

January 4, 1990

LB 259, 259A, 505, 678A, 720A, 969-996
LR 231

SENATOR CHAMBERS: I don't mind.

PRESIDENT: Thank you for being so cooperative. We'll take it up after lunch. Mr. Speaker.

SPEAKER BARRETT: Mr. President, I move that we recess until one-thirty.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Senator Chambers, we'll take yours up...Senator Chambers, we'll take yours up right after...at one-thirty. Okay.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Members of the Legislature who are hiding out in their offices, appreciate it if you would come to the sanctuary so we can start the service. We already have three members here but we need a few more.

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

PRESIDENT: Senator Chambers will be here in a moment, and then we can begin on the...Mr. Clerk, do you want to read in new bills while we are waiting, please?

CLERK: Mr. President, yes, I do. Thank you, new bills. (Read for the first time by title: LB 969-996. See pages 150-57 of the Legislative Journal.)

Mr. President, I have a series of amendments to be printed, Senator Hefner to LR 231, Senator Wesely to LB 720A, LB 678A, Senator Withem to LB 259, LB 259A, and Senator Weihing to LB 505.

Mr. President, I will announce now that there will be a Reference Committee meeting at three o'clock in Room 2101, Reference Committee at three o'clock. 2102. That is all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, as you will recall, we are on

January 8, 1990

LB 409, 958-1013, 1031, 1032
LR 235

SPEAKER BARRETT: Let's stand at ease until eleven-fifteen, Mr. President.

PRESIDENT: Okay, thank you.

EASE

CLERK: Three quick announcements. Reference will meet underneath the south balcony now. Referencing Committee, underneath the south balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Microphone not activated immediately.) ...return to the Legislative Chamber. The Legislature will reconvene and continue our discussion on the adoption of our permanent rules. Please return to the Legislative Chamber. Mr. Clerk, would you read in new bills, please.

CLERK: (Read LB 1031 and LB 1032 by title for the first time. See pages 198-99 of the Legislative Journal.)

Mr. President, in addition to those items, I have a new resolution. (Read brief summary of LR 235. See page 199 of the Journal.) That will be laid over.

I have amendments from Speaker Barrett to be printed to LE 409. Mr. President, I also have a Reference Report referring LBs 958-1013, as well as certain gubernatorial appointments received. That's all that I have, Mr. President. (See pages 199-201 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. Have you a motion, Mr. Clerk, to reconsider action taken last week?

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on the Wesely amendment to the rules, which I believe the Legislature discussed on Thursday afternoon.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this motion is designed to reconsider the vote that was taken on

January 11, 1990

LB 874, 893, 970, 1009, 1102-1111
LR 8, 233

chance for justice in these courts, a perfect poor man's chance, which means no chance. We see that even with the present system. There are inequities and unfairnesses in the way the courts operate. We are going to build in an additional level that encourages unfairness and arbitrariness by the State Supreme Court. I am opposed to this bill. I think what would have been responsible would be to have public hearings...

SENATOR LABEDZ: Time is up, Senator Chambers. Senator Abboud. Mr. Clerk, do you have something to read in?

CLERK: Yes, Madam President, I do, new bills. (Read for the first time by title: LB 1102, LB 1103, LB 1104, LB 1105, LB 1106, LB 1107, LB 1108, LB 1109, LB 1110, LB 1111. See pages 279-82 of the Legislative Journal.)

Mr. President, I have notice of hearing from the Government Committee. That is signed by Senator Baack as Chair of the committee. (Re: LB 970, LB 1009, LB 893, LB 874, LR 233CA. See page 281 of the Legislative Journal.) That is all that I have, Madam President, at this time.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Abboud. Senator Landis.

SENATOR LANDIS: Madam Speaker, members of the Legislature, if you could imagine a process by which we, as legislators, were asked not just to rule on the bills that we introduce but on every idea given to us by our constituents and every idea given to us at the behest of the citizens of the State of Nebraska, you'd approximate the situation that the Supreme Court finds itself in. Their work load is not of their own making. We, as the legislative branch make our own work load collectively by being able to say yes or no to the ideas our constituents bring to us. Every now and then we say, okay, fine, I will draft it and we'll introduce it. My guess is for everyone of those, you have got two or three bills that are suggested to you that you say I don't think it will work or I would rather not carry that. Best of luck, maybe you have got another avenue, but, in fact, we can't take that...I am not going to take that problem on. Maybe we don't do it enough but we do it. But imagine a Legislature in which any person in the State of Nebraska could provide us a bill idea that we would have to draft into bill form, hold a public hearing on, have a debate on this floor, and then write our decisions as a body, not just our own individual

January 22, 1990

LB 240, 567, 769, 799, 830, 842, 857
874, 893, 918, 930, 933, 940, 941
970

Mr. President, amendments to be printed. I have amendments to LB 240 by Senator Baack; Senator Haberman to LB 567; and Senator Emil Beyer to LB 799. (See pages 453-58 of the Legislative Journal.)

