

for review by the membership. (See page 95 of the Legislative Journal.)

Mr. President, I received a report from the committee chair by Senator Lowell Johnson regarding a study of the Presidential Primary Study. That report is required pursuant to Statute 32-562. That will be on file in my office.

Mr. President, Senator Coordsen would like to announce that Senator Pirsch has been selected as Vice-Chair of the Business and Labor Committee.

Mr. President, two announcements, Senator Baack would like to have a meeting of the Government Committee for an organizational meeting, this morning at ten o'clock in the Senators Lounge; Government Committee, ten o'clock in the Senators Lounge. Mr. President, Senator Smith would like to have an organizational meeting of the General Affairs Committee at nine-thirty this morning underneath the north balcony; General Affairs, nine-thirty this morning, called by Senator Smith. Mr. President, that is all that I have at this time.

PRESIDENT: Thank you. We will move on to introduction of new bills.

CLERK: Mr. President, new bills. (Read LBs 190-201 for the first time by title. See pages 95-97 of the Legislative Journal.)

PRESIDENT: We will leave the introduction of new bills for a moment and move on to number seven, a motion on the election contest. Senator Warner. The chair recognizes Senator Warner.

CLERK: Mr. President, the motion offered by Senator Warner is found on page 34 of the Legislative Journal.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, I'd move adoption of the motion. You will recall that there was a protest filed at the beginning of the session on one of the seats, and that the Credentials Committee was selected, I believe I indicated that the report which was filed by the Credentials Committee presumed that this motion would be offered. It is written in such a way that the same individuals

January 18, 1989

LB 18-34, 180, 190, 357

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning, as our Chaplain of the day, Evangelist Tim Woodroof of the Church of Christ in Lincoln. Would you please rise.

REVEREND TIM WOODROOF: (Prayer offered.)

PRESIDENT: Thank you, Reverend Woodroof, appreciate it. Roll call, please.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: This would be a good day to have some. Do you have any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 18 and find the same correctly Engrossed; LB 19, LB 20, LB 21, LB 22, LB 23, LB 24, LB 25, LB 26, LB 27, LB 28, LB 29, LB 30, LB 31, LB 32, LB 33, and LB 34, all reported correctly Engrossed, all signed by Senator Lindsay as Chair.

Mr. President, your Committee on Education, whose Chair is Senator Withem, to whom was referred LB 180, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, and LB 190 to General File, both signed by Senator Withem as Chair.

Mr. President, hearing notices from the Revenue Committee for Wednesday, January 25; Judiciary for January 27; Government Committee for Wednesday, January 25; and the Nebraska Retirement Systems Committee for Wednesday, January 25, all signed by their respective Chairs.

Mr. President, Senator Crosby would like to add her name to LB 357 as co-introducer.

PRESIDENT: No objections, so ordered. We will stand at ease

your presence, please. Thank you. Senator Labedz, would you record your presence, please. Senator Robak, record your presence, please. Senator Bernard-Stevens. Senator Chambers, would you record your presence, please. Thanks. We're looking for Senator Lynch, Senator Owen Elmer, Senator Peterson, Senator Pirsch. Senator Kristensen, record your presence, please. Thank you. Okay, we're looking for Senator Bernard-Stevens is all. Senator McFarland, shall we go ahead with your roll call vote?

SENATOR MCFARLAND: That would be fine.

PRESIDENT: All right. The question is the advancement of the bill. Mr. Clerk, please.

CLERK: (Roll call vote taken. See page 297 of the Legislative Journal.) 21 ayes, 25 nays, Mr. President, on the advancement.

PRESIDENT: LB 180 fails to advance. Mr. Clerk, do you have anything for the record, please?

CLERK: Yes, Mr. President, I do.

PRESIDENT: The call is raised.

CLERK: Mr. President, new bills. (Read by title for the first time LBs 600-647. See pages 298-308 of the Legislative Journal.)

Mr. President, in addition to those items, I have hearing notice from the Natural Resources Committee, signed by Senator Schmit. Notice of hearing from the Revenue Committee. That is signed by Senator Hall. Notice of hearing from the Government Committee. That's signed by Senator Baack.

Mr. President, that's all that I have at this time.

PRESIDENT: We will progress on to LB 190.

CLERK: Mr. President, LB 190 was a bill that was introduced Senator Withem. (Read title.) The bill was introduced on January 9, referred to Education, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: (Gavel.) Senator Withem, just a moment, maybe we

can get some listeners. If you would hold it down so we could hear, we would appreciate it. Senator Withem feels that his bill is important and we do want to hear about it. Senator Withem, please.

