

January 12, 1989

LB 54, 111, 209, 268, 271, 325, 335  
389-408

raised, please stay in your seats.

CLERK: 20 ayes, 21 nays, Mr. President, on the motion to rerefer.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk, continue with the introduction of bills.

CLERK: Mr. President, I might announce that the Reference Committee, the Reference Committee will meet in the Senate Lounge for referring of bills now; Reference Committee in the Senate Lounge now.

Mr. President, new bills. (Read LBs 389-406 for the first time by title. See pages 206-209 of the Legislative Journal.)

SPEAKER BARRETT: The body will stand at ease while the Referencing Committee handles some more bills.

EASE

CLERK: Mr. President, new bills. (Read LBs 407-408 for the first time by title. See page 210 of the Legislative Journal.)

Mr. President, in addition to those items, I have a notice of hearing from the Government Committee, that is offered by Senator Baack as Chair. Mr. President, I have received a reference report referring LBs 324 through 373.

Mr. President, in addition to those items, announcement that the Appropriations Committee....

Mr. President. some unanimous consent requests, Senator Schellpeper would like to add his name to LB 209; Senator Rod Johnson and Senator Morrissey would like to add their names to LB 325; Senator Dennis Byars to LB 111; Senator Haberman to LB 268, and Senator Haberman to LB 271 as well, and Senator Haberman to LB 335.

SPEAKER BARRETT: If there are no objections, so be it.

CLERK: Mr. President, I have a motion filed with respect to the investigating committee formed to review the Franklin Credit Union situation. That motion will be laid over, Mr. President. It involves the suspension of the rules. Those will be laid

January 31, 1989

LB 74, 106, 200, 201, 398, 499

SENATOR WESELY: For below and...okay. This says it's a Class III if it's below 100.

SENATOR CHIZEK: Class III, yes.

SENATOR WESELY: What is that? Do you know? Do you recall? I would just be curious.

SENATOR CHIZEK: It's...the maximum would be three months, 500.

SENATOR WESELY: Okay. Thank you. Appreciate that.

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

SENATOR CHIZEK: Well, I probably would waive. Simply I would say if you're going to send...people are going to do to me what they did to Senator Chambers, send me Sports Illustrated and some of them, with that, I would urge advancement of the bill.

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, Mr. President, on the advancement of LB 200.

PRESIDENT: LB 200 is advanced. LB 201. Would you like to put something in, Mr. Clerk, please.

CLERK: Mr. President, I would, thank you. Your Committee on Education, whose Chair is Senator Withem, reports LB 74 to General File, LB 398, General File, LB 499, General File.

Mr. President, with respect to LB 201, that's a bill offered by Senator Chizek. I have a unanimous consent request to pass that bill over at this time.

PRESIDENT: Any objection? If not, so ordered. We'll pass over LB 201. Move on to LB 106.

CLERK: Mr. President, LB 106 is a bill offered by Senator Moore. (Read title.) The bill was introduced on January 5, referred to Urban Affairs, advanced to General File. I have no

within the legislative district I represent, where the Lincoln City Council created a split lot by annexing a strip of 10 feet along a road, which then resulted in a lot, not because of subdividing, but because of the annexation laws affecting Lincoln where the Lincoln School District is at least concurrent with the city's boundaries, and that is a policy decision I support, but by doing what they did, they created a split lot, and under the provisions of the law that had previously been enacted, it was conceivable then that that lot could go to a different school district because it had been split. That particular action by the Lincoln City Council was vetoed by the mayor and, subsequently, was not overridden so it is a past issue. What the bill does is clarifies existing law that if there is a house on a lot that then the property would go to the school district where the house sets, whereas, if it is a vacant lot, the lot would then go to the school district where the majority of the lot lay. I think this is...I would move that the bill be advanced. This is a relative straightforward and it still addresses and solves the issue that the law was originally enacted for without permitting the use for it to artificially create split lots which was not the intent of the original legislation. So I would move the bill be advanced.

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

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 74.

PRESIDENT: The bill is advanced. Move on to LB 398.

CLERK: Mr. President, LB 398 was introduced by Senator Scofield. (Read title.) The bill was introduced on January 12, referred to Education, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Thank you. Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President. This might win the award as being the simplest bill to understand that we will have the whole session. In fact, it could have been an amendment last year if there had been the proper vehicle to amend it. This issue was brought to me by the Financial Affairs Manager at Chadron who pointed out that current statute requires whenever

an employee of a state college travels that it has to be approved by the president, and sometimes that is rather difficult to do when the president is out of town. So all this does is simply change the language to say that the designee of a president could perform that approval duty. So with that, that is really all the bill does. It is a very simple bill and it will relieve the administrative burden presently placed on a president of a state college. I ask you to advance the bill.

