

January 11, 1989

LB 341-372

LR 3, 5

able to assist other agencies, other investigating committees, other individuals who are involved. I have pledged my cooperation to some of them with whom I have visited. I know that Senator Chambers feels the same way. I know that other members of the committee feel the same way. I hope that we are all pursuing the same goals, same objectives and that we can work together. I want to say again that this committee will act with propriety, honesty and integrity. We intend to obtain the best counsel we possibly can and we intend to protect the rights of the innocent and to pursue those who might have been less than innocent. Mr. President and members, I ask for a positive vote on the resolution.

PRESIDENT: That was the closing. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of LR 5.

PRESIDENT: The resolution is adopted. You have some new bills, Mr. Clerk.

CLERK: Mr. President, I do. New bills. Mr. President, Senator Labedz would like to have a meeting of the Reference Committee now in the Senate Lounge. Referencing Committee in the Senate Lounge, Mr. President, right now. Senate Lounge for Referencing Committee. New bills. (Read by title for the first time LBs 341-355 as found on pages 183-87 of the Legislative Journal.)

PRESIDENT: We will be at ease for a few minutes for referencing and receiving a few more bills.

EASE

PRESIDENT: (Microphone not activated) and capable of transacting business. I propose to sign and do sign LR 3. Would you like to continue, Mr. Clerk, please.

CLERK: Yes, Mr. President, thank you. New bills. (Read by title for the first time LBs 356-372 as found on pages 187-91 of the Legislative Journal.)

Mr. President, I have a new resolution offered by Senator Hall.

February 21, 1989 LB 48, 73, 87, 220, 234, 336, 351
372, 399-401, 558, 592, 684, 704, 714
762

to LB 336 by Senator Withem. Senator Hall has amendments to LB 704 to be printed, Mr. President. (See pages 798-99 of the Legislative Journal.)

Education Committee gives notice of change of location for a hearing on February 28. That is offered by Senator Withem.

Judiciary Committee whose Chair is Senator Chizek reports LB 87 to General File, LB 220 to General File, LB 234 General File, LB 372 General File, LB 399 General File, LB 401 General File, LB 558 General File, LB 592 General File, LB 73 indefinitely postponed, LB 351 indefinitely postponed, LB 400 indefinitely postponed, LB 684 indefinitely postponed, those all signed by Senator Chizek as Chair. (See pages 799-800 of the Legislative Journal.)

Revenue Committee whose Chair is Senator Hall reports LB 714 to General File with amendments and LB 762 to General File with amendments, both those signed by Senator Hall as Chair of the committee. (See pages 800-03 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. Now we'll move on to LB 48, please.

CLERK: Mr. President, the Legislature last considered LB 48 on February 13. At that time Senator Landis made a motion to indefinitely postpone the bill. That motion is pending.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. President, members of the body, over the weekend I've had a chance to think about it and I've come to the conclusion that it must have been a moment of delusion on my part. I don't know why I offered that motion. I certainly want to withdraw it now.

PRESIDENT: It is withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is offered by Senator Bernard-Stevens. The amendment is on page 740 of the Journal.

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. President and members

you have an electronic surveillance it is...it keeps the person at home and you don't have to provide them with food or clothing or shelter. So it really is a cost benefit, as well as still maintains that essence of public safety that is needed. I want to tell you and assure you that these are not violent offenders that are used or that are given this opportunity.

SENATOR LANDIS: That's your closing, Senator Pirsch. We'll move to a vote on the advancement of LB 220. Those in favor vote aye, those opposed vote no. Clerk will record.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to advance LB 220.

SENATOR LANDIS: The motion carries, the bill is advanced. We'll move to LB 234. The introducer is Senator Wehrbein.

CLERK: Mr. President, 234 was a bill introduced by Senator Wehrbein. (Read title.)

SENATOR WEHRBEIN: Mr. President, members, I didn't get to you in time. I guess I better roll on over this, Mr. Speaker. I understand there are some amendments that have been filed and I guess we'll wait until another day. Thank you.

SENATOR LANDIS: You'd like us to pass over the bill for today, Senator Wehrbein.

SENATOR WEHRBEIN: Yes, yes.

