

January 19, 1989

LB 94, 247, 570, 576, 683-808

as yet, please contact Joanne immediately. If you don't have the bill that you are expecting, please contact the Bill Drafters Office immediately. Mr. Clerk.

CLERK: Mr. President, for the record, I have received a reference report referring LBs 496-599 including resolutions 8-12, all of which are constitutional amendments.

Mr. President, your Committee on Banking, Commerce and Insurance to whom we referred LB 94 instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with amendments attached. (See pages 320-21 of the Legislative Journal.)

Mr. President, I have hearing notices from the Judiciary Committee signed by Senator Chizek as Chair, and a second hearing notice from Judiciary as well as a third hearing notice from Judiciary, all signed by Senator Chizek.

Mr. President, new bills. (Read LBs 683-726 by title for the first time. See pages 321-30 of the Legislative Journal.)

Mr. President, a request to add names, Senator Korshoj to LB 570, Senator Smith to LB 576, Senator Baack to 570 and Senator Barrett to LB 247.

SPEAKER BARRETT: Stand at ease.

EASE

SPEAKER BARRETT: More bills, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. (Read LBs 727-776 by title for the first time. See pages 331-42 of the Legislative Journal.)

EASE

SPEAKER BARRETT: More bill introductions.

ASSISTANT CLERK: Thank you, Mr. President. (Read LBs 777-808 by title for the first time. See pages 343-50 of the Legislative Journal.)

CLERK: Mr. President, I have reports. Your Committee on

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

March 13, 1989

LB 95, 140, 257, 280, 289, 311, 330
336, 387, 395, 438, 444, 478, 561
588, 603, 606, 643, 683, 705, 710
721, 736, 739, 744, 761, 762, 767
769, 780, 807

indefinitely postponed; LB 478, indefinitely postponed; LB 561, indefinitely postponed; LB 387, indefinitely postponed, all those signed by Senator Chizek as Chair of the Judiciary Committee. (See pages 1081-82 of the Legislative Journal. Journal page 1082 shows LB 721 as indefinitely postponed.)

Mr. President, a series of priority bill designations. Senator Hall would like to designate LB 762 as a committee priority. Senator Hartnett designates LB 95 and LB 444 as Urban Affairs priority bills. Senator Hartnett chooses LB 603 as his personal priority bill. LB 739 has been selected by Senator Hannibal; LB 606 by Senator Schimek; LB 761 and LB 289 by the Natural Resources Committee, and LB 807 by Senator Schmit, personally. LB 769 by Senator Labedz; LB 705 by Senator Ashford; LB 438 by Senator Wehrbein; LB 710 by Senator Scofield; LB 643 by Senator Bernard-Stevens; LB 588 by Senator Chambers; LB 739 by Senator Hannibal; LB 330 by Senator Pirsch; LB 767 by Senator Smith; LB 736 and LB 780 by General Affairs Committee; LB 395 by Senator Peterson. Senator Lamb selected Transportation Committee's LB 280 as a priority bill. LB 311 has been selected by Senator Landis as his personal priority bill; LB 683 by Senator Schellpeper.

Mr. President, I have a series of amendments to be printed. LB 744 by Senator Withem; LB 336 and LB 257, those by Senator Withem. (See pages 1083-88 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Haberman regarding an issue raised by Senator Haberman. (See pages 1088-90 of the Legislative Journal.)

Mr. President, Natural Resources Committee will have an Executive Session at eleven-fifteen in the senate lounge, and the Banking Committee will have an Executive Session at eleven o'clock in the senate lounge. Banking at eleven o'clock, Natural Resources at eleven-fifteen. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, Mr. Clerk. Proceeding then to Select File, LB 140.

CLERK: Mr. President, 140 is on Select File. Mr. President, the bill has been considered on Select File. On March 2nd the Enrollment and Review amendments were adopted. There was an amendment to the bill by Senator Chizek that was adopted.

