

January 8, 1990

LB 678A, 720, 1037-1042

figures you're looking at?

SENATOR WESELY: Yeah, that's right evidently, yeah.

SENATOR HABERMAN: So what you have in the book then is the new fiscal note?

SENATOR WESELY: Yeah.

SENATOR HABERMAN: Okay, thank you, Senator Wesely.

SENATOR WESELY: Yeah, if it's incorrect, let's make that clear.

SPEAKER BARRETT: Any other discussion on the A bill? Senator Wesely, any closing statement?

SENATOR WESELY: No, just move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Shall LB 678A be advanced? Those in favor of that motion vote aye, opposed nay. Shall LB 678A be advanced to E & R initial? Record, Mr. Clerk.

CLERK: 26 ayes, 2 nays, Mr. President, on the advancement of LB 678A.

SPEAKER BARRETT: The A bill advances to E & R. Anything for the record, Mr. Clerk?

CLERK: Mr. President, new bills, thank you. (Read LBs 1037-1042 by title for the first time. See pages 207-208 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Transportation Committee, signed by Senator Lamb as Chair. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Moving on to the next bill on General File, a committee priority bill from 1989, LB 720. Mr. Clerk.

CLERK: 720, Mr. President, introduced by Senator Wesely. (Read title.) The bill was introduced on January 19 of 1989, referred to the Health and Human Services Committee for public hearing. The bill was advanced to General File. I have committee amendments pending by the Health and Human Services Committee.

January 9, 1990

LB 259, 845, 972, 973, 993, 1014-1048, 1057-1059
LR 236

Haberman.

SENATOR HABERMAN: Mr. President, I move to recess until 1:30 p.m.

SPEAKER BARRETT: Mr. Clerk, would you care to read anything in before we vote on the motion to recess.

CLERK: Mr. President, new bills. (Read LB 1057-1059 by title for the first time as found on pages 232-33 of the Legislative Journal.)

A series of requests to add names, Senator Beck to LB 1026, Senator Kristensen to LB 1035, Senator Conway to LB 993, Senator Wahrbein to LB 973, Senator Wehrbein to LB 972, Senator Weihing to LB 845.

(Reference Committee Report referring LBs 1014-1048 and LR 236 appears on pages 233-34 of the Legislative Journal.)

Mr. President, explanation of vote offered by Senator Kristensen. (Re: LB 259.) That's all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. A reminder especially to committee chairs. Committee chairmen, please take note. If you are planning hearings, public hearings next Tuesday, notices of that fact should be filed with the Clerk today. File the notice of public hearing today if you are planning to begin hearings next Tuesday. Those in favor of the Haberman motion to recess until one thirty say aye. Opposed no. Carried. We are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Any messages, reports, anything for the record, Mr. Clerk.

CLERK: One item, Mr. President, I have a hearing notice from the Banking Committee for hearings scheduled on Tuesday,

January 19, 1990

LB 87, 159, 163, 163A, 220, 240, 257
313, 315, 397, 399, 486, 488, 488A
756, 856, 911, 963, 1002, 1026, 1033
1037, 1050, 1051, 1090, 1108, 1109, 1141
1168, 1181, 1190
LR 239, 240

PRESIDENT: Okay. Thank you. Senator Ashford, you are next, but may I introduce some guests under the south balcony, please. We have from District 22, which is Senator Robak's district, Dianne Foltz of Platte Center and Betty Grant of Columbus, Nebraska. With them are three AFS students, Jean/David Miquel of Paris, France, and Patty Cervantes from Bolivia, and Shane Walker from Australia. Would you folks please stand and be recognized. Mr. Clerk, you have something for the record?

CLERK: I do, Mr. President, very quickly. Enrollment and Review reports LB 163 to Select File, LB 163A to Select File, those signed by Senator Lindsay as Chair. Agriculture Committee, whose Chair is Senator Rod Johnson, reports LB 856 to General File. (See page 429 of the Legislative Journal.)

Mr. President, Senator Coordsen, as Chair of the Business and Labor Committee, has selected LB 313 and LB 315 as the committee priority bills for the year. And Enrollment and Review reports LB 87, LB 220, LB 240, LB 257, LB 397, LB 399, LB 486, LB 488, LB 488A, LB 756 all correctly engrossed. Those signed by Senator Lindsay as Chair. (See pages 430-33 of the Legislative Journal.)

Mr. President, notice of hearings from the Education Committee and from the Natural Resources Committee, signed by the respective chairs. (Re: LB 1190, LB 1181, LB 1168, LB 911, LB 1050, LB 1090, LB 1033, LB 1037, LB 963, LB 1026, LB 1108, LB 1109, LB 1141, LB 1002, LB 1051, LR 239 and LR 240.) And Senator Haberman has amendments to be printed to LB 163. That's all that I have, Mr. President. (See pages 433-34 of the Legislative Journal.)