Mr. President, I have a confirmation hearing report from the Natural Resources Committee. That's signed by Senator Schmit. (See page 459 of the Legislative Journal.)

Government Committee reports LB 830 to General File; LB 857, General File; LB 874, General File; LB 893, General File; LB 918, General File; LB 930, General File; LB 933, General File; LB 970, General File. Those are all signed by Senator Baack.

Natural Resources Committee reports LB 842 to General File; LB 940 to General File and LB 941 to General File. Those are signed by Senator Schmit as Chair.

Finally, Mr. President, I have amendments to be printed from Senator Scofield to LB 769. (See pages 459-461 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: The motion is to adjourn and a machine vote has been requested. All those in favor vote aye, opposed nay. Until nine o'clock tomorrow morning. This will take a simple majority. Have you all voted? Record, Mr. Clerk, please.

CLERK: 21 ayes, 7 nays, Mr. President, on the motion to adjourn.

PRESIDENT: We are adjourned until nine o'clock tomorrow. And it's been a very enjoying morning. Thank you.

Proofed by: Arleen McCrory
Arleen McCrory

emergencies, there could only be 15 people called in, it could only last for 15 days. This has caused some problems in the National Guard in emergency situations. Instead of having that in statute it would say that the Adjutant General would have the discretion to call up as many as were needed for the emergency and allow them to stay on duty as long as was necessary. Another provision in the bill that it changes is right now it says that they can be called in for advice and counsel. Advice and counsel usually consists of ceremonial things in nature, such as funerals, carrying of the colors, these kind of things. Under the present...under present statute it says that they have to be put into a pay classification and should be paid for these duties. What happens is that most of the people that do these duties for the National Guard are already in a for-pay status through their status as regular employees of the National Guard. This would allow the Adjutant General to not have to pay them for these ceremonial duties that he asked them to do. And that's basically what the bill does. If there are any questions, I'd be glad to answer them, if not, I would just urge the advancement of the bill. Thank you.

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.

ASSISTANT CLERK: 26 ayes, 0 nays, Mr. President.

PRESIDENT: The bill advances. LB 970. I might say that someone has offered to buy you pizza, so I think we'll stick with this consent calendar until we're through, please. LB 970.

ASSISTANT CLERK: LB 970 was introduced by Senator Schimek. (Read title.) The bill was read for the first time on January 4th of this year, was referred to the Government Committee, which reports the bill to General File, Mr. President.

PRESIDENT: Senator Schimek, please.

SENATOR SCHIMEK: Mr. President, members of the body, this bill simply authorizes the Department of Correctional Services to convey some land to Lancaster County for a road widening project at Old Cheney and South Folsom Street. The bill provides that Lancaster County shall compensate the department for removal of trees and fence, and then that compensation is used to replace

trees and fence. So there is a little fiscal note attached to it, but it balances out. There was no opposition to this bill, only one other proponent besides myself, and that was the Department of Correctional Services. Thank you.

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

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

PRESIDENT: LB 970 advances. LB 940, please.

ASSISTANT CLERK: LB 940 was introduced by Senator Lindsay. (Read title.) The bill was read for the first time on January 4th, was referred to the Natural Resources Committee, which reports the bill to General File.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Thank you, Mr. President, members. LB 940 came about as a change in some federal law dealing with falconry. What the bill would do is bring us so that our law would be similar to theirs, which it has been up until this latest change. It does two things, two major changes. It changes the provision for falconry license renewal from a period of one year to three years. The federal government changed its license from one year to three years. So this way, this is a dual license, Nebraska can just go...continue to go along with just having the one investigation, I guess, or whatever, from the federal government. Number two, it authorizes the Game and Parks Commission to promulgate rules and regs concerning the submission of reports to the commission any time a falconry acquires, receives, transfers or releases a bird used for falconry purposes. Game and Parks has signed off on this. They don't have any objections to it. I would ask that the bill be advanced.

