

January 9, 1989

LB 112, 202-240  
LR 3

LBs 202-240 for the first time by title. See pages 100-108 of the Legislative Journal.)

Mr. President, I have a notice of hearing by Senator Rod Johnson who is Chair of the Agriculture Committee for Tuesday, January 17.

Mr. President, Senator Hannibal would like to announce that Senator Conway has been selected as Vice-Chair of the Intergovernmental Cooperation Committee.

Mr. President, a new resolution, LR 3. It is offered by Senator Baack and a number of the members. (Read brief explanation. See pages 108-109 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, I have a request from Senator Smith to withdraw LB 112. That will be laid over. I believe that is all that I have, Mr. President.

PRESIDENT: Senator Lynch, are you ready to go back to work now? We will return back to adopting of permanent rules. Senator Lynch.

SENATOR LYNCH: Mr. President and members, I have one more proposed committee amendment, simple little amendment. It has to do with cloture. This change would adopt a cloture rule that would become effective after 12 hours debate at each stage of debate on any appropriation bill, and after 8 hours at each stage of debate on all other bills. To briefly explain it, and then Senator Moore will take it from there, let me give you a scenario. Some of you may be familiar with 428, the motorcycle helmet bill. It was my bill. An amendment, say, was offered under this rule by Senator Moore to the bill. As you know, sometimes amendments can take and need more time for discussion and debate than the bill, itself. After 8 hours of debate on Select File, I would move for cloture, or if that bill happened to be a committee bill, the chairman of the committee would move for cloture. The presiding officer then, under this proposal, would immediately recognize the motion and orders debate to cease on Moore's amendment. The vote on the Moore amendment would be taken without further debate. After that, a vote on the cloture motion without debate, 33 votes would be needed for that motion on cloture would be successful. If the cloture motion were successful, a vote on the advancement of the bill,

February 1, 1989

LB 13, 18, 19-32, 43, 80, 82, 106  
113, 114, 166, 171, 172, 194, 200  
238, 254, 353

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us this morning Reverend David Lux of the St. Paul Methodist Church in Lincoln, Nebraska. Would you please rise for the invocation.

REVEREND LUX: (Prayer offered.)

PRESIDENT: Roll call, please.

CLERK: Quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: 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 reviewed LB 254 and recommend that same be placed on Select File; LB 114, Select File; LB 43, Select File; LB 113, Select File; LB 171, Select File with amendments; LB 172, Select File with amendments; LB 80, Select File; LB 82, Select File; LB 200, Select File; LB 106, Select File with amendments; LB 194, Select File with amendments; LB 353, Select File, those all signed by Senator Lindsay as Chair. (Journal shows LB 166, Select File with amendments. See pages 527-28 of the Legislative Journal.)

Mr. President, your Committee on Business and Labor, whose Chair is Senator Coordsen, reports LB 238 to General File with committee amendments attached, signed by Senator Coordsen. (See page 529 of the Journal.)

Mr. President, communication regarding the signing of LB 13, LB 18, 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, and LB 32. The bills were signed on January 27 and delivered to the Secretary of State.

Mr. President, an Attorney General's Opinion addressed to Senator Hall. I have a hearing notice from the Natural Resources Committee that is signed by Senator Schmit.

Mr. President, a series of reports. Report from the Department

February 6, 1989

LB 70, 155, 177, 195, 198, 209, 238  
254, 338, 357A, 773  
LR 25

CLERK: 5 ayes, 23 nays, Mr. President, on the motion to indefinitely postpone.

PRESIDENT: The motion fails. Do you have anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. Notice of hearings from the Agriculture Committee. That's signed by Senator Rod Johnson as Chair.

New A bill, LB 357A, by Senator Nelson. (Read by title for the first time. See page 605 of the Legislative Journal.)

Enrollment and Review reports LB 195, LB 198, and LB 209 to Select File with E & R amendments attached on each. Those are signed by Senator Lindsay. (See page 606 of the Legislative Journal.)

Transportation Committee would offer LB 155 to General File with amendments. That's signed by Senator Lamb. (See page 608 of the Legislative Journal.)

LR 25, Mr. President, is offered by the Appropriations Committee. (Read brief description of the resolution. See pages 607-08 of the Legislative Journal.) That will be laid over.