PRESIDENT: Senator Ashford, did you wish to speak on the first set of Kristensen amendments?

SENATOR ASHFORD: I call the question.

PRESIDENT: Oh, you call the question. The question is, shall debate cease? All those in favor...Do I see five hands, first? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. What do you think, Senator Ashford? Record, Mr. Clerk.

CLERK: 16 ayes, 0 nays to cease debate, Mr. President.

January 31, 1990

LB 81, 83, 117, 663, 718, 862, 936
972, 1033, 1037, 1135
LR 8

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber for the opening prayer today by Pastor Jerry Leever, our chaplain of the day. Pastor Leever is from Belmont Baptist Church here in Lincoln. Pastor Leever.

PASTOR LEEVER: (Prayer offered.)

SPEAKER BARRETT: Thank you very much, Pastor Leever. Please come back again. Roll call.

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

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

CLERK: Mr. President, no corrections this morning.

SPEAKER BARRETT: Any reports, any announcements, any messages?

CLERK: Mr. President, your Committee on Education, whose Chair is Senator Withem, reports LB 1037 to General File, that's signed by Senator Withem. Business and Labor Committee, whose Chair is Senator Coordsen, reports LB 1135 as indefinitely postponed, that's signed by Senator Coordsen as Chair. Agriculture Committee, whose Chair is Senator Rod Johnson, reports LB 972 to General File; LB 83 as indefinitely postponed; LB 117, indefinitely postponed; and LB 718 as indefinitely postponed, those signed by Senator Johnson as Chair of the Agriculture Committee. Education Committee reports LB 1033 to General File with amendments, that is signed by Senator Withem as Chair. And General Affairs Committee, whose Chair is Senator Smith, reports LB 862 and LB 936 to General File with committee amendments attached, those signed by Senator Smith. Enrollment and Review reports LB 663 to Select File with E & R amendments, Mr. President. An announcement that Senator Korshoj has selected LB 81 as his priority bill. Notice of hearing by the Agriculture Committee for Tuesday, February 6. And finally, Mr. President, a report from the Employees Retirement System that's filed pursuant to statute. That's all that I have, Mr. President. (See pages 583-90 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Moving to Select File, Mr. Clerk, LR 8CA. Will you bring us up to date.

Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 954.

SPEAKER BARRETT: LB 954 is advanced. As previously announced, we'll roll over 860 to LB 1077.

CLERK: 1077, Mr. President, by Senator Warner. (Read title.) The bill was introduced on January 9, referred to Transportation, advanced to General File. I have no amendments.

SPEAKER BARRETT: Thank you. Senator Lamb, will you handle the bill?

SENATOR LAMB: Yes, Mr. President. This is a bill brought to the Transportation Committee by Senator Warner and it has to do with bridges which are city bridges and it gives the city the same protection that county bridges currently have. Occasionally, cities either build or assume ownership of bridges and overpasses and this proposal extends protection to cities currently enjoyed by counties with the regard to liability for damage caused by vehicles exceeding posted load limits. This change provides that no person owning, operating, or traveling within that vehicle will have recovery against a municipality that administers or controls that bridge. So the counties already have this protection. This merely extends that protection to cities that may, for some reason, acquire a bridge from a county. It is a very logical bill. It is one that was passed, of course, without dissent in the committee. I would ask that it be advanced.

SPEAKER BARRETT: Thank you. Any discussion? Seeing none, those in favor of the advancement of LB 1077 please vote aye, opposed nay. Have you all voted? Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 1077.

SPEAKER BARRETT: LB 1077 advances. LB 1037.

CLERK: 1037 offered by Senator Baack. (Read title.) The bill was introduced on January 8, referred to Education, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: The Chair recognizes Senator Baack.

SENATOR BAACK: Yes, Mr. Speaker and colleagues, this is a very, very simple bill. It just...all it says is that for high schools, they may not use foreign exchange students when they are calculating their student membership as far as whether or not that high school can stay open. We have in the statute books, if a high school falls below 25 students for three consecutive years they will be closed by the state. Some high schools have abused that privilege by counting foreign exchange students in their count for keeping the count above the 25 students. This would prohibit that. It doesn't address any of the other things that are used for foreign exchange students, only this one section of statute calling for the count for membership for staying open. With that, I would just urge the body to advance the bill. Thank you.

SPEAKER BARRETT: Thank you. Any discussion? Seeing none, those in favor of the advancement of LB 1037 please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 1037.

SPEAKER BARRETT: LB 1037 advances. LB 1067.

CLERK: 1067 offered by the Health and Human Services Committee and signed by its members. (Read title.) It was introduced on January 9 of this year, referred to Health Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Chairman Wesely, please.