SENATOR WITHEM: Thank you, Mr. President. Given what happened when people listened to Senator McFarland, I would just as soon nobody would listen on this particular measure. Last year we passed LB 940 which was a bill dealing with school district reorganization. It was this body's attempt to deal with that issue in a much less controversial, confrontational fashion than we have in the past. It put a lot of things in place and a lot of things are going on. As with any piece of legislation that you pass when it actually gets out in existence, you run into some problems with the original wording of the bill. And that's happened with 940. I guess, frankly, I am surprised that there are only three changes that we have discovered that really need to be made. They are noncontroversial. There were no opponents and the only proponent was Larry Scherer who introduced the bill. The changes that it makes are three-fold. The first change involves the voting for county reorganization committees. The way this process takes place is all of the school board members in a county get together in a central location and they vote to elect members of their county reorganization committee. Each school board member in the county gets one vote. We didn't take into account, when we wrote the original bill, that there are some school districts in the state that have six-member boards and there are some that have nine-member boards. In some areas of the state, I think, Senator Dierks, it's probably up in your part of the state, we had some of those nine-member boards saying, hey, we've got a great deal here, we've got more votes than anybody else. All nine of their members showed up and they had an unfair advantage in the election of the county reorganization committees. In many ways, doing that flies in the face of the intent of this bill which was to get people working together as opposed to working in confrontation with one another. The first change then, what it does, it says if you've got a nine-member board, fine, but you only get six votes like all other K through 12 districts in the county. The second change it makes is a...one of those relatively comical sort of things that we said in the bill. We suggested advisory boards be created to work with Class I and Class II...Class II and Class III receiving districts. The wording of the bill says that they will be elected for three-year terms and they will be elected annually. Well, you can't elect somebody annually for a

three-year term and have it work out unless you start getting triple membership on those committees. What we neglected to do when we wrote the original bill is provide for staggered elections. So what this provides for is annual elections with some members going off of the advisory committee each year. The third thing we did with 940 is we said our intent was that if school district reorganization, because of the way our equalization formula is written, causes a school district to lose state aid, that we would hold that district harmless for five years. What we said in the bill was if they lose state aid and they reorganize, they are held harmless. So, conceivably, you could have a district that, through reorganization, received a couple more students and another percent or so of their valuation in new land, for some other reason losing state aid, a cut in state aid here in the Legislature, the fact that they got huge new valuation because of some new factories in their district, for a multitude of other reasons totally unrelated to the reorganization that took place, they could lose state aid. What we're saying is the only state aid loss that we want to hold harmless is that that was caused by reorganization. Those are the three changes that are made. If there are any questions, I would be happy to try to answer those. If not, I would urge you to advance LB 190.

PRESIDENT: Is there any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 190.

PRESIDENT: LB 190 is advanced to E & R Initial. LB 35.

CLERK: Mr. President, LB 35 introduced by Senator Rod Johnson. (Read title.) The bill was introduced on January 5, referred to the Agriculture Committee, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. President and members, LB 35 and 36 are two of our annual agriculture bills that come to us from the Public Service Commission. This particular bill deals with the Grain Buyers...or Grain Dealers Act, pardon me, and was brought

January 20, 1989

LB 35, 36, 38, 45, 53, 57, 79
123, 158, 168-170, 189, 190

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, I have a report of registered lobbyists for the week of January 19, as prepared by my office.

Mr. President, Business and Labor offers notice of hearing; Natural Resources Committee offers notice of hearing, signed by the respective chairs.

Natural Resources Committee reports on a confirmation hearing of Mr. Lawrence Myers.

Your Committee on Natural Resources to whom is referred LB 45 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 168 General File; LB 169 General File; LB 170 indefinitely postponed, those signed by Senator Schmit.

Enrollment and Review reports LB 190 to Select File; LB 35 to Select File with amendments; LB 36, Select File; LB 38, Select File with amendments; LB 158, Select File; LB 79, Select File; LB 53, Select File with amendments; LB 57, Select File and LB 123, Select File, those signed by Senator Lindsay as Chair, Enrollment and Review. (See pages 370-71 of the Legislative Journal for above announcements.)

Mr. President, the next amendment I have to LB 189 is offered by Senator Haberman. (Amendment appears on page 372 of the Legislative Journal.)

SPEAKER BARRETT: Senator Haberman, please.

SENATOR HABERMAN: Would you like to read the amendment, Mr. Clerk?

CLERK: (Read Haberman amendment.)

