

January 5, 1989

LB 81-160  
LR 1-2

being here and thank you for your services. We also have guests of Senator Rod Johnson under the north balcony. We have Omer Troester of Hampton, Nebraska. With him is an exchange student, Alberto Porras of Costa Rica. Would you gentlemen please stand up and be recognized. Thank you for being here. We also have, over under the south balcony, a former member of this Legislature, Senator Tom Fitzgerald, would you please stand up and wave your hand. Thank you. Please welcome Senator Fitzgerald back. Thank you, Tommy. Mr. Clerk, back to the reading.

CLERK: (Read LB 81-98 by title of the first time. See pages 61-67 of the Legislative Journal.)

PRESIDENT: We'll stand at ease for some 15 minutes or half an hour while we get some of the work caught up up here in front. So be at ease, please, for a while. Thank you.

EASE

CLERK: Meeting of the Health Committee, under the north balcony, right now. Health Committee, north balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BAPRETT: Additional bill introductions, Mr. Clerk.

ASSISTANT CLERK: (Read LB 99-150 by title for the first time. See pages 67-76 of the Legislative Journal.) That's all I have at this time, Mr. President.

SPEAKER BARRETT: More bill introductions, Mr. Clerk.

CLERK: (Read LB 151-160 by title for the first time. See pages 76-79 of the Legislative Journal.) Mr. President, in addition to those new bills I have new resolutions. (Read LR 1-2 for the first time. See pages 79-81 of the Legislative Journal.)

Mr. President, in addition to those items I have a series of announcements. Mr. President, there will be a meeting of the Executive Board today at three-fifteen for purposes of referencing. Executive Board, three-fifteen for referencing.

Mr. President, Senator Rod Johnson would like to have a meeting

if we run into a bind, but I'm sure there will be some way to get around it. I'm not really concerned about the Omaha area, because there are other areas, other methods whereby legal notices can be taken care of in that area. It might be a problem in some of the outlying counties of the state, and so we might have to take another look at that some time. So far as I know most of the rural area newspapers are willing to print for the amount of money which we have specified here today.

SENATOR L. JOHNSON: Thank you, Senator Schmit. The Chair would like to announce some guests of Senator McFarland in the north balcony of the Legislature, 60 fourth graders from Pyrtle School in Lincoln and their teachers. Thank you for visiting your Unicameral Legislature. The Chair recognizes Senator... Mr. Clerk, I understand a priority motion has been filed.

CLERK: Mr. President, it has, and if I may right before we get to that, items for the record. Unanimous consent request by Senator Ashford and Senator McFarland to add their names to LB 89; Senator Abboud to LB 58; Senator Schimek to LB 776.

Mr. President, Urban Affairs reports LB 106 to General File; LB 194 to General File. Those are signed by Senator Hartnett as Chair. (See pages 455-56 of the Legislative Journal.)

Hearing notices from the Retirement Committee and from the Business and Labor Committee, signed by Senators Haberman and Coordsen, respectively. And new A bill. (Read LB 175A by title for the first time. See page 457 of the Journal.)

Mr. President, the priority motion I have, Senator Haberman would move to adjourn until nine o'clock, Friday morning, January 27.

SENATOR L. JOHNSON: You've heard the motion. All in favor say aye. Opposed no. We are adjourned until nine o'clock tomorrow morning.

Proofed by:

*La Vera Benischek*  
LaVera Benischek

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

amendments to the bill, Mr. President.

PRESIDENT: Senator Scott Moore, please.

SENATOR MOORE: Mr. President and members of the body, I rise to encourage you to pass LB 106 this morning. LB 106 is an adaptation of legislation earlier passed by this Legislature. LB 94 passed in 1983 dealing with deferred assessments on improving...improvement districts on the outlying areas of municipalities in this state. If you remember, those of you that were in the body at that time, remember, we passed a bill that would allow owners of ag land that were adjacent to an improvement district to defer that assessment until that land was either sold or developed, which that would allow the farmer to continue farming the land without some undue assessment being accrued. I think I passed out a letter from the County Attorney from York County, Vince Valentino, that is labeled LB 106 on it. As you can see, the problem with the present law is, given the fact that once that interest starts accruing it is nonstop until the land...until the deferral goes away or the land is sold, whichever it may be. Well, the problem that could possibly arise, that interest could continue to accrue for a number of years and eventually that interest would amount to a sizeable dollar amount and it would be a problem for the ag land owner to sell the land or develop it, either one. So, simply, what LB 106 would do was would...the clock on that interest on your deferment, deferment, if you qualify for a deferment of paying the assessment, your interest...the clock on the interest would not start until that deferral goes away. Now that could be two years, could be 10 years, could be 20 years, but the interest would not go away until...the interest would not start accruing until the deferral goes away. And so that just...this bill will just...will continue to give municipalities a way to expand on outlying areas without having adverse impact upon the owners of agricultural land in those outlying areas. With that, I would urge passage of LB 106 and would attempt to answer any questions anyone may have.