I have amendments to be printed to LB 70 from Senator Hall; Senator Moore to LB 177; Senator Coordsen to LB 238, and Senator Baack to LB 254. That's all that I have, Mr. President. (See pages 609-10 of the Legislative Journal.)

PRESIDENT: Senator Dennis Byars, would you step to your microphone and say something about adjourning tomorrow, February 7th, until nine o'clock, but wait just a minute, the Clerk has something.

CLERK: Excuse me, Senator. Mr. President, I have amendments to be printed to LB 773. That's offered by Senator Korshoj.

PRESIDENT: Are you ready to adjourn now? Now, Senator Byars.

SENATOR BYARS: I would move that we adjourn this body until nine o'clock on February the 7th, 1989.

February 8, 1989

LB 43, 80, 82, 92, 92A, 106, 113  
116, 158A, 165, 166, 171, 172, 175A  
177A, 177, 194, 200, 208, 238, 261A  
267, 277A, 284A, 296, 312A, 312, 321  
322, 353, 357, 369, 458, 459

PRESIDENT: Senator Nelson, would you object to the bracketing?

SENATOR NELSON: No. I just tried to get some attention on my mike. I didn't run up there at the front and no one asked me. I didn't say yes, I didn't say no, and it is all right with me to pass over the bill until February 22. As I've said many times, I'm willing to listen, I'm willing to learn, I'm willing to amend the bill as it is, but we're talking about a serious thing so I'm very willing.

PRESIDENT: May I ask, are there any objections to bracketing this bill until February 22? If so, now is the time to say so. If not, the bill is bracketed until February 22. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 92 and recommend that same be placed on Select File; LB 459 Select File; LB 458 Select File; LB 116 Select File; LB 267, LB 208, LB 92A, LB 158A, LB 175A, LB 177A, LB 261A, LB 277A, LB 284A, LB 312A, all on Select File. Those are signed by Senator Lindsay. (See pages 647-51 of the Legislative Journal.)

Mr. President, your committee on Transportation whose Chair is Senator Lamb reports LB 369 to General File with amendments. That is signed by Senator Lamb. Your Committee on Enrollment and Review reports LB 43, LB 80, LB 82, LB 106, LB 113, LB 165, LB 166, LB 171, LB 172, LB 177, LB 194, LB 200, LB 296, LB 312, LB 321, LB 322 and LB 353 all are reported correctly engrossed, Mr. President. That is all that I have at this time, Mr. President. (See page 651 of the Legislative Journal.)

PRESIDENT: Very good. We'll move on then LB 238.

CLERK: Mr. President, 238 was a bill that was introduced by Senator Hall. (Title read.) The bill was introduced on January 9, referred to Business and Labor, advanced to General File. I do have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, are you going to handle those committee amendments?

SENATOR COORDSEN: Yes, thank you, Mr. President, members of the body, the committee amendments to LB 238 do two things. You'll find those in our book. The first thing the committee amendments do is address a possible problem of constitutionality with the bill relative to the penalties that are in place in Section 2 of the bill. What we've done with the committee amendments is added a new section to the bill which would put the penalty that is found in the bill in the penalty clauses so that the amount, if there is a penalty, would be placed in the fund to be distributed to the common schools of this state. That would address a potential constitutionality problem with the bill. And the other change that was made in the bill was on page 3, line 16, after "employment" we would insert "less any orders returned or cancelled at the time the suit is filed", which is a clarifying language to the amount of the money that the principal in any action could collect. The rest of Section 3 of the committee amendments is some realigning of language to make provisions for our new section. It would strike the language that would...provided the penalty in the bill as it was written. With that, I would move the committee amendments.

PRESIDENT: Thank you. Senator Hall, did you wish to speak about the committee amendments?

SENATOR HALL: Thank you, Mr. President, members, I rise in support of the committee amendments as they were explained by Senator Coordsen. LB 238 is a bill that deals with basically independent contractors who work on a commission-sales basis. This committee amendment, the first one that he explained that deals with the realigning of the bill with regard to the penalty provision is one that was just...needed to be done based on the constitutionality issue that he laid out for you. The other amendment that dealt with "less any orders returned or cancelled" was an amendment that I saw as an oversight when we drafted the bill and we brought it to the committee and they respectfully submitted it as a committee amendment. So with that, Mr. President, I would urge adoption of the committee amendments. Thank you.

