

January 9, 1990

LB 141, 742, 1061-1077

Haberman, would you record your presence, please. Thank you. Senator Bernard-Stevens, Senator Goodrich. Senator Wehrbein, would you record your presence, please. Thanks. Senator Schmit. We're looking for Senator Goodrich and Senator Schmit. I understand Senator Goodrich will be here in a moment. Senator Schmit, would you like to record your presence, please. Thank you. And Senator Goodrich is here. Ladies and gentlemen, the question is the adoption of the committee amendments. A roll call vote has been requested. Mr. Clerk, please.

CLERK: (Roll call vote taken. See page 238 of the Legislative Journal.) 23 ayes, 14 nays, Mr. President, on adoption of committee amendments.

PRESIDENT: The committee amendments are not adopted. Do you have anything else on it, Mr. Clerk?

CLERK: Mr. President, yes, I do.

PRESIDENT: The call is raised. Did you wish to read something in, Mr. Clerk, while we're at it?

ASSISTANT CLERK: Yes, Mr. President, new bills. (Read LBs 1061-1077 by title for the first time. See pages 239-43 of the Legislative Journal.)

PRESIDENT: Mr. Clerk, anything further on 141?

CLERK: Mr. President, I do. I now have a motion to the bill by Senator Moore. Senator Moore would move to indefinitely postpone LB 141. Senator Abboud, as introducer, has the option to lay the bill over, Mr. President.

PRESIDENT: Senator Abboud, what do you lay?

SENATOR ABOUD: Lay the bill over.

PRESIDENT: Lay it over?

SENATOR ABOUD: Yes.

PRESIDENT: Okay, it will be laid over. We'll move on to LB 742.

CLERK: Mr. President, 742 was a bill that was introduced by

Mr. President, I have a hearing notice from the Government, Military and Veterans Affairs Committee, for the Business and Labor Committee and for the Retirement Systems Committee, all signed by their respective Chairs.

Mr. President, Enrollment and Review reports LB 678 to Select File, E & R amendments; LB 678A, Select File with E & R; LB 720, Select File with E & R and LB 720A, Select File with E & R also, all signed by Senator Lindsay. (See pages 265-66 of the Legislative Journal.)

And I have a reference report, Mr. President, referring LBs 1049-1079. (Also LB 1034. See page 265 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. Those in favor of the motion to recess until one-thirty please say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you, sir. With a quorum present, we will proceed back to our discussion of LB 742 at which time we were discussing the committee amendments to LB 742. We will return to the speaking order. Correction, we're on a motion to advance the bill. The speaking order beginning with Senator Dierks, if you would care to discuss the motion to advance the bill to E & R, Senator Dierks, followed by Senators Landis, Moore, Smith, Schmit and Bernard-Stevens. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body, I just rise to support Senator Robak's LB 742. I think that... I think these people have a track record that is good and I think we need to honor that. I believe that we do allow people on our roads sometime that maybe shouldn't be there. I don't know how we can stop some of that, but this is some legislation that will allow people to drive again that their track record is proven, they can handle this situation. And they have been kept from this right by the bureaucracy and I think it's time for the bureaucracy to give the right back to them. So I would support 742 and I would urge other people here to do the same thing.

January 26, 1990

LB 163, 359, 662, 720, 742, 871, 1022
1063, 1070

open to it certainly. In fact, it used to become an issue in confirmation, as I recall, on some of the various appointed boards as to which side they were on. I think, as I've said several times now I guess, that it's important to retain that responsibility with an elected official who does not initiate them, but only has that review authority to say no to a particular contract and I think that protection ought to be there for the state as well as for the employees who are covered by those plans.

PRESIDENT: Thank you. Senator Warner was closing on the indefinite postpone motion and the question is, shall LB 359 be indefinitely postponed? All those in favor vote aye, opposed nay. Simple majority. Have you all voted? Record, Mr. Clerk, please.

CLERK: 18 ayes, 2 nays, Mr. President, on the motion to indefinitely postpone the bill.

PRESIDENT: LB 359 is indefinitely postponed. Mr. Clerk, anything for the good of the cause?

CLERK: Yes, Mr. President, I do. Senator Wesely has amendments to LB 720 to be printed, and to LB 742. Senator Rod Johnson has amendments to LB 163 and Senator Labedz to LB 662. (See pages 542-45 of the Legislative Journal.)

Health and Human Services Committee reports LB 871 to General File, LB 1022 to General File, LB 1063 and LB 1070 to General File, those signed by Senator Wesely as Chair. (See page 545 of the Legislative Journal.) I believe that's all that I have, Mr. President.

PRESIDENT: Senator Emil Beyer, would you like to adjourn us until Monday, the 29th of January at nine o'clock, please.

SENATOR BEYER: How about adjourning sine die? No, I would move that we adjourn until nine o'clock on Monday.

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

Proofed by:


Sandy Ryan

our last session. And I would ask that we move LB 1022.

SENATOR HANNIBAL: Any discussion? Seeing none, Senator Byars, do you care to close? Senator Byars waives closing. The issue before you is the advancement of LB 1022. All those in favor vote aye, opposed nay. Please record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR HANNIBAL: It is advanced. Moving on to LB 1063.