SENATOR LANDIS: Thank you very much. In that case we'll move to LB 372. Senator Chizek, the principal introducer.

CLERK: Mr. President, 372, offered by Senators Chizek and Pirsch. (Read title.) The bill was introduced on January 11, referred to Judiciary, advanced to General File. I have no amendments to the bill.

SENATOR LANDIS: Thank you, Mr. Clerk. Senator Chizek, to open on LB 372.

SENATOR CHIZEK: LB 372, colleagues, is a product of about two years of work by the staff into the adequacy of the current criminal sanctions against the fraudulent use of credit and debit cards. As you know, a credit card, like Visa, allows you

in effect to borrow money from the credit card issuer to make your purchase. Debit cards, on the other hand, like Instant Cash or Network, allow you to draw from your bank account balance. Currently debit cards are not covered by the statutes, and that in part is why we decided to bring this bill. It pertains to both the fraudulent use of credit and debit. Additionally, in some instances it would allow prosecutors to aggregate the amounts fraudulently accumulated and charge several acts as one scheme to defraud. According to testimony before the committee, persons skilled at the use...fraudulent use simply use the card purchasing amounts just under the felony limit of 300. By doing that, even though thousands of dollars may be stolen, the prosecutors can file only misdemeanors. By allowing prosecutors to aggregate the amounts, the problem would be remedied. Likewise, testimony before the committee indicated those who were professionals at this kind of activity often have more than one card. Since the bill is primarily designed to get and put out of business the professional thieves, we have included stiffer sentences for possessing more than one fraudulent card. It provides criminal penalties for fraudulent application of the cards, telemarketing fraud, counterfeiting credit cards, lastly it provides penalties for what is called factoring schemes, which are schemes by which unsuspecting merchants are conned into running fraudulent transactions through their banks. As we grow here in Nebraska in the coming years, growth will bring with it new jobs and new retailers and a more intense distribution of credit or debit cards. I think we need to have a law on the books which not only offers economic incentives to those businesses to move here, but what we must do is protect them once they're here. This offers safeguards for Nebraskans now and in the future who choose this viable and widely accepted means of transacting business. I would urge your support in advancing LB 372.

SENATOR LANDIS: Thank you, Senator Chizek. There is one light on. Senator Haberman, recognized on LB 372.

SENATOR HABERMAN: Senator Chizek, would you answer a question, please?

SENATOR LANDIS: Senator Chizek, would you yield to a question?

SENATOR CHIZEK: Yes.

SENATOR HABERMAN: Senator Chizek, the bill states on the sheet

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LB 372, 399

states that the offender is to pay for it, if they can. Is that correct?

SENATOR CHIZEK: What...you're on the....Which bill are you on?

SENATOR HABERMAN: Oh, I'm on the wrong bill. Well, I think I can talk for five or ten minutes anyway on your bill. (Laughter.) Is that all right?

SENATOR CHIZEK: If you can talk with your vocal cords cut. (Laughter.)

SENATOR LANDIS: Thank you, Senator Haberman. We'll now move to the closing by Senator Chizek. Senator Chizek to close. He waives closing. The question is the advancement of LB 372. Those in favor vote aye, those opposed vote no. We've spent half a minute now voting on this measure. Clerk will record.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 372.

SENATOR LANDIS: The motion passes. The Chair wishes to give notice to the body that earlier today we passed over LB 608, Senator Kristensen's bill, because he was not present. He's back and so, at his request, I have factored in LB 608 to follow LB 401, about two bills down. Let's move to the next bill, LB 399. Senator Pirsch. Mr. Clerk.

CLERK: LB 399, Mr. President, was introduced by Senator Pirsch. (Read title.) The bill was introduced on January 12, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR LANDIS: Senator Pirsch, to open. Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Chairman. LB 399 provides that the court, as a condition of its sentence, may require the offender to be monitored by an electronic surveillance device or system and to pay the cost of such, if the offender has the financial ability to pay. Again, it will not require the offender, if they do not have the economic means. Each bracelet that is a part of some of the electronic surveillance systems costs \$1,400. The computer mainframe and software initially costs \$14,000, but everything is in place in Sarpy County, so no more computer costs will be incurred. Sarpy County furnishes

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LB 44, 44A, 47, 66, 75, 78, 87
220, 240, 262, 348, 372, 399, 401
431, 438, 438A, 546, 548, 569, 569A
582, 582A, 592, 606, 608, 628, 637
681, 706, 777, 790

the time Senator Abboud can have to finish his closing.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Engrossing. All in favor vote aye...thank you. Roll call vote has been requested in reverse order. So be it. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1431-32 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement 592.

