

May 2, 1989

LB 182A, 769, 813
LR 102, 103

intent to withdraw the amendment, and, Senator Ashford, I would give him the remainder of the time.

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. I would concur that the amendment is most likely unconstitutional, as is probably every section of the bill as written now, too. But it seems silly to deal with an amendment that most likely is unconstitutional. I would suggest, as I have on a couple of occasions, that the 48-hour provision in the bill, as written, is under the Akron case clearly unconstitutional, no matter what the...and that is a U.S. Supreme Court case, no matter what the Eighth Circuit has said about it. But, given that, I would agree with Senator Lindsay and would concur with his withdrawal of this particular amendment.

PRESIDENT: It is withdrawn. Anything else, Mr. Clerk?

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: We're on the advancement of the bill. Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. President. Senator Ashford just said no matter what the Eighth District Court says, he believes it is unconstitutional. If there is a challenge to the constitutionality, I'm sure it will go back to the Eighth Circuit Court, and I'm not an attorney, but I would say their decision would be the same. This is a very important bill to many of us. There are 28 or 29 co-sponsors, I believe Senator Abboud made a motion today to add his name to the bill. And I will not go over the testimony or the statement that I gave on General File. It's getting late, so I urge the advancement to E & R Initial.

PRESIDENT: Mr. Clerk, do you have anything to read into the record?

CLERK: Mr. President, I have a new A bill, LB 182A, by Senator Coordsen. (Read by title for the first time.) Senator Schmit has amendments to be printed to LB 813; Senator Smith to LB 813. I have, Mr. President, an appointment letter from the Governor. New resolution LR 102 by Senator Lynch. (Read summary of resolution.) LR 103 is a resolution by Senator Lynch. (Read

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LB 182A, 769
LR 103

PRESIDENT: Thank you. The question is the adoption of LR 103. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of LR 103.

PRESIDENT: The resolution is adopted. LR 109 we'll pass over for the moment because I understand Senator Warner is having a little attention to his hand and we'll take that up as soon as he gets back. We will wait with LB 812 until Senator Warner gets back and we'll go to LB 182A.

CLERK: Mr. President, LB 182A was a bill introduced by Senator Coordsen. (Read title.) I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, and members of the body, LB 182A is a neat little A bill. LB 182, in its original form, had a fiscal note that was approximately \$22 million. Through good negotiations and a sound approach to reevaluating the cost of the program, 182A has got that cost down to...and I forgot to add it up, you came on a little quickly to me this morning...with me this morning, but approximate cost of \$246,000 to fund the change in the relationship between the juvenile and county courts and the Department of Social Services. And I would urge the advancement of the bill.

PRESIDENT: Any further discussion? If not, the question is the advancement of LB 182A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 182A.

PRESIDENT: LB 182A is advanced. LB 769. Could you tell us where we were, Mr. Clerk, when we left it last time?

CLERK: Mr. President, LB 769 has been discussed by the Legislature. It's a bill introduced by Senator Labeledz and a number of the members. It's a bill for an act relating to abortion. When the bill was last discussed, Mr. President, there was pending to the bill an amendment by Senator Lindsay. The amendment had been divided. There had been an amendment

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LB 84, 84A, 182A, 588, 813, 814
LR 190, 191, 192

it wasn't \$2 million, it was \$1.7 million. A letter was then sent to the Appropriations Committee letting them know that it was \$1.7 million, and we would like to request a meeting with them to see if there would be a way to include this within the budget. So, when Senator Warner says they hadn't had any study until two weeks ago, I respectfully disagree with that, the study had been done. But regardless of that, it is my hope that the body will go ahead and vote for Founders Hall, it is necessary, and then at a later time, we'll then consider adopting an amendment to 814 or to other legislation that will allow for the automation to take place within the state colleges. And I hope then to have support at that particular time. Thank you.

PRESIDENT: The question is the adoption of the Hartnett amendment. All those in favor vote aye, opposed nay. Have you all voted? There's a request for a record vote. Have you all voted? Record vote has been requested. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 2219 of the Legislative Journal.) 3 ayes, 27 nays, Mr. President.

PRESIDENT: The amendment fails. Do you have another one, Mr. Clerk? Items for the record, please, Mr. Clerk.

CLERK: Mr. President, study resolutions. (Read brief description of LR 190, LR 191, and LR 192. See pages 2220-22 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 84 and LB 84A as correctly Engrossed. I have amendments to be printed to LB 588 by Senator Labeledz and to LB 813 by Senator Labeledz and Senator Haberman; LB 182A is reported to Select File, Mr. President. (See pages 2222-29 of the Legislative Journal.)

Mr. President, the next amendment I have to LB 814 is to strike Section 34. Senator, that's what I have.