SENATOR HABERMAN: Mr. President, members of the body, the bill, LB 189, said, in essence, the chairperson and members shall be chosen in the same manner as chairpersons and members of the standing committees of the Legislature. That's fine. That's what we did. I agree with that. But now we reach the point that in 1991 should it or should it not be a standing committee? So let's examine the issue. If you will look on the work sheet dated January 20, 1989, there are 14 bills referred to General

January 23, 1989

LB 35, 190, 233

SENATOR CHIZEK: Fine.

SENATOR HARTNETT: Thank you, Mr. Speaker.

SPEAKER BARRETT: Thank you. Any further discussion? Any closing statement, Senator Chizek? Thank you. The question is the advancement of LB 233 to E & R Initial. All in favor vote aye, opposed nay. Please record.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 233.

SPEAKER BARRETT: The bill is advanced. The Chair would like to take this opportunity to announce that Senator Kristensen has some guests under the north balcony, Gary and Sharon Cederburg of Minden, Nebraska. Welcome to the Legislature. We're glad to have you with us. Anything for the order, Mr. Clerk?

CLERK: Not at this time.

SPEAKER BARRETT: Proceed then to Select File, item eight.

CLERK: Mr. President, the first order on Select File is LB 190. I have no amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the E & R Committee, Senator Lindsay, please.

SENATOR LINDSAY: Were there...excuse me, Mr. President, were there E & R amendments?

CLERK: No, sir.

SPEAKER BARRETT: No.

SENATOR LINDSAY: I would move that LB 190 be advanced.

SPEAKER BARRETT: You've heard the motion offered by Senator Lindsay to advance LB 190. Those in favor say aye. Opposed no. Ayes have it, motion carried, it's advanced. LB 35.

CLERK: LB 35, Senator, I do have E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

January 24, 1989

LB 1-6, 8-12, 14-17, 35, 36, 38, 53
57, 67, 71, 79, 103, 123, 133
158, 180, 181, 190, 223, 236, 255
257, 277, 295, 297

LB 255 to General File, LB 257 to General File with amendments, LB 223 as indefinitely postponed. Banking, Commerce and Insurance Committee, whose Chair is Senator Landis, reports LB 295 to General File and LB 297 as indefinitely postponed. Your Committee on Revenue, whose Chair is Senator Hall, reports LB 133 to General File, LB 277 General File, LB 236 General File with amendments, LB 67 indefinitely postponed, LB 71, LB 103 and LB 181 all indefinitely postponed, all signed by respective Chairs. (See pages 413-14 of the Legislative Journal.)

Mr. President, I have notice of hearing from the Urban Affairs Committee, that is signed by Senator Hartnett; from the Education Committee signed by Senator Withem and from the Retirement Systems Committee signed by Senator Haberman.

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 35 and find the same correctly Engrossed, LB 36, LB 38, LB 53, LB 57, LB 79, LB 123, LB 158 and LB 190 all correctly Engrossed. (See pages 415-16 of the Legislative Journal.)

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: LBs 1-6, LBs 8-12, LBs 14-17. See page 416 of the Legislative Journal.) Mr. President, that is all that I have at this time.

SPEAKER BARRETT: Thank you. Proceeding then to General File discussion, LB 180.

CLERK: Mr. President, 180 is a bill introduced by Senator McFarland. (Title read.) The bill was introduced on January 5, referred to Education. The bill was considered on the floor, Mr. President, on January 19. I now have pending an amendment from Senator McFarland. Senator, I understand the amendment you had printed on page 402 you want to withdraw that amendment.

SENATOR MCFARLAND: I'd like to withdraw that, Mr. Clerk.

CLERK: Mr. President, Senator McFarland would move to amend the bill and, if I may, Senator, I'll read the language.

SENATOR MCFARLAND: Please.

CLERK: (Read McFarland amendment. See page 417 of the Legislative Journal.)

February 7, 1989

LB 51, 53, 79, 123, 190

PRESIDENT: LB 53 passes. LB 79, please.

CLERK: (Read LB 79 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 79 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 617 of the Legislative Journal.) 38 ayes, 0 nays, 2 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 79 passes. LB 123 with the emergency clause attached.

CLERK: (Read LB 123 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 123 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 618 of the Legislative Journal.) 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 123 passes with the emergency clause attached. LB 190.

ASSISTANT CLERK: (Read LB 190 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 190 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 619 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 190 passes. LB 51, please.

ASSISTANT CLERK: (Read LB 51 on Final Reading.)

February 7, 1989

LB 35, 38, 45, 51, 53, 60, 79
92A, 123, 168, 169, 189, 190, 207
379

Committee on Education whose Chair is Senator Withem would report LB 379 to General File and that is signed by Senator Withem as Chair of the Education Committee, Mr. President, and that is all that I have. (See page 625 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 35, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60, LB 189, LB 207, LB 45, LB 168, LB 169. (See page 625 of the Legislative Journal.) We'll move on to the General File A bills and, Senator Barrett, did you wish to make an announcement about later taking up the Select File?