PRESIDENT: Senator Coordsen, did you wish to close on the committee amendments?

SENATOR COORDSEN: Only to move the committee amendments, sir.

PRESIDENT: Okay, thank you. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. I need a little help, please. Thank you. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of committee amendments.

PRESIDENT: The committee amendments are adopted. I understand we have a couple of amendments but, Senator Hall, would you like to tell us about your bill first?

SENATOR HALL: Thank you, Mr. President. Very briefly, LB 238, as I stated, is a bill that deals with commission-sales individuals who are not direct employees of a wholesaler. Basically these are folks who are on the road, are independent agents who contract with a clothing wholesaler, for example, to sell their line of product and it allows the wholesaler, an individual who is willing to work and present their product around the region, but someone that they do not have to pay benefits for. What they do is they have a contractual arrangement where, based on what they are able to sell for that wholesaler, they are paid a commission. What has happened and why we brought LB 238 to you is that this issue has been before the Business and Labor Committee before. Senator Conway, for a couple of years, the last two years in particular, most recently LB 92 was brought to the Business and Labor Committee and dealt with. It was not dealt with in the same fashion as LB 238. What we do in LB 238 is put the definition in the Wage Payment and Collection Act that commission sales would be something that would fall under this area. It allows for these people who represent the wholesalers but basically have no recourse other than to go to court which can be a very costly item for them because they are independents, they have the ability now through statute to collect basically what is due them. The committee amendments clarify that they can only collect on items that they have actually sold under contract for these wholesalers. Oftentimes what happens is when an independent moves from one wholesaler to another for whatever reason, or when that wholesaler discontinues operating, they have an extremely difficult time collecting their final check. It is not something that happens on a regular basis but it is something that happens rather frequently and it is not a large sum of money that these individuals are trying to receive. It is money that is due them for a job they perform, but because of the way

they are excluded currently from the Wage Payment and Collection Act, they must go to court oftentimes incurring more expense than they will receive or that is due them with regards to commissions, so by advancing LB 238, adopting it, putting it under the Wage Payment and Collection Act, this added definition of those under commission sales, it allows them the...basically the same rights and privileges that any employee who would represent a wholesaler only doing that on a day-to-day basis and receiving benefits, it gives them...puts them on the same playing field and it allows them the ability without having to go directly to court to receive what is justly theirs. So with that, Mr. President, the amendments as they have been adopted, the committee amendments, as well as the amendment that Senator Coordsen is going to offer by striking a section, are both amendments that I can agree with and would support. Thank you.

PRESIDENT: Thank you. Mr. Clerk, the first amendment.

CLERK: Mr. President, Senator Coordsen would move to amend and the amendment is on page 609 of the Journal.

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the body, what this amendment would do, if you have 238 in front of you, would strike Section 2 of the bill. With the adoption of the committee amendments, we have moved the new language to a different section of statute. This amendment that I'm offering would then, by striking all of Section 2, would leave in statute the stricken language that is in the...on page 4 of 238 which simply states, if the employee shall fail to recover judgment in excess of the amount that may have been tendered within 30 days or the regular payday by an employer, then such employee shall not recover the attorney's fees provided by this section and shall the employer's attorneys fees and cost of the action as assessed by the court. Without this amendment on the bill, since this is in the Uniform Wage Payment and Collection Act, this would remove the protection against frivolous lawsuits that is currently in state statute. So simply striking Section 2, since we've already provided for the changes in law, would cause the statutes to remain as they currently are. So with that, I would urge the adoption of the amendment.

PRESIDENT: Thank you. Senator Hall, did you wish to talk about the amendment?

SENATOR HALL: Again, just to state, Mr. President, that the amendment as offered by Senator Coordsen does strike a provision that Bureau of Wholesalers' representatives offered as a part of the model legislation. It does exactly as Senator Coordsen lays out. By striking this section, it does prevent folks from filing a frivolous lawsuit and I would concur with it and urge the body to adopt it.