PRESIDENT: Any further discussion? If not, the question is the advancement of LB 106 to E & R Initial. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 106.

PRESIDENT: LB 106 advances. May I introduce some more guests please. In the north balcony, guests of Senator Coordsen, we have Merlin Volkmer, Wayne Hansen, and Doug Dickenson. Would you folks please stand and be recognized. And also in the north balcony, Senator Schellpeper has Dale Barth of the Stanton REA. Dale, would you please stand. Thank you. LB 194.

CLERK: Mr. President, LB 194 offered by Senator Crosby and Senator Schimek. (Read title.) The bill was introduced on January 9, referred to the Urban Affairs Committee, advanced to General File. I have no committee amendments. I do, however, have an amendment pending by Senator Crosby. (See page 521 of the Legislative Journal.)

PRESIDENT: Okay, Senator Crosby, do you wish to take up your amendment first?

SENATOR CROSBY: Yes, please.

PRESIDENT: All right.

SENATOR CROSBY: Thank you. Mr. President and members, the amendment is offered for technical reasons, and as you will see when we come to the bill, it is for clarification. The amendment is offered to further clarify the intent or scope of LB 194. This amendment adds a provision for security so that a Business Improvement District could hire security personnel, if needed, during festivals or special event, high traffic times, like a football game. An emergency clause was added so that this groundwork would be in place in time for cities to pass an ordinance to establish new Business Improvement Districts, if that is needed. The amendment was offered to the Urban Affairs Committee and I believe accepted by the members of the committee, except that they inadvertently failed to adopt it. Maybe Senator Hartnett would like to say something about that.

PRESIDENT: Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker, members of the body, I want to apologize to one of our new colleagues, Senator Crosby, because she did bring the amendment to us, and in our Executive Session which we had to do not at the normal time that we do Executive Session, we inadvertently forgot to add that amendment to it, so it should have been a committee amendment, and so she is offering it as an amendment now and I support the amendment

February 1, 1989

LB 13, 18, 19-32, 43, 80, 82, 106  
113, 114, 166, 171, 172, 194, 200  
238, 254, 353

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us this morning Reverend David Lux of the St. Paul Methodist Church in Lincoln, Nebraska. Would you please rise for the invocation.

REVEREND LUX: (Prayer offered.)

PRESIDENT: Roll call, please.

CLERK: Quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal?

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 254 and recommend that same be placed on Select File; LB 114, Select File; LB 43, Select File; LB 113, Select File; LB 171, Select File with amendments; LB 172, Select File with amendments; LB 80, Select File; LB 82, Select File; LB 200, Select File; LB 106, Select File with amendments; LB 194, Select File with amendments; LB 353, Select File, those all signed by Senator Lindsay as Chair. (Journal shows LB 166, Select File with amendments. See pages 527-28 of the Legislative Journal.)

Mr. President, your Committee on Business and Labor, whose Chair is Senator Coordsen, reports LB 238 to General File with committee amendments attached, signed by Senator Coordsen. (See page 529 of the Journal.)

Mr. President, communication regarding the signing of LB 13, LB 18, LB 19, LB 20, LB 21, LB 22, LB 23, LB 24, LB 25, LB 26, LB 27, LB 28, LB 29, LB 30, LB 31, and LB 32. The bills were signed on January 27 and delivered to the Secretary of State.

Mr. President, an Attorney General's Opinion addressed to Senator Hall. I have a hearing notice from the Natural Resources Committee that is signed by Senator Schmit.

Mr. President, a series of reports. Report from the Department

February 7, 1989

LB 106, 194, 200

SENATOR LINDSAY: Mr. President, I move that LB 200 be advanced.

SPEAKER BARRETT: Shall LB 200 be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced. LB 106.

CLERK: I have E & R, Senator.

SPEAKER BARRETT: On the amendments, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the amendments...the E & R amendments to LB 106 be adopted.

SPEAKER BARRETT: Shall the amendments to 106 be adopted? Those in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 106, as amended, be advanced.