SPEAKER BARRETT: Yes, Mr. President. Thank you, and members, just a reminder of something we've done in the past on numerous occasions, if we perchance have not completed Select File by adjournment time at noon, I'd like very much with your leave to move those bills on to Final that are not amended. Those bills that are clean, I'd like to move them, if at all possible, before we adjourn if we haven't completed Select File. Thank you.

PRESIDENT: Thank you, and in checking with the Clerk, he tells us he will be in shape to take those up a little bit before noon, so that will be fine. Thank you, Speaker Barrett. LB 92A, Mr. Clerk.

CLERK: Mr. President, 92A was a bill offered by Senator Landis. (Title read.)

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this is the omnibus insurance act. The Insurance Department is a cash funded agency based on examination fees that they obtain. This, I believe, is the reappropriation of roughly \$50,000 to accomplish the tasks of the bill and I would ask that we advance LB 92A to accompany LB 92.

PRESIDENT: Any further discussion? If not, the question is the advancement of LB 92A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of

February 7, 1989

LB 36, 38, 45, 46, 51, 53, 60
79, 123, 145, 168, 159, 189, 190
207, 237, 273, 308, 338, 410, 414
418, 431, 449, 458, 506, 706, 733

LB 36, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60,
LB 189, LB 207, LB 45, LB 168, and LB 169.)

Retirement Systems reports LB 46 to General File; LB 308,
General File; LB 145, General File with amendments; LB 237,
General File with amendments; LB 418, General File with
amendments; LB 506, General File with amendments. Those are all
signed by Senator Haberman as Chair. (See pages 635-40 of the
Legislative Journal.)

Health Committee reports LB 449 to General File with amendments;
LB 733, General File with amendments. Those are signed by
Senator Wesely as Chair. Business and Labor reports LB 410 to
General File; LB 414, General File. Those are signed by Senator
Coordsen as Chair. Banking Committee reports LB 431 to General
File; LB 706, General File. Those are signed by Senator Landis
as Chair. (See page 637 of the Legislative Journal.)

Mr. President, Senator Rogers has amendments to be printed to
LB 273; Senator Labedz to LB 338; Senator Smith to LB 338; and
Senator Nelson to LB 458. That's all that I have,
Mr. President. (See pages 637-38 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The Chair recognizes Senator
Conway. Would you care to adjourn us, Mr. Conway.

SENATOR CONWAY: Mr. Speaker, members, I move that we adjourn
until 9:00 a.m., February 8th.

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn
until tomorrow morning at nine o'clock. Those in favor say aye.
Opposed no. Carried, we are adjourned.

Proofed by: Arleen McCrory
Arleen McCrory

February 10, 1989 LB 35, 36, 38, 42, 44, 45, 51
53, 60, 79, 110, 123, 140, 168
169, 189, 190, 207, 408, 607, 610
708, 775
LR 2, 29

for the record, Mr. Clerk, at this time?

CLERK: I do, Mr. President. Mr. President, your Committee on Judiciary whose Chair is Senator Chizek reports LB 42 to General File; LB 44, General File; LB 708, General File; and LB 110 as indefinitely postponed. Those are signed by Senator Chizek.

Mr. President, Revenue committee whose Chair is Senator Hall reports LR 2CA to General File; LB 607, General File with amendments; LB 775, General File with amendments. Those are signed by Senator Hall. (See pages 690-91 of the Legislative Journal.)

Health and Human Services Committee whose Chair is Senator Wesely reports LB 610 to General File with amendments. (See page 691 of the Legislative Journal.)

Mr. President, Report of Registered Lobbyists for this past week as required by statute. (See page 692 of the Legislative Journal.)

I have amendments to be printed to LB 408 by Senator Barrett.

Mr. President, communication from the Governor to the Clerk. (Read communication regarding signing of LB 35, LB 36, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60, LB 189, LB 207, LB 45, LB 168 and LB 169. See page 693 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review reports LB 140 to Select File with E & R amendments attached. (See page 693 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: We'll move on to LR 29, please.

CLERK: Mr. President, LR 29 was offered by Senator Langford. It's found on page 656. (Read resolution.)

PRESIDENT: Senator Langford, please.

SENATOR LANGFORD: Mr. President and colleagues, I offer this resolution with a great deal of joy because this gentleman plays cards and plays golf with Jack, my husband, every day, practically, in the summer. He has been instrumental in the