PRESIDENT: Thank you. Senator Pirsch, did you wish to speak about the amendment? Okay. The question is...did you care to close on the amendment? The question is the adoption of the amendment by Senator Coordsen. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Coordsen amendment is adopted. That is the only amendment you had, Mr. Clerk, is it not?

CLERK: Yes, sir.

PRESIDENT: Okay. Senator Pirsch, did you wish to speak about the bill?

SENATOR PIRSCH: Thank you, Mr. President, yes, I did want to just stand and offer my support for this bill. Actually it is long overdue and something that I commend Senator Hall for bringing before us. Those people who are on commission, work for an employer that is far removed from the State of Nebraska, need this kind of legislation so they have some redress and some standing in the labor law and, with that, I would encourage you to advance LB 238.

PRESIDENT: Thank you. Senator Coordsen, on the advancement of the bill.

SENATOR COORDSEN: Thank you, Mr. President, members of the body, I stand only to echo Senator Pirsch's comments. We heard numerous examples in Business and Labor hearing of problems that had happened in this particular branch of sales. I think that Senator Hall has addressed a longstanding problem in a fair and equitable fashion that should be well received by all of the people involved, so I would urge the advancement of the bill.



PRESIDENT: Thank you. Senator Hall, would you like to close on the advancement of the bill?

SENATOR HALL: Thank you, Mr. President, I would just urge the body's advancement of the bill and I appreciate Senator Pirsch and Senator Coordsen's support of it. It is an important issue that has been before the Legislature for about three or four years now. Senator Conway was the first to bring it to the body, and I think that by changing the structure by which we do it through LB 238, we do have something that folks on both sides of the issue can deal with, so I would urge the advancement.

PRESIDENT: The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays on the advancement of LB 238, Mr. President.

PRESIDENT: LB 238 advances. We'll do LB 263 and then quit for the morning.

CLERK: Mr. President, 263 by Senator Moore. (Title read.) The bill was introduced on January 9, referred to the Government Committee, advanced to General File. I do have an amendment pending to the bill by Senator Moore, Mr. President. (Moore amendment appears on page 652 of the Legislative Journal.)

PRESIDENT: Okay. Senator Moore, do you wish to take the amendment and the bill?

SENATOR MOORE: Yes, I will kind of explain both of them briefly. LB 263 is a bill brought to me by the Professional Surveyors Association of Nebraska. The reason this bill was brought to me is the fact that in our present statute, if you look at the bill itself, you look at the old language, they use the term surveying to define surveying, and so it is a circular definition. I mean, it is one of those things where you describe the Unicameral as the Unicameral or you say Jerry Conway, well, boy, he's like Jerry Conway. If you don't know anything about what you're talking about, that definition is not going to do you any good. But that is what this bill is all about. It is a further definition, you can read that, what it says. It is a definition agreed upon by the surveyors of the

state. The amendment simply adds some more technical language to it and also allows someone an exemption, if you turn on to the back on page 4, line 13, inserts the word "any engineer or person working under the direct supervision of an engineer", for that exemption so it broadens it a little bit more. I would simply ask the adoption of the amendment.

PRESIDENT: Senator Lynch, did you wish to speak about the amendment? Senator Baack suggests you might use a better example, Senator Moore. (laughter) The question is the adoption of the Moore amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Moore amendment is adopted. Now, Senator Moore, on the advancement of the bill.

SENATOR MOORE: With that being my first amendment I've got adopted this year, I would like to continue that trend and move the bill.

PRESIDENT: Any further discussion? The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 263.

PRESIDENT: The bill is advanced. Mr. Clerk, anything for the record?

CLERK: Mr. President, I do. Your Committee on Agriculture whose Chair is Senator Rod Johnson instructs me to report LB 548 to General File and LB 582 to General File, those reports signed by Senator Johnson. (See page 652 of the Legislative Journal.)

Mr. President, new A bill LB 214A by Senator Landis. (Read by title for the first time. See pages 652-53 of the Legislative Journal.)

Mr. President, a series of adds. Senator Conway would like to add his name to LB 238; Senator Ashford to LB 140; Senator Chizek to LB 89. (See page 653 of the Legislative Journal.)

February 9, 1989

LB 74, 155, 238, 263, 338, 378, 391  
398, 499  
LR 29

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us today, as chaplain of the day, Reverend Jim McGaffin, who is with the Victory Outreach in Omaha, Nebraska. He is in Senator Lynch's district. Reverend McGaffin. Would you please rise for the invocation.