April 3, 1989

LB 89, 95, 247, 588, 762
LR 2, 69

SENATOR LANDIS: I will take just another 30 seconds to complete the answer to Senator Hannibal's question. We do not now have the staff at the state level to be able to do analysis on natural gas regulation. We would have to go out and hire that. The methodology that we have for cities to go out and control natural gas rates is for them to band together and get a consultant for a limited period of time to examine each rate increase by a utility. When they're not faced with that, the staff is not permanent. They've just hired a consultant. If the state is in this business, we'll likely either have to gear up and bring staff in or, in the alternative, we'll have to duplicate the very authority that the cities have which is to use a limited amount of service on an as needed basis by going out into the marketplace and hiring consultants. The former, I think, is far too expensive for its utilization pattern and the second is basically duplicative of existing mechanisms. That's why I think city regulation makes sense. I support LB 95 and urge you to do as well.

SPEAKER BARRETT: Thank you. Shall LB 95 be advanced to E & R Initial? All in favor vote aye, opposed nay. Voting on the advancement of the bill. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 95.

SPEAKER BARRETT: LB 95 is advanced. Anything for the record?

CLERK: Mr. President, new resolution, LR 69, offered by Senator Pirsch. (Read brief description of the resolution. See pages 1447-48 of the Legislative Journal.) That will be laid over.

Amendments to be printed from Senators Withem to LB 588; Senator Lynch to LB 89; Senator Moore to LB 89; Senator Withem to LB 247, and amendments to LR 2, Mr. President. (See pages 1448-56 of the Legislative Journal.) And that is all that I have.

SPEAKER BARRETT: Thank you. To LB 762.

CLERK: Mr. President, LB 762 was a bill introduced by the Revenue Committee. (Title read.) The bill was introduced on January 19 and referred to the Revenue Committee for public

hearing. The bill was advanced to General File. I have committee amendments pending by the Revenue Committee, Mr. President.

SPEAKER BARRETT: Committee vice-chair, Senator Hefner, on the committee amendments.

SENATOR HEFNER: Mr. President and members of the body, let me just explain the bill a little bit before I get into the committee amendments. The bill clarifies property tax refunds that have been levied by mistake illegally or unconstitutionally, and this makes the procedure uniform. Now the amendment includes that property that is assessed on centrally assessed property and this bill was brought to us by the Department of Revenue and it's a Revenue Committee priority bill. So, at this time, I would move for the adoption of the committee amendment.

SPEAKER BARRETT: Thank you. Discussion. Seeing none, the question is the adoption of the committee amendments to LB 762. Those in favor vote aye, opposed nay. Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER BARRETT: The amendments are adopted. To the bill, Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, like I said earlier, LB 762 would clarify provisions regarding refunds of property taxes that are improperly levied. Refunds can be made on taxes that are paid as a result of a clerical error or honest mistake or misunderstanding and on taxes that are illegal or unconstitutional. And so, at this time, I would move for the advancement of LB 762.

SPEAKER BARRETT: Thank you. Discussion on the advancement of the bill. Questions? Seeing none, the question is the advancement of LB 762 to E & R Initial. All in favor vote aye, opposed nay. Record, please.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 762.

SPEAKER BARRETT: LB 762 is advanced. LB 280.

April 7, 1989

LB 95, 162, 162A, 247, 280, 325, 444
762, 780

SPEAKER BARRETT: I, again, would recommend we recess after reading in some matters.

PRESIDENT: All right. Mr. Clerk, matters for the record.

CLERK: Mr. President, Attorney General's Opinion addressed to Senator Dierks, and one to Senator Schmit. Enrollment and Review reports LB 780 to Select File with E & R; LB 95, Select File with E & R; LB 762, Select File with E & R; LB 280, Select File with E & R; LB 444, Select File with E & R; LB 162, Select File; LB 162A, Select File. (See pages 1580-83 of the Legislative Journal.)

Mr. President, the last item is a request to have Senators Scofield, Peterson, Elmer and Schellpeper add their name to LB 325 as co-introducers. That's all that I have, Mr. President.