SENATOR HANNIBAL PRESIDING

SENATOR HANNIBAL: Any further discussion? Seeing none, Senator Lindsay, you care to close? Senator Lindsay waives closing. The issue before you is the advancement of LB 940. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

February 12, 1990 LB 350, 350A, 542, 551, 567, 567A, 602
663, 692, 742, 851, 856, 857, 858
874, 875, 891, 893, 896, 902, 906
907, 918, 924, 930, 940, 957, 964-966
969, 970, 974, 983, 984, 997, 1013
1016, 1017, 1043, 1044, 1118

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber and a new day in the Second Session of the Ninety-first Legislature. Our Chaplain of the day is Father Mitch Lindeman of St. Matthews Episcopal here in Lincoln. Father Lindeman.

FATHER LINDEMAN: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Lindeman, pleased to have you with us. Roll call.

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

SPEAKER BARRETT: Thank you. With a quorum present, are there corrections to the Journal?

CLERK: Mr. President, I have no corrections to the Journal.

SPEAKER BARRETT: Are there any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 350 and find the same correctly engrossed, LB 350A, LB 567, LB 567A, LB 663, LB 692, and LB 742, all reported correctly engrossed, those signed by Senator Lindsay as Chairperson of the Enrollment and Review Committee. (See pages 726-27 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 551 to Select File with E & R attached, LB 542, LB 602, LB 858, LB 875, LB 891, LB 1013, LB 983, LB 906, LB 907, LB 984, LB 856, LB 851, LB 957, LB 964, LB 966, LB 997, LB 857, LB 874, LB 893, LB 918, LB 930, LB 970, LB 940, LB 902, LB 974, LB 1016, LB 1017, LB 969, LB 896, LB 965, LB 924, LB 1118, LB 1043, LB 1044,

February 13, 1990 LB 918, 930, 940, 970

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 918, as amended, be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 930.

CLERK: LB 930, Senator, has E & R amendments, first of all.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 930.

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

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 930, as amended, be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 970.

CLERK: LB 970, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 970 be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 940.

CLERK: LB 940, Senator, I have E & R, first of all.

PRESIDENT: Senator Lindsay, please.

February 15, 1990 LB 688, 855, 896, 918, 924, 930, 940
969, 970, 972, 974, 1016, 1017, 1055
1094, 1115, 1118, 1222

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning, as our Chaplain of the day, Pastor Sid Raymond of the Florence Presbyterian Church in Omaha. Would you please rise for the invocation.

PASTOR RAYMOND: (Prayer offered.)

PRESIDENT: Thank you, Pastor Raymond, we appreciate your being here and giving us the invocation this morning. Please come back. Roll call, please.

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

PRESIDENT: Mr. Clerk, 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 engrossed LB 896 and find the same correctly engrossed, LB 918, LB 924, LB 930, LB 940, LB 969, LB 970, LB 974, LB 1016, LB 1017 and LB 1118 all reported correctly engrossed, those signed by Senator Lindsay as Chair. (See page 799 of the Legislative Journal.)

Mr. President, an Attorney General's Opinion addressed to Senator Elmer regarding LB 1115. (See pages 800-06 of the Legislative Journal.)

Priority bill designations. Senator Lindsay has selected LB 688, Senator Hartnett LB 1222, Senator Haberman LB 1094, and Agriculture Committee, chaired by Senator Johnson, has selected LB 855 and LB 972 and Senator Goodrich has selected LB 1055. (See page 806 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Very good, thank you. We'll go on to the confirmation report.

CLERK: Mr. President, the Health and Human Services Committee, chaired by Senator Wesely, reports on the series of appointments

February 27, 1990 LB 930, 940, 969, 970

CLERK: (Read LB 930 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 930 pass? Those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote. See pages 1012-13 of the Legislative Journal.) 37 ayes, 1 nay, 11 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 930 passes. LB 940.

ASSISTANT CLERK: (Read LB 940 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 940 pass? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Read record vote. See page 1013 of the Legislative Journal.) The vote is 38 ayes, 0 nays, 11 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 940 passes. LB 969.

ASSISTANT CLERK: (Read LB 969 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 969 pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Read record vote. See page 1014 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 10 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 969 passes. LB 970E.

ASSISTANT CLERK: (Read LB 970 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 970 with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Read record vote. See pages 1014-15 of the

February 27, 1990 LB 970, 974, 1016, 1017

Legislative Journal.) The vote is 39 ayes, 0 nays, 10 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 970 with the emergency clause attached passes. LB 974.

ASSISTANT CLERK: (Read LB 974 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 974 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Read record vote. See pages 1015-16 of the Legislative Journal.) The vote is 38 ayes, 0 nays, 1 present and not voting, 10 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 974 passes. LB 1016E.