ASSISTANT CLERK: LB 1063 was introduced by Senator Crosby. (Read title.) The bill was read for the first time on January 9th, was referred to the Health Committee which reports the bill to General File.

SENATOR HANNIBAL: Senator Crosby, please.

SENATOR CROSBY: Thank you, Mr. Chairman. This bill is being introduced, as was said, on behalf of the Department of Social Services. It authorizes that department to sell three pieces of property which are no longer needed. Two of the properties, one in Lincoln and one in Auburn, were used as group homes. The third piece of property is three vacant lots adjacent to the Nebraska Center for Children and Youth Campus in Lincoln. The funds generated from the sale of these properties would be designated for foster and adoptive parent training and recruitment. I urge the advancement of the bill.

SENATOR HANNIBAL: Any discussion? Seeing none, Senator Crosby, do you care to close? Senator Crosby waives closing. The issue before you is the advancement of LB 1063. All those in favor vote aye, opposed nay. Please record, Mr. Clerk.

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

SENATOR HANNIBAL: LB 1063 is advanced. LB 1070.

ASSISTANT CLERK: LB 1070 was introduced by the Health and Human Services Committee. (Read title.) The bill was read for the first time on January 9th, referred to the Health Committee which reports the bill to General File.

February 12, 1990

LB 399, 761, 821-829, 852, 869, 872, 1022
1063, 1066A, 1070, 1076, 1098
LR 252

LB 1076, LB 1098, LB 852, LB 872, LB 1022, LB 1063, and LB 1070. Some of those have Enrollment and Review amendments attached, Mr. President. (See pages 727-38 of the Legislative Journal.)

I have a new A bill, LB 1066A by Senator Wesely. (Read for the first time by title. See page 738 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 399, LB 821, LB 822, LB 823, LB 824, LB 825, LB 826, LB 827, LB 828, and LB 829.) I have an Attorney General's Opinion to Senator Goodrich regarding LB 869. (See pages 739-40 of the Legislative Journal.)

Mr. President, received a report from the Middle Niobrara NRD regarding payment of attorney fees. That will be on file in my office. It is filed pursuant to statute. And, finally, Mr. President, a report from the Judiciary Committee. That is filed pursuant to Section 18 of LB 761. That report will be on file in the office as well.

SPEAKER BARRETT: Thank you. Members are very much aware of the fact that we do have a number of guests with us this morning. As a result of Vocational Education Week, we have Vocational Education students from various locations across the state who are visiting with us today and shadowing some of us through our activities. They are all in the balconies and I would appreciate it if you people would stand momentarily and take a bow and let your Legislature welcome you officially. Please stand. Thank you very much. We are pleased to have you with us. We hope you have a good day. Also the Chair makes note of the fact that Senator Scofield would like to recognize that the doctor of the day, Christine Johnson of Lincoln on behalf of the Nebraska Academy of Family Physicians. Please welcome Dr. Johnson. We are glad to have you with us, Doctor. Also an announcement of special note. (Gavel.) The Chair has been advised that a former member of this body passed away Saturday evening, Senator Maurice Kremer. The service will be held at 2:00 p.m., Wednesday afternoon in Aurora at the Pleasant View Bible Church; memorial service at two o'clock, Wednesday afternoon in Aurora, Pleasant View Bible Church. Thank you. Mr. Clerk, legislative resolutions, LR 252.

CLERK: Mr. President, LR 252 offered by Senators Conway, Warner, Korshoj, Nelson, and Beyer. It is found on page 710 of the Journal. (Read brief explanation.)

SENATOR LINDSAY: Mr. President, I move that LB 1022 be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 1063.

CLERK: LB 1063, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 1063 be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 1070.

CLERK: LB 1070, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 1070 be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Senator Chizek, thank you for filling in. We appreciate it. The Chair recognizes Speaker Barrett, please.

SPEAKER BARRETT: Thank you, Mr. President. Are we on? Thank you. Mr. President and members, I would like to announce a change in the agenda at this particular point in time to allow Senator Schmit to offer a motion to suspend the rules.

PRESIDENT: Senator Landis, please. Senator Schmit, please, sorry.

SENATOR SCHMIT: Mr. President and members, the Natural Resources Committee had scheduled three bills for hearing tomorrow relative to low-level radioactive waste. We have similar bills scheduled for Thursday. Unfortunately, as you know, Senator Maurice Kremer passed away. His funeral will be held Tuesday afternoon. A number of us want to attend that funeral, and we would like to ask for permission to suspend the rules so that we could change that hearing for those three bills

February 15, 1990 LB 852, 872, 902A, 1022, 1043, 1044, 1063
1064A, 1070, 1076, 1098

bill.

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

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 1064A.

PRESIDENT: LB 1064A advances. We'll move back up to LB 902, please. Senator Hall, you're back.

CLERK: Mr. President, LB 902A was a bill introduced by Senator Hall. (Read title.)