PRESIDENT: Thank you. Senator Korshoj, would you like to recess us until one-thirty, please.

SENATOR KORSHOJ: Mr. President, I move we recess until one-thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Thank you.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. At 1:37 p.m., 32 members present. Congratulations. Senator Korshoj, we will look to you for a blow-by-blow momentarily. Mr. Clerk, may we proceed to a continued discussion of LB 247. Will you bring us up to speed?

CLERK: Mr. President, the next amendment I have to LB 247 is by Senator Moore.

SPEAKER BARRETT: Is anyone authorized to handle the amendment? Senator Moore, please, would you report to the Chamber to

April 7, 1989

LB 247, 247A, 762

by Senator Baack; Senator Coordsen to LB 762; new A bill, LB 247A by Senator Withem. (Read by title for the first time. See pages 1585-87 of the Legislative Journal.) And that's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Additional discussion on the Warner amendment, Senator Withem.

SENATOR WITHEM: I call the question.

SPEAKER BARRETT: Senator Withem moves the previous question. Do I see five hands? I do. Those in favor of ceasing debate please vote aye, opposed nay. Shall debate now cease? Have you all voted? Record.

CLERK: 25 ayes, 9 nays, Mr. President, to cease debate.

SPEAKER BARRETT: Debate ceases. Senator Warner, would you care to close on your amendment?

SENATOR WARNER: Yes. Mr. President, I'd like to yield a minute to Senator Schimek, please.

SPEAKER BARRETT: Senator Schimek.

SENATOR SCHIMEK: Thank you, Senator Warner. Mr. Speaker and members of the body, I would like to convey as accurately as I can a message from some of the leadership at the University of Nebraska at Lincoln, and I guess they are afraid is what has happened here on the floor today is a turf battle has been developing, and they wanted me to convey that the university, UN-L, is supportive of the Board of Regents' basic motion which didn't say they were against Kearney becoming part of the university system. All they were suggesting is that there should be a study and a plan. And I guess what they said is not really any different what the State College Board of Trustees said or what the citizens of this state said through the New Horizons project. The Board of Regents was just trying to say that we ought to look at things like role and mission, framework and so forth. I hope that we do not consider this to be a turf battle. The university leadership wanted me to assure you that they are not stonewalling on this issue and that what we need to do is talk about the health and well-being of higher education across the state and not get into some regional battles here. Thank you, Senator Warner.

April 10, 1989

LB 84, 319, 541, 611, 630, 640, 646
651, 653, 653A, 705, 710, 762, 811
812

now and Select File. I will try and answer your questions, but now I just ask that we advance the bill.

SPEAKER BARRETT: The question is the advancement of LB 611 to E & R Initial. All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 36 ayes, 1 nay, Mr. President, on the advancement of LB 611.

SPEAKER BARRETT: LB 611 is advanced. Anything to read in, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review reports LB 319 to Select File with E & Rs, LB 640, LB 651, LB 541, LB 653, LB 653A, LB 630, LB 811, LB 812, LB 710, and, LB 646, all to Select File, some have E & R amendments attached. (See pages 1615-22 of the Legislative Journal.)


Senator Conway has amendments to LB 84 to be printed; Senator Hall to LB 762. Senator Abboud would like to add his name to LB 705 as co-introducer. (See pages 1622-28 of the Legislative Journal.) Mr. President, that is all that I have.

SPEAKER BARRETT: Thank you, and the Chair would like to remind members of the briefing on the pharmacy school to be held at this hour in Room 1019. Senator Chizek, please.

SENATOR CHIZEK: Mr. Speaker, I would make a motion we adjourn until April 11th at 9:00 a.m.

SPEAKER BARRETT: You have heard the motion to adjourn until tomorrow morning at nine o'clock. Those in favor say aye. Opposed nay. The ayes have it. Motion carried. We are adjourned. (Gavel.)