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

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 398.

PRESIDENT: LB 398 is advanced to E & R Initial. LB 499.

CLERK: LB 499, Mr. President, offered by Senator Robak. (Read title.) The bill was introduced on January 18, referred to the Education Committee, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Excuse me, Senator Robak.

SENATOR ROBAK: Mr. President and members of the body, this is another just simply clarification law bill. LB 499 clarifies the current law allowing Class VI school districts to undertake building projects using Construction Sinking Funds. There are three statutes that have caused confusion in the minds of bond attorneys regarding the use of these sinking funds after a vote of the school board. Section 79-548.01 authorizes a Class III, IV, V and VI school boards to levy 14 cents per \$100 to spend on small building projects. This fund is commonly known as the Construction Sinking Fund. Another statute, Section 79-1103 states that Class VI schools are governed by the same authority statutory rules as Class I and II schools. Class I and II school districts must have a vote of the district electors before any building project can be undertaken according to Section 79-506. Attorneys recently issued an opinion raising the concern that a Supreme Court Decision, Banks vs. Board of Education of Chase County may require Class VI school districts to submit proposals to the sinking funds to the voters because of Section 79-1103 and 79-506. The attorneys believe board approval alone is sufficient to use the sinking funds but they

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 74, 391, 398, 499

CLERK: Nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 391, as amended, be advanced.

SPEAKER BARRETT: Shall LB 391 be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced. LB 74.

CLERK: LB 74, Senator, does have E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 74 be adopted.

SPEAKER BARRETT: Shall the E & R 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 74, as amended, be advanced.

SPEAKER BARRETT: Shall LB 74, as amended, be advanced? Those in favor say aye. Opposed no. Carried, the bill is advanced. LB 398.

CLERK: LB 398, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 398 be advanced.

SPEAKER BARRETT: Shall LB 398 be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 499.

CLERK: LB 499, Senator, has E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

February 15, 1989      LB 57, 58, 70, 74, 94, 97, 115  
116, 126, 133, 142, 156, 175A, 177A  
208, 229, 230, 233, 251, 255, 256  
261A, 263, 267, 273, 281, 284A, 295  
338, 378, 391, 398, 416, 443, 458  
459, 499, 502

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT:      Welcome to the George W. Norris Legislative Chamber. Please rise for the opening prayer. Our Chaplain for the day is Father Daniel Sieker, of Blessed Sacrament in Lincoln. Father Sieker.

FATHER SIEKER:      (Prayer offered.)

SPEAKER BARRETT:      Thank you, Father Sieker. Please come back again. Roll call.

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

SPEAKER BARRETT:      Thank you. Corrections to the Journal.

CLERK:      I have no corrections, Mr. President.

SPEAKER BARRETT:      Any reports, messages, or announcements?

CLERK:      Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 502 and recommend that same be placed on Select File, LB 281 Select File, LB 416 Select File, LB 443 Select File, those signed by Senator Lindsay as Chair. Mr. President, your Committee on Enrollment and Review reports LB 74 as correctly engrossed; LB 116, LB 175A, LB 177A, LB 208, LB 261A, LB 263, LB 267, LB 273, LB 284A, LB 338, LB 378, LB 391, LB 398, LB 458, LB 459, and LB 499, all reported correctly engrossed, all signed by Senator Lindsay. (See pages 746-47 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, LB 256. See page 748 of the Legislative Journal.)

March 2, 1989

LB 391, 398, 810, 811

new bills.

PRESIDENT: The bill is introduced.

CLERK: Mr. President, new bills. LB 810, offered by the Business and Labor Committee. New bill, LB 811, offered by Business and Labor and signed by its members. (Read bills by title for the first time. See pages 939 of the Legislative Journal.)

PRESIDENT: Thank you. Before we go to Final Reading, may I introduce some guests in the east balcony, the rear of the Chamber, guests of Senator Baack. We have 10 students from the Western Nebraska Community College at Sidney, Nebraska and their instructor. Would you ladies and gentlemen please stand and be recognized. Thank you. We appreciate your coming the long distance of about, what, 400 miles to visit us. You hit us at a good time, which is called Final Reading. For the next 45 minutes or so you'll be listening to the Clerk read bills on Final Reading which is necessary. The members of the Legislature will be in their seats at the time of Final Reading, which is unusual, for the most part. But perhaps, if you stick around a little after this, it will be more exciting. Thank you for visiting us. Mr. Clerk, to Final Reading. Will you please go to your seats, please, so that we can begin Final Reading. Unauthorized personnel, please leave the floor. LB 391, Mr. Clerk.

CLERK: (Read LB 391 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 391 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 939-40 of the Legislative Journal.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 391 passes. LB 398.