SPEAKER BARRETT: LB 592 advances. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 262 and recommend that same be placed on Select File; LB 569, LB 569A, LB 606, LB 628, LB 681, LB 78, LB 438, LB 438A, LB 706, LB 47, LB 75, LB 548, LB 582, LB 582A, LB 240, LB 790, LB 777, LB 44, LB 44A, LB 637, LB 66, LB 546, LB 87, LB 220, LB 372, LB 399, LB 401 and LB 608, some of which have E & R amendments attached, Mr. President. (See pages 1432-44 of the Legislative Journal.)

Mr. President, your Committee on Health whose Chair is Senator Wesely reports LB 348 to General file with committee amendments attached. That's signed by Senator Wesely as Chair. (See page 1444 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. As announced before recess, we will move back to LB 431 and LB 431A. LB 431, Mr. Clerk.

CLERK: Mr. President, the first item I have on 431 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 431 be adopted.

SPEAKER BARRETT: The question is the adoption of the E & R amendments to LB 431. Those in favor say aye. Opposed no. Carried. They are adopted.

April 7, 1989

LB 66, 372, 401, 546

SENATOR LINDSAY: Mr. President, I move that LB 66, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 546.

CLERK: LB 546, Senator, I have E & R amendments, first of all.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 546.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 546, as amended, be advanced to E & R for Engrossment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 372.

CLERK: LB 372, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 372.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move the advancement of the bill, as amended.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 401.

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LB 44, 44A, 47, 66, 285, 285A, 361
361A, 372, 401, 429, 506, 546, 548
582, 582A, 608, 637, 739, 777, 790

your light is on.

SENATOR MORRISSEY: Yes, Mr. Speaker, I would move that we adjourn until 9:00 a.m., Wednesday, April 12.

SPEAKER BARRETT: Thank you. Before we take a vote, Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I have amendments to be printed to LB 739 by Senator Wesely and to LB 429. Enrollment and Review reports LB 44, LB 44A, LB 47, LB 66, LB 285, LB 285A, LB 361, LB 361A, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, and LB 790 as correctly engrossed. (See pages 1648-52 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is adjournment until tomorrow morning at nine o'clock. Those in favor say aye, opposed no. Carried. We are adjourned. (Gavel.)

Proofed by:

Sandy Ryan
Sandy Ryan

April 17, 1989

LB 372, 401, 506

LB 372, please.

ASSISTANT CLERK: (Read LB 372 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 372 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 1714-15 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 372 passes. If I could direct your attention to the north balcony, please, for just a moment. We have a special group of people there. We have about 42 students from all over the world and they are visiting all over Nebraska. They are from, all from different, visiting in different towns and cities and this foreign high school exchange organization was organized by the Nebraska Education Foundation for Foreign Students, a nonprofit group that matched 46 students with Nebraska host families this year. The organization also sends Nebraska students abroad. So would you folks please rise and be recognized for your attendance here. Thank you. We welcome you here and we hope you enjoy the rest of your visit which extends over several months in the United States. Thank you for visiting us today. Mr. Clerk, LB 401.

ASSISTANT CLERK: (Read LB 401 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 401 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 1715 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 401 passes. LB 506 with the emergency clause attached, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first item I have on the bill is a motion by Senators Haberman and Korshoj to return the bill for an amendment found on 1679. I understand this

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LB 47, 66, 372, 395, 401, 506
LR 2

kind of interesting, someone mentioned the Syracuse Tax Study once or twice. No one talks about it anymore, no one talks about it. I opposed the tax study because I said we would not follow it. We have not even looked at the bloomin' thing, and so here today we write new tax policy. We are setting up a whole new system which will come back to haunt us for many years. Ladies and gentlemen, I have the advantage over many of you. I am not going to have to be around here when the chickens come home to roost if you do not adopt this amendment, but the younger members of this body will be here and you will have to answer for the failure if you do not adopt this amendment. I suggest you adopt the amendment.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 506, LB 401, LB 372, LB 66, LB 47, and LB 395. Discussion on the Schmit motion to return the bill, Senator Hall, followed by Senator Rod Johnson.