Proofed by:


LaVera Benischek

CLERK: Mr. President, Senator Landis would move to amend the bill.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, this amendment appears on page 1530 of the Journal. It contains two very brief technical notations to this bill authorizing the City of Lincoln to consider a pipeline being run into it for natural gas purposes. The amendment indicates that for maximum flexibility in structuring a contract it will allow the city, in its regulatory function, to include the gas pipelines costs and benefits in either the gas cost component of rates or the general rates for gas distribution. And the other technical amendment is to recognize that the city, in regulating a pipeline project, cannot change the approved contract unilaterally through an ordinance once it is approved by all parties involved. All I can say is that if you adopt this amendment, Allen Hirsch, who burnt us last night from the outside, goes home to Minneapolis and maybe we never see him again and he takes his jump shot with him. I urge the adoption of the amendment and the advancement of the bill forthwith.

PRESIDENT: No further discussion? The question is the adoption of the Landis amendment. All those in favor vote aye, opposed nay. You are voting on the Al Hirsch amendment, I mean on the Landis amendment. Record, Mr. Clerk, please.

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

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

CLERK: Nothing further, Mr. President.

PRESIDENT: Senator Landis.

SENATOR LANDIS: I move the advancement of the bill.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 762.

CLERK: Mr. President, 762, I have E & R pending, first of all.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: I move we adopt the E & R amendments to LB 762.

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

CLERK: Mr. President, Senator Coordsen would move to amend the bill. Senator, your amendment is on page 1586 of the Journal.

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, and members of the body, this amendment is, in fact, a bill that was killed in Revenue Committee as the result of it being part of the hearing of, I believe, five or so bills that dealt in the homestead exemption field. Quite frankly, I will tell you that I was made aware of a situation or a changing situation that existed by a constituent. About a year ago a lady, a widow...and this bill, by the way, deals with homestead exemptions for widows or widowers of service men. Up until a little over a year ago, the current wording of the statutes had been interpreted by the Department of Revenue and by the counties who effect the homestead exemption as being fairly well defined in that the homestead exemption only applied to those veterans who served during a period of declared war. There was an additional phrase that read, or currently reads, "to include of an veteran who died because of a service connected disability." And that was generally interpreted to mean what the words would say in plain English that any veteran, irregardless of when they served, if they died of a service connected disability, then the veteran's surviving spouse was eligible for inclusion in the homestead exemption provisions. At some time in the past, I believe approximately 1971, there was an Attorney General's Opinion that defined what was meant in this section of statute by the word "veteran". Sometime in the last several years a Department of Revenue person ran across that exemption...or that decision and made the decision that a number of people...a very few people who were included were not going to be allowed their homestead exemption anymore. With that little bit of a background then, I had a constituent whose husband had served in the period of time between the Korean war block of years and the Vietnam block of years who was injured while on active duty, subsequently while he was alive had received a 100 percent disability from the federal government and died several years ago, a number of years

ago...it escapes me right now, as a result of that injury. While he was alive, they were given the homestead exemption. After he died, his widow, under the interpretation of current statutes was also given the homestead exemption until last year. Now we researched the floor debate at the time this was put in a number of years back, really couldn't find a clear intent on the part of the Legislature. We asked the Attorney General for another opinion. They cited the previously existing opinion and included in that the use of the Department of Revenue regulations as to the meaning of the word "veteran". This happened last July or August, about the same time the Persian Gulf incident took place and we lost several of our servicemen in that. More recently, we saw on the battleship Iowa the 47 seven who died. This week a young man from Nebraska, happened to be unmarried, but a young man from Nebraska was killed in defense of his country. It is my opinion and I think the opinion of any thinking person that those who are currently serving on active duty certainly are putting their lives and future at risk in defense of liberty in a way that is not unlike those who served during the periods of...that are defined as wartime. So what this bill then would do would be provide...or this amendment would provide that two additional classifications for qualification for the home...for the veterans homestead exemption, that the unremarried widow or widower of any veteran, including those not listed in Section 84-0101, which are the wartime dates, who died because of a service connected disability or...or and the unremarried widow or widower of a serviceman or a servicewoman, including those not listed in Section 84-0101, whose death while on active duty was service connected. The Department of Revenue estimates that this may encompass 10 to 15 people in the State of Nebraska, that the cost is estimated to be 10 to \$11,000 in additional homestead exemption monies. But I think it's only fair that those who die on active duty or die as a result of active duty...this does not include National Guard nor reserve service, are entitled to part of what is given to the veterans who serve during the periods of active duty. It's not an expensive bill. It's a just bill. It was supported by the Disabled American Veterans at the hearing, by the American Legion at the hearing. It in no way impacts any benefits that current veterans have under our homestead exemption bill. So, with that, I would move that this amendment be adopted to LB 762.