ASSISTANT CLERK: (Read LB 1016 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1016 with the emergency clause attached become law? Those in favor vote aye, opposed nay. Have you all voted? Record please.

ASSISTANT CLERK: (Read record vote. See page 1016 of the Legislative Journal.) 38 ayes, 0 nays, 1 present and not voting, 10 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1016E passes. Before reading the next bill, another announcement. LB 1043 and 1063 as previously announced will not be read, as is the case with 1044. The next bills after 1017 will be rolled over. LB 1017E, Mr. Clerk.

ASSISTANT CLERK: (Read LB 1017 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1017 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Read record vote. See page 1017 of the Legislative Journal.) The vote is 39 ayes, 0 nays 1 present and not voting, 9 excused, Mr. President.

February 27, 1990

LB 852, 872, 918, 924, 930, 940, 962
970, 1017, 1070, 1076, 1098

SPEAKER BARRETT: LB 1017E passes. And while the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 852, LB 872, LB 918, LB 924, LB 930, LB 940, LB 962 and LB 970. Mr. Clerk, LB 1070.

ASSISTANT CLERK: (Read LB 1070 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1070 pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Read record vote. See page 1018 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 1 present and not voting, 9 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1070 passes. LB 1076 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 1076 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1076 with the emergency clause attached become law? Those in favor vote aye, opposed nay. Please record.

ASSISTANT CLERK: (Read record vote. See page 1019 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 9 excused and not voting, 9 excused and not voting.

SPEAKER BARRETT: LB 1076E passes. LB 1098.

ASSISTANT CLERK: (Read LB 1098 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1098 become law? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Read record vote. See page 1020 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 1 present and not voting, 9 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1098 passes. Before reading the last bill

February 27, 1990

LB 315, 852, 872, 918, 924, 930, 940
969, 970, 974, 1016, 1017, 1070, 1076
1098, 1118

SPEAKER BARRETT: Debate ceases. Senator Coordsen, would you care to close.

SENATOR COORDSEN: Thank you, Mr. Speaker, very briefly. I think the subject matter of the amendment to the amendment has been covered fairly well. I think it's a good amendment. There would...share with you that I haven't talked to the Department of Labor, nor to the labor interests, nor to the business interests. But, it appeared to me that if we're going to punish, we need also to extend a hand to help, even if it's a small finger, it is better than turning people out. So I would ask for the adoption of the amendment to the amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Coordsen amendment to the Hefner amendment to LB 315. Those in favor vote aye, opposed nay. Record.

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

SPEAKER BARRETT: The amendment to the amendment is adopted. Senator Hefner, back to your amendment.

SENATOR HEFNER: Mr. President, I move we adjourn until tomorrow morning at 9:00 a.m.

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

CLERK: Mr. President, bills read on Final Reading have been presented to the Governor as of 3:30 p.m. (Re. LB 852, LB 872, LB 918, LB 924, LB 930, LB 940, LB 969, LB 970, LB 974, LB 1016, LB 1017, LB 1070, LB 1076, LB 1098, LB 1118.)

Mr. President, there will be an Executive Session of the Revenue Committee in your hearing room, Senator? In Room...wherever the Revenue Committee meets, 1520, 1520, Mr. President. And that's upon adjournment. Revenue, upon adjournment in Room 1520, in that room. That's all that I have, Mr. President.

March 2, 1990

LB 618A, 852, 872, 880A, 918, 924, 930
940, 969, 970, 974, 1016-1018, 1070, 1076
1098, 1109, 1118
LR 265

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication. Re: LB 852, LB 872, LB 918, LB 924, LB 930, LB 940, LB 969, LB 970, LB 974, LB 1016, LB 1017, LB 1070, LB 1076, LB 1098, and LB 1118. See page 1127 of the Legislative Journal.)

Senator McFarland has amendments to LB 1109 to be printed. (See page 1127 of the Legislative Journal.)

New resolution, LR 265. (Read for the first time. See page 1126 of the Legislative Journal.)

Two new A bills. (Read LB 618A and LB 880A by title for the first time. See page 1127 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. You've heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it, motion carried, we're recessed.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. So I understand it, we were on LB 1018, and discussing an amendment by Senator Chambers. And it says up here that Senator Abboud is the next speaker.

SENATOR ABOUD: Mr. President, I would move the amendment.

PRESIDENT: Thank you. Any further discussion? Senator Chambers, would you like to close? The question is the adoption of the Chambers amendment. All in favor vote aye, opposed nay.

SENATOR ABOUD: Mr. President.

PRESIDENT: Senator Abboud.

SENATOR ABOUD: I'd request a call of the house. We need to