SENATOR WESELY: Yes, Mr. Speaker, members, this is an unusual, unique piece of legislation because what it does is actually eliminate a bureaucratic entity in government, hard to believe, but there is an advisory committee to DPI, the Department of Correctional Services, that asked that it self-destruct, that it not continue and that it felt it was no longer serving its original intent and so this bill would eliminate that advisory committee. In addition, another advisory committee formed back in '79 with a bill that I was a co-sponsor of would also be eliminated dealing with an advisory committee for older Nebraskans. Since that particular committee was formed before

February 22, 1990 LB 313, 579, 688, 830, 831, 834, 888
917, 923, 932, 938, 946, 954, 978
987, 987A, 994, 994A, 1037, 1067, 1077
1080, 1080A, 1094, 1102, 1109, 1165, 1178
1217
LR 259

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning for our invocation, Reverend Dr. Norman E. Leach who is the Executive Director of the Lincoln Interfaith Forum. Would you please rise for the invocation?

REVEREND LEACH: (Prayer offered.)

PRESIDENT: Thank you, Dr. Leach, we appreciate your being here this morning. Please come back. Roll call, please. Record, Mr. Clerk, 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, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1080 and recommend that same be placed on Select File, LB 1080A, LB 1094, LB 688, LB 579, LB 994, LB 994A, LB 830, LB 938, LB 834, LB 987, LB 987A, LB 978, LB 888, LB 917, LB 946, LB 954, LB 1077, LB 1037, LB 1067, LB 831, LB 932, LB 1178, LB 1102, LB 1109, LB 1165 and LB 1217, all reported to Select File, some have E & R amendments attached. (See pages 904-08 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Crosby to LB 923, Senator Coordsen to LB 313. (See page 908 of the Legislative Journal.)

New resolution by Speaker Barrett. (Read brief description of LR 259. See pages 908-09 of the Legislative Journal.) That will be laid over.

A series of appointment letters from the Governor. Those will be referred to the Reference Committee for confirmation hearing.

Finally, Mr. President, a report from the Board of Public Roads Classifications and Standards. That will be on file in my

February 28, 1990 LB 831, 1037, 1067, 1077

CLERK: LB 1077, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1077 be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, shall LB 1077 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 1037.

CLERK: LB 1037, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1037.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments be adopted? Those in favor say aye. Opposed no. Carried. They are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1037 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Discussion? Shall LB 1037 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1067.

CLERK: LB 1067, Senator, I have no amendments to the bill.

SPEAKER BARRETT: The gentleman from Omaha.

SENATOR LINDSAY: Mr. President, I'd move that LB 1067 be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, shall LB 1067 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 831.

CLERK: LB 831, Senator, I have Enrollment and Review amendments

March 1, 1990

LB 163A, 579, 642, 830, 831, 834, 888
917, 932, 938, 946, 954, 978, 987
987A, 989, 994, 994A, 1037, 1067, 1077
1102, 1178, 1222

PRESIDENT: Okay, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President and members, there was some confusion about whether the A bill or at least Senator Schimek's amendment was necessary. But I think, with the adoption of my earlier amendment this morning, it clarifies a lot of those problems. And, in talking with my legal staff who has talked with the Fiscal Office, they seem to feel there is no need for any amendments to the A bill and the A bill should stay as it's currently written. So I would just move for the bill's advancement.

PRESIDENT: Thank you. Senator Morrissey, please. No. Did you wish a closing, Senator Rod Johnson? The question is the advancement of the A bill. All in favor vote aye...say aye. Opposed nay. It is advanced. Things for the record, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 579 and find the same correctly engrossed; LB 830; LB 831; LB 834; LB 888; LB 917; LB 932 and LB 938, LB 946; LB 954; LB 978, LB 987, LB 987A, LB 994, LB 994A, LB 1037, LB 1067, LB 1077, LB 1102 and LB 1178, those all reported correctly engrossed, Mr. President.

Senator Ashford has amendments to LB 642 to be printed; and Senator Smith to LB 1222. (See pages 1074-78 of the Legislative Journal.)

Government Committee reports LB 989 to General File, Mr. President. That's all that I have.

PRESIDENT: Senator Byars, please.

SENATOR BYARS: I would move we would 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.

RECESS

March 7, 1990

LB 987A, 1037, 1067, 1077

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 987A, with the emergency clause attached, pass? All in favor vote aye, opposed nay. Record.

ASSISTANT CLERK: (Record vote read. See pages 1216-17 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 987AE passes. LB 1037.

ASSISTANT CLERK: (Read LB 1037 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1037 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read. See page 1217 of the Legislative Journal.) The vote is 41 ayes, 0 nays, 3 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1037 passes. LB 1067.