PRESIDENT: Thank you. Senator Hall, please.

May 11, 1989

LB 762

SENATOR HALL: Thank you, Mr. President, and members, I rise in support of Senator Coordsen's amendment to LB 762. And he has clearly stated the brief history that the amendment had as a bill before the Revenue Committee and also I think, very honestly, pointed out that it is a...would be a minor change but one that I think is very justly due. The Revenue Committee this year did not advance any homestead exemption provisions or increases in the scope of the homestead exemption with regard to eligibility. This is the one provision that I think should probably be addressed and through his amendment we will take care of those individuals. If I remember correctly, the fiscal impact on this is about \$14,000. There are very few people that it applies to and there is very little reason to believe that there will be an increased cost incurred down the line to any extent, minor at best, in this area. With that...I think what it does is basically just allows for a very straightforward approach to it. Whether someone is killed in active duty or inactive, I think makes very little difference. They're no longer around to provide for their family. And I think that it's a very just amendment to the homestead exemption provision. So I would urge adoption of Senator Coordsen's amendment to the bill. Thank you.

PRESIDENT: Senator Coordsen, did you wish to close? The question is the adoption of the Coordsen amendment. All those in favor vote aye, opposed nay. Please vote if you care to so we may move on. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Coordsen's amendment.

PRESIDENT: The Coordsen amendment is adopted. May I introduce some guests, please. In the north balcony, Senator Barrett has 40 seventh, eighth and ninth grade students from Lexington Junior High at Lexington, Nebraska and their teacher. Would you folks please stand and be recognized. Thank you for visiting us today. Anything further on the bill, Mr. Clerk?

CLERK: Senator Hall would move to amend the bill, Mr. President.

PRESIDENT: Senator Hall, please.

CLERK: Senator, I have AM1333 on 1623 of the Journal.

SENATOR HALL: Mr. Clerk, this is a substantive change with regard to the homestead exemption. It, I think, is one that was addressed by the Revenue Committee. Because of the lateness of the session, because of the lack of the numbers of individuals here on the floor, I...although I think it's a meritorious amendment, I will withdraw that.

PRESIDENT: It is withdrawn. Anything further on it, Mr. Clerk?

CLERK: Senator, I now have your amendment on page 1625.

PRESIDENT: Senator Hall.

SENATOR HALL: Thank you, Mr. President, and members, this is an amendment that is one that basically provides for some technical changes with regard to how property taxes are filed and refunded with regard to the state and at the local level. This is an amendment that we worked with the Department of Revenue, local county officials, in order to correct some situations that we thought were corrected but were not. It's the handout that you have before you that I passed out and it states the four different changes there in as, I think, simple a terms as we could put them. But the first one deals with a 1984 court case that...with regard to how a...when someone appeals their property taxes, how they had to do that in order to receive a refund. If you did not file a refund at the same time that you filed the appeal, you were not eligible to the refund. What this change does is allow that...for an individual to...so there were folks out there who filed the appeal once but because they did not file the refund at the same time, simultaneously, were not eligible for the refund. It was kind of ridiculous. What this does is just corrects that, says that when you file your appeal, whether you file for the refund or not, if you win your case, you're eligible for the refund. The second change deals with the State Board of Equalization and allows them to basically be treated the same way as the county board in that when they deal with centrally assessed property that there is the same types of provisions that are allowed to the county board. So, in other words, there isn't a different set of rules when you deal with one type of property as opposed to any other types of real property, how refunds and assessments are made with regard to the appeal process. Thirdly, the issue clarifies who...someone who sues in order to receive a refund, how the...who is the defendant? In other words, when I get my property tax bill, do I have to sue every individual who is on