SPEAKER BARRETT: Shall the bill, as amended, be advanced? Those in favor say aye. Opposed no. Carried, it is advanced. LB 194.

CLERK: I have E & R to 194, Senator.

SPEAKER BARRETT: On the amendments, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 194 be adopted.

SPEAKER BARRETT: Shall the E & R amendments be adopted to the bill? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 194, as amended, be advanced.

SPEAKER BARRETT: Shall the bill, as amended, be advanced? All

February 8, 1989

LB 43, 80, 82, 92, 92A, 106, 113  
116, 158A, 165, 166, 171, 172, 175A  
177A, 177, 194, 200, 208, 238, 261A  
267, 277A, 284A, 296, 312A, 312, 321  
322, 353, 357, 369, 458, 459

PRESIDENT: Senator Nelson, would you object to the bracketing?

SENATOR NELSON: No. I just tried to get some attention on my mike. I didn't run up there at the front and no one asked me. I didn't say yes, I didn't say no, and it is all right with me to pass over the bill until February 22. As I've said many times, I'm willing to listen, I'm willing to learn, I'm willing to amend the bill as it is, but we're talking about a serious thing so I'm very willing.

PRESIDENT: May I ask, are there any objections to bracketing this bill until February 22? If so, now is the time to say so. If not, the bill is bracketed until February 22. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 92 and recommend that same be placed on Select File; LB 459 Select File; LB 458 Select File; LB 116 Select File; LB 267, LB 208, LB 92A, LB 158A, LB 175A, LB 177A, LB 261A, LB 277A, LB 284A, LB 312A, all on Select File. Those are signed by Senator Lindsay. (See pages 647-51 of the Legislative Journal.)

Mr. President, your committee on Transportation whose Chair is Senator Lamb reports LB 369 to General File with amendments. That is signed by Senator Lamb. Your Committee on Enrollment and Review reports LB 43, LB 80, LB 82, LB 106, LB 113, LB 165, LB 166, LB 171, LB 172, LB 177, LB 194, LB 200, LB 296, LB 312, LB 321, LB 322 and LB 353 all are reported correctly engrossed, Mr. President. That is all that I have at this time, Mr. President. (See page 651 of the Legislative Journal.)

PRESIDENT: Very good. We'll move on then LB 238.

CLERK: Mr. President, 238 was a bill that was introduced by Senator Hall. (Title read.) The bill was introduced on January 9, referred to Business and Labor, advanced to General File. I do have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, are you going to handle those committee amendments?



February 13, 1989      LB 43, 80, 82, 106

Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 706-07 of the Legislative Journal.) 31 ayes, 0 nays, 2 present and not voting, 16 excused and not voting, Mr. President.

PRESIDENT: LB 43 passes. LB 80, please.

CLERK: (Read LB 80 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 80 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 707-08 of the Legislative Journal.) 33 ayes, 0 nays, 1 present and not voting, 15 excused and not voting, Mr. President.

PRESIDENT: LB 80 passes. LB 82 with the emergency clause attached.

CLERK: (Read LB 82 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 82 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. See page 708 of the Legislative Journal.) 34 ayes, 0 nays, 1 present and not voting, 14 excused and not voting, Mr. President.

PRESIDENT: LB 82 passes with the emergency clause attached. LB 106.

CLERK: (Read LB 106 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 106 pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 709 of the Legislative Journal.) 34 ayes, 0 nays, 1 present and not voting, 14 excused

February 13, 1989      LB 106, 113, 165, 166

and not voting, Mr. President.

PRESIDENT: LB 106 passes. LB 113.

CLERK: (Read LB 113 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 113 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 710 of the Legislative Journal.) 36 ayes, 0 nays, 13 excused and not voting, Mr. President.

PRESIDENT: LB 113 passes. LB 165.

ASSISTANT CLERK: (Read LB 165 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 165 pass? All those in favor vote aye, opposed nay. Have you all voted? Senator Hall. Why don't you say it again, your microphone wasn't on.

SENATOR HALL: Could I ask that the body check in since we are under call and that there be a roll call vote on the issue?

PRESIDENT: Yes, you may. Will you please record your presence? Senator Scofield, would you check in, please? Thank you. Senator Lowell Johnson, would you check in, please? Senator Bernard-Stevens, would you check in, please? That is it. You asked for a roll call vote, Senator Hall? All right, Mr. Clerk.

CLERK: (Roll call vote taken. See page 711 of the Legislative Journal.) 20 ayes, 15 nays, Mr. President, on the final passage of 165.