REVEREND MCGAFFIN: (Prayer offered.)

PRESIDENT: Senator Lynch, for what purpose do you rise?

SENATOR LYNCH: Request personal privilege, just for a private comment, if I could. I wanted to mention that Reverend McGaffin is the son of Jim McGaffin, who was WOW News Director for a long time, TV, in Omaha. And many of you knew Jim, and I thought I should mention that. So you might remember and recognize more of his mother than his father in Reverend McGaffin. We're sure pleased to have you here today, Reverend.

PRESIDENT: Okay, thank you. Roll call, please.

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

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

CLERK: 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 reviewed LB 338 and recommend that same be placed on Select File with E & R amendments attached; LB 378, Select File with E & R; LB 391, Select File with E & R; LB 74, Select File; LB 398, Select File; LB 499, Select File with E & R amendments; LB 238, Select File with E & R; and LB 263, Select File. All signed by Senator Lindsay as Chair. (See pages 654-56 of the Legislative Journal.)

Mr. President, Senator Wehrbein would like to print amendments to LB 155 in the Journal. New resolution, LR 29, offered by Senator Langford. (Read brief summary of resolution. See pages 656-55 of the Journal.) That will be laid over,

February 13, 1989      LB 238, 263, 499

SENATOR LINDSAY:      Mr. President, I move that the E & R amendments to LB 499 be adopted.

SPEAKER BARRETT: Shall the amendments be adopted? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: I have nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 499, as amended, be advanced.

SPEAKER BARRETT: Shall the bill, as amended, be advanced? All in favor say aye. Opposed no. Ayes have it, the bill is advanced. LB 238.

CLERK: LB 238, Senator, does have E & R amendments.

SPEAKER BARRETT: On the amendments.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 238 be adopted.

SPEAKER BARRETT: Shall the E & R amendments be adopted? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 238, as amended, be advanced.

SPEAKER BARRETT: Shall the bill, as amended, be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. The last bill, LB 263.

CLERK: LB 263, Senator, no amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 263 be advanced.

February 15, 1989      LB 39, 48, 187A. 238, 344, 556, 763  
LR 31

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

CLERK:      25 ayes, 0 nays, Mr. President, on the advancement of LB 187A.

PRESIDENT:      LB 187A advances. May I please introduce the doctor of the day. We have Dr. Richard Hanisch of St. Paul, Nebraska. I believe this is in Senator Rogers district. Dr. Hanisch, would you stand up so we may see you, please. He must be out taking care of somebody. Thank you. Mr. Clerk, something for the record, please.

CLERK:      Mr. President, your Committee on Agriculture, whose Chair is Senator Rod Johnson, reports LB 39 to General File with committee amendments attached. (See page 750 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 238 correctly engrossed, and LB 344 correctly engrossed.

A new resolution, LR 31 by Senator Schimek and other members. (Read brief explanation. See pages 751-52 of the Legislative Journal.) That will be laid over.

An Attorney General Opinion to Senator Wesely regarding LB 48, and an Opinion to Senator Morrissey with respect to the Low-level Radioactive Waste Compact Commission, LB 763. That is all that I have, Mr. President.

PRESIDENT:      Thank you. We will move on to LB 556.

CLERK:      Mr. President, LB 556 was a bill that was introduced by Senator Abboud. (Read title.) It was introduced on January 18, referred to the Judiciary Committee, advanced to General File. I do have Judiciary Committee amendments pending, Mr. President. (See page 562 of the Legislative Journal.)

PRESIDENT:      Senator Chizek, please.

SENATOR CHIZEK:      Well, Mr. President and colleagues, the committee amendment is on page 562 of the Journal. The committee amended it to ensure that the language that governs

February 24, 1989      LB 208, 238, 263, 267, 273

Journal.)      39 ayes,      7 nays,      3 excused and not voting,  
Mr. President.

PRESIDENT: LB 208 passes. LB 238.

CLERK: (Read LB 238 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 238 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 866 of the Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 238 passes. LB 263.

CLERK: (Read LB 263 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 263 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 866-67 of the Legislative Journal.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 263 passes. LB 267.