that property tax statement? In other words, do I sue the school district? Do I sue the ESU? Do I sue the city and the county and everyone else? This clarifies the language that...so that only the county who assesses the tax would be the individual that would be the defendant. So it clarifies that and makes sure that there is not an issue where if you're dealing with your entire property tax bill, that's who the suit would be aimed at. Now if you're trying to earmark or point out an individual, for example, the school district, then that, of course, would be directed simply and solely at the school district, that there is no change there. And, fourthly, the amendment would change the way that the tax commissioner deals with whether or not the tax commissioner would be liable with regard to certifying what the tax is in a case or suit with regard to a refund. There is no way that the tax commissioner knows what the real property tax is on an individual piece of property from one county to the next. Now they can certify value but they do not know what the tax levy would be. What this change does is it says that they will certify the value but they're not responsible for knowing what the tax would be. That would be something that they would no longer be liable for and they would be able...any individual could find that out from their local county. So it's a clarifying amendment as well. I would urge the adoption of the amendment to LB 762.

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

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

PRESIDENT: The Hall amendment is adopted. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: Okay. Senator Moore, did you wish to close on this?

SENATOR MOORE: I would like to move the bill, LB 762, to E & R for Engrossing.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 280.

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LB 95, 258, 280, 289A, 444, 640, 761
762, 767, 767A, 780

I have a Reference Report referring gubernatorial appointees. Enrollment and Review reports LB 95, LB 280, LB 444, LB 640, LB 762, LB 767, LB 767A, LB 780, all are reported correctly engrossed. Enrollment and Review further reports LB 258 and LB 289A to Select File, Mr. President. (See pages 2364-69 of the Legislative Journal.)

The next amendment, Mr. President, is by Senator Kristensen. Senator, I have amendment number 1723, AM1723, Senator.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President. Mr. Clerk, is that the one that is printed on page 2149?

CLERK: Yes, sir.

SENATOR KRISTENSEN: Thank you. Mr. President and members of the body, I almost shudder to say this but I think this might be one of the amendments to this bill that shouldn't receive a whole lot of controversy. What it is, and it deals with two things in specifics, most of you have probably been contacted by constituents of Senator Morrissey, myself, or Senator Dierks. You have probably seen people with their frustration levels at their highest, not only on the floor, but in the halls, and certainly within the communities that have been picked as potential host sites for this facility. One of the common themes, at least when I go out and do town hall meetings in those areas, is that there is a lot of tensions, a lot of scared people, a lot of people that have some grave concerns about the future of not only just their own personal lives and their farms and their communities but what is perceived about these farms and communities, and about what sort of image and cloud is going to be cast over them in the future, if they are selected, or the fact that they are just under consideration. I had several people come to me, and in particular a couple of ministers who are doing a lot of good work in that area in terms of counseling, and they have received a rash of people searching for some answers and some consoling, and, if for nothing else, just how to cope with this anxiety. The way we cope in here is we call the question, we take our votes, they are either up or they are down, and we can go on with the issues because we know

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LB 137A, 137, 211, 215, 228, 352, 639
761, 762, 780, 815, 815A, 817, 817A

voting, Mr. President.

PRESIDENT: LB 780 passes. We'll move on to LB 13....Oh, Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President. I would move to suspend the rules in order to read the bills that were shared with the body just before lunch today. I believe the Clerk has the motion.

PRESIDENT: Mr. Clerk.