SENATOR HARTNETT: Yes, that's...yeah. That's university Program 907, fire, life safety projects on all campuses, fiscal year '89-90, \$438,558 General, and '90-91 is \$319,333.

PRESIDENT: Senator Hartnett. Senator Warner, please.

May 11, 1989

LB 182A, 817

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Chairman. Members of the body, the Governor recently reappointed Mrs. Pauline Dye and Mrs. Susan Renken to the Nebraska Arts Council, and she also appointed Robert Duncan and Mrs. Ann Spence as new members. They are all to serve three year terms. The General Affairs Committee conducted confirmation hearings for these appointments and found that these four individuals expressed a lot of knowledge and interest in the arts, and they possess the desire to promote the arts and improve the state's cultural resources through their work on the council. Therefore the General Affairs Committee, on a unanimous vote of the members present at Tuesday's Executive Session, recommends that all four appointments be confirmed by the Legislature. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the acceptance of the recommendation. All those in favor vote aye, opposed nay. Please vote, if you care to. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT: The confirmation report is adopted. Move on to Select File, please.

CLERK: Mr. President, Select File. The first bill I have is LB 182A. I have no amendments pending to the bill, Mr. President.

PRESIDENT: Senator Conway, would you help us on this, please, on the Select File.

CLERK: I just need a motion to advance, Senator.

SENATOR CONWAY: I would like to move LB 182 to...over to Final Reading, please.

PRESIDENT: You've heard the motion. All in favor say aye, opposed nay. It is advanced.

CLERK: Mr. President, LB 817, I have no amendments to that bill, Senator.

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LB 137, 182A, 301, 302, 444, 541, 630
640

goes below a quorum, because right now there is no provision in our statutes for the...for the Secretary of State to hold special elections for those two entities. There are provisions for providing for all other entities but those two don't have any. The specific example happened in Ord recently where they...their hospital board fell below a quorum. They...there was a real process in trying to determine how they were going to get back to a quorum. Because they were under a quorum, they couldn't appoint other members. This provides a procedure for doing that. That's what the amendment does. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the adoption of the Baack amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Baack's amendment.

PRESIDENT: The Baack amendment is adopted. Anything further on the bill?

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Moore.

SENATOR MOORE: I move we advance LB 640 to E & R for Engrossing.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 653.

CLERK: Mr. President, may I read some items for the record?

PRESIDENT: Yes, you may.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 182A and find the same correctly engrossed; LB 301, correctly engrossed; LB 302, correctly engrossed; LB 541 and LB 630, correctly engrossed. (See page 2317 of the Legislative Journal.)

Mr. President, Senator Hartnett would like to add his name to LB 444 as co-introducer, and Senator Haberman to LB 137.

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LB 162A, 175, 175A, 182A, 182

and not voting, Mr. President.

Mr. President LB 162A passes. LB 175, please.

CLERK: (Read LB 175 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 175 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2466-67 of the Legislative Journal.) 35 ayes, 7 nays, 3 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 175 passes. LB 175A.

CLERK: (Read LB 175A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 175A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2467-68 of the Legislative Journal.) 38 ayes, 1 nays, 6 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 175A passes. LB 182, please.

ASSISTANT CLERK: (Read LB 182 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 182 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2468-69 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 182 passes. LB 182A.

ASSISTANT CLERK: (Read LB 182A on Final Reading.)

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LB 182A, 198, 540

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 182A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 2469 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 182A passes. LB 198, please.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Hall would move to return the bill to Select File for a specific amendment.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President. I think the amendment is Senator Lindsay's. I co-sponsored it with him but I think it...I would yield to Senator Lindsay for the opening.

SENATOR LINDSAY: Thank you, Mr. President. Thank you, Senator Hall. This amendment is an amendment that was previously argued on, I think, last Thursday, time when it's my understanding that it reached a point when about a third of the Legislature wasn't here. I was not here. It was an amendment that I had previously offered. Senator Hall carried it for me on that day. What it would do, for those of you who were here you would remember it, it was the amendment that would exempt corporations holding a certificate under 501C3 of the Internal Revenue Code from paying sales tax on their memberships. If...the membership also would gain them admission to the particular facility. As I mentioned, this was debated before. It is my understanding that 14 to 16 members were not here at the time. I think I would give a little background on it first. The bill...it was originally offered as a bill, LB 540, to...it came out of committee six to nothing. The Department of Revenue is not opposing the bill...or, excuse me, well, the amendment now, but they are not opposing it. They did not testify at the hearing. They contacted me later and asked that an amendment be offered to the bill which was...excuse me, they contacted me before the committee hearing and that amendment simply changed the language from...we had the description of 501C3, the language from that federal statute, and just instead put in that they wanted the term 501C3, anybody holding the certificate. And that was put

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LB 44, 44A, 49, 49A, 134, 137A, 158
158A, 162, 162A, 175, 175A, 182, 182A
198, 228, 228A, 305, 815, 816, 816A

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 2473-74 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228 passes. LB 228A.