SENATOR HALL: Thank you, Mr. President, members, 902A is approximately \$4,500 out of the General Fund in '90-91, \$1,000 in '91-92. This bill piggybacks with 902 which was a bill that dealt with the hearing impaired symbols. We, as you remember, the other day passed over it. It was on consent calendar. I had filed a kill motion on it because I had not yet had time to talk to the folks in the hearing impaired community. I would ask you to advance it so that it is at the same stage of debate with 902. The kill motion is on there. I have no intention of moving the bill should I not be able to come to consensus with the folks in the hearing impaired community. I would urge the advancement.

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

CLERK: 25 ayes, 0 nays, Mr. President on the advancement of 902A.

PRESIDENT: LB 902A is advanced. Anything for the good of the cause, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 852 and find the same correctly engrossed, LB 872, LB 1022, LB 1043, LB 1044, LB 1063, LB 1070, LB 1076 and LB 1098, all of those reported correctly engrossed. (See page 821 of the Legislative Journal.)

March 13, 1990

LB 551A, 1063, 1063A
LR 239

there will be an amendment coming up that we will discuss at a later time. But I would ask for your support for this A bill.

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

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 551A.

PRESIDENT: LB 551A is advanced. LB 1063A.

CLERK: Mr. President, 1063A, offered by Senator Crosby. (Read title.)

PRESIDENT: Senator Crosby, please.

SENATOR CROSBY: Mr. President and members, 1063A is the appropriations bill for LB 1063, which I introduced in behalf of the Department of Social Services to give them the mechanism to sell some surplus properties that they no longer are using. The amounts in the appropriation bill, of course, are dependent on what...if and when they sell the property, what the property sells for. So, that's what the bill is for. And I thank you for moving it.

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

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 1063A.

PRESIDENT: The bill is advanced. We'll move on to LR 239CA.

CLERK: Mr. President, 239 has been discussed by the Legislature. Yesterday, when the Legislature left the resolution, there was pending an amendment offered by Senator McFarland. That amendment, Mr. President, is found on page 1285 of the Journal.

PRESIDENT: Senator Withem, would you like to pick us up? Excuse me, just a moment. Excuse me, Senator McFarland, I should have recognized you first. Please accept my apology.

April 5, 1990

LB 920, 931, 1063A, 1063

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 920 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1955-56 of the Legislative Journal.) 40 ayes, 4 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 920 passes. LB 931, please.

CLERK: Mr. President, I have a series of amendments to 931 from Senator Baack with notes that he wishes to withdraw.

PRESIDENT: Senator Baack, did you wish to recall those? Okay, they are withdrawn.

CLERK: (Read LB 931 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 931 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: (Record vote read. See page 1957 of the Legislative Journal.) 42 ayes, 0 nays, 3 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 931 passes. LB 1063.

CLERK: (Read LB 1063 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1063 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1957-58 of the Legislative Journal.) 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 1093 passes, I mean, LB 1063, excuse me. Go to 1063...go to LB 1241 with the emergency clause attached. We will move to LB 1063A now. Excuse me. Sorry.

April 5, 1990

LB 315, 369, 369A, 551, 551A, 577, 920
931, 953, 980, 980A, 994, 994A, 1018
1043, 1063, 1063A, 1090, 1090A, 1241

year. Senator Chambers and Senator Bernard-Stevens, no doubt, will fight that change in the rules but, hopefully, there will be enough of us here and, as far as I'm concerned, they can filibuster that till the end of the session starting in January, but that's exactly what should be done.

PRESIDENT: One minute.

SENATOR LABEDZ: Thank you, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 980, LB 980A, LB 994, LB 994A, LB 1043, LB 953, LB 369, LB 369A, LB 1018, LB 1090, LB 1090A, LB 315, LB 551, LB 551A, LB 920, LB 931, LB 1063 and LB 1063A. Senator Wesely, please, followed by Senator Langford.

SENATOR WESELY: Thank you, Mr. President and members, I would rise in opposition to the bracket motion and give you a little history on...that hasn't come out yet on this bill and let you know why I do support it. This bill came in after I had introduced a bill on venture capital last year, Venture Capital Company Act. We were looking at this concept of providing incentives for investment in the state across Nebraska at a 25 percent credit level and with a number of other restrictions with the idea that what we're having across the state is a need for capital, a need for venture capital in particular, and a number of studies have indicated that. The Banking Committee worked with me and we did put out LB 577 to accomplish that goal. Senator Chambers then came in with LB 1241 which was a bill that he worked with with the administration and it tied in conceptually with what that other bill was. So, originally, what we did in the Banking Committee was we merged, with Senator Chambers' cooperation, LB 577 and LB 1241 so that the whole State of Nebraska would be benefiting from venture capital initiative. And this compromise that was reached in the Banking Committee was one that I was very excited about and appreciated very much Senator Chambers' cooperation. But what's odd is that after we reached this compromise and the committee advanced the bill as amended, then Deb Thomas from the Governor's office came in after the deadline for picking priority bills and told Senator Chambers that the Governor could not tolerate the additional coverage of the whole state, that she wanted only north Omaha to be the focus of the bill. And, of course, I was not happy with that situation and felt that I had not been dealt

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 576, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,