CLERK: (Read LB 267 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 267 pass? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 867-68 of the Legislative Journal.) 43 ayes, 4 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 267 passes. LB 273.

CLERK: (Read LB 273 on Final Reading.)

February 24, 1989

LB 74, 116, 208, 238, 263, 267, 273  
344, 781

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 273 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 868 of the Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 273 passes. LB 344 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 344 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 44 (sic) pass with the emergency clause attached...excuse me, 344 with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 869-70 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 344 passes with the emergency clause attached. This ends the Final Reading. Do you have anything for the record at this time? If not, we'll move on to special order, LB 781.

CLERK: Mr. President, LB 781...

PRESIDENT: Mr. Clerk, before you start, may I just say that while the Legislature is in order...in session and capable of transacting business, I propose to sign and do sign LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273 and LB 344 with the emergency clause attached. Now on to LB 781.

CLERK: Mr. President, 781 was a bill that was introduced by the General Affairs Committee and signed by its members. (Read title.) The bill was introduced on January 19 of this year, Mr. President. At that time, it was referred to the General Affairs Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the General Affairs Committee.

February 24, 1989

LB 74, 116, 208, 238, 263, 265, 267  
273, 344, 360A, 765

SPEAKER BARRETT: LB 360A is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, Senator Smith would move to withdraw LB 765. That will be laid over. I have a notice of hearing from the Rules Committee, signed by Senator Lynch as Chair. Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. That's all that I have. (See page 875 of the Legislative Journal, re: LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273, and LB 344.)

SPEAKER BARRETT: As a matter of general information, we will not be discussing 520 or 520A this morning. We will not be discussing LB 340, LB 147, or 147A. We are then at this point to LB 265. Mr. Clerk.

CLERK: Mr. President, 265, offered by Senator Chizek. (Read title.) The bill was introduced on January 9, referred to the Judiciary Committee. The bill was advanced to General File. I do have an amendment to the bill by Senator Chizek, Mr. President. That amendment is on page 739 of the Journal.

SPEAKER BARRETT: Senator Chizek, on your amendment.

SENATOR CHIZEK: Mr. President, colleagues, the amendment is on page 739. The amendment removes paternity matters from the expedited process required by federal law. The changes in the federal requirements permit the state to remove paternity matters from this expedited process. The judges and the Department of Social Services have excluded paternity because these actions don't lend themselves to the expedited process. Appointment of counsel, jury trial, discovery, blood tests, et cetera make paternity matters a poor candidate for the expedited process. LB 265 would, however, allow referees to handle paternity matters under direction of the district court. I would urge the adoption of the amendment.

SPEAKER BARRETT: Any discussion on the amendment to 265? If not, those in favor of the adoption of that amendment please vote aye, opposed nay. Voting on the amendment to LB 265. Please vote, if you'd care to vote. On the amendment to 265, please vote, if you'd care to vote. Record, please.

CLERK: 25 ayes, 0 nays on adoption of Senator Chizek's amendment to the bill, Mr. President.



March 3, 1989

LB 74, 91, 116, 208, 238, 263, 267  
273, 344, 471, 628  
LR 38-41

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Recorder not activated) ...hearty souls who are with us this morning as we convene this last day of the working week. Our opening prayer this morning by Chaplain Clarence Zwetzig of Bryan Memorial Hospital, here in Lincoln. Chaplain Zwetzig.

CHAPLAIN ZWETZIG: (Prayer offered.)

SPEAKER BARRETT: Thank you, Chaplain Zwetzig. We hope you can come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports, or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273, LB 344. See page 960 of the Legislative Journal.)

Mr. President, resolutions LR 38 and LR 39 adopted yesterday are ready for your signature.

Mr. President, your Committee on Government, Military and Veterans Affairs, whose Chair is Senator Baack, to whom was referred LB 471 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 628 General File with amendments, LB 91 indefinitely postponed, those signed by Senator Baack as Chair. (See pages 960-61 of the Legislative Journal.)

Mr. President, I have two study resolutions, both introduced by Senator Rod Johnson. (Read brief explanation of LR 40.) That will be referred to Reference. (Read brief explanation of LR 41.) That, too, will be referred to the Exec Board. (See pages 961-62 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. While the Legislature is in