ASSISTANT CLERK: (Read LB 1067 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1067 pass? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See page 1218 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused, Mr. President.

SPEAKER BARRETT: LB 1067 passes. LB 1077.

ASSISTANT CLERK: (Read LB 1077 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1077 pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See page 1219 of the

March 7, 1990

LB 315, 579, 830, 831, 888, 917, 922
932, 938, 954, 978, 987, 987A, 1037
1059, 1067, 1077, 1102, 1113, 1178, 1199
LR 270

Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1077 passes. LB 1102.

ASSISTANT CLERK: (Read LB 1102 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1102 pass? Those in favor vote aye, opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1219-20 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1102 passes. The final bill on Final Reading, LB 1178.

ASSISTANT CLERK: (Read LB 1178 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1178 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1120-21 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1178 passes. The call is raised. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, LB 1077. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President, thank you. Amendments to be printed to LB 1059 by Senator McFarland; Senator Wesely to LB 1113 and LB 315. (See pages 1221-22 of the Legislative Journal.)

Mr. President, a new resolution, LR 270, offered by Senator Peterson. (Read brief description of LR 270. See pages 1222-23 of the Legislative Journal.) That will be laid over. That's all that I have, Mr. President.

March 7, 1990

LB 42A, 81, 220A, 369A, 579, 830, 831
863, 880A, 888, 917, 922, 923A, 932
938, 954, 956, 978, 987, 987A, 1013
1022, 1037, 1050, 1067, 1077, 1090A, 1102
1136, 1178, 1199, 1222

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

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Roll call. Record, Mr. Clerk.

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, I do. Bills read on Final Reading, this morning, have been presented to the Governor as of 12:15 p.m. (Re. LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, and LB 1077.)

Your Committee on Enrollment and Review reports LB 1018, LB 1136, LB 1222, LB 42A, LB 220A, LB 369A, LB 880A, LB 923A, LB 1090A to Select file, some of which have Enrollment and Review amendments attached, Mr. President. (See pages 1233-36 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Perhaps a very brief announcement from the Chair regarding our deliberations tomorrow. It is my hope that we can work through the lunch hour tomorrow, with the thought in mind that we can adjourn a little early tomorrow for the long weekend. It's my intent, at the present time, to work through the noon hour tomorrow, and look toward an early adjournment tomorrow afternoon. Contrary to previous statements made by the Chair, it will not be my intent to schedule appropriations bills tomorrow, budget bills tomorrow. We will be looking at them, probably, Monday or Tuesday of next week. We will continue with the agenda tomorrow with some Final Reading, probably some Select File, and perhaps senator priorities on General File. Any questions? Mr. Clerk, would you bring us up-to-date.

March 12, 1990

LB 81, 579, 830, 831, 863, 888, 905A
917, 922, 932, 938, 954, 956, 978
987, 987A, 1022, 1031, 1037, 1050, 1067
1077, 1102, 1178, 1199
LR 279

communication regarding signing of LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 922, LB 1199, LB 579, LB 830, LB 831, LB 888, LB 917, LB 932, LB 938, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1077, LB 1102, and LB 1178. See page 1306 of the Legislative Journal.)

Mr. President, new A bill, LB 905A by Senators Johnson, Dennis Byars and Scofield. (Read by title for the first time. See page 1307 of the Legislative Journal.)

Notice of cancellation of hearing by the Government Committee.

New resolution by Senator Robak. That will be laid over. (LR 279 appears on page 1307 of the Legislative Journal.) That's all that I have, Mr. President.

Mr. President, I now have a series of amendments to both the committee amendments and the bill. The first amendment to the committee amendments that I have is by Senator Smith. Senator Smith's amendment is found on page 1195 of the Journal, Mr. President.

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President, members of the body, you have a very simple amendment before you, AM2659, in the Journal. It's simply asking, and I do want to, I guess, begin by thanking the Appropriations Committee for the recommendation that they have made for a \$212,000 increase to programs, which are being provided under the Community Aging Services Act, commonly known as CASA. This amount though is about a seventh of the amount of money that was originally requested and we can go back in history a little bit, and you have been handed a fact sheet on CASA which is...you will see it appears to be a little thing with a little State of Nebraska and the breakdown of the eight area agencies in the state, which was handed out by the Nebraska Association of Area Agencies on Aging, telling you all about what CASA is, the historic information about CASA, what the problem is, and so on. And you will recall that the Community Aging Services Act was enacted by the Legislature in 1982. It was intended to provide comprehensive aging service programs throughout Nebraska by 1984. At that time, the cost to the state was supposed to be a little over \$2.5 million. Well, we all know that, as many times as I have talked about this, the money was not funded, it was partially funded, and what even