, but don't forget New Horizons tomorrow morning at nine. Thank you.

Proofed by:


Judy Smith