SENATOR HALL: Thank you, Mr. President and members. I rise in indifference to Senator Schmit's amendment because, as you know, I have not supported LR 2CA and I won't support it should we read it yet today into Final Reading, but those are for other reasons than the amendment that Senator Schmit has before us at this time. The amendment would, basically, become a mini-uniformity clause, if you will, with regards to the valuing of agricultural land. It I don't think is an attempt, the first amendment that we are dealing with by Senator Schmit, in any way to harm LR 2CA, and I think it does exactly what he says, and that is spells out the issue of how the classes of agricultural will be treated. I think it is much more though than just clarifying language. Senator Schmit, would you yield to a question?

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Yes, Mr. President.

SENATOR HALL: Loran, the issue would still be one that the courts would and probably will address sometime in the future and my question is, will, even with your amendment that you have before us right now, will...the sales assessment ratio is still going to be a key factor in that determination with regard to the valuation and the, I guess the, oh, the value that is placed on the land that comparisons are made by the court, would it

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LB 47, 66, 372, 395, 397, 401, 506
683
LR 2

want to create a situation where we have to come back in and discuss this a third and fourth and fifth time. I am exhausted with the issue. I am trying to do what I think is right, trying to work with the farm groups as best I can to give them what they think is best for agriculture, and if that is wrong, then I will be corrected by this body I am sure many times in the future. So I'd ask the bill be readvanced, Mr. President.

SPEAKER BARRETT: Thank you, sir. We have had a request for a machine vote. The question is the advancement of LR 2 to E & R Engrossing. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 36 ayes, 2 nays, Mr. President, on the motion to readvance LR 2.

SPEAKER BARRETT: LR 2 is readvanced. For the record, Mr. Clerk.

CLERK: Mr. President, bills read on Final Reading this morning have been presented to the Governor. (Re: LB 395, LB 47, LB 66, LB 372, LB 401, LB 506.)

Senator Schmit has amendments to be printed to LB 683 and LB 397. (See pages 1720-21 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Two reminders, the blood pressure checks and the cholesterol checks are still proceeding in Room 2102 and will be held up until one o'clock today. So those of you that would like to take advantage of it, please do so between now and one o'clock. Also be reminded that we will start with 761 at one-thirty following our recess. Senator Wehrbein, would you care to recess us, please?

SENATOR WEHRBEIN: Yes, Mr. Speaker, I'd move that we adjourn...or adjourn recess until one-thirty.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Those in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

April 20, 1989

LB 47, 66, 99, 135, 206, 247, 247A
324, 372, 381, 392, 395, 401, 482
506, 546, 548, 582, 582A, 608, 611
637, 777, 790
LR 81, 82

advancement of LB 247.

SPEAKER BARRETT: LB 247 is advanced. Anything for the record? The call is raised. Senator Withem, would you like to handle the A bill at this point? (LB 247A)

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

SENATOR WITHEM: Move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the advancement of the A bill say aye. Opposed no. Carried. For the record.

CLERK: Mr. President, thank you. Communication from the Governor to the Clerk. (Read communications regarding LB 135, LB 206, LB 324, LB 381, LB 392, LB 482, LB 395, LB 47, LB 66, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790, and LB 99 as found on pages 1809-10 of the Legislative Journal.)

Study resolution, Mr. President, by Senator Goodrich and some other members regarding a review of state institutions where there is a permanent residence population. That will be referred to Reference Committee. (LR 81.) LR 82 is a resolution by Senators Pirsch and Lindsay asking the Legislature to applaud the efforts of 120 students in the...for their academic achievement. That will be laid over. (See pages 1810-12 of the Journal.)

Mr. President, Government Committee gives notice of confirmation hearing for May 4. That is offered by Senator Baack as Chair. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to the next bill on Select File, LB 611.

CLERK: Mr. President, the first item on LB 611 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 611 be adopted.