CLERK: (Read LB 398 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 398 pass? All

March 2, 1989

LB 48, 398, 458, 459

those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 940-41 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 398 passes. LB 458.

CLERK: (Read LB 458 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 458 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 941 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 458 passes. LB 459.

CLERK: (Read LB 459 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 459 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 942 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 459 passes. I understand we're skipping LB 499. We'll jump to LB 48.

CLERK: Mr. President, I have a motion on the desk. Senator Schmit would move to return LB 48 to Select File for a specific amendment, that amendment being to strike the enacting clause.

PRESIDENT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I'm going to offer this motion and I will tell you now that I'm going to withdraw it when I finish making a couple of points and allow you to vote

March 2, 1989

LB 48, 49, 61, 176, 226, 298, 327  
349, 391, 398, 408, 416, 458, 459  
502

2 present and not voting, 4 excused and not voting,  
Mr. President.

PRESIDENT: LB 502 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416 and LB 502. May I introduce some guests, please, of Senator Hefner. Under the south balcony we have Mr. and Mrs. Darrell Henry of Coleridge, Nebraska. Would you folks please stand and be recognized. Thank you for visiting us today. Mr. Clerk, something for the record?

CLERK: Mr. President, your Committee on Education reports LB 226 to General File with amendments, signed by Senator Withem. Agriculture Committee reports LB 49 to General File with committee amendments, signed by Senator Johnson as Chair. That's all that I have, Mr. President. (See page 950 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File. LB 408.

CLERK: Mr. President, the first bill on Select File, LB 408. The first order of business are E & R amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Mr. President, I move we adopt the E & R amendments to LB 408.

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

CLERK: Mr. President, the first amendment I have to the bill is by Senator Barrett. Senator, I have AM306, it's on page 692 of the Journal.

PRESIDENT: Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President and members. Yes, this little amendment is on page 306 or rather 692 in the Journal. It affects only the exchange program, Mr. President. The original bill put a limitation on which would have prevented an exchange student from attending a high school within 150 miles of his own school. We heard from a superintendent in Columbus who said we may have some students who would like to go

March 2, 1989

LB 48, 61, 161, 176, 298, 327, 334  
349, 354, 354A, 391, 398, 416, 458  
459, 502, 542

adopted...or, excuse me, as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 354.

CLERK: LB 354, Senator, no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 354 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 354A.

CLERK: On 354A, Senator, I have no amendments to the bill.

PRESIDENT: You've heard the motion...Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 354A be  
advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. Mr. Speaker, did you wish to say  
something about the time of the meeting tomorrow morning before  
we adjourn?

SPEAKER BARRETT: Thank you, Mr. President, just a reminder that  
we will convene at eight o'clock tomorrow morning for the  
purpose of reading, I believe it is LB 92, the big bill. Thank  
you. Eight o'clock, tomorrow morning.

PRESIDENT: Okay, Mr. Clerk, do you have something for the  
record?

CLERK: Mr. President, I do. Senator Rod Johnson would move  
that LB 161 be placed on General File pursuant to Rule 3,  
Section 19, and that will be laid over.

Your Enrolling Clerk has presented to the Governor as of  
eleven-o-five this morning bills read on Final Reading this  
morning. (Re: LB 391, LB 398, LB 458, LB 459, LB 48, LB 61,  
LB 176, LB 298, LB 327, LB 349, LB 416, LB 502. See page 956 of  
the Legislative Journal.)

Banking Committee reports LB 542 to General File with amendments

March 7, 1989

LB 48, 61, 92, 92A, 147, 147A, 154  
176, 298, 327, 349, 360, 360A, 391  
398, 416, 441, 458, 459, 502

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain of the day Reverend Steve Janovec of the People's City Mission in Lincoln. Would you please rise for the convocation.

REVEREND JANOVEC: (Prayer offered.)

PRESIDENT: Thank you, Reverend Janovec. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any corrections to the Journal this morning?

CLERK: No corrections, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 147 and recommend that same be placed on Select File; LB 147A, Select File.

Mr. President, Enrollment and Review reports LB 154, LB 360, LB 360A and LB 441 as correctly engrossed, both those items signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 1003-04 of the Legislative Journal.)

Mr. President, communications from the Governor. (Read communications regarding signing of LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416, LB 502, LB 92 and LB 92A. See page 1004 of the Legislative Journal.)

Mr. President, an appointment letter from the Governor appointing Ms. Kathy Campbell to the Child Abuse Prevention Fund Board. That will be referred to Reference. (See page 1005 of the Legislative Journal.)

I have a report from the Job Training area for the Department of Labor, Mr. President. That will be on file in my office. (See page 1005 of the Legislative Journal.)