CLERK: Well, Mr. President, Senator Barrett would move to suspend Rule 6, Section 7(b) to permit consideration of LB 137, LB 137A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 815, LB 815A, LB 817, and LB 817A on Final Reading today.

PRESIDENT: You've heard the motion. All in favor say aye...or vote aye. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The rules are suspended and we'll go to LB 137 with the emergency clause attached.

CLERK: (Read LB 137 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2664-65 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 137 passes with the emergency clause attached. LB 137A with the emergency clause attached.

CLERK: (Read LB 137A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137A pass with the

May 22, 1989

LB 137A, 137, 639, 739A, 744, 761, 762
767, 767A, 780

PRESIDENT: It is withdrawn. Please read the bill.

CLERK: (Read LB 639 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 639 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 2669-70 of the Legislative Journal.) 36 ayes, 8 nays, 5 present and not voting, Mr. President.

PRESIDENT: LB 639 passes. LB 761 with the emergency clause attached.

CLERK: (Read LB 761 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 761 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 2671 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 761 passes with the emergency clause attached. LB 762, please.

ASSISTANT CLERK: (Read LB 762 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 762 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2671-72 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 762 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 767, LB 137A, LB 137, LB 780, LB 767A, LB 744, LB 739A,

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LB 762, 762A, 815, 815A, 817A, 817

CLERK: 40 ayes, 0 nays on the motion to return the bill, Mr. President.

PRESIDENT: The bill is returned to Select File.

SENATOR CONWAY: I would move that we strike the enacting clause.

PRESIDENT: Okay, Senator Conway moves to strike the enacting clause. All those in favor of killing the bill vote aye, opposed nay. Senator Kristensen, your light came on, did you wish to speak? Okay. Record, Mr. Clerk, please.

CLERK: 38 ayes, 4 nays, Mr. President, on the motion to strike the enacting clause.

PRESIDENT: LB 817A is indefinitely postponed. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 762, LB 762A, LB 815, LB 815A, LB 817. Mr. Clerk, anything for the record?

CLERK: One item, Mr. President, a motion from Senator Warner to be printed in the Journal. That's all that I have.

PRESIDENT: Senator Barrett.

SPEAKER BARRETT: Mr. President and members, I move we adjourn until tomorrow morning at eight o'clock.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. You are adjourned till tomorrow at eight o'clock, did you say? We are adjourned until eight o'clock. Thank you very much, ladies and gentlemen, for your fine cooperation today. I'm sure the Speaker appreciates it and I certainly do. Thank you. Good night.

Proofed by:


Sandy Ryan

May 23, 1989

LB 137, 137A, 211, 215, 228, 352, 639
739, 739A, 744, 761, 762, 762A, 767
767A, 780, 815, 815A, 817
LR 115

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated immediately) ...W. Norris Legislative Chamber. We have with us this morning, as our Chaplain of the Day, Reverend Homer Clements of Saint Luke's United Methodist Church in Lincoln. Would you please rise for the invocation.

REVEREND CLEMENTS: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Reverend Clements. We appreciate it. Roll call, please.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, just one item and that is a...your Enrolling Clerk did present to the Governor the last few bills read on Final Reading last evening, and that's all that I had, Mr. President. (See bills presented to the Governor regarding LB 767, LB 767A, LB 137, LB 137A, LB 744, LB 780, LB 739, LB 739A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 762A, LB 815, LB 815A, and LB 817 as found on page 2677 of the Legislative Journal.)

PRESIDENT: Good. We'll move on to Legislative Resolution, LR 115.

CLERK: Mr. President, LR 115 is offered by Senator Baack. It's found on page 2092. It asks the Legislature to acknowledge the centennial celebration of Cheyenne County...Banner County. Banner County, excuse me, Senator.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: They're fairly close together, I guess. Banner County at one time was a part of Cheyenne County, but is now a Banner County. Mr. President and colleagues, this is a resolution honoring Banner County for their 100th birthday that will take place this summer. Banner County was the first county