PRESIDENT: The bill does not pass. LB 166 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 166 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 166 pass with the

February 13, 1989

LB 43, 48, 80, 82, 106, 113, 166  
171, 172, 194, 200, 296, 321, 322  
353

PRESIDENT: LB 321 passes. LB 322.

ASSISTANT CLERK: (Read LB 322 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 322 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 717 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 10 excused and not voting, Mr. President.

PRESIDENT: LB 322 passes. LB 353.

ASSISTANT CLERK: (Read LB 353 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 353 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 718 of the Legislative Journal.) The vote is 38 ayes, 0 nays, 1 present and not voting, 10 excused and not voting, Mr. President.

PRESIDENT: LB 353 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 43, LB 80, LB 82 with the emergency clause, LB 106, LB 113, LB 166 with the emergency clause, LB 171, LB 172, LB 194 with the emergency clause, LB 200, LB 296, LB 321, LB 322, and LB 353. We will move on to Select File, LB 48.

CLERK: Mr. President, LB 48 is on Select File. The body considered it briefly on Friday. At that time, Mr. President, Senator Bernard-Stevens had offered an amendment to the bill. The amendment is found on page 697 of the Journal.

PRESIDENT: Senator Bernard-Stevens, do you want to recall for us what your amendment is, please?

SENATOR BERNARD-STEVENS: Thank you, Mr. President, members of the body. Briefly recall the amendment, and I'll be up front with the body. I'm having a little trouble, in my own mind,

February 13, 1989

LB 43, 80, 82, 106, 113, 158A, 166  
171, 172, 194, 197, 200, 260, 263  
296, 321, 322, 332, 340, 353, 433  
481, 717, 729, 731, 772, 773, 804  
LR 15

SPEAKER BARRETT: Shall LB 263 be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. For the record, Mr. Clerk, on the President's desk.

CLERK: Mr. President, your Committee on Revenue, whose Chair is Senator Hall, to whom was referred LB 260, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 332, General File with amendments; LB 729, General File with amendments; LB 197, indefinitely postponed; LB 433, indefinitely postponed; LB 481, indefinitely postponed; LB 717, indefinitely postponed; LB 731, indefinitely postponed; LB 804, indefinitely postponed; and LR 15CA, indefinitely postponed. Those signed by Senator Hall as Chair. (See pages 724-26 of the Legislative Journal.)

Urban Affairs Committee, whose Chair is Senator Hartnett, reports LB 772 and LB 773 as indefinitely postponed, both signed by Senator Hartnett. Your Enrolling Clerk did present to the Governor, as of ten forty-five, bills read on Final Reading, Mr. President. (Re. LB 43, LB 80, LB 82, LB 106, LB 113, LB 166, LB 171, LB 172, LB 194, LB 200, LB 296, LB 321, LB 322, and LB 353.)

Senator Warner has amendments to be printed to LB 340; and Senator Labedz to LB 158A. Mr. President, that's all that I have. (See pages 727-28 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, sir. Senator Robak, please.

SENATOR ROBAK: Mr. President, I move we adjourn until tomorrow at nine o'clock.

SPEAKER BARRETT: You've heard the motion to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by:

Sandy Ryan  
Sandy Ryan

February 21, 1989      LB 43, 75, 80, 82, 106, 113, 166  
171, 172, 194, 196, 200, 296, 321  
322, 353, 546, 635, 639, 752

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain of the day, Dr. Al Norden who is pastor emeritus of the University Lutheran Chapel at Lincoln. He has served there for 30 years. Would you please rise for the invocation.

DR. NORDEN: (Prayer offered.)

PRESIDENT: Thank you, Dr. Norden. We appreciate your coming and doing this for us. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Do you have any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Very good. Any messages, reports or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication. Re: LB 43, LB 80, LB 82, LB 106, LB 113, LB 166, LB 171, LB 172, LB 194, LB 200, LB 296, LB 321, LB 322 and LB 353, signed by Governor. See page 793 of the Legislative Journal.)

Mr. President, your Committee on Government, Military and Veterans Affairs whose Chair is Senator Baack to whom was referred LB 546 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 639 General File, LB 76 General File with amendments, LB 196 indefinitely postponed, LB 635 indefinitely postponed, LB 752 indefinitely postponed, those signed by Senator Baack as Chair of the committee. (See page 793 of the Legislative Journal.)

Received a report from the Department of Roads, quarterly report from the State Highway Commission, and a report from the Equal Opportunity Commission, Mr. President. Those will be on file in my office. And that is all that I have, Mr. President.