ASSISTANT CLERK: (Read LB 228A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 2474 of the Legislative Journal.) The vote is 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 44, LB 44A, LB 49, LB 49A, LB 134 with the emergency clause attached, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228, and LB 228A. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you. Your Committee on Enrollment and Review reports LB 305, LB 815, LB 816, and LB 816A as correctly engrossed, all signed by Senator Lindsay as Chair of Enrollment and Review. (See pages 2475-76 of the Journal.)

I have a confirmation hearing report from Health and Human Services Committee signed by Senator Wesely as Chair. That's all that I have, Mr. President.

PRESIDENT: We'll move on to LB 137A.

CLERK: Mr. President, 137A is a bill introduced by Senator Warner. (Read title.)

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LB 44, 44A, 49, 49A, 134, 158, 158A
162, 162A, 175, 175A, 182, 182A, 198
211, 228, 228A, 308, 309, 309A, 362
377, 429
LR 88

Mr. President, bills read on Final Reading today have been presented to the Governor. (Re: LB 44, LB 44A, LB 49, LB 49A, LB 134, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228 and LB 228A. See page 2482 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Hall to LB 211, Senator Ashford to LB 362, Senator Weihing to LB 377, Senator Lynch to LB 377. (See pages 2482-88 of the Legislative Journal.)

Enrollment and Review reports LB 308 as correctly engrossed, LB 309 and LB 309A as correctly engrossed.

And, Mr. President, I have a communication from the Chair of the Reference Committee rereferring study resolution LR 88 from the Banking Committee to the General Affairs Committee. That is signed by Senator Labedz as Chair. And that is all that I have, Mr. President.

PRESIDENT: We'll go to Final Reading on number 9. We'll start with LB 429, but we need to get into our seats and get ready for Final Reading, please. Mr. Clerk, LB 429.

CLERK: The first motion...I have motions on 429, the first is by Senator Wesely. Senator Wesely would move to return the bill, the purpose being to strike the enacting clause.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: I will withdraw that amendment at this time.

PRESIDENT: All right, it is withdrawn.

CLERK: Mr. President, Senator Moore and Lindsay would move to return the bill for a specific amendment. (Moore-Lindsay amendment appears on page 2489 of the Journal.)

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Well, it's another one of those cows to the ring and see who bought her this time. This time it's one of my old rangy old cow. This one I believe in. This is the Bergan Mercy amendment. Now 429 is a bill dealing with certificate of need, 429 introduced by Senator Baack and the intention of this bill I

May 24, 1989 LB 95, 132, 134, 158, 158A, 175, 175A, 182, 182A
183, 183A, 198, 228A, 228, 261, 261A, 280, 283
285, 285A, 302, 303, 303A, 305, 309, 309A, 310
312, 312A, 335, 335A, 340, 340A, 469, 525, 566
588, 651, 651A, 695, 706, 727, 781, 816, 816A

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us on our closing day as our Chaplain, Reverend Harland Johnson. Would you please rise for the invocation.

REVEREND HARLAND JOHNSON: (Prayer offered.)

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

PRESIDENT: Do we have any corrections this morning?

CLERK: Mr. President, one small correction. (Read correction found on page 2719 of the Legislative Journal.)

PRESIDENT: Okay, do you have any messages, reports, or announcements today?

CLERK: Mr. President, I do. I have a series of communications from the Governor. First of all, Mr. President, the last few bills read on Final Reading yesterday afternoon have been presented to the Governor as of 2:48 p.m., yesterday. (Re: LB 525, LB 566, LB 588, LB 651, LB 651A, LB 695, LB 706, LB 781. See page 2720 of the Legislative Journal.)

Mr. President, a series of communications from the Governor. (Read. Re: LB 228A.) A second communication to the Clerk. (Read. Re: LB 134, LB 158, LB 158A, LB 175, LB 175A, LB 182, LB 182A, LB 198.) A third communication. (Read. Re: LB 95, LB 261, LB 261A, LB 280, LB 283, LB 303, LB 303A, LB 312, LB 312A.) A fourth communication, Mr. President, to Mr. President, and Senators. (Read. Re: LB 183, LB 183A.) A fourth, Mr. President, to the Clerk. (Read. Re: LB 132, LB 285, LB 285A, LB 302, LB 305, LB 309, LB 309A, LB 310, LB 335, LB 335A, LB 340, LB 340A, LB 469, LB 727, LB 816, LB 816A.) The last letter I have received, Mr. President, with respect to signing of bills. (Read. Re: LB 228. See pages 2720-22 of the